



# Climate Change Act 2008

## 2008 CHAPTER 27

### PART 6

#### GENERAL SUPPLEMENTARY PROVISIONS

##### *Orders and regulations*

#### 90 Orders and regulations

- (1) Orders and regulations under this Act must be made by statutory instrument, subject as follows.
- (2) The power of a Northern Ireland department to make regulations under Part 3 (trading schemes) or Schedule 6 (charges for [<sup>F1</sup>single use carrier bags][<sup>F1</sup>carrier bags])—
  - (a) is exercisable by statutory instrument if the instrument also contains regulations under that Part or Schedule made or to be made by another national authority, and
  - (b) otherwise, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (3) An order or regulations under this Act may—
  - (a) make different provision for different cases or circumstances,
  - (b) include supplementary, incidental and consequential provision, and
  - (c) make transitional provision and savings.
- (4) Any provision that may be made by order under this Act may be made by regulations.
- (5) Any provision that may be made by regulations under this Act may be made by order.

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#### Textual Amendments

- F1** Words in Sch. 6 para. 2 substituted (N.I.) (28.4.2014) by [Carrier Bags Act \(Northern Ireland\) 2014 \(c. 7\), s. 1\(b\)](#)

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*Changes to legislation:* Climate Change Act 2008, Cross Heading: Orders and regulations is up to date with all changes known to be in force on or before 23 January 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](#)

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## **91 Affirmative and negative resolution procedure**

- (1) Where orders or regulations under this Act are subject to “affirmative resolution procedure” the order or regulations must not be made unless a draft of the statutory instrument containing them has been laid before and approved by a resolution of each House of Parliament.
- (2) Where orders or regulations under this Act are subject to “negative resolution procedure” the statutory instrument containing the order or regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any provision that may be made by an order or regulations under this Act subject to negative resolution procedure may be made by an order or regulations subject to affirmative resolution procedure.
- (4) This section does not apply to—
  - (a) regulations under Part 3 (trading schemes) (but see Schedule 3), or
  - (b) regulations under Schedule 6 (but see Part 3 of that Schedule).

**Changes to legislation:**

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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. 86(1)(a) words renumbered as s. 86(1)(a) by [2016 c. 22 s. 211\(2\)\(a\)](#)
- s. 86(1)(b) and word inserted by [2016 c. 22 s. 211\(2\)\(b\)](#)
- s. 86(7A)(7B) inserted by [2016 c. 22 s. 211\(5\)](#)