



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,
 - ^{F2}(aa) regulations under section 27R,]
 - (b) an order under section 35 or Part II of Schedule 2, or
 - ^{F3}(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}27B,]^{F5}27F, 27S,^{F6}41A that include provision under subsection (4) (c) of that section,^{F7}43FA (but see subsection (3A)),^{F8}43K(4),^{F9}47C, ^{F10}49B,^{F11}49D,^{F12}63D, 63F(7),] 71, 72, 73, [^{F13}75A, 75B,]^{F14}75E, 75F(16), 75G, 75H(16), (17) or (18)] 76, [^{F15}80A, ^{F17}... 80B]^{F18}, 80EA, ^{F19}... 80G]] ^{F20}99,^{F21}120(2), 124(2)]^{F21}, 125(7) or 205A(11) or (12)] or (subject to subsection (4)) section 209, unless a draft of the Order in Council [^{F22}, order or regulations] has been laid before Parliament and approved by a resolution of each House of Parliament.
- ^{F23}(3A) Subsection (3) does not apply to regulations under section 43FA that contain only the provision mentioned in section 43FA(2), (3) or (4).]

Status: Point in time view as at 31/07/2023. 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 This version of this provision has been superseded.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 02 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)

- (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

- 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)(aa) inserted (31.7.2023 for specified purposes) by Employment (Allocation of Tips) Act 2023 (c. 13), **ss. 12(2)(e)(i)**, 14(2); S.I. 2023/876, reg. 3(c)
- F3** S. 236(2)(c) repealed (prosp.) by 1999 c. 26, ss. 44, 45(1), **Sch. 9(10)**
- F4** Word in s. 236(3) inserted (26.5.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 153(3)**, 164(1) (with s. 153(2)); S.I. 2015/1329, reg. 2(g)
- F5** Words in s. 236(3) inserted (31.7.2023 for specified purposes) by Employment (Allocation of Tips) Act 2023 (c. 13), **ss. 12(2)(e)(ii)**, 14(2); S.I. 2023/876, reg. 3(c)
- F6** Words in s. 236(3) inserted (4.5.2016 for specified purposes) by Enterprise Act 2016 (c. 12), s. 44(1)(d), **Sch. 5 para. 11**
- F7** Words in s. 236(3) inserted (1.1.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 148(3)(a)**, 164(1); S.I. 2015/2029, reg. 2(a)
- F8** 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))
- F9** 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)
- F10** Word in s. 236(3) inserted (26.5.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 149(4)**, 164(1); S.I. 2015/1329, reg. 2(e)
- F11** Word in s. 236(3) inserted (E.W.S.) (24.7.2023) by Protection from Redundancy (Pregnancy and Family Leave) Act 2023 (c. 17), **ss. 1(8)**, 3(2)
- F12** 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)
- F13** 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
- F14** 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)
- F15** 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
- F16** 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)**
- F17** 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)
- F18** Word in s. 236(3) inserted (18.1.2020) by Parental Bereavement (Leave and Pay) Act 2018 (c. 24), s. 2(2), **Sch. para. 3**; S.I. 2020/45, reg. 2
- F19** 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)
- F20** Words in s. 236(3) repealed (prosp.) by 1999 c. 26, ss. 44, 45(1), **Sch. 9(10)**

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- F21** 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
- F22** 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)
- F23** S. 236(3A) inserted (1.1.2016) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 148(3)(b), 164(1)**; S.I. 2015/2029, reg. 2(a)

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