



# Energy Act 2008

## 2008 CHAPTER 32

### PART 6

#### GENERAL

#### 104 Subordinate legislation

- (1) Orders and regulations made by the Secretary of State or the Scottish Ministers under this Act are to be made by statutory instrument.
- (2) An instrument to which this subsection applies may—
  - (a) provide for a person to exercise a discretion in dealing with any matter;
  - (b) include incidental, supplementary and consequential provision;
  - (c) make transitory or transitional provisions or savings;
  - (d) make provision generally, only in relation to specified cases or subject to exceptions (including provision for a case to be excepted only so long as conditions specified in the instrument are satisfied);
  - (e) make different provision for different cases or circumstances or for different purposes.
- (3) Subsection (2) applies to—
  - (a) an Order in Council under this Act,
  - (b) an order or regulations made by the Secretary of State or the Scottish Ministers under this Act (other than an order which contains provision made under section 110 (commencement) only).
- (4) The provision which may be made by virtue of subsection (2)(b) or (c) includes provision modifying any provision made by or under an Act or an Act of the Scottish Parliament (whenever passed or made).