



Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 1

PUBLIC SERVICE DELIVERY

44 Regulations under this Chapter

- (1) Any power to make regulations under this Chapter is exercisable—
 - (a) in the case of regulations made by the relevant Minister or the Welsh Ministers, by statutory instrument, and
 - (b) in the case of regulations made by the Department of Finance in Northern Ireland, by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ([SI 1979/1573 \(NI 12\)](#)).
- (2) Regulations under this Chapter—
 - (a) may make different provision for different purposes;
 - (b) may contain consequential, supplementary, transitional or transitory provision or savings.
- (3) In the case of—
 - (a) regulations under section 35(3) which amend Schedule 4 so as to add an entry relating to a person or description of person,
 - (b) regulations under section 36(5)(a) which amend Schedule 5 so as to add an entry relating to a person or description of person, or
 - (c) regulations under section 38(5)(a) which amend Schedule 6 so as to add an entry relating to a person or description of person,

Status: This is the original version (as it was originally enacted).

this includes power to make provision in relation to information disclosed by that person or a person of that description which is similar to that made by section 42 in relation to information disclosed by the Revenue and Customs.

- (4) Before making regulations under this Chapter the appropriate national authority must consult—
 - (a) the Information Commissioner,
 - (b) the Commissioners for Her Majesty’s Revenue and Customs,
 - (c) each other person who is the appropriate national authority in relation to regulations under this Chapter,
 - (d) where the appropriate national authority is not the relevant Minister, the Minister for the Cabinet Office, and
 - (e) such other persons as the appropriate national authority thinks appropriate.
- (5) The fact that a power to make regulations under this Chapter was not in force when consultation of the kind mentioned in subsection (4) took place is to be disregarded in determining whether there has been compliance with that subsection.
- (6) The appropriate national authority may only make regulations under section 35(7), 36(5)(c) or 38(5)(c) with the consent of the Treasury in a case where the regulations could affect the disclosure of information by the Revenue and Customs.
- (7) A statutory instrument containing regulations made under this Chapter by the relevant Minister may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (8) Regulations made under this Chapter by the Scottish Ministers are subject to the affirmative procedure.
- (9) A statutory instrument containing regulations made under this Chapter by the Welsh Ministers 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.
- (10) Regulations under this Chapter may not be made by the Department of Finance in Northern Ireland unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (11) If a draft of a statutory instrument containing regulations under section 35(3), 36(5)(a) or (b) or 38(5)(a) or (b) 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 such an instrument.