



National Minimum Wage Act 1998

1998 CHAPTER 39

Supplementary

51 Regulations and orders

- (1) Except to the extent that this Act makes provision to the contrary, any power conferred by this Act to make an Order in Council, regulations or an order includes power—
 - (a) to make different provision for different cases or for different descriptions of person; and
 - (b) to make incidental, consequential, supplemental or transitional provision and savings.
- (2) Paragraph (a) of subsection (1) above does not have effect in relation to regulations under section 1(3) above or an order under section 49 above.
- (3) No recommendation shall be made to Her Majesty to make an Order in Council under any provision of this Act unless a draft of the Order in Council has been laid before Parliament and approved by a resolution of each House of Parliament.
- (4) Any power of a Minister of the Crown to make regulations or an order under this Act shall be exercisable by statutory instrument.
- (5) A statutory instrument containing (whether alone or with other provisions) regulations under this Act shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Subsection (5) above shall not have effect in relation to a statutory instrument if the only regulations under this Act which the instrument contains are regulations under section 21 or 47(2) or (4) above.
- (7) A statutory instrument—
 - (a) which contains (whether alone or with other provisions) any regulations under section 21 or 47(2) or (4) above or an order under section 49 above, and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,

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

(8) The power—

- (a) of the Department of Economic Development to make an order under section 26(6) above, or
- (b) of the Department of Agriculture for Northern Ireland to make regulations under section 47 above,

shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979; and any such order or regulations shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act Northern Ireland) 1954.