



Data Protection Act 2018

2018 CHAPTER 12

PART 7

SUPPLEMENTARY AND FINAL PROVISION

Regulations under this Act

182 Regulations and consultation

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) Before making regulations under this Act, the Secretary of State must consult—
 - (a) the Commissioner, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (3) Subsection (2) does not apply to regulations made under—
 - (a) section 23;
 - (b) section 30;
 - (c) section 211;
 - (d) section 212;
 - (e) section 213;
 - (f) paragraph 15 of Schedule 2.
- (4) Subsection (2) does not apply to regulations made under section 18 where the Secretary of State has made an urgency statement in respect of them.
- (5) Regulations under this Act may—
 - (a) make different provision for different purposes;
 - (b) include consequential, supplementary, incidental, transitional, transitory or saving provision.
- (6) Where regulations under this Act are subject to “the negative resolution procedure” the statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

Status: Point in time view as at 23/05/2018.

Changes to legislation: *Data Protection Act 2018, Cross Heading: Regulations under this Act is up to date with all changes known to be in force on or before 01 April 2024. 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)*

- (7) Where regulations under this Act are subject to “the affirmative resolution procedure” the regulations may not be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament.
- (8) Where regulations under this Act are subject to “the made affirmative resolution procedure”—
- (a) the statutory instrument containing the regulations must be laid before Parliament after being made, together with the urgency statement in respect of them, and
 - (b) the regulations cease to have effect at the end of the period of 120 days beginning with the day on which the instrument is made, unless within that period the instrument is approved by a resolution of each House of Parliament.
- (9) In calculating the period of 120 days, no account is to be taken of any time during which—
- (a) Parliament is dissolved or prorogued, or
 - (b) both Houses of Parliament are adjourned for more than 4 days.
- (10) Where regulations cease to have effect as a result of subsection (8), that does not—
- (a) affect anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (11) Any provision that may be included in regulations under this Act subject to the negative resolution procedure may be made by regulations subject to the affirmative resolution procedure or the made affirmative resolution procedure.
- (12) If a draft of a statutory instrument containing regulations under section 7 would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.
- (13) A requirement under a provision of this Act to consult may be satisfied by consultation before, as well as by consultation after, the provision comes into force.
- (14) In this section, “urgency statement” has the meaning given in section 18(4).

Status:

Point in time view as at 23/05/2018.

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