



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 6

FINAL PROVISIONS

172 Orders and regulations

- (1) Any power of the Secretary of State to make an order or regulations under this Act, and any power of the Scottish Ministers to make an order under this Act, is exercisable by statutory instrument.
- (2) Any such power—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or different purposes or areas, and
 - (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate (or, in the case of an order made by the Scottish Ministers, as they consider appropriate).
- (3) Subject to subsections (4) and (5), orders or regulations made by the Secretary of State under this Act are to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsection (3) does not apply to any order under section 1(3), 161(4) or 178.
- (5) Subsection (3) also does not apply to—
 - (a) any order under section 33(2)(f);
 - (b) any order under section 52;
 - (c) any order under section 61(4);
 - (d) any order under section 76(4);
 - (e) any order under section 82(6);
 - (f) any order under section 87(5);

Status: This is the original version (as it was originally enacted).

- (g) any order under section 89(5);
 - (h) any order under section 96(1);
 - (i) any order under section 97(1);
 - (j) any order under section 146(6), 148(4) or 149;
 - (k) any order under section 173 which amends or repeals any provision of an Act; and no such order may be made by the Secretary of State (whether alone or with other provisions) unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Subject to subsections (7) and (8), orders made by the Scottish Ministers under this Act are to be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (7) Subsection (6) does not apply to any order under section 178.
- (8) Subsection (6) also does not apply to—
- (a) any order under section 52;
 - (b) any order under section 61(5);
 - (c) any order under section 77(4);
 - (d) any order under section 87(6);
 - (e) any order under section 89(6);
 - (f) any order under section 96(1);
 - (g) any order under section 173 which amends or repeals any provision of an Act; and no such order may be made by the Scottish Ministers (whether alone or with other provisions) unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the Scottish Parliament.