



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 9

MISCELLANEOUS AND GENERAL

General

122 Regulations and orders

- (1) A power to prescribe is (unless express provision is made to the contrary) a power to prescribe by regulations exercisable—
 - (a) by the Secretary of State in relation to England;
 - (b) by the [^{F1}Welsh Ministers] in relation to Wales.
- (2) References in this section to subordinate legislation are to any order or regulations under this Act.
- (3) Subordinate legislation—
 - (a) may make different provision for different purposes;
 - (b) may include such supplementary, incidental, consequential, saving or transitional provisions (including provision amending, repealing or revoking enactments) as the person making the subordinate legislation thinks necessary or expedient.
- (4) A power to make subordinate legislation must be exercised by statutory instrument.
- (5) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament unless it contains—
 - (a) [^{F2}regulations made by the Secretary of State under section 46;]
 - (b) an order under section 98, 116(1) or 119(2);
 - (c) an order under section 110(2);

Changes to legislation: Planning and Compulsory Purchase Act 2004, Section 122 is up to date with all changes known to be in force on or before 22 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

- (d) an order under section 121(1) to which subsection (8) applies;
 - (e) an order under section 121(4);
 - (f) provision amending or repealing an enactment contained in an Act;
 - (g) subordinate legislation made by the [^{F3}Welsh Ministers] .
- (6) A statutory instrument mentioned in subsection (5)[^{F4}(a),](c) or (f) must not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.
- [^{F5}(6A) Subsection (6) does not apply in relation to a statutory instrument containing subordinate legislation made by the Welsh Ministers.
- (6B) The Welsh Ministers must not make a statutory instrument containing subordinate legislation which includes provision amending or repealing an enactment contained in primary legislation unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (6C) A statutory instrument containing subordinate legislation made by the Welsh Ministers to which subsection (6B) does not apply is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]
- (7) A statutory instrument containing an order under section 98 or 119(2) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) This subsection applies to an order which does not contain provision amending or repealing an enactment contained in an Act.
- (9) A statutory instrument containing an order under section 121(4), if it includes provision amending or repealing an enactment contained in an Act, must not be made unless a draft of the instrument has been laid before and approved by resolution of the Scottish Parliament.
- (10) In subsection (3), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament and in subsections (8) and (9), “Act” includes such an Act and “enactment” includes an enactment comprised in such an Act.
- [^{F6}(11) In subsection (6B), “primary legislation” means—
- (a) an Act of Parliament;
 - (b) an Act or Measure of the National Assembly for Wales.]

Textual Amendments

- F1** Words in s. 122(1)(b) substituted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 1\(2\)](#)
- F2** S. 122(5)(a) repealed (6.4.2010 for E.W.) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), [Sch. 13](#) (with s. 226); [S.I. 2010/566](#), art. 3(d), [Sch.](#)
- F3** Words in s. 122(5)(g) substituted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 1\(3\)](#)
- F4** Word in s. 122(6) repealed (6.4.2010 for E.W.) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), [Sch. 13](#) (with s. 226); [S.I. 2010/566](#), art. 3(d), [Sch.](#)
- F5** S. 122(6A)-(6C) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 1\(4\)](#)
- F6** S. 122(11) inserted (6.9.2015) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(a), [Sch. 7 para. 1\(5\)](#)

Changes to legislation:

Planning and Compulsory Purchase Act 2004, Section 122 is up to date with all changes known to be in force on or before 22 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.

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Changes and effects yet to be applied to :

- s. 122(6) words inserted by [2023 c. 55 Sch. 8 para. 25\(b\)](#)
- specified provision(s) amendment to earlier commencing [SI 2006/1061 art. 4](#) by [S.I. 2010/321 art. 3](#)
- specified provision(s) amendment to earlier commencing [SI 2007/1369 art. 3](#) by [S.I. 2010/321 art. 4](#)

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. 15A-15LH and cross-heading substituted for s. 15-37 and cross-heading by [2023 c. 55 Sch. 7](#)
- s. 38(2A) substituted for s. 38(2)(3) by [2023 c. 55 s. 92\(3\)](#)
- s. 38(5A)-(5C) inserted by [2023 c. 55 s. 93\(2\)](#)
- s. 38(9A) substituted for s. 38(9) by [2023 c. 55 s. 92\(4\)](#)
- s. 38(9B) inserted by [2023 c. 55 s. 93\(4\)](#)
- s. 38B(A1) inserted by [2023 c. 55 s. 98\(2\)](#)
- s. 38B(2B)(2C) inserted by [2023 c. 55 s. 98\(3\)](#)
- s. 38C(5)(d)(i)-(iii) and word substituted for words by [2023 c. 55 s. 99\(2\)](#)
- s. 39(1)(ba) inserted by [2023 c. 55 Sch. 8 para. 21\(b\)](#)
- s. 39A and cross-heading inserted by [2023 c. 55 s. 100](#)
- s. 45(A1) inserted by [2011 c. 20 Sch. 8 para. 14\(2\)](#)
- s. 113(1)(bb)-(bd) inserted by [2023 c. 55 Sch. 8 para. 23\(2\)\(a\)](#)
- s. 113(9)(f)(g) inserted by [2023 c. 55 Sch. 8 para. 23\(3\)\(c\)](#)
- s. 113(13) inserted by [2023 c. 55 Sch. 8 para. 23\(5\)](#)
- s. 122(5)(za)(zb) inserted by [2023 c. 55 Sch. 8 para. 25\(a\)](#)
- Sch. A2 para. 11(2)(da) inserted by [2023 c. 55 s. 99\(3\)\(b\)](#)
- Sch. A1 para. 2(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(3\)\(b\)](#)
- Sch. A1 para. 6(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(7\)\(b\)](#)
- Sch. A1 para. 7ZC(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(11\)\(b\)](#)
- Sch. A1 para. 7C(1A) inserted by [2023 c. 55 Sch. 8 para. 26\(14\)\(b\)](#)
- Sch. A1 para. 8(7A) inserted by [2023 c. 55 Sch. 8 para. 26\(16\)\(g\)](#)
- Sch. A1 para. 1 substituted by [2023 c. 55 Sch. 8 para. 26\(2\)](#)
- Sch. A1 para. 2(4) substituted by [2023 c. 55 Sch. 8 para. 26\(3\)\(c\)](#)
- Sch. A1 para. 3(1) substituted by [2023 c. 55 Sch. 8 para. 26\(4\)\(a\)](#)
- Sch. A1 para. 5 substituted by [2023 c. 55 Sch. 8 para. 26\(6\)](#)
- Sch. A1 para. 6(4) substituted by [2023 c. 55 Sch. 8 para. 26\(7\)\(c\)](#)
- Sch. A1 para. 7(1) substituted by [2023 c. 55 Sch. 8 para. 26\(8\)\(a\)](#)
- Sch. A1 para. 7ZB substituted by [2023 c. 55 Sch. 8 para. 26\(10\)](#)
- Sch. A1 para. 7ZC(4) substituted by [2023 c. 55 Sch. 8 para. 26\(11\)\(c\)](#)
- Sch. A1 para. 7ZD(1) substituted by [2023 c. 55 Sch. 8 para. 26\(12\)\(a\)](#)
- Sch. A1 para. 7B substituted by [2023 c. 55 Sch. 8 para. 26\(13\)](#)
- Sch. A1 para. 7C(4) substituted by [2023 c. 55 Sch. 8 para. 26\(14\)\(c\)](#)
- Sch. A1 para. 7D(1) substituted by [2023 c. 55 Sch. 8 para. 26\(15\)\(a\)](#)
- Sch. A1 para. 10 substituted by [2023 c. 55 Sch. 8 para. 26\(18\)](#)
- Sch. A2 para. 11(2)(ca) substituted for Sch. A2 para. 11(2)(c) by [2023 c. 55 s. 99\(3\)\(a\)](#)
- Sch. A1 para. 7ZA word substituted by [2023 c. 55 Sch. 8 para. 26\(9\)](#)

- Sch. A1 para. 8(2)(a) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(ii)
- Sch. A1 para. 8(3)(b) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(c)
- Sch. A1 para. 8(6) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(e)
- Sch. A1 para. 8(7) word substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(iii)
- Sch. A1 para. 9 word substituted by 2023 c. 55 Sch. 8 para. 26(17)
- Sch. A1 para. 13(1) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(iii)
- Sch. A1 para. 13(2) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(b)
- Sch. A1 para. 13(3) word substituted by 2023 c. 55 Sch. 8 para. 26(20)(c)
- Sch. A1 para. 13(1) words inserted by 2023 c. 55 Sch. 8 para. 26(20)(a)(ii)
- Sch. A1 para. 3(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(4)(b)
- Sch. A1 para. 7(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(8)(b)
- Sch. A1 para. 7ZD(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(12)(b)
- Sch. A1 para. 7D(3)(a) words omitted by 2023 c. 55 Sch. 8 para. 26(15)(b)
- Sch. A1 para. 2(1) words substituted by 2023 c. 55 Sch. 8 para. 26(3)(a)
- Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(i)
- Sch. A1 para. 3(4) words substituted by 2023 c. 55 Sch. 8 para. 26(4)(c)(ii)
- Sch. A1 para. 4 words substituted by 2023 c. 55 Sch. 8 para. 26(5)
- Sch. A1 para. 6(1) words substituted by 2023 c. 55 Sch. 8 para. 26(7)(a)
- Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(i)
- Sch. A1 para. 7(4) words substituted by 2023 c. 55 Sch. 8 para. 26(8)(c)(ii)
- Sch. A1 para. 7ZC(1) words substituted by 2023 c. 55 Sch. 8 para. 26(11)(a)
- Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(i)
- Sch. A1 para. 7ZD(4) words substituted by 2023 c. 55 Sch. 8 para. 26(12)(c)(ii)
- Sch. A1 para. 7C(1) words substituted by 2023 c. 55 Sch. 8 para. 26(14)(a)
- Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(i)
- Sch. A1 para. 7D(4) words substituted by 2023 c. 55 Sch. 8 para. 26(15)(c)(ii)
- Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(i)
- Sch. A1 para. 8(1) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(a)(ii)
- Sch. A1 para. 8(2) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(i)
- Sch. A1 para. 8(2)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(b)(iii)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(i)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(ii)
- Sch. A1 para. 8(5) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(d)(iii)
- Sch. A1 para. 8(7)(a) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(i)
- Sch. A1 para. 8(7)(b) words substituted by 2023 c. 55 Sch. 8 para. 26(16)(f)(ii)
- Sch. A1 para. 11 words substituted by 2023 c. 55 Sch. 8 para. 26(19)
- Sch. A1 para. 13(1) words substituted by 2023 c. 55 Sch. 8 para. 26(20)(a)(i)