



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 13

GENERAL

262 Orders and regulations

- (1) A power to make an order or regulations under Chapter 1 of Part 1, or Part 3 or 4—
 - (a) so far as exercisable by the Secretary of State, the Welsh Ministers or the Scottish Ministers, is exercisable by statutory instrument;
 - (b) so far as exercisable by the Department for Employment and Learning in Northern Ireland, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (2) Any other power of the Secretary of State to make an order or regulations under this Act is exercisable by statutory instrument.
- (3) A power of the Secretary of State or the Welsh Ministers to make an order or regulations under this Act (except a power conferred by section 17, 22 or 269) includes power—
 - (a) to make different provision for different purposes (including different areas);
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make incidental, consequential, supplementary, transitional, transitory or saving provision.
- (4) An order under section 98 may amend or repeal any provision of, or in an instrument made under, this or any other Act.
- (5) Subject to subsections (6) to (8), a statutory instrument containing an order or regulations made by the Secretary of State under any provision of this Act (other than an order under section 269) is subject to annulment in pursuance of a resolution of either House of Parliament.

Status: This is the original version (as it was originally enacted).

- (6) A statutory instrument which contains (whether alone or with other provision) any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—
- (aa) regulations under section 1(5);
 - (b) an order under section 88 or paragraph 9 of Schedule 5;
 - (c) an order under section 96(9) or 98;
 - (d) an order under section 130(5);
 - (e) an order under section 141(1);
 - (f) an order under section 222;
 - (g) an order under section 252(5);
 - (h) an order under section 265 which amends or repeals any provision of an Act.
- (7) Subsections (5) and (6) do not apply to a statutory instrument which contains only—
- (a) an order revoking an order under section 141(1), or
 - (b) an order amending an order under section 141(1) for the purpose only of removing a qualification or description of qualification from the application of the order.
- (8) A statutory instrument within subsection (7) must be laid before Parliament.
- (9) Subject to subsection (10), a statutory instrument containing an order or regulations made by the Welsh Ministers under Chapter 1 of Part 1 (other than an order under section 10) or under section 68 or 107 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (10) A statutory instrument which contains (whether alone or with other provision) regulations under section 2(5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) A statutory instrument containing an order made by the Scottish Ministers under section 68 or 107 is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (12) A statutory rule containing an order made by the Department for Employment and Learning in Northern Ireland under section 68 or 107 is to be subject to negative resolution within the meaning of section 41(6) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33 \(N.I.\)\)](#) as if it were a statutory instrument within the meaning of that Act.
- (13) If a draft of an instrument containing an order under paragraph 9 of Schedule 5 would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.