



Employment Rights Act 1996

1996 CHAPTER 18

PART XV

GENERAL AND SUPPLEMENTARY

General

236 Orders and regulations. **E+W+S**

- (1) Any power conferred by any provision of this Act to make any order (other than an Order in Council) or regulations is exercisable by statutory instrument.
- (2) A statutory instrument made under any power conferred by this Act to make an Order in Council or other order or regulations, except—
 - (a) an Order in Council or other order [^{F1}or regulations] to which subsection (3) applies,
 - (b) an order under section 35 or Part II of Schedule 2, or
 - [^{F2}(c) an order made in accordance with section 208,]is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No recommendation shall be made to Her Majesty to make an Order in Council under section 192(3), and no order [^{F1}or regulations] shall be made under section [^{F3}43K(4),]^{F4}47C, [^{F5}63D, 63F(7),] 71, 72, 73, [^{F6}75A, 75B,]^{F7}75E, 75F(16), 75G, 75H(16), (17) or (18)] 76, [^{F8}[^{F9}80A, ^{F10}... 80B, ^{F11}... 80G]] 99, [^{F12}120(2), 124(2)] [^{F13}, 125(7) or 205A(11) or (12)] or (subject to subsection (4)) section 209, unless a draft of the Order in Council [^{F14}, order or regulations] has been laid before Parliament and approved by a resolution of each House of Parliament.
- (4) Subsection (3) does not apply to an order under section 209(1)(b) which specifies only provisions contained in Part XI.
- (5) Any power conferred by this Act which is exercisable by statutory instrument includes power to make such incidental, supplementary or transitional provisions as appear to the authority exercising the power to be necessary or expedient.

Status: Point in time view as at 05/04/2015. There are multiple versions of this provision on screen.

These apply to different geographical extents. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 236 is up to date with all changes known to be in force on or before 01 June 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)

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** Words in s. 236(2)(a)(3) inserted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 42(2)(3)(a)**; S.I. 1999/2830, **art. 2(2)**, **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
- F2** S. 236(2)(c) repealed (prosp.) by 1999 c. 26, ss. 44, 45(1), **Sch. 9(10)**
- F3** Words in s. 236(3) inserted (E.W.S.) (25.6.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 20(8)**, 103(2) (with s. 24(6))
- F4** Words in s. 236(3) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 42(3)(b)**; S.I. 1999/2830, **art. 2(2)**, **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
- F5** Words in s. 236(3) inserted (6.4.2010 for certain purposes and otherwise prosp.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 40, 269(4), **Sch. 1 para. 11**; S.I. 2010/303, **art. 4**, **Sch. 3** (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)
- F6** Words in s. 236(3) inserted (8.12.2002) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 49(2)**; S.I. 2002/2866, **art. 2(2)**, Sch. 1 Pt. 2
- F7** Words in s. 236(3) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 117(2)**, 139(6); S.I. 2014/1640, **art. 3(1)(a)**
- F8** Words in s. 236(3) inserted (E.W.S.) (8.12.2002 for certain purposes and 6.4.2003 otherwise) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 49(3)**; S.I. 2002/2866, **art. 2(2)(3)**, Sch. 1 Pts. 2, 3
- F9** Words in s. 236(3) substituted (E.W.S.) (3.3.2010) by Work and Families Act 2006 (c. 18), ss. 11, 19, **Sch. 1 para. 44**; S.I. 2010/495, **art. 3(c)**
- F10** Word in s. 236(3) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 43(a)**; S.I. 2014/1640, **art. 7(v)** (with art. 16)
- F11** Word in s. 236(3) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 43(b)**; S.I. 2014/1640, **art. 7(v)** (with art. 16)
- F12** Words in s. 236(3) repealed (prosp.) by 1999 c. 26, ss. 44, 45(1), **Sch. 9(10)**
- F13** Words in s. 236(3) substituted (E.W.S.) (1.9.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 31(6)**, 35(1); S.I. 2013/1766, **art. 2**
- F14** Words in s. 236(3) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 42(3)(c)**; S.I. 1999/2830, **art. 2(2)**, **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)

236 Orders and regulations. **N.I.**

- (1) Any power conferred by any provision of this Act to make any order (other than an Order in Council) or regulations is exercisable by statutory instrument.
- (2) A statutory instrument made under any power conferred by this Act to make an Order in Council or other order or regulations, except—
 - (a) an Order in Council or other order [^{F1}or regulations] to which subsection (3) applies,
 - (b) an order under section 35 or Part II of Schedule 2, or
 - [^{F2}(c) an order made in accordance with section 208,]
 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No recommendation shall be made to Her Majesty to make an Order in Council under section 192(3), and no order [^{F1}or regulations] shall be made under section [^{F4}47C, [^{F5}63D, 63F(7),] 71, 72, 73, [^{F6}75A, 75B,] [^{F7}75E, 75F(16), 75G, 75H(16), (17) or (18)] 76, [^{F8}80A, 80B, 80G,] 99, [^{F12}120(2), 124(2)] or 125(7) or (subject to subsection (4))

Status: Point in time view as at 05/04/2015. There are multiple versions of this provision on screen.

These apply to different geographical extents. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 236 is up to date with all changes known to be in force on or before 01 June 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)

section 209, unless a draft of the Order in Council [^{F14}, order or regulations] has been laid before Parliament and approved by a resolution of each House of Parliament.

- (4) Subsection (3) does not apply to an order under section 209(1)(b) which specifies only provisions contained in Part XI.
- (5) Any power conferred by this Act which is exercisable by statutory instrument includes power to make such incidental, supplementary or transitional provisions as appear to the authority exercising the power to be necessary or expedient.

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F1** Words in s. 236(2)(a)(3) inserted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 42(2)(3)(a)**; S.I. 1999/2830, **art. 2(2)**, **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
- F2** S. 236(2)(c) repealed (prosp.) by 1999 c. 26, ss. 44, 45(1), **Sch. 9(10)**
- F4** Words in s. 236(3) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 42(3)(b)**; S.I. 1999/2830, **art. 2(2)**, **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
- F5** Words in s. 236(3) inserted (6.4.2010 for certain purposes and otherwise prosp.) by **Apprenticeships, Skills, Children and Learning Act 2009** (c. 22), ss. 40, 269(4), **Sch. 1 para. 11**; S.I. 2010/303, **art. 4**, **Sch. 3** (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)
- F6** Words in s. 236(3) inserted (8.12.2002) by **Employment Act 2002** (c. 22), s. 53, **Sch. 7 para. 49(2)**; S.I. 2002/2866, **art. 2(2)**, Sch. 1 Pt. 2
- F7** Words in s. 236(3) inserted (30.6.2014) by **Children and Families Act 2014** (c. 6), **ss. 117(2)**, 139(6); S.I. 2014/1640, **art. 3(1)(a)**
- F8** Words in s. 236(3) inserted (E.W.S.) (8.12.2002 for certain purposes and 6.4.2003 otherwise) by **Employment Act 2002** (c. 22), s. 53, **Sch. 7 para. 49(3)**; S.I. 2002/2866, **art. 2(2)(3)**, Sch. 1 Pts. 2, 3
- F12** Words in s. 236(3) repealed (prosp.) by 1999 c. 26, ss. 44, 45(1), **Sch. 9(10)**
- F14** Words in s. 236(3) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 42(3)(c)**; S.I. 1999/2830, **art. 2(2)**, **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)

Status:

Point in time view as at 05/04/2015. There are multiple versions of this provision on screen. These apply to different geographical extents. This version of this provision has been superseded.

Changes to legislation:

Employment Rights Act 1996, Section 236 is up to date with all changes known to be in force on or before 01 June 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.