



Local Government Act 2000

2000 CHAPTER 22

PART VI

SUPPLEMENTAL

105 Orders and regulations.

- (1) Any power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Any order or regulations under this Act—
 - (a) may contain such incidental, consequential, transitional or supplemental provision or savings as the Secretary of State considers necessary or expedient,
 - (b) may make different provision for different cases, authorities or descriptions of authority.
- [^{F1}(2A) In relation to regulations under section 9HE [^{F2}, 9MG or 44], subsection (2) has effect as if the reference to the Secretary of State were a reference to the Secretary of State or the [^{F3}Minister for the Cabinet Office].]
- (3) The provision which may be made under subsection (2) includes provision modifying any enactment (whenever passed or made).
- (4) The power under subsection (3) to modify an enactment is a power—
 - (a) to apply that enactment with or without modifications,
 - (b) to extend, disapply or amend that enactment, or
 - (c) to repeal or revoke that enactment with or without savings.
- (5) Subject to subsections (6) and (7), a statutory instrument which contains an order or regulations under this Act is to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) [^{F4}Subject to subsection (6A),] a statutory instrument which contains an order under section 3(3)^{F5}..., 6, [^{F6}9N ^{F7}... or 101, or regulations under [^{F8} section 9BA, 9HE, 9MG

Status: Point in time view as at 24/05/2018. This version of this provision has been superseded.

Changes to legislation: Local Government Act 2000, Section 105 is up to date with all changes known to be in force on or before 19 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)

or 44], is not to be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

[Subsection (6) does not apply to a statutory instrument which contains an order under ^{F9}(6A) section 3(3)^{F10} ... or 6 if the order is made only for the purpose of amending an earlier such order—

- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
- (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description.]

(7) Subsection (5) does not apply to a statutory instrument which contains an order under section 108.

^{F11}(7A) [If a draft of a statutory instrument containing an order under section 9N would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.]

(8) In this section “enactment” includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the ^{M1}Interpretation Act 1978).]

Textual Amendments

- F1** S. 105(2A) inserted (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), art. 1(2), **Sch. para. 7(3)** (with art. 3)
- F2** Words in s. 105(2A) substituted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 8(5)(a)** (with art. 9)
- F3** Words in s. 105(2A) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 13(d)** (with art. 12)
- F4** Words in s. 105(6) inserted (18.11.2003 for E.; 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 3 para. 14(2)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F5** Word in s. 105(6) omitted (24.5.2018) by virtue of [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **37(6)**
- F6** Word in s. 105(6) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 70(2)(a)**; S.I. 2011/2896, art. 2(h)
- F7** Words in s. 105(6) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 4 para. 52, **Sch. 25 Pt. 5**; S.I. 2012/1463, art. 5(a) (d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b) (c) (with arts. 3-6)
- F8** Words in s. 105(6) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 70(2)(b)**; S.I. 2011/2896, art. 2(h)
- F9** S. 105(6A) inserted (18.11.2003 for E.; 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), s. 128(6), **Sch. 3 para. 14(3)**; S.I. 2003/2938, art. 3(a) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I
- F10** Word in s. 105(6A) omitted (24.5.2018) by virtue of [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **37(6)**
- F11** S. 105(7A) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 70(3)**; S.I. 2011/2896, art. 2(h)

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Marginal Citations

M1 1978 c. 30.

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