



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 5

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

### CHAPTER 3

THE DISCLOSURE AND BARRING SERVICE

#### *Supplementary*

#### **89 Orders under section 88**

- (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.

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**Status:** *This is the original version (as it was originally enacted).*

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(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.