



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART X

MISCELLANEOUS AND SUPPLEMENTAL

166 Regulations and orders.

- (1) Any power to make rules, regulations or orders conferred by this Act is exercisable by statutory instrument.
- (2) But subsection (1) does not apply in relation to [^{F1}orders made under section 90(1),] rules made under paragraph 1 of Schedule 5 or immigration rules.
- (3) Any statutory instrument made as a result of subsection (1) may—
 - (a) contain such incidental, supplemental, consequential and transitional provision as the person making it considers appropriate;
 - (b) make different provision for different cases or descriptions of case; and
 - (c) make different provision for different areas.
- (4) No order is to be made under—
 - (a) section 20,
 - (b) section 21,
 - (c) section 31(10),
 - (d) section 86(2),
 - [^{F2}(da) section 86A(3),]
 - (e) [^{F3}section 96(5),]
 - (f) section 97(3),
 - ^{F4}(g)
 - (h) paragraph 4 of Schedule 5,unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (5) No regulations are to be made under—

Status: Point in time view as at 01/07/2021.

Changes to legislation: Immigration and Asylum Act 1999, Section 166 is up to date with all changes known to be in force on or before 07 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)

- [^{F5}(za) section 4(5),]
 (a) section 9,
 (b) section 46(8);
 (c) section 53, or
 (d) section 144,

unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

- [^{F6}(5A) No regulations under section 20A(12) which amend Schedule A1 so as to—
 (a) add a reference to a person or description of person, or
 (b) modify a reference to a person or description of person otherwise than in consequence of a change of name or transfer of functions,
 are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.]
- (6) Any statutory instrument made under this Act, apart from one made—
 (a) under any of the provisions mentioned in subsection (4) or (5),
 [^{F7}(ab) under section 20A(12) and which falls within subsection (5A),] or
 (b) under section 24(3) [^{F8}, 24A(3)] or 170(4) or (7),
 shall be subject to annulment by a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 166(2) inserted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 41(5)**, 48(3); S.I. 2004/2523, art. 2, Sch.
- F2** S. 166(4)(da) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 18 para. 16** (with ss. 29, 192, 193); S.I. 2011/720, art. 2(c)
- F3** S. 166(4)(e) ceased to have effect (7.11.2002) and repealed (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 61(b)**, 161, 162(1)(2), **Sch. 9** (with s. 159)
- F4** S. 166(4)(g) omitted (1.7.2021) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 17(4)**; S.I. 2021/771, reg. 2(b)
- F5** S. 166(5)(za) inserted (1.12.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 10(2)**, 48(3) (with s. 10(6)); S.I. 2004/2999, art. 2, Sch.
- F6** S. 166(5A) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(12)(a)**, 94(1); S.I. 2016/603, reg. 3(h)
- F7** S. 166(6)(ab) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 55(12)(b)**, 94(1); S.I. 2016/603, reg. 3(h)
- F8** Word in s. 166(6)(b) inserted (15.4.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 163**; S.I. 2005/1112, art. 2, Sch. 1

Modifications etc. (not altering text)

- C1** S. 166 extended (Guernsey) (with modifications) (12.10.2011) by [The Immigration \(Guernsey\) Order 2011 \(S.I. 2011/2444\)](#), art. 5, **Sch. 2**

Status:

Point in time view as at 01/07/2021.

Changes to legislation:

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