



# Ivory Act 2018

## 2018 CHAPTER 30

### *General*

#### **39 Regulations**

- (1) Regulations under the preceding provisions of this Act—
  - (a) may make consequential, supplementary, incidental, transitional or saving provision;
  - (b) may make different provision for different purposes or for different parts of the United Kingdom.
- (2) In this Act “the appropriate national authority” means—
  - (a) the Secretary of State, for regulations that do not apply in relation to Wales, Scotland or Northern Ireland;
  - (b) the Welsh Ministers, for regulations that apply only in relation to Wales;
  - (c) the Scottish Ministers, for regulations that apply only in relation to Scotland;
  - (d) the Northern Ireland department, for regulations that apply only in relation to Northern Ireland.
- (3) But in the case of regulations that apply in relation to England and any other part of the United Kingdom, or in relation to any other part of the United Kingdom and not England, the appropriate national authority is the Secretary of State if each necessary consent is given.

The “necessary consent” is—

  - (a) the consent of the Welsh Ministers if the regulations apply in relation to Wales;
  - (b) the consent of the Scottish Ministers if the regulations apply in relation to Scotland;
  - (c) the consent of the Northern Ireland department if the regulations apply in relation to Northern Ireland.
- (4) The Secretary of State must consult the Welsh Ministers, the Scottish Ministers and the Northern Ireland department before making regulations prescribing a fee under section 3(1)(h), 4(7)(b), 5(6) or 10(1)(g).

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*Status: This is the original version (as it was originally enacted).*

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- (5) A power to make regulations under this Act—
- (a) is exercisable by statutory instrument, in the case of regulations made by the Secretary of State or the Welsh Ministers;
  - (b) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)), in the case of regulations made by the Northern Ireland department.
- (6) A statutory instrument containing regulations made by the Secretary of State under this Act, other than regulations under section 37(2) or 43, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing regulations made by the Welsh Ministers under this Act, other than regulations under section 37(2), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (8) Regulations made by the Scottish Ministers under this Act, other than regulations under section 37(2), are subject to the negative procedure.
- (9) Regulations made by the Northern Ireland department under this Act, other than regulations under section 37(2), are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.