



Gambling Act 2005

2005 CHAPTER 19

PART 18

MISCELLANEOUS AND GENERAL

General

355 Regulations, orders and rules

- (1) Regulations or rules under this Act, or an order of the Secretary of State [^{F1}the Welsh Ministers]^{F2} or the Scottish Ministers] under this Act—
 - (a) may make provision which applies generally or only for specified purposes or in specified cases or circumstances,
 - (b) may make different provision for different purposes, cases or circumstances, and
 - (c) may include incidental, consequential or transitional provision.
- (2) A provision of this Act which permits regulations, rules or an order to make provision of a specified kind is without prejudice to the generality of subsection (1).
- (3) Regulations or rules under this Act, or an order of the Secretary of State [^{F3}the Welsh Ministers] under this Act, shall be made by statutory instrument.
- (4) Regulations under any of the following provisions shall not be made by the Secretary of State unless a draft has been laid before and approved by resolution of each House of Parliament—
 - (a) section 4,
 - (b) section 6,
 - (c) section 7,
 - (d) section 14,
 - (e) section 78,
 - (f) section 123,
 - (g) section 167,

Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Section 355. (See end of Document for details)

- (h) section 168,
 - (i) section 236, and
 - (j) section 328.
- (5) Regulations or rules made by a Minister of the Crown under any other provision of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order of the Secretary of State under this Act shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament (subject to subsections (7) and (8)).
- (7) Subsection (6) shall not apply to an order under section 349(6), to an order under section 351 other than an order adding an entry to the list in Part 2 or 3 of Schedule 6 or to an order under Part 2 of Schedule 7 or Part 2 of Schedule 18, which shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Subsection (6) shall not apply to an order under section 358; but—
- (a) an order under section 358(1) which includes provision made by virtue of section 358(4) or by virtue of Part 1 of Schedule 18 shall be subject to annulment in pursuance of a resolution of either House of Parliament, and
 - (b) an order under section 358(5) or (6) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- [^{F4}(8A) An order of the Welsh Ministers under section 172 shall not be made unless a draft has been laid before and approved by resolution of the National Assembly for Wales.]
- [^{F5}(9) Subsection (3) does not apply to regulations made by the Scottish Ministers (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: functions exercisable by Scottish statutory instrument).
- (10) Regulations made by the Scottish Ministers under a provision specified in subsection (4), or under section 285, and an order made by the Scottish Ministers under section 172, shall be subject to the affirmative procedure.
- (11) Any other regulations made by the Scottish Ministers under a provision of this Act shall be subject to the negative procedure.]

Textual Amendments

- F1** Words in s. 355(1) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 58(2)(a)**, 71(4) (with s. 58(3), Sch. 7 paras. 1, 6); [S.I. 2017/1179](#), reg. 3(l)
- F2** Words in s. 355(1) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 52(5)(a)**, 72(7) (with s. 52(6))
- F3** Words in s. 355(3) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 58(2)(b)**, 71(4) (with s. 58(3), Sch. 7 paras. 1, 6); [S.I. 2017/1179](#), reg. 3(l)
- F4** [S. 355\(8A\)](#) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 58(2)(c)**, 71(4) (with s. 58(3), Sch. 7 paras. 1, 6); [S.I. 2017/1179](#), reg. 3(l)
- F5** [S. 355\(9\)-\(11\)](#) substituted for [s. 355\(9\)\(10\)](#) (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 52(5)(b)**, 72(7) (with s. 52(6))

Commencement Information

- I1** S. 355 in force at 28.8.2005 by [S.I. 2005/2425](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Gambling Act 2005, Section 355.