



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 13

GENERAL

262 Orders and regulations

- (1) A power to make an order or regulations under Chapter 1 of Part 1, or Part 3 or 4 [^{F1}, or section 253A] —
 - (a) so far as exercisable by the Secretary of State, the Welsh Ministers or the Scottish Ministers, is exercisable by statutory instrument;
 - (b) so far as exercisable by the Department for Employment and Learning in Northern Ireland, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
 - (2) Any other power of the Secretary of State to make an order or regulations under this Act is exercisable by statutory instrument.
 - (3) A power of the Secretary of State or the Welsh Ministers to make an order or regulations under this Act (except a power conferred by section 17, 22 or 269) includes power—
 - (a) to make different provision for different purposes (including different areas);
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make incidental, consequential, supplementary, transitional, transitory or saving provision.
- [^{F2}(3A) An order under section 83A(12) may amend, repeal or revoke any provision of, or in an instrument made under, this or any other Act.]
- ^{F3}(4)

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section 262 is up to date with all changes known to be in force on or before 20 March 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

- (5) Subject to subsections (6) to (8), a statutory instrument containing an order or regulations made by the Secretary of State under any provision of this Act (other than an order under section 269) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A statutory instrument which contains (whether alone or with other provision) any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—
- [^{F4}(za) the first regulations under section A9;
 - (zb) the first regulations under section A10;]
 - (aa) regulations under section 1(5);
 - [^{F5}(aza) regulations under section 40AA;]
 - [^{F6}(azb) regulations under section 40AB;]
 - [^{F7}(aaa) regulations under section 40B;]
 - [^{F8}(aab) regulations under section ZA5;]
 - [^{F9}(ab) an order under section 83A(12);
 - (b) an order under section 88 or paragraph 9 of Schedule 5;
 - [^{F10}(c)
 - (d) an order under section 130(5);
 - (e) an order under section 141(1);
 - [^{F11}(ea) an order under section 151B(2);]
 - [^{F12}(f)
 - (g) an order under section 252(5);
 - (h) an order under section 265 which amends or repeals any provision of an Act.
- (7) Subsections (5) and (6) do not apply to a statutory instrument which contains only—
- (a) an order revoking an order under section 141(1), or
 - (b) an order amending an order under section 141(1) for the purpose only of removing a qualification or description of qualification from the application of the order.
- (8) A statutory instrument within subsection (7) must be laid before Parliament.
- (9) Subject to subsection (10), a statutory instrument containing an order or regulations made by the Welsh Ministers under Chapter 1 of Part 1 (other than an order under section 10) or under section 68 [^{F13}, 107 or 253A] is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (10) A statutory instrument which contains (whether alone or with other provision) regulations under section 2(5) 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.
- (11) A statutory instrument containing an order made by the Scottish Ministers under section 68 or 107 is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (12) A statutory rule containing an order made by the Department for Employment and Learning in Northern Ireland under section 68 or 107 is to be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) as if it were a statutory instrument within the meaning of that Act.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section 262 is up to date with all changes known to be in force on or before 20 March 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

- (13) If a draft of an instrument containing an order under paragraph 9 of Schedule 5 would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

Textual Amendments

- F1** Words in s. 262(1) inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 79\(2\)\(a\)](#), [164\(3\)\(f\)](#)
- F2** S. 262(3A) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 13\(2\)](#); S.I. 2012/1087, art. 3
- F3** S. 262(4) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 13\(3\)](#); S.I. 2012/1087, art. 3
- F4** S. 262(6)(za)(zb) inserted (4.7.2016) by [Enterprise Act 2016 \(c. 12\)](#), [ss. 24\(2\)](#), 44(2)(c)
- F5** S. 262(6)(aza) inserted (2.1.2018) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 31](#); S.I. 2017/1055, reg. 3(b)(ii)
- F6** S. 262(6)(azb) inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), [ss. 11\(4\)](#), 36(3); S.I. 2022/965, reg. 3(6) (with regs. 4, 5)
- F7** S. 262(6)(aaa) inserted (4.7.2016) by [Enterprise Act 2016 \(c. 12\)](#), [ss. 26\(2\)](#), 44(5); S.I. 2016/695, art. 2(a)
- F8** S. 262(6)(aab) inserted (1.4.2017) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(5), [Sch. 4 para. 8](#); S.I. 2017/346, reg. 2(a)
- F9** S. 262(6)(ab) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 13\(4\)\(a\)](#); S.I. 2012/1087, art. 3
- F10** S. 262(6)(c) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 13\(4\)\(b\)](#); S.I. 2012/1087, art. 3
- F11** S. 262(6)(ea) inserted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 23\(7\)](#), 82(3); S.I. 2012/924, art. 3
- F12** S. 262(6)(f) omitted (1.8.2012) by virtue of [Education Act 2011 \(c. 21\)](#), [ss. 45\(2\)\(f\)](#), 82(3); S.I. 2012/1087, art. 2 (with art. 6)
- F13** Words in s. 262(9) substituted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 79\(2\)\(b\)](#), [164\(3\)\(f\)](#)

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Section 262 is up to date with all changes known to be in force on or before 20 March 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.

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Changes and effects yet to be applied to :

- [s. 262\(9\) words omitted by 2022 asc 1 Sch. 4 para. 24\(3\)](#)

Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2 commences \(2009 c. 22\)](#)
- [S.I. 2010/2413 art. 2 commences \(2009 c. 22\)](#)
- [S.I. 2011/829 art. 2 commences \(2009 c. 22\)](#)
- [S.I. 2011/882 art. 2 amendment to earlier commencing SI 2010/303 art. 7 Sch. 6](#)