



# Energy Act 2008

## 2008 CHAPTER 32

### PART 6

#### GENERAL

#### **105 Parliamentary control of subordinate legislation**

- (1) A statutory instrument containing an Order in Council, order or regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1) does not apply to—
  - (a) an order which contains, or regulations which contain, (whether alone or together with other provision) provision made under—
    - (i) section 13 (importation and storage of combustible gas: inspectors),
    - (ii) section 27 (carbon dioxide storage: inspectors),
    - (iii) section 41(6) (feed-in tariffs for small-scale electricity generation),
    - (iv) section 45(6)(a) (power to specify matters as designated technical matters),
    - (v) section 62(1) (power to apply Chapter 1 of Part 3 to other nuclear installations), or
    - (vi) section 100 (renewable heat incentives);
  - (b) an order, regulations or Order in Council which contains (whether alone or together with other provision) provision which, by virtue of section 43(3)(b), 86(3), 90(3), 104(4), 107(2)(a) or 109(3)(a) modifies an Act or an Act of the Scottish Parliament;
  - (c) an order which contains provision made under section 110 (commencement orders) only.
- (3) No order, regulations or recommendation to make an Order in Council, within subsection (2)(a) or (b), may be made unless a draft of the order, regulations or Order in Council has been laid before, and approved by a resolution of, each House of Parliament.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In the case of a statutory instrument containing an order or regulations made by the Scottish Ministers, this section has effect as if—
- (a) in subsection (1) the reference to either House of Parliament were a reference to the Scottish Parliament,
  - (b) in subsection (2)(b) for “107(2)(a)” there were substituted “107(3)(a)”, and
  - (c) in subsection (3) the reference to each House of Parliament were a reference to the Scottish Parliament.