



Crime and Courts Act 2013

2013 CHAPTER 22

PART 3

MISCELLANEOUS AND GENERAL

General

58 Orders and regulations

- (1) Orders and regulations made by the Secretary of State or Lord Chancellor under this Act are to be made by statutory instrument.
- (2) An order made by the Secretary of State under section 2 is subject to super-affirmative procedure.
- (3) Schedule 23 (super-affirmative procedure) has effect.
- (4) The Secretary of State or Lord Chancellor may not make a statutory instrument containing any of the following (whether or not also containing other provisions) unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—
 - (a) an order under paragraph 33 or 34 of Schedule 3;
 - (b) regulations under paragraph 5 of Schedule 5;
 - (c) an order under paragraph 27 or 28 of Schedule 5 which amends or repeals any provision of primary legislation;
 - (d) an order under section 13;
 - (e) an order under paragraph (p) of the definition of “permitted purpose” in section 16(1);
 - (f) an order under paragraph 87 of Schedule 13;
 - (g) an order under section 32(1);
 - (h) an order under paragraph 3(1)(c) or 31 of Schedule 17;
 - (i) regulations under section 47;

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- (j) an order under section 59 which amends or repeals any provision of primary legislation;
 - (k) an order under section 61 bringing anything in Part 4 of Schedule 16 into force or bringing section 44 into force so far as relating to anything in that Part of that Schedule, other than an order which makes the provision permitted by section 61(8) or (9);
 - (l) an order under paragraph 5 of Schedule 24.
- (5) A statutory instrument made by the Secretary of State or Lord Chancellor containing any of the following is subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) regulations under paragraph 1 of Schedule 4;
 - (b) an order under paragraph 27 or 28 of Schedule 5 which does not amend or repeal any provision of primary legislation;
 - (c) regulations under paragraph 5 of Schedule 6;
 - (d) regulations under section 14;
 - (e) an order under section 59 which does not amend or repeal any provision of primary legislation;
 - (f) an order under paragraph 1, 2, 3 or 4 of Schedule 24;
 - (g) an order under Schedule 25.
- (6) Subsection (5) does not apply to a statutory instrument that is subject to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament.
- (7) Any provision that may be made by the Secretary of State by order under this Act may be made by the Secretary of State by regulations (and where, in reliance on this subsection, provision is made by regulations instead of by order, this Act applies in relation to the regulations as it would otherwise apply in relation to the order).
- (8) Any provision that may be made by the Secretary of State by regulations under this Act may be made by the Secretary of State by order (and where, in reliance on this subsection, provision is made by order instead of by regulations, this Act applies in relation to the order as it would otherwise apply in relation to the regulations).
- (9) An order made by the Scottish Ministers under paragraph 27 or 28 of Schedule 5 is subject to the negative procedure unless it amends or repeals any provision of primary legislation, in which case it is subject to the affirmative procedure.
- (10) An order made by the Department of Justice in Northern Ireland under paragraph 27 or 28 of Schedule 5 is to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (11) A statutory rule containing such an order is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954) unless it amends or repeals any provision of primary legislation, in which case it may not be made unless a draft has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (12) An order or regulations made under this Act by the Secretary of State, the Lord Chancellor, the Scottish Ministers or the Department of Justice in Northern Ireland may—
- (a) make different provision for different purposes or areas,

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- (b) include supplementary, incidental or consequential provision, or
- (c) make transitional, transitory or saving provision.

(13) 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;

“super-affirmative procedure” means the procedure provided for by Schedule 23.

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