



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 5 U.K.

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

CHAPTER 3 U.K.

THE DISCLOSURE AND BARRING SERVICE

Supplementary

89 Orders under section 88 E+W+N.I.

- (1) Any power to make an order under section 88—
 - (a) is exercisable by statutory instrument,
 - (b) includes power to make consequential, supplementary, incidental, transitional, transitory or saving provision,
 - (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (whenever passed or made and including this Act).
- (2) Subject to subsection (3), a statutory instrument containing an order under section 88 is not to 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 containing an order under section 88 which neither amends nor repeals any provision of primary legislation is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) If a draft of an instrument containing an order under section 88 (alone or with other provision) would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.

Status: Point in time view as at 18/10/2012.

Changes to legislation: *Protection of Freedoms Act 2012, Section 89 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)*

(5) In this section—

“enactment” includes a Measure or Act of the National Assembly for Wales and Northern Ireland legislation,

“primary legislation” means—

- (a) a public general Act,
- (b) a Measure or Act of the National Assembly for Wales, and
- (c) Northern Ireland legislation.

Modifications etc. (not altering text)

- C1** S. 89 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Guernsey\) \(Amendment\) Order 2012 \(S.I. 2012/1762\)](#), art. 4(1)(2), **Sch. 1**
- C2** S. 89 extended (Jersey) (with modifications) (17.10.2012 coming into force in accordance with art. 1(2)(3) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) \(Amendment\) Order 2012 \(S.I. 2012/2591\)](#), art. 1(2)(3)4(1)(2)(h), **Sch. 1** (with art. 5)
- C3** S. 89 extended (Isle of Man) (with modifications) (with effect in accordance with art. 1(3)(4) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) \(Amendment\) Order 2012 \(S.I. 2012/2598\)](#), arts. 1(2), 4(1)(h), **Sch. 1**

Status:

Point in time view as at 18/10/2012.

Changes to legislation:

Protection of Freedoms Act 2012, Section 89 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.