



Police Reform Act 2002

2002 CHAPTER 30

PART 7

SUPPLEMENTAL

105 Powers of Secretary of State to make orders and regulations

- (1) Every power conferred by this Act on the Secretary of State to make orders or regulations shall be exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations made in exercise of any such power, other than an order to which subsection (3) applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) This subsection applies to—
 - (a) any order under section 9(7) or 108; and
 - (b) any order that is required to be approved in draft by virtue of section 19(3) [^{F1}, 38A(4)] [^{F2} or 41B] [^{F3} . . . [^{F4} or paragraph 15A(2) of Schedule 4 or paragraph 9A(2) of Schedule 5] .
- (4) Every power of the Secretary of State to make an order or regulations under this Act, other than an order under section 9(7) or 108, shall include power—
 - (a) to make different provision for different cases;
 - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
 - (c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.
- (5) Every power of the Secretary of State to make provision by regulations under Part 2 shall include power to make provision for any of the matters that may be provided for to be determined, in accordance with the regulations, by the Independent Police Complaints Commission.

Status: Point in time view as at 19/04/2010. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Section 105. (See end of Document for details)

Textual Amendments

- F1** Words in s. 105(3)(b) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 4](#); S.I. 2007/709, [art. 3\(h\)](#) (subject to arts. 6, 7)
- F2** Words in s. 105(3)(b) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 46](#); S.I. 2007/709, [art. 3\(p\)](#) (subject to arts. 6, 7)
- F3** Words in s. 105(3)(b) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 1\(A\)](#); S.I. 2007/709, [art. 3\(q\)](#) (subject to arts. 6, 7)
- F4** Words in s. 105(3)(b) inserted (20.1.2004) by Anti-social [Behaviour Act 2003 \(c. 38\)](#), [ss. 89\(2\)](#), 93; S.I. 2003/3300, [art. 2\(f\)\(iv\)](#)

Status:

Point in time view as at 19/04/2010. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Police Reform Act 2002, Section 105.