



Energy Act 2010

2010 CHAPTER 27

PART 4

FINAL PROVISIONS

31 Orders and regulations

- (1) Orders and regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under—
 - (a) any provision of Part 1,
 - (b) section 9 or 15(3), or
 - (c) section 26,may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) But subsection (2)(a) does not apply to a statutory instrument that contains regulations under section 6 if—
 - (a) the regulations under that section do not amend an Act, and
 - (b) the instrument does not contain regulations under any other provision of Part 1;and, in such a case, the instrument is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing—
 - (a) regulations under section 11, or
 - (b) an order under section 23, 28(5) or 29(2),is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) An order or regulations under this Act may—
 - (a) include incidental, supplementary and consequential provision;
 - (b) make transitory or transitional provision or savings;

Status: This is the original version (as it was originally enacted).

- (c) make different provision for different cases or circumstances or for different purposes.
- (6) Regulations under Part 1 or 2 may impose obligations or confer functions on a person (including the Secretary of State).
- (7) Regulations under Part 1 may amend provision made by or under an Act or an Act of the Scottish Parliament (whenever passed or made).
- (8) But the Secretary of State must obtain the consent of the Scottish Ministers before making regulations under Part 1 which contain provision that—
 - (a) is included by virtue of subsection (7),
 - (b) extends to Scotland, and
 - (c) would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.
- (9) If, but for this subsection, an instrument containing regulations under this Act would 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.
- (10) In this section “order” means an order made by the Secretary of State.