



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 1

BORDER FUNCTIONS

Supplementary

37 Subordinate legislation

- (1) Orders and regulations under this Part must be made by statutory instrument.
- (2) An order or regulations under this Part may—
 - (a) include incidental, supplementary and consequential provision;
 - (b) make transitional or transitory provision or savings;
 - (c) make different provision for different cases or circumstances.
- (3) A statutory instrument containing an order or regulations to which subsection (4) applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) This subsection applies to—
 - (a) an order under section 2 (power of Secretary of State to modify functions);
 - (b) an order under section 8 (power of Treasury to modify Director's functions);
 - (c) regulations under section 16(8) (power to permit disclosure);
 - (d) an order under section 23 (application of provisions about investigations and detention: England and Wales and Northern Ireland);
 - (e) an order under section 35 (power to modify enactments);
 - (f) an order under section 36 (power to make supplementary etc. provision) that amends or repeals primary legislation.
- (5) A statutory instrument containing only—

Changes to legislation: Borders, Citizenship and Immigration Act 2009, Section 37 is up to date with all changes known to be in force on or before 23 April 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

- (a) regulations under section 29 (inspections by Her Majesty's Inspectors of Constabulary etc.), or
 - (b) an order under section 36 that does not amend or repeal primary legislation, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A statutory instrument containing an order under section 33 (power to require payment into the Consolidated Fund) is subject to annulment in pursuance of a resolution of the House of Commons.
- (7) In this section “primary legislation” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of the National Assembly for Wales, or
 - (d) Northern Ireland legislation.

^{F1}(8)

Textual Amendments

F1 S. 37(8) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 69](#)

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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. 54A(3A)(3B) inserted by [2023 c. 37 s. 14](#)