



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 1

TRIBUNALS AND INQUIRIES

CHAPTER 6

SUPPLEMENTARY

49 Orders and regulations under Part 1: supplemental and procedural provisions

- (1) Power—
 - (a) of the Lord Chancellor to make an order, or regulations, under this Part,
 - (b) of the Senior President of Tribunals to make an order under section 7(9), or
 - (c) of the Scottish Ministers, or the Welsh Ministers, to make an order under paragraph 25(2) of Schedule 7,is exercisable by statutory instrument.
- (2) The Statutory Instruments Act 1946 (c. 36) shall apply in relation to the power to make orders conferred on the Senior President of Tribunals by section 7(9) as if the Senior President of Tribunals were a Minister of the Crown.
- (3) Any power mentioned in subsection (1) includes power to make different provision for different purposes.
- (4) Without prejudice to the generality of subsection (3), power to make an order under section 30 or 31 includes power to make different provision in relation to England, Scotland, Wales and Northern Ireland respectively.
- (5) ^[F1]None of the orders or regulations mentioned in subsection (6) may be made unless a draft of the statutory instrument containing the order or regulations] (whether alone

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Section 49 is up to date with all changes known to be in force on or before 23 July 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) View outstanding changes

or with other provision) has been laid before, and approved by a resolution of, each House of Parliament.

- (6) [^{F2}The orders and regulations] are—
- (a) an order under section 11(8), 13(6) or (14), 30, 31(1), 32, 33, 34, 35, 36, 37 or 42(3);
 - [^{F3}(aa) regulations under section 29D(4);]
 - (b) an order under paragraph 15 of Schedule 4;
 - (c) an order under section 42(1)(a) to (d) that provides for fees to be payable in respect of things for which fees have never been payable;
 - (d) an order under section 31(2), (7) or (9), or paragraph 30(1) of Schedule 5, that contains provision taking the form of an amendment or repeal of an enactment comprised in an Act.
- (7) A statutory instrument that—
- (a) contains—
 - (i) an order mentioned in subsection (8), or
 - (ii) regulations under Part 3 of Schedule 9, and
 - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Those orders are—
- (a) an order made by the Lord Chancellor under this Part;
 - (b) an order made by the Senior President of Tribunals under section 7(9).
- (9) A statutory instrument that contains an order made by the Scottish Ministers under paragraph 25(2) of Schedule 7 is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (10) A statutory instrument that contains an order made by the Welsh Ministers under paragraph 25(2) of Schedule 7 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Textual Amendments

- F1** Words in s. 49(5) substituted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 42\(2\)](#); S.I. 2020/24, regs. 2(b)(iv), 3(b)
- F2** Words in s. 49(6) substituted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 42\(3\)\(a\)](#); S.I. 2020/24, regs. 2(b)(iv), 3(b)
- F3** S. 49(6)(aa) inserted (10.1.2020 for specified purposes, 6.4.2020 in so far as not already in force) by [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\), s. 4\(3\), Sch. para. 42\(3\)\(b\)](#); S.I. 2020/24, regs. 2(b)(iv), 3(b)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)