



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Final provisions*

#### **93 Regulations**

- (1) Regulations made by the Secretary of State or the [<sup>F1</sup>Minister for the Cabinet Office] under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing (whether alone or with other provision) any of the following regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—
  - (a) regulations under section 3 which amend or repeal primary legislation,
  - (b) regulations under section 6,
  - (c) regulations under section 11 which amend or repeal primary legislation,
  - (d) regulations under section 14, 15 or 21,
  - (e) regulations under section 36(2),
  - (f) regulations under section 42(1) or (2),
  - [<sup>F2</sup>(fa) regulations under section 69(6) or (10),
  - (fb) regulations under section 70(2)(b),]
  - (g) regulations under section 73(1) or (2),
  - (h) regulations under section 78(9),
  - (i) regulations under section 79(1),
  - (j) passport fees regulations within the meaning of section 86 which include provision specifying functions as mentioned in subsection (1) of that section,
  - (k) regulations under section 92(2) which amend or repeal primary legislation,
  - (l) regulations under paragraph 1(13) of Schedule 6, and
  - (m) regulations under paragraph 2(7) of that Schedule.

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***Changes to legislation:** Immigration Act 2016, Section 93 is up to date with all changes known to be in force on or before 27 July 2023. 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*

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- (3) Primary legislation means any of the following—
- (a) an Act of Parliament;
  - (b) an Act of the Scottish Parliament;
  - (c) a Measure or Act of the National Assembly for Wales;
  - (d) Northern Ireland legislation.
- (4) A statutory instrument—
- (a) containing any other regulations made by the Secretary of State or the [<sup>F3</sup>Minister for the Cabinet Office] under this Act, and
  - (b) to which subsection (2) does not apply,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Subsection (4) does not apply to regulations under section 92(1) or 94(1).
- (6) Regulations made by the Secretary of State or the [<sup>F4</sup>Minister for the Cabinet Office] under this Act—
- (a) may make different provision for different purposes or areas,
  - (b) may make provision which applies generally or for particular purposes or areas,
  - (c) may make transitional, transitory or saving provision, or
  - (d) may make incidental, supplementary or consequential provision.

#### Textual Amendments

- F1** Words in s. 93(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 32(b)** (with art. 12)
- F2** [S. 93\(2\)\(fa\)\(fb\)](#) inserted (7.2.2018) by [The Transfer of Responsibility for Relevant Children \(Extension to Wales, Scotland and Northern Ireland\) Regulations 2018 \(S.I. 2018/153\)](#), regs. 1, **7(1)**
- F3** Words in s. 93(4)(a) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 32(b)** (with art. 12)
- F4** Words in s. 93(6) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 32(b)** (with art. 12)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)