



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART VII

#### MISCELLANEOUS AND GENERAL

#### *Supplementary*

#### **138 Orders and regulations**

- (1) Subject to subsection (2), any power of the Secretary of State to make an order or regulations under this Act shall be exercised by statutory instrument.
- (2) Subsection (1) does not apply to any order under—
  - (a) section 11(5), 20(5), 21(8), 73, 82, 111(3)(a) or 142(1); or
  - (b) paragraph 5 of Schedule 5, paragraph 2 or 3 of Schedule 7, paragraph 3(5) or 4 of Schedule 10, paragraph 1 of Schedule 14, paragraph 10 of Schedule 21, paragraph 4(2) or 7(3)(c) of Schedule 22 or paragraph 5(3) of Schedule 32.
- (3) Subject to subsections (4) and (5), a statutory instrument containing any order or regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsection (3) does not apply to any order under—
  - (a) section 20(7), 69(3), 85(5), 104, 110(10) or 145; or
  - (b) paragraph 4 or 8 of Schedule 23 or paragraph 1 of Schedule 32.
- (5) Subsection (3) also does not apply to—
  - (a) any order under—
    - (i) section 1(5),
    - (ii) paragraph 18 of Schedule 18, or
    - (iii) paragraph 17 of Schedule 24 or paragraph 14 of Schedule 25; or

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*Status: This is the original version (as it was originally enacted).*

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(b) the first regulations to be made under—

- (i) section 38(3) or 39(1),
- (ii) section 46, 47 or 48(1), or
- (iii) section 105 or 108(2);

and no such order or regulations shall be made (whether alone or with other provisions) unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.

- (6) If a draft of the statutory instrument containing any such regulations under section 105 would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not such an instrument.
- (7) Any order or regulations under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- (8) Any order or regulations under this Act may make different provision in relation to England and Wales respectively.
- (9) Nothing in this Act shall be read as affecting the generality of subsection (7).