



Opticians Act 1989

1989 CHAPTER 44

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

34 Subordinate legislation procedure

- (1) Rules made by the Council under this Act and a scheme submitted by them under paragraph 3 of Schedule 1 to this Act shall not come into force until approved by order of the Privy Council.
- (2) The Privy Council may approve rules under section 21(3) or 31(1)(a) above and any such scheme either as submitted to them or subject to such modifications as appear to them requisite.
- (3) Where the Privy Council propose to approve any such rules or scheme subject to modifications, they shall notify to the Council the modifications they propose to make and consider any observations of the Council on them.
- (4) The Privy Council, after consulting the Council, may by order vary or revoke any rules made under section 31(1)(a) above and previously approved by them (whether the approval was before or after the commencement of this subsection).
- (5) The powers—
 - (a) of the Privy Council to make orders under this Act;
 - (b) of the Lord Chancellor to make rules under section 22 above; and
 - (c) of the Secretary of State to make regulations under section 26 above,shall be exercisable by statutory instrument.
- (6) Subject to subsection (7) below, a statutory instrument containing—
 - (a) an order of the Privy Council to which this subsection applies; or
 - (b) regulations made by the Secretary of State under section 26 above,

Status: This is the original version (as it was originally enacted).

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (7) Subsection (6) above applies to the following orders of the Privy Council—
- (a) an order approving rules under section 4, 5 or 31 above other than an order such as is mentioned in subsection (9)(a) below; and
 - (b) an order approving a scheme under paragraph 3 of Schedule 1 to this Act; and
 - (c) an order under section 16(3) or 27 above or under paragraph 13 of Schedule 1 to this Act.
- (8) No order to which this subsection applies shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (9) Subsection (8) above applies to an order—
- (a) which is made by virtue of subsection (2) above and approves rules under section 31(1)(a) above subject to modifications; or
 - (b) which is made by virtue of subsection (4) above,
- unless it is contained in a statutory instrument that states that the Council have indicated their consent to the terms of the order either in the course of consultations under this section or in observations under subsection (3) above.
- (10) The power of the Department of Health and Social Services for Northern Ireland to make regulations under section 26 above shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979; and any such regulations shall be subject to negative resolution within the meaning of the Interpretation Act (Northern Ireland) 1954.