



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 4

SUPPLEMENTARY AND FINAL PROVISIONS

320 Orders and regulations

- (1) The power of the Secretary of State, the Treasury or the Welsh Ministers to make orders or regulations under this Act—
- (a) is exercisable by statutory instrument,
 - (b) may be exercised so as to make provision generally or subject to exceptions or only in relation to specified cases or circumstances or descriptions of case,
 - (c) may be exercised so as to make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas, and
 - (d) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (2) Subsection (1) does not apply to orders under—
- (a) paragraph 3 of Schedule 3, or
 - (b) Schedule 4.
- (3) An instrument containing—
- (a) an order under section 13, 114 [^{F1}, 122] or 229,
 - (b) an order of the Secretary of State under section 321,
 - (c) an order of the Secretary of State under paragraph 19(4), 21(2) or (4) or 24 of Schedule 11,
 - (d) regulations under section 70 [^{F2}, 72 or 126A], or
 - (e) regulations of the Secretary of State under section 280(3) or 291,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Changes to legislation: Housing and Regeneration Act 2008, Section 320 is up to date with all changes known to be in force on or before 17 June 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

- (4) Subsection (3) does not apply to an instrument containing an order under section 321 if the order does not amend or repeal a provision of a public general Act.
- (5) If a draft of an instrument containing an order under section 13 would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.
- (6) An instrument containing an order under section 23 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the House of Commons.
- (7) An instrument containing—
- (a) an order under section 36 or Part 2 (excluding sections 114 [^{F3} and 122]),
 - [^{F4}(aa) an order or regulations of the Secretary of State under section 184,]
 - (b) an order of the Secretary of State under section 321 to which subsection (3) above does not apply,
 - (c) an order of the Secretary of State under paragraph 16(7), 18(4), 22(2) or 23(2) of Schedule 11,
 - [^{F5}(ca) regulations under section 53A(2)]
 - (d) regulations under Part 2 (excluding sections 70 and 72),
 - (e) regulations of the Secretary of State under Chapter 1 of Part 3 (including Schedule 10 but excluding sections 280(3) and 291),
 - (f) regulations of the Secretary of State under section 298, or
 - (g) regulations under Part 3 of Schedule 3,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F6}(7A) An instrument containing regulations under section 53B is subject to annulment in pursuance of a resolution of the House of Commons.]
- (8) An instrument containing—
- (a) an order of the Welsh Ministers under section 321,
 - (b) an order of the Welsh Ministers under paragraph 19(4), 21(2) or (4) or 24 of Schedule 11, or
 - (c) regulations of the Welsh Ministers under section 280(3) or 291,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (9) Subsection (8) does not apply to an instrument containing an order under section 321 if the order does not amend or repeal a provision of a public general Act.
- (10) An instrument containing—
- (a) an order of the Welsh Ministers under section 321 to which subsection (8) above does not apply,
 - (b) an order of the Welsh Ministers under paragraph 16(7), 18(4), 22(2) or 23(2) of Schedule 11,
 - (c) regulations of the Welsh Ministers under Chapter 1 of Part 3 (including Schedule 10 but excluding section 280(3) or 291), or
 - (d) regulations of the Welsh Ministers under section 298,
- is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Changes to legislation: *Housing and Regeneration Act 2008, Section 320 is up to date with all changes known to be in force on or before 17 June 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*

Textual Amendments

- F1** Words in s. 320(3)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 17 para. 18\(a\)](#); [S.I. 2012/628, art. 6\(i\)](#) (with arts. 911141517)
- F2** Words in s. 320(3)(d) substituted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), ss. 10\(8\), 46\(3\)](#); [S.I. 2024/437, reg. 2\(d\)](#)
- F3** Words in s. 320(7)(a) substituted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), s. 46\(3\), Sch. 5 para. 46](#); [S.I. 2024/437, reg. 2\(z\)](#)
- F4** S. 320(7)(aa) inserted (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(anaw 1\), s. 11\(3\)\(4\), Sch. 1 para. 6\(8\)](#); [S.I. 2018/100, art. 2\(b\)](#) (with art. 3) (with savings in [S.I. 2019/110, reg. 5](#))
- F5** S. 320(7)(ca) inserted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), ss. 31\(4\)\(a\), 57\(5\)\(e\)](#)
- F6** S. 320(7A) inserted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), ss. 31\(4\)\(b\), 57\(5\)\(e\)](#)

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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. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)