

SCHEDULES

SCHEDULE 2

Section 2.

PROVISIONS AS TO SUBORDINATE LEGISLATION

- 1 (1) The powers conferred by section 2(2) of this Act to make provision for the purposes mentioned in section 2(2)(a) and (b) shall not include power—
 - (a) to make any provision imposing or increasing taxation ; or
 - (b) to make any provision taking effect from a date earlier than that of the making of the instrument containing the provision; or
 - (c) to confer any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for any court or tribunal; or
 - (d) to create any new criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine of more than £400 (if not calculated on a daily basis) or with a fine of more than £5 a day.
- (2) Sub-paragraph (1)(c) above shall not be taken to preclude the modification of a power to legislate conferred otherwise than under section 2(2), or the extension of any such power to purposes of the like nature as those for which it was conferred; and a power to give directions as to matters of administration is not to be regarded as a power to legislate within the meaning of sub-paragraph (1)(c).
- 2 (1) Subject to paragraph 3 below, where a provision contained in any section of this Act confers power to make regulations (otherwise than by modification or extension of an existing power), the power shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing an Order in Council or regulations made in the exercise of a power so conferred, if made without a draft having been approved by resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House.
- 3 Nothing in paragraph 2 above shall apply to any Order in Council made by the Governor of Northern Ireland or to any regulations made by a Minister or department of the Government of Northern Ireland ; but where a provision contained in any section of this Act confers power to make such an Order in Council or regulations, then any Order in Council or regulations made in the exercise of that power, if made without a draft having been approved by resolution of each House of the Parliament of Northern Ireland, shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if the Order or regulations were a statutory instrument within the meaning of that Act.