



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 7

#### GENERAL

#### 144 Orders and regulations

- (1) Any power of a Minister of the Crown to make an order or regulations under this Act is exercisable by statutory instrument, except where subsection (2) applies.
- (2) Any power of the Lord Chancellor to make an order under section 19(1) or 143 amending an enactment contained in, or in an instrument made under, Northern Ireland legislation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (3) Regulations under section 115, 120(5) or 121(5) are to be made in the form of a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the regulations were made by a Minister of the Crown.
- (4) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Subsection (4) applies to a statutory instrument which contains any of the following—
  - [<sup>F1</sup>(za) regulations under section 27A;]
  - (a) an order under section 85(3)(a) or (b) which amends Part 1 of Schedule 14;
  - [<sup>F2</sup>(aa) an order under section 85(5);
  - (ab) regulations under section 94 or 94C;]
  - (b) an order under section 19(1) which amends a public general Act, except where the only such amendment is the inclusion in Schedule 7 of a function of the Lord Chancellor;
  - (c) an order under section 19(1) which amends subordinate legislation of which a draft was required to be laid before and approved by a resolution of each

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**Changes to legislation:** Constitutional Reform Act 2005, Section 144 is up to date with all changes known to be in force on or before 21 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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House of Parliament, except where the only such amendment consists of provision that falls within subsection (2)(b) of section 19;

- (d) an order under section 143 which amends a public general Act;
  - (e) [<sup>F3</sup>regulations under Part 1] of Schedule 12.
- (6) In any other case a statutory instrument containing an order or regulations under this Act, unless it contains only an order under section [<sup>F4</sup>27B(5),] 66(5) or 148, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory rule made under a power to which subsection (2) applies is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** S. 144(5)(za) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 7\(9\)](#); S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)
- F2** S. 144(5)(aa)(ab) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 78](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)
- F3** Words in s. 144(5)(e) substituted (4.9.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 27](#); S.I. 2013/2200, art. 2(c)
- F4** Word in s. 144(6) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 7\(10\)](#); S.I. 2013/2200, art. 3(d) (with savings in S.I. 2013/2193, reg. 23)

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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. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)