



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 6

#### GENERAL

#### **162 Orders and regulations: Parliamentary control**

- (1) Subject to subsection (2), a statutory instrument containing—
- (a) an order or regulations made by the Secretary of State under this Act,
  - <sup>F1</sup>(b) .....
  - <sup>F1</sup>(c) .....
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1) does not apply to—
- (a) a statutory instrument to which subsection (3) or (4) applies, or
  - (b) a statutory instrument containing an order made only under section 170(3) (commencement).
- (3) The Secretary of State may not make a statutory instrument containing (whether alone or with other provision)—
- (a) regulations under section 8(1) (regulated activities),
  - (b) regulations under section 20 (regulation of regulated activities) which provide that a contravention of or failure to comply with a specified provision of the regulations is an offence punishable with a maximum fine exceeding level 4 on the standard scale,
  - (c) regulations under section 43 (power to modify Chapter 2 of Part 1 in relation to newly regulated activities),
  - <sup>F2</sup>(c) regulations under section 46B(13) (amendment of definition of relevant health care),]
  - (d) regulations under section 87(1)(b) (penalty notices: monetary amount of the penalty) which make provision for a penalty payable under a penalty notice to be of an amount which exceeds that equal to level 4 on the standard scale,

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 162. (See end of Document for details)*

- (e) the first regulations made by the Secretary of State under section 120 (additional responsibilities of responsible officers),
- (f) regulations under section 124 (regulation of social care workers) or section 126 (education and training of approved mental health professionals), or
- (g) an order under section 167 which amends or repeals any provision of an Act of Parliament,

unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

<sup>F3</sup>(4) .....

**Textual Amendments**

- F1** S. 162(1)(b)(c) omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 75(3)**; S.I. 2012/1319, art. 2(3)
- F2** S. 162(3)(c) inserted (1.4.2023) by Health and Care Act 2022 (c. 31), **ss. 31(5)**, 186(6); S.I. 2023/371, reg. 2(b)
- F3** S. 162(4) omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 75(3)**; S.I. 2012/1319, art. 2(3)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 162.