



# Infrastructure Act 2015

## 2015 CHAPTER 7

### PART 8

#### GENERAL PROVISIONS

#### 55 Regulations and orders

- (1) Regulations and orders made by the Secretary of State, the Treasury or the Welsh Ministers under this Act are to be made by statutory instrument.
- (2) A statutory instrument which contains an order under section 1—
  - (a) appointing a strategic highways company for an area other than the whole of England, and
  - (b) which is the first exercise of the power in respect of such an area,may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (3) A statutory instrument which contains an order under section 1—
  - (a) appointing a strategic highways company for an area other than the whole of England, and
  - (b) which is a subsequent exercise of the power in respect of such an area,is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument [<sup>F1</sup>made by the Secretary of State] containing (whether alone or with other provisions)—
  - (a) regulations under section 18,
  - (b) regulations under section 38 <sup>F2</sup>...,
  - (c) regulations under section 45, 46, 47<sup>F3</sup>, 48] or 49, or
  - (d) regulations under section 19(1)(a), 30 or 53 which amend, repeal or modify the application of an Act,may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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(5) Subsection (4) does not apply to a statutory instrument containing only regulations under section 38(5)(b).

[<sup>F4</sup>(5A) A statutory instrument made by the Welsh Ministers containing regulations under section 45, 46 or 48 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.]

(6) A statutory instrument—

(a) which contains regulations under this Act other than under section 16 or 57, and

(b) to which subsection (4) [<sup>F5</sup>or (5A)] does not apply, is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) A statutory instrument which contains regulations under section 16 is subject to annulment in pursuance of a resolution of the House of Commons.

(8) A power to make regulations under this Act may be used—

(a) to make different provision for different purposes;

(b) in relation to all or only some of the purposes for which it may be used.

(9) Regulations under this Act may include incidental, supplementary, consequential, transitional, transitory or saving provision.

(10) Subsections (8) and (9) do not apply to regulations under section 57.

#### Textual Amendments

- F1** Words in s. 55(4) inserted (1.10.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 32(2)(a)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)
- F2** Words in s. 55(4)(b) omitted (1.10.2016) by virtue of [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 75**; [S.I. 2016/920](#), reg. 2(a)
- F3** Word in s. 55(4)(c) inserted (1.10.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 32(2)(b)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)
- F4** S. 55(5A) inserted (1.10.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 32(3)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)
- F5** Words in s. 55(6)(b) inserted (1.10.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 32(4)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 4(b)

## 56 Extent

(1) Part 1 (strategic highways companies) extends to England and Wales only, save that—

(a) sections 16 and 18 to 20 extend to England and Wales, Scotland and Northern Ireland, and

(b) an amendment or repeal made by that Part, other than the amendment made by section 17(7), has the same extent as the provision to which it relates.

(2) Part 2 (Cycling and Walking Investment Strategies) extends to England and Wales only.

(3) In Part 3 (powers of British Transport Police Force)—

(a) section 22(1) extends to England and Wales only, and

(b) section 22(2) extends to England and Wales and Scotland.

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- (4) Part 4 (environmental control of animal and plant species) extends to England and Wales only.
- (5) In Part 5 (planning, land and buildings)—
  - (a) an amendment or repeal has the same extent as the provision to which it relates, and
  - (b) sections 30(2) to (4), 32(11) and (12) and 33(2), Part 4 of Schedule 5 and section 34 so far as applying to that Part and section 37(6) extend to England and Wales only.
- (6) In Part 6 (energy)—
  - (a) sections 38 and 39, sections 41 and 42, sections 51 to 53 and Schedules 6 and 7 extend to England and Wales and Scotland,
  - (b) section 40 and section 49 extend to England and Wales, Scotland and Northern Ireland, and
  - (c) sections 43 to 48 and section 50 extend to England and Wales only.
- (7) Part 7 (Public Works Loan Commissioners) extends to England and Wales, Scotland and Northern Ireland.
- (8) This Part extends to England and Wales, Scotland and Northern Ireland.

## **57 Commencement**

- (1) Part 1 (strategic highways companies) comes into force—
  - (a) in so far as it confers power to make regulations, on the day on which this Act is passed, and
  - (b) for all other purposes, on such day as the Secretary of State appoints by regulations.
- (2) Part 2 (Cycling and Walking Investment Strategies) comes into force on such day as the Secretary of State appoints by regulations.
- (3) Part 3 (powers of British Transport Police Force) comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (4) Part 4 (environmental control of animal and plant species)—
  - (a) so far as it relates to England, comes into force on such day as the Secretary of State appoints by regulations, and
  - (b) so far as it relates to Wales, comes into force on such day as the Welsh Ministers appoint by regulations.
- (5) In Part 5 (planning, land and buildings)—
  - (a) sections 26, 27 and 37 come into force on such day as the Secretary of State appoints by regulations,
  - (b) section 28 comes into force—
    - (i) in so far as it confers power to make regulations, on the day on which this Act is passed, and
    - (ii) for all other purposes, on such day as the Secretary of State appoints by regulations,
  - (c) sections 29 and 33 come into force on the day on which this Act is passed,
  - (d) section 30 and Schedule 4 come into force—

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- (i) in so far as they confer power to make provision by regulations or by development order within the meaning of the Town and Country Planning Act 1990, on the day on which this Act is passed, and
  - (ii) for all other purposes, on such day as the Secretary of State appoints by regulations, and
- (e) sections 31, 32, 34, 35 and 36 and Schedule 5 come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (6) In the case of section 34 and Schedule 5, subsection (5) has effect subject to Part 4 of that Schedule.
- (7) In Part 6 (energy)—
  - (a) sections 38 and 39 and Schedule 6 come into force on 1 June 2016,
  - (b) section 40 and sections 43 to 49 come into force at the end of the period of two months beginning with the day on which this Act is passed,
  - (c) sections 41 and 42, section 50, section 52 and Schedule 7 come into force on such day as the Secretary of State appoints by regulations, and
  - (d) section 51 and section 53 come into force on the day on which this Act is passed.
- (8) Part 7 (Public Works Loan Commissioners) comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (9) This Part comes into force on the day on which this Act is passed.
- (10) Regulations under subsection (1)(b), (4), (5)(a), (b)(ii) or (d)(ii) or (7)(c) may appoint different days for different purposes or areas.
- (11) The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act, other than Part 4 so far as it relates to Wales.
- (12) The Welsh Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force of Part 4 so far as it relates to Wales.

## **58 Short title**

This Act may be cited as the Infrastructure Act 2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Infrastructure Act 2015, PART 8.