



Serious Crime Act 2007

2007 CHAPTER 27

PART 4

GENERAL AND FINAL PROVISIONS

General

89 Orders

- (1) Any power of the Secretary of State^[F1] or the Treasury] to make an order under this Act is exercisable by statutory instrument.
- (2) Any power of the Secretary of State ^[F2], the Treasury or the Scottish Ministers] to make an order under this Act—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or different purposes;
 - (b) includes power to make such supplementary, incidental, consequential, transitional, transitory or saving provision as the Secretary of State or (as the case may be) the Treasury considers appropriate^[F3] or the Scottish Ministers consider appropriate].
- (3) No order is to be made ^[F4] by statutory instrument] under section 4(4), 49(6), 63(3), 69 or 90, or paragraph 102 of Schedule 8, unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Subsection (3) does not apply to an order under section 90 which does not amend or repeal any provision of an Act.
- (5) An order under section 90 which does not amend or repeal any provision of an Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order ^[F5] made by ^[F6] the Secretary of State or the Treasury]] under ^[F7] section 7(1), 24(9), 27(6) or (12), ^[F8] 27A(7)] 28(6) ^{F9} ..., 29, 33, 40, 68 or 85 is subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 89. (See end of Document for details)

- [^{F10}(6A) An order under section 4(4A) is subject to the affirmative procedure.
- (6B) An order made by the Scottish Ministers under section 7(1A), 27A(7) or (12), 29(1ZA) or (3ZA) or 40 is subject to the negative procedure.]
- [^{F11}(7) Any power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (8) Any power of the Department of Justice to make an order under this Act—
- (a) may be exercised so as to make different provision for different cases or descriptions of case or different purposes;
 - (b) includes power to make such supplementary, incidental, consequential, transitional, transitory or saving provision as the Department considers appropriate.
- (9) No order is to be made by the Department of Justice under section 4(5), 49(6) or 63(4) unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (10) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (9) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (11) An order made by the Department of Justice under section 7(2), 24(9), 28(6) or (11), 29 or 40 is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

Textual Amendments

- F1** Words in s. 89(1) substituted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(a\)](#); S.I. 2016/148, reg. 3(f)
- F2** Words in s. 89(2) substituted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(b\)\(i\)](#); S.I. 2016/148, reg. 3(f)
- F3** Words in s. 89(2) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(b\)\(ii\)](#); S.I. 2016/148, reg. 3(f)
- F4** Words in s. 89(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(2\)](#) (with arts. 28-31)
- F5** Words in s. 89(6) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(3\)\(a\)](#) (with arts. 28-31)
- F6** Words in s. 89(6) substituted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(c\)\(i\)](#); S.I. 2016/148, reg. 3(f)
- F7** Words in s. 89(6) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(3\)\(b\)](#) (with arts. 28-31)
- F8** Word in s. 89(6) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(c\)\(ii\)](#); S.I. 2016/148, reg. 3(f)
- F9** Words in s. 89(6) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(3\)\(c\)](#) (with arts. 28-31)
- F10** S. 89(6A)(6B) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(d\)](#); S.I. 2016/148, reg. 3(f)
- F11** S. 89(7)-(11) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(4\)](#) (with arts. 28-31)

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Section 89.