



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 1

BORDER FUNCTIONS

Supplementary

37 Subordinate legislation

- (1) Orders and regulations under this Part must be made by statutory instrument.
- (2) An order or regulations under this Part may—
 - (a) include incidental, supplementary and consequential provision;
 - (b) make transitional or transitory provision or savings;
 - (c) make different provision for different cases or circumstances.
- (3) A statutory instrument containing an order or regulations to which subsection (4) applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) This subsection applies to—
 - (a) an order under section 2 (power of Secretary of State to modify functions);
 - (b) an order under section 8 (power of Treasury to modify Director's functions);
 - (c) regulations under section 16(8) (power to permit disclosure);
 - (d) an order under section 23 (application of provisions about investigations and detention: England and Wales and Northern Ireland);
 - (e) an order under section 35 (power to modify enactments);
 - (f) an order under section 36 (power to make supplementary etc. provision) that amends or repeals primary legislation.
- (5) A statutory instrument containing only—

Status: This is the original version (as it was originally enacted).

- (a) regulations under section 29 (inspections by Her Majesty’s Inspectors of Constabulary etc.), or
 - (b) an order under section 36 that does not amend or repeal primary legislation, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A statutory instrument containing an order under section 33 (power to require payment into the Consolidated Fund) is subject to annulment in pursuance of a resolution of the House of Commons.
- (7) In this section “primary legislation” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of the National Assembly for Wales, or
 - (d) Northern Ireland legislation.
- (8) This section does not apply to an order under section 31 (prosecution of offences).