



Health and Social Care Act 2001

2001 CHAPTER 15

PART 5

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

64 Regulations and orders

- (1) Any power under this Act to make any order or regulations shall (except in the case of regulations under section 65(3)(c)) be exercisable by statutory instrument.
- (2) A statutory instrument containing any order or regulations made by the Secretary of State under this Act other than—
 - (a) an order under section 70(2), or
 - (b) any regulations to which subsection (3) applies,shall be subject to annulment in pursuance of a resolution of either House of Parliament.

^{F1}(3)

- (4) A statutory instrument containing any regulations made by the Scottish Ministers shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

^{F2}(4A) A statutory instrument containing—

- (a) regulations made by the Welsh Ministers under section 57, or
 - (b) regulations made by the Welsh Ministers under section 65 that make provision for the purposes of, in consequence of or for giving full effect to section 57,
- is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

- (5) Any regulations made by virtue of section 65(3)(c) shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Section 64. (See end of Document for details)

1979/1573 (N.I. 12)) and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).

- (6) Any power under this Act to make any order or regulations may be exercised—
- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act;
 - (iii) any such provision either unconditionally or subject to any specified condition.
- (7) Where any such power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.
- (8) Any such power includes power—
- (a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking enactments) as the authority making the order or regulations considers to be expedient; and
 - (b) to provide for a person to exercise a discretion in dealing with any matter.
- (9) Nothing in this Act shall be read as affecting the generality of subsection (8).

Subordinate Legislation Made

- P1** S. 64(6)(8) power partly exercised: 1.10.2001 and 1.12.2001 appointed for specified provisions by [S.I. 2001/3294](#), [arts. 1\(3\), 2-4](#), [Sch.](#)
- S. 64(6)(8) power partly exercised: different dates appointed for E. for specified provisions by [S.I. 2001/3738](#), [arts. 1\(3\), 2](#), [Schs. 1, 2](#)
- P2** S. 64(6) power partly exercised: 22.10.2001 appointed for specified provisions by [S.I. 2001/3619](#), [arts. 1\(3\), 2, 3](#)
- S. 64(6) power partly exercised: different dates appointed for specified provisions by [S.I. 2001/3752](#), [arts. 1, 2, 3](#)
- S. 64(6) power partly exercised: 3.12.2001 and 19.12.2001 appointed for W. for specified provisions by [S.I. 2001/3807](#), [arts. 1\(3\), 2, 3](#)
- S. 64(6) power partly exercised: 19.12.2001 appointed for E. for specified provisions by [S.I. 2001/4149](#), [arts. 1\(3\), 2](#)

Textual Amendments

- F1** S. 64(3) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), [s. 8\(2\)](#), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))
- F2** [S. 64\(4A\)](#) inserted (21.7.2008 for specified purposes, 29.3.2011 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 146\(8\)](#), 170; [S.I. 2011/986](#), [art. 2\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2001, Section 64.