



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 12

GENERAL

147 Orders, rules and regulations

- (1) Orders, rules or regulations made by the Secretary of State or the Lord Chancellor under this Act are to be made by statutory instrument.
- (2) Any such orders or regulations—
 - (a) may make provision generally or only for specified cases or circumstances;
 - (b) may make different provision for different cases, circumstances or areas;
 - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (3) Subject to subsection (4), a statutory instrument containing any order or regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsection (3) does not apply to—
 - (a) a statutory instrument containing an order under section 153,
 - (b) a statutory instrument containing an order under paragraph 26(5) of Schedule 1,
 - (c) a statutory instrument containing an Order in Council under paragraph 9 of Schedule 17, or
 - (d) a statutory instrument to which subsection (5) applies.
- (5) A statutory instrument containing (whether alone or with other provision)—
 - (a) an order under section 4(3),
 - (b) an order under section 48(2),

Status: This is the original version (as it was originally enacted).

- (c) an order under section 77,
- (d) an order under section 81(4), 83(4) or 91(3) which amends or repeals any provision of an Act,
- (e) an order under section 102,
- (f) regulations under any of sections 108 to 111,
- (g) an order under section 135(6),
- (h) an order under section 148(3) which amends or repeals any provision of an Act,
- (i) an order under paragraph 27 or 35 of Schedule 1,
- (j) an order under paragraph 25 of Schedule 2,
- (k) rules under paragraph 2(4)(a) of Schedule 6, or
- (l) an order under paragraph 6 of Schedule 7,

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (6) An order under section 153(5)(b) is to be made by statutory instrument.
- (7) An order under section 153(6) is to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).