



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 9

MISCELLANEOUS AND GENERAL

General

122 Regulations and orders

- (1) A power to prescribe is (unless express provision is made to the contrary) a power to prescribe by regulations exercisable—
 - (a) by the Secretary of State in relation to England;
 - (b) by the National Assembly for Wales in relation to Wales.
- (2) References in this section to subordinate legislation are to any order or regulations under this Act.
- (3) Subordinate legislation—
 - (a) may make different provision for different purposes;
 - (b) may include such supplementary, incidental, consequential, saving or transitional provisions (including provision amending, repealing or revoking enactments) as the person making the subordinate legislation thinks necessary or expedient.
- (4) A power to make subordinate legislation must be exercised by statutory instrument.
- (5) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament unless it contains—
 - (a) regulations made by the Secretary of State under section 46;
 - (b) an order under section 98, 116(1) or 119(2);
 - (c) an order under section 110(2);

Status: This is the original version (as it was originally enacted).

- (d) an order under section 121(1) to which subsection (8) applies;
 - (e) an order under section 121(4);
 - (f) provision amending or repealing an enactment contained in an Act;
 - (g) subordinate legislation made by the National Assembly for Wales.
- (6) A statutory instrument mentioned in subsection (5)(a), (c) or (f) must not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.
- (7) A statutory instrument containing an order under section 98 or 119(2) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) This subsection applies to an order which does not contain provision amending or repealing an enactment contained in an Act.
- (9) A statutory instrument containing an order under section 121(4), if it includes provision amending or repealing an enactment contained in an Act, must not be made unless a draft of the instrument has been laid before and approved by resolution of the Scottish Parliament.
- (10) In subsection (3), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament and in subsections (8) and (9), “Act” includes such an Act and “enactment” includes an enactment comprised in such an Act.