



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 3

PROTECTION OF PROPERTY FROM DISPROPORTIONATE ENFORCEMENT ACTION

CHAPTER 1

POWERS OF ENTRY

Repealing, adding safeguards or rewriting powers of entry

44 Procedural and supplementary provisions

- (1) An order under section 39(1), 40 or 41—
 - (a) is to be made by statutory instrument,
 - (b) may modify any enactment,
 - (c) may include such incidental, consequential, supplementary, transitory, transitional or saving provision as the appropriate national authority considers appropriate (including provision modifying any enactment).
- (2) Subject to subsection (4), no instrument containing an order of a Minister of the Crown under section 39(1), 40 or 41 is to be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (3) If a draft of an instrument containing an order of a Minister of the Crown under section 39(1), 40 or 41 would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.
- (4) An instrument containing an order of a Minister of the Crown under section 39(1), 40 or 41 which neither amends nor repeals any provision of primary legislation is subject to annulment in pursuance of a resolution of either House of Parliament.

Status: This is the original version (as it was originally enacted).

- (5) In subsection (4) “primary legislation” means—
- (a) a public general Act,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of the National Assembly for Wales, and
 - (d) Northern Ireland legislation.
- (6) Subject to subsection (7), no instrument containing an order of the Welsh Ministers under section 39(1), 40 or 41 is to be made unless a draft of it has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (7) An instrument containing an order of the Welsh Ministers under section 39(1), 40 or 41 which neither amends nor repeals any provision of primary legislation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (8) In subsection (7) “primary legislation” means—
- (a) a public general Act, and
 - (b) a Measure or Act of the National Assembly for Wales.