

These notes refer to the National Health Service Reform and Health Care Professions Act 2002 (c.17) which received Royal Assent on 25 June 2002

NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Miscellaneous

Section 38: Regulations and orders

184. *Section 38* makes provision about the making of orders, regulations and directions under the Act. It provides that all orders and regulations (except those under *section 22(5)* – orders making provision for the transfer of rights, liabilities etc. on or after the abolition of a CHC or ACHCEW) shall be exercised by statutory instrument, sets out the parliamentary procedures relating to statutory instruments and how the powers in question may be exercised. All orders and regulations are subject to the negative resolution procedure except for regulations relating to complaints about regulatory bodies (*section 28*), orders relating to the coming into force of directions under *section 27* and orders made in connection with consolidation of health service legislation (*section 36*). Commencement orders under section 42(3) are not subject to any Parliamentary procedure. *Subsection (10)* provides that except where otherwise stated, directions are to be given by instrument in writing.