



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 12

GENERAL

147 Orders, rules and regulations

(1) Orders, rules or regulations made by the Secretary of State or the Lord Chancellor under this Act are to be made by statutory instrument.

[^{F1}(1A) Orders made by the Department of Justice in Northern Ireland under this Act are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.]

(2) Any [^{F2}orders or regulations falling within subsection (1) or (1A)] —

- (a) may make provision generally or only for specified cases or circumstances;
- (b) may make different provision for different cases, circumstances or areas;
- (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(3) Subject to subsection (4), a statutory instrument containing any order or regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Subsection (3) does not apply to—

- (a) a statutory instrument containing an order under section 153,
- ^{F3}(b)
- (c) a statutory instrument containing an Order in Council under paragraph 9 of Schedule 17, or
- (d) a statutory instrument to which subsection (5) applies.

(5) A statutory instrument containing (whether alone or with other provision)—

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Changes to legislation: *Criminal Justice and Immigration Act 2008, Section 147 is up to date with all changes known to be in force on or before 09 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)*

- ^{F4}(a)
- (b) an order under section 48(2),
- (c) an order under section 77,
- ^{F5}(d)
- [^{F6}(da) an order under section 98(6),]
- (e) an order under section 102,
- (f) regulations under any of sections 108 to 111,
- (g) an order under section 135(6),
- (h) an order under section 148(3) which amends or repeals any provision of an Act,
- ^{F7}(i)
- ^{F7}(j)
- (k) rules under paragraph 2(4)(a) of Schedule 6, or
- (l) an order under paragraph 6 of Schedule 7,

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

[^{F8}(5A) Subject to subsection (5B), orders made by the Department of Justice in Northern Ireland under this Act are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).

(5B) Subsection (5A) does not apply to an order made by the Department of Justice containing (whether alone or with other provision) provision under section 83(4) or 91(3) which amends or repeals any provision of an Act; and no such order may be made by the Department unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(5C) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (5B) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.]

(6) An order under section 153(5)(b) is to be made by statutory instrument.

(7) An order under section 153(6) is to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

Textual Amendments

- F1** S. 147(1A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 94(a)** (with arts. 28-31)
- F2** Words in s. 147(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 94(b)** (with arts. 28-31)
- F3** S. 147(4)(b) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F4** S. 147(5)(a) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F5** S. 147(5)(d) omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/780\)](#), regs. 1(1), **19(1)(b)** (with regs. 19(2), 20) (as amended by [S.I. 2020/1408](#), regs. 1, 49, 50); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F6** S. 147(5)(da) inserted (E.W.) (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 119(2)**, 185(1); [S.I. 2014/949](#), art. 3, [Sch. para. 9](#)

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- F7** S. 147(5)(i)(j) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F8** S. 147(5A)-(5C) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 94(d)** (with arts. 28-31)

Modifications etc. (not altering text)

- C1** S. 147 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

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