



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 12

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **459 Orders and regulations**

- (1) References in this section to subordinate legislation are to—
  - (a) any Order in Council under this Act;
  - (b) any order under this Act (other than one falling to be made by a court);
  - (c) any regulations under this Act.
- (2) Subordinate legislation—
  - (a) may make different provision for different purposes;
  - (b) may include supplementary, incidental, saving or transitional provisions.
- (3) Any power to make subordinate legislation is exercisable by statutory instrument.
- (4) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if it contains subordinate legislation other than—
  - (a) an order under section 75(7) or (8), 223(7) or (8), 282, 292(4), 309, 364(4), 377(4), 436(6), 438(9) or 458;
  - (b) subordinate legislation made by the Scottish Ministers;
  - (c) an Order in Council made under section 443 which makes provision only in relation to Scotland.
- (5) A statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament if it contains—
  - (a) subordinate legislation made by the Scottish Ministers other than an order under section 142(6) or (7), 293(4), 398(4), 410(4), 439(6), 441(9) or 458;

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**Status:** *This is the original version (as it was originally enacted).*

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- (b) an Order in Council made under section 443 which makes provision only in relation to Scotland.
- (6) No order may be made—
  - (a) by the Secretary of State under section 75(7) or (8), 223(7) or (8), 282, 292(4), 309, 364(4), 377(4), 436(6) or 438(9) unless a draft of the order has been laid before Parliament and approved by a resolution of each House;
  - (b) by the Scottish Ministers under section 142(6) or (7), 293(4), 398(4), 410(4), 439(6) or 441(9) unless a draft of the order has been laid before and approved by a resolution of the Scottish Parliament.
- (7) The Scottish Ministers must lay before the Scottish Parliament a copy of every statutory instrument containing an Order in Council made under section 444 or 445.