



# Teaching and Higher Education Act 1998

## 1998 CHAPTER 30

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **42 Orders and regulations.**

- (1) Any power of the Secretary of State to make an order or regulations under this Act shall be exercised by statutory instrument.
- (2) A statutory instrument containing—
  - (a) an order under section 7 or 8 [<sup>F1</sup>or paragraph 18 of Schedule 1], or
  - (b) (subject to the following provisions of this section) any regulations under this Act,shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- <sup>F2</sup>(3) .....
- (4) Subsection (2) does not apply to the first regulations to be made under section 22; and no such regulations shall be made (whether alone or with other regulations) unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- [<sup>F3</sup>(5) That subsection also does not apply to any other regulations under section 22 a draft of which has been laid before, and approved by a resolution of, each House of Parliament.]
- (6) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.

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**Changes to legislation:** Teaching and Higher Education Act 1998, Section 42 is up to date with all changes known to be in force on or before 19 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) [View outstanding changes](#)

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- (7) Any order or regulations under this Act may make different provision in relation to England and Wales respectively.
- (8) Nothing in this Act shall be read as affecting the generality of subsection (6).
- (9) <sup>F4</sup>... The Secretary of State shall, before making regulations under Chapter I of Part I of this Act, consult the Council <sup>F5</sup>....

#### Textual Amendments

- F1** Words in s. 42(2)(a) inserted (1.10.2002 for E. and otherwise *prosp.*) by 2002 c. 32, ss. 148, 216, **Sch. 12 para. 9** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**
- F2** S. 42(3) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 15(a)**; S.I. 2012/924, art. 2
- F3** S. 42(5) substituted (14.1.2006 for E.) by Higher Education Act 2004 (c. 8), s. 52(2), **Sch. 6 para. 9**; S.I. 2006/51, art. 2
- F4** Words in s. 42(9) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 15(b)(i)**; S.I. 2012/924, art. 2
- F5** Words in s. 42(9) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 15(b)(ii)**; S.I. 2012/924, art. 2

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(4A)(4B) inserted by [2017 c. 29 s. 86\(4\)](#)
- s. 22(5)(ea) inserted by [2017 c. 29 s. 86\(5\)\(d\)](#)
- s. 22(11) inserted by [2017 c. 29 s. 86\(7\)](#)
- s. 28A inserted by [2022 c. 21 s. 15\(1\)](#)