Merchant Shipping Act 1995

1995 CHAPTER 21

PART XIII

SUPPLEMENTAL

Subordinate Legislation

306   Regulations, rules and orders, etc.

[**F1**(1) Subject to subsection (1A) below, any power of the Secretary of State to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.

F1(1A) Subsection (1) above does not apply to—

(a)   rules made under section 91; or

(b)   any instrument made under section 128(4)(f) other than an instrument containing regulations.]

[**F2**(2) Subject to subsection (2A) below—

(a)   any statutory instrument containing regulations under this Act (including such an instrument made by virtue of section 128(4)(f) or 182B(4)(e)), and

(b)   any statutory instrument containing an order or rules made under this Act,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

F2(2A) Subsection (2) above does not apply to—

(a)   regulations made under section 130A, 259(8) or 260(3) or Schedule 11A;

(b)   commencement orders;

(c)   any order made under section 216(2), 223(3), paragraph 8 of Part II of Schedule 7, or any provision of Schedule 14.]

(3) Any statutory instrument containing an Order in Council under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament but this subsection does not apply to Orders under section 2(4), 128, 129, 152(2), 172(2),

[**F3**182B(1)**]** 183, 184, [**F4**185(2A) or (2B)**]**224, 308 or 315(2) or under **F5**. . . paragraph 10 of Part II of Schedule 6 or paragraph 13 of Part II of Schedule 7.

(4) Before making the following regulations, rules or orders, namely—

    (a)   regulations under Part III or [**F6**section 108 or 130A**]**;

    (b)   rules under Chapter II of Part V;

    (c)   an order under section 311,

the Secretary of State shall consult with organisations in the United Kingdom appearing to him representative of persons who will be affected by the regulations, rules or orders.

(5) Any direction, notice, order or authorisation under this Act given or made by the Secretary of State shall be in writing.

(6) Any power to give a direction includes power to vary or revoke the direction by a subsequent direction.

Textual Amendments

F1   S. 306(1)(1A) substituted for s. 306(1) (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 18(2)**; S.I. 1997/1539, art. 2, **Sch.**

F2   S. 306(2)(2A) substituted for s. 306(2) (23.3.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 18(3)**; S.I. 1997/1082, art. 2, **Sch.**

F3   Words in s. 306(3) inserted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 18(4)(a)**; S.I. 1997/1539, art. 2, **Sch.**

F4   Words in s. 306(3) inserted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 18(4)(b)**; S.I. 1997/1539, art. 2, **Sch.**

F5   Words in s. 306(3) repealed (12.10.1998) by S.I. 1998/2241, **art. 3(1)(c)**

F6   Words in s. 306(4)(a) inserted (23.3.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 18(5)**; S.I. 1997/1082, art. 2, **Sch.**

Status:
Point in time view as at 05/02/2015.

Changes to legislation:
Merchant Shipping Act 1995, Cross Heading: Subordinate Legislation is up to date with all changes known to be in force on or before 15 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.