



Education Act 2002

2002 CHAPTER 32

PART 11

MISCELLANEOUS AND GENERAL

General

210 Orders and regulations

- (1) Subject to subsection (2), any power of the Secretary of State or the National Assembly for Wales to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Subsection (1) does not apply to any order under—
 - (a) section 165 or 192, or
 - (b) paragraph 3(6) or 5 of Schedule 1.
- (3) No order shall be made by the Secretary of State under—
 - (a) section 80(3),
 - (b) section 82(4)(b),
 - (c) section 83(3),
 - (d) section 84(6),
 - (e) section 86, or
 - (f) section 125(4),unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Subject to subsections (5) and (6), a statutory instrument which contains any order or regulations made under this Act by the Secretary of State and is not subject to the requirement in subsection (3) that a draft of the instrument be laid before and approved by a resolution of each House of Parliament, 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Status: This is the original version (as it was originally enacted).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) Subsection (4) does not apply to an order under—
- (a) section 7(2),
 - (b) section 87(2)(c) or (3)(c),
 - (c) section 128(2), or
 - (d) section 216.
- (6) If an order under section 122 contains only provisions which in the opinion of the Secretary of State give effect without significant modification to recommendations of the School Teachers' Review Body—
- (a) the order shall contain a statement to that effect, and
 - (b) subsection (4) shall not apply.
- (7) Any power of the Secretary of State or the National Assembly for Wales to make an order or regulations under this Act includes power—
- (a) to make different provisions for different cases or areas,
 - (b) to make provision generally or only in relation to specific cases, and
 - (c) to make such incidental, supplemental, saving or transitional provisions as the Secretary of State or the Assembly thinks fit.
- (8) Nothing in this Act shall be regarded as affecting the generality of subsection (7).