



Electronic Communications Act 2000

2000 CHAPTER 7

PART II

FACILITATION OF ELECTRONIC COMMERCE, DATA STORAGE, ETC.

9 Section 8 orders

- (1) In this Part “the appropriate Minister” means (subject to subsections (2) and (7) and section 10(1))—
 - (a) in relation to any matter with which a department of the Secretary of State is concerned, the Secretary of State;
 - (b) in relation to any matter with which the Treasury is concerned, the Treasury; and
 - (c) in relation to any matter with which any Government department other than a department of the Secretary of State or the Treasury is concerned, the Minister in charge of the other department.
- (2) Where in the case of any matter—
 - (a) that matter falls within more than one paragraph of subsection (1),
 - (b) there is more than one such department as is mentioned in paragraph (c) of that subsection that is concerned with that matter, or
 - (c) both paragraphs (a) and (b) of this subsection apply,references, in relation to that matter, to the appropriate Minister are references to any one or more of the appropriate Ministers acting (in the case of more than one) jointly.
- (3) Subject to subsection (4) and section 10(6), a statutory instrument containing an order under section 8 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsection (3) does not apply in the case of an order a draft of which has been laid before Parliament and approved by a resolution of each House.
- (5) An order under section 8 may—

Status: This is the original version (as it was originally enacted).

- (a) provide for any conditions or requirements imposed by such an order to be framed by reference to the directions of such persons as may be specified in or determined in accordance with the order;
 - (b) provide that any such condition or requirement is to be satisfied only where a person so specified or determined is satisfied as to specified matters.
- (6) The provision made by such an order may include—
 - (a) different provision for different cases;
 - (b) such exceptions and exclusions as the person making the order may think fit; and
 - (c) any such incidental, supplemental, consequential and transitional provision as he may think fit;and the provision that may be made by virtue of paragraph (c) includes provision modifying any enactment or subordinate legislation or any scheme, licence, authorisation or approval issued, granted or given by or under any enactment or subordinate legislation.
- (7) In the case of any matter which is not one of the reserved matters within the meaning of the Scotland Act 1998 or in respect of which functions are, by virtue of section 63 of that Act, exercisable by the Scottish Ministers instead of by or concurrently with a Minister of the Crown, this section and section 8 shall apply to Scotland subject to the following modifications—
 - (a) subsections (1) and (2) of this section are omitted;
 - (b) any reference to the appropriate Minister is to be read as a reference to the Secretary of State;
 - (c) any power of the Secretary of State, by virtue of paragraph (b), to make an order under section 8 may also be exercised by the Scottish Ministers with the consent of the Secretary of State; and
 - (d) where the Scottish Ministers make an order under section 8—
 - (i) any reference to the Secretary of State (other than a reference in this subsection) shall be construed as a reference to the Scottish Ministers; and
 - (ii) any reference to Parliament or to a House of Parliament shall be construed as a reference to the Scottish Parliament.