Higher Education Act 2004

2004 CHAPTER 8

PART 5

MISCELLANEOUS AND GENERAL

General

47 Orders and regulations

(1) Any power—

(a) of the Secretary of State or the Assembly to make an order or regulations under this Act, or

(b) of the Scottish Ministers to make an order under this Act,

is exercisable by statutory instrument.

(2) Any statutory instrument containing—

(a) an order made by the Secretary of State under section 18, or

(b) regulations made by the Secretary of State under any provision of this Act,

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

(3) Subsection (2) does not apply to—

[F1](a) . . . . . .

(b) regulations to which paragraph 12(3) of Schedule 2 applies, or

[F2](c) . . . . . .

[F3](4) . . . . . .

(5) Any order or regulations under this Act may—

(a) make different provision for different cases or different areas,

(b) make provision generally or only in relation to specified cases, and

(c) contain such incidental, supplemental, saving or transitional provisions as the person making the order or regulations thinks fit.

Changes to legislation: *Higher Education Act 2004, Section 47 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) Nothing in this Act is to be regarded as affecting the generality of subsection (5).

Textual Amendments

F1 S. 47(3)(a) omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 30(3)(a)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

F2 S. 47(3)(c) omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 30(3)(a)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

F3 S. 47(4) omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 30(3)(b)**; S.I. 2018/241, reg. 2(s) (with transitional and savings provisions in S.I. 2018/245, regs. 2, 3, 13-16)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(1) s. 11 renumbered as s. 11(1) by 2022 asc 1 s. 128(2)(a)
- s. 11(1)(a) words substituted by 2022 asc 1 Sch. 4 para. 16(2)
- s. 11(2)-(5) inserted by 2022 asc 1 s. 128(2)(b)
- s. 12(2A) inserted by 2022 asc 1 s. 128(3)(a)
- Sch. 2 para. 3(2)(d) inserted by 2023 c. 16 Sch. para. 19