



# Statutory Instruments Act 1946

1946 CHAPTER 36 9 and 10 Geo 6

## 5 Statutory Instruments which are subject to annulment by resolution of either House of Parliament.

- (1) Where by this Act or any Act passed after the commencement of this Act, it is provided that any statutory instrument shall be subject to annulment in pursuance of resolution of either House of Parliament, the instrument shall be laid before Parliament after being made and the provisions of the last foregoing section shall apply thereto accordingly, and if either House within the period of forty days beginning with the day on which a copy thereof is laid before it, resolves that an Address be presented to His Majesty praying that the instrument be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the instrument, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the instrument or to the making of a new statutory instrument.
- (2) Where any Act passed before the date of the commencement of this Act contains provisions requiring that any Order in Council or other document made in exercise of any power conferred by that or any other Act shall be laid before Parliament after being made and shall cease to be in force or may be annulled, as the case may be, if within a specified period either House presents an address to His Majesty or passes a resolution to that effect, then, subject to the provisions of any Order in Council made under this Act, any statutory instrument made in exercise of the said power shall by virtue of this Act be subject to annulment in pursuance of a resolution of either House of Parliament and the provisions of the last foregoing subsection shall apply thereto accordingly in substitution for any such provisions as aforesaid contained in the Act passed before the said date.

### Modifications etc. (not altering text)

- C1 S. 5 applied (temp.) by Northern Ireland Act 1974 (c. 28), s. 1(3), [Sch. 1 para. 3\(3\)](#); applied by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), [ss. 56\(1\)](#), 119(2)
- C2 S. 5 applied by S.I. 1987/463 (N.I. 7), [arts. 3\(9\)](#), 6(5), 15
- C3 S. 5 applied by S.I. 1987/938, [arts. 16\(5\)](#), 19(5)
- C4 S. 5 applied by S.I. 1989/1341 (N.I. 12), [art. 89](#)

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*Changes to legislation: There are currently no known outstanding effects for the Statutory Instruments Act 1946, Section 5. (See end of Document for details)*

- C5** S. 5 applied (N.I.) (1.10.1991) by S.I. 1989/2405 (N.I. 19), **arts. 359(4)**, 364(2), 365(2); S.R. 1991/411, **art. 2**
- C6** S. 5 applied (N.I.) (1.10.1991) by S.I. 1990/1504 (N.I. 10), **art. 107(3)**; S.R. 1991/438, **art. 2(d)**
- C7** S. 5 applied (N.I.) (23.5.1991) by S.I. 1990/2588 (N.I. 17), **art. 27(3)**; S.R. 1991/220, **art. 2**
- C8** S. 5 applied (N.I.) (1.7.1991) by S.I. 1990/2588 (N.I. 17), arts. 4, 15(4), 26(4), **Sch. 1 para. 2**; S.R. 1991/220, **art. 2**
- C9** S. 5 applied (N.I.) (1.7.1992) by Social Security Administration (Northern Ireland) Act 1992 (c. 8), **ss. 166(5)**, 168(4) (with ss. 153(5), 161(1), Sch. 6 para. 1(7))
- C10** S. 5 applied (*prosp.*) by War Crimes Act 1991 (c. 13, SIF 39:4), ss. 1(4), 3(4), **Sch. Pt. II**, para. 10(2) (which 1991 c. 13 Sch. Pt. II was repealed (N.I.) (4.7.1996) by 1996 c. 25, ss. 46(1), 80, **Sch. 5** (as substituted (4.7.1996) by 1996 c. 25, s. 79(4), Sch. 4 para. 19(1), **36** (with s. 78(1)))  
S. 5 applied (N.I.) (18.6.1992) by S.I. 1991/2628 (N.I. 23), **art. 48(1)**; S.R. 1992/278, art.2, **Sch.**
- C11** S. 5 applied (N.I.) by S.I. 1981/155 (N.I. 2), **art. 28(8C)** (as inserted (16.9.1992) by S.I. 1992/1723 (N.I. 14), **art.3(b)**).  
S. 5 applied (31.3.1995) by 1959 c. 25 (N.I.), **s. 132A(5)** and 1960 c. 2 (N.I.), **s. 21A(5)** (as inserted by 1993 c. 8, s. 24, **Sch. 3 Pt. III para. 7(3)**; S.I. 1995/631, **art. 2**)  
S. 5 applied (31.3.1995) by 1975 c. 15, **Sch. 10 para. 7B** (as inserted by 1993 c. 8, s. 24, **Sch. 3 Pt. III para. 7(4)**; S.I. 1995/631, **art. 2**)  
S. 5 applied (31.3.1995) by S.I. 1987/460 (N.I. 5), **art. 4A(11)** (as inserted by 1993 c. 8, s. 25, **Sch. 4 Pt. IV para 5(4)**; S.I. 1995/631, **art. 2**)  
S. 5 applied (31.3.1995) by 1969 c. 10 (N.I.), **Sch. 1A** (as inserted by 1993 c. 8, s. 25, **Sch. 4 Pt. V para. 6(6)**; S.I. 1995/631, **art. 2**)  
S. 5 applied (30.7.1998) by S.I. 1998/1504 (N.I. 9), **art. 56(8)**; S.R. 1998/260, **art. 2(a)**  
S. 5 applied (8.4.1996) by S.I. 1995/757 (N.I. 3), art. 4(5), **Sch. 1 para. 3(2)**; S.R. 1996/122 art. 2  
S. 5 applied (31.6.1998) by S.I. 1998/1506 (N.I. 10), **arts. 3(c)**, 75(4)  
S. 5 applied (*prosp.*) by S.I. 1998/2839 (N.I. 20), **arts. 1(3)**, 8(7)  
S. 5 applied (27.7.1994) by S.I. 1994/1993 (N.I. 14), **art. 4(3)**  
S. 5 applied (6.4.1996) by S.I. 1995/3213 (N.I. 22), **art. 167(4)**; S.R. 1996/91, art. 2(c), **Sch. Pt. III**  
S. 5 applied (31.7.1996) by S.I. 1996/1141 (N.I. 6), **arts. 27(2)**, 30(2); S.R. 1996/267, **art. 2**  
S. 5 applied (25.8.1996) by S.I. 1996/1299 (N.I. 9), arts. 2(4), 33(4), 41(5), 42(3), 49, 55(7), 56(6), **Sch. 1 Pt. II para. 2**, **Sch. 2 para. 9**  
S. 5 applied (16.7.1996) by S.I. 1996/1298 (N.I. 8), art. 5(4), **Sch. 1 para. 8(4)**  
S. 5 applied (16.7.1996) by S.I. 1996/1297 (N.I. 7), art. 4(4), **Sch. 1 para. 8(4)**  
S. 5 applied (1.10.1997) by S.I. 1996/3120 (N.I. 10), **arts. 39(10)**, 91(3); S.R. 1997/372, **art. 2**  
S. 5 applied (24.9.1996) by S.I. 1996/1921 (N.I. 18), **art. 25(2)**  
S. 5 applied (10.2.1999) by S.I. 1998/1071 (N.I. 6), **arts. 40(1)**; S.I. 1999/56, **art. 2(2)**  
S. 5 applied (31.1.1999) by S.I. 1998/1504 (N.I. 9), art. 40(5), **Sch. 3 para. 13**; S.I. 1999/25, **art. 2(a) (c)**  
S. 5 applied (30.6.1997) by S.I. 1997/869 (N.I. 6), **art. 71(11)**; S.R. 1997/273, art. 2(2), **Sch.**  
S. 5 applied (2.3.1998) by S.I. 1997/2777 (N.I. 18), **art. 30(3)**; S.R. 1998/53, art. 2, **Sch.**  
S. 5 applied (6.10.1999) by S.I. 1997/2778 (N.I. 19), **art. 77(3)**; S.I. 1999/373, art. 2, **Sch.**  
S. 5 applied (6.10.1999) by S.I. 1997/2778 (N.I. 19), **art. 59(7)**; S.I. 1999/373, art. 2, **Sch.**  
S. 5 applied (27.8.1996) by S.I. 1996/1632 (N.I. 11), **arts. 1(2)**, 9(6)  
S. 5 applied (N.I.) (1.10.1997) by 1970 c. 32 (N.I.), **s. 6A(11)** (as inserted (1.10.1997) by 1996 c. 46, **s. 25**; S.I. 1997/2164, **art. 2**)  
S. 5 applied (1.7.1995) by S.I. 1995/755 (N.I. 2), **art. 183(3)**; S.R. 1995/248, **art. 2(c)**  
S. 5 applied (N.I.) (1.1.1998) by 1968 c. 29 (N.I.), **s. 32A(2)** (as inserted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 2**; S.I. 1997/523, **art. 2(i)**)  
S. 5 applied (1.1.1998) by S.I. 1986/595 (N.I. 4), art. 50A(6), **Sch. 2A Pt. I para. 1(4)** (as inserted (1.1.1998) by S.I. 1996/3160, art. 51(4), **Sch. 4**; S.I. 1997/523, **art. 2(h)**)  
S. 5 applied (25.7.1997 for specified purposes by S.I. 1997/267, **art. 2(f)**; otherwise 1.1.1998 by S.I. 1997/523, **art. 2(f)**) by S.I. 1996/3160, **art. 57**  
S. 5 applied (*prosp.*) by S.I. 1995/2993 (N.I. 17), **arts. 1(2)**, 26(5), 29(5)

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- S. 5 excluded (1.7.1999) by S.I. 1999/1096, **art. 3(2)**; S.I. 1998/3178
- S. 5 applied (24.8.2001) by S.I. 1999/662 (N.I. 6), **art. 36(3)**; S.R. 2001/283, **art. 2**
- S. 5 applied (1.12.2000) by Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (N.I. 4), art. 25 (as amended by S.I. 1999/3147 (N.I. 11), **art. 20(5)**; S.R. 2000/209, **art. 2(a)**)
- S. 5 applied (1.12.2000) by Matrimonial Causes (Northern Ireland) Order 1978 (N.I. 15), art. 26B(2) (as inserted by S.I. 1999/3147 (N.I. 11), art. 18, **Sch. 3 para. 5**; S.R. 2000/209, **art. 2(a)(e)**)
- S. 5 applied (1.12.2000) by Matrimonial Causes (Northern Ireland) Order 1978 (N.I. 15), art. 33 (as amended by S.I. 1999/3147 (N.I. 11), art. 18, **Sch. 3 para. 8**; S.R. 2000/209, **art. 2(a)(e)**)
- S. 5 applied (1.12.2000) by Matrimonial Causes (Northern Ireland) Order 1978 (N.I. 5), art. 27D (as amended by S.I. 1999/3147 (N.I. 11), art. 19, **Sch. 4**, para. 3; S.R. 2000/209, **art. 2(a)(e)**)
- S. 5(1) extended (1.7.1999) by S.I. 1999/1096, **art. 3(8)**; S.I. 1998/3178
- S. 5 applied (prosp.) by S.I. 1999/2789 (N.I. 8), **arts. 1(2)**, 38
- S. 5 applied (1.12.1999) by S.I. 1999/3147, (N.I. 11) arts. 73(2), 1(4)
- S. 5 applied (N.I.) (22.11.2000 for specified purposes and otherwise 2.7.2001) by 2000 c. 4 (N.I.), s. 59, **Sch. 7 para. 20(6)** (with s. 66(6)); S.R. 2000/358, art. 2(b), **Sch. Pt. II**; S.R. 2001/141, art. 2(1), **Sch. Pt. III**
- S. 5 applied (N.I.) (23.11.2000) by 2000 c. 32, **ss. 76(5)**, 79(2)(c)
- S. 5 applied (8.10.2001) by S.I. 2001/2564 (N.I. 2), **art. 8(4)**; S.R. 2001/337, **art. 2**
- S. 5 applied (8.10.2001) by S.I. 2001/2564 (N.I. 2), art. 4, **Sch. 2 para. 1(2)**; S.R. 2001/337, **art. 2**
- S. 5 applied (14.12.2001) by S.I. 1987/463 (N.I. 7), **art. 23C(3)** (as inserted (14.12.2001) by 2001 c. 24, **ss. 97**, 127(2)(d))
- S. 5 applied (prosp.) by S. I. 1998/1504 (N.I. 9), **art. 44E(5)** (as inserted by 2002 c. 26, **ss. 56**, 87)
- S. 5 applied (1.12.2003) by S. I. 1998/1504 (N.I. 9), arts. 36C(7), 36E(10), 36H(3), (as inserted by 2002 c. 26, **ss. 54**, 55, 87; S.R. 2003/488, **art. 2**, Sch.)
- S. 5 applied (1.12.2003) by S.I. 1998/1504 (N.I. 9), arts. 3B(3), 3C(a) (as inserted by 2002 c. 26, **ss. 57**, 87; S.R. 2003/488, **art. 2**, Sch.)
- S. 5 applied (1.12.2003) by S.I. 1998/1504 (N.I. 9), art. 33A(11) (as inserted by 2002 c. 26, **ss. 59**, 87; S.R. 2003/488, **art. 2**, Sch.)
- S. 5 applied (24.7.2002) by 2002 c. 26, **s. 90(5)**
- C12** S. 5 applied by S.I. 1981/156 (N.I. 3), art. 22A(4) (as inserted (1.9.2003 for certain purposes otherwise 1.11.2003) by The Housing (Northern Ireland) Order 2003 (S.I. 2003/412), **art. 124(5)**; S.R. 2003/270, **art. 2(3)**, Sch. 2)
- C13** S. 5 applied by S.I. 1988/1990 (N.I. 23), art. 7A(3) (as inserted (1.9.2003 for certain purposes otherwise 1.11.2003) by The Housing (Northern Ireland) Order 2003 (S.I. 2003/412), **art. 137(3)**; S.R. 2003/270, **art. 2(3)**, Sch. 2)
- C14** S. 5 applied (31.1.2005 for W.) by Public Audit (Wales) Act 2004 (c. 23), **ss. 16(7)**, 73; S.I. 2005/71, **art. 2(1)**, Sch.
- C15** S. 5 applied (N.I.) (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), arts. 1(3), **75(4)**; S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)
- C16** S. 5 applied (N.I.) (20.8.2005) by The Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964 (N.I. 14)), arts. 1(2), **46**
- C17** S. 5 applied (N.I.) (20.8.2005) by The Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005/1965 (N.I. 15)), arts. 1(4), **25(7)**
- C18** S. 5 applied (N.I.) (19.12.2005) by The Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)), art. 13D(3) (as inserted by The Company Directors Disqualification (Amendment) (Northern Ireland) Order 2005 (S.I. 2005/1454 (N.I. 9)), **art. 3**; S.R. 2005/514, **art. 2**)
- C19** S. 5 applied (N.I.) (27.3.2006) by The Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), **4(5)(b)**; S.R. 2006/21, **art. 2** (subject to arts. 2-7 of S.R. 2006/22)
- C20** S. 5 applied (N.I.) (27.3.2006) by The Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)), arts. 1(3), **10(7)**; S.R. 2006/21, **art. 2** (subject to arts. 2-7 of S.R. 2006/22)
- C21** S. 5 applied (N.I.) (18.9.2006) by The Anti-social Behaviour (Northern Ireland) Order 2004 (S.I. 2004/1988 (N.I. 12)), art. 2(4C) (as inserted by The Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005/1965 (N.I. 15)), arts. 1(2), **2(2)**; S.R. 2006/368, **art. 2(a)**)

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- C22** S. 5 applied (N.I.) (17.2.2007) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), arts. 1(3)(e)(ii), **288(7)**
- C23** S. 5 applied (N.I.) by The Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)), art. 36ZA(7) (as inserted (20.7.2006 for certain purposes) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178, **Sch. 10 para. 8** (with Sch. 10 para. 10); S.I. 2006/1871, **art. 2**)
- C24** S. 5 applied (N.I.) (20.8.2005) by The Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)), art. 13(2B) (as inserted by The Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005/1965 (N.I. 15)), arts. 1(4), **18(4)**)
- C25** S. 5 applied (N.I.) (10.6.2006) by The Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11)), arts. 123A(7), 123B(5) (as inserted by S.I. 2006/1252 (N.I. 7), **art. 22(1)**)
- C26** S. 5 applied (N.I.) (17.5.2007) by The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)), arts. 1(2), **58(1)** (with arts. 2(4), 53, 57(3), 61(4))
- C27** S. 5 applied by S.I. 1981/154 (N.I. 1), art. 180C(4) (as inserted (N.I.) (9.6.2008) by The Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), **art. 21**; S.R. 2008/244, **art. 2** (and the said S.R. 2008/244, art. 3 re-numbered the originally inserted art. 180D as art. 180C))
- C28** S. 5 applied (N.I.) (prosp.) by The Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **80(5)**
- C29** S. 5 applied (N.I.) (21.4.2008) by Taxis Act (Northern Ireland) 2008 (c. 4 (N.I.)), ss. **56(5)**, 59
- C30** S. 5 applied (N.I.) (17.7.2008) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(2)(b), **80(2)**
- C31** S. 5 applied (N.I.) (19.12.2008) by Prison Act (Northern Ireland) 1953 (c. 18 (N.I.)), s. 34(8) (as substituted by The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **77**; S.R. 2008/472, **art. 2(2)**, Sch. Pt. II)
- C32** S. 5 applied (N.I.) (25.9.2009) by Charities Act (Northern Ireland) 2008 (c. 12 (N.I.)), ss. **13(8)**, 185; S.R. 2009/324, **art. 2(e)**
- C33** S. 5 applied (N.I.) (prosp.) by S.I. 1978/1045 (N.I. 15), **art. 26E(2)** (as inserted by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.)), ss. 98, 118, {Sch. 5 para. 3})
- C34** S. 5 applied (N.I.) (prosp.) by S.I. 1978/1045 (N.I. 15), **art. 27G(3)** (as inserted by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.)), ss. 98, 118, {Sch. 5 para. 7})
- C35** S. 5 applied (N.I.) (prosp.) by Civil Partnership Act 2004 (c. 33), **Sch. 15 para. 14E(4)** (as inserted by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.)), ss. 98, 118, **Sch. 5 para. 15**)
- C36** S. 5 applied (N.I.) (prosp.) by The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **61(10)**
- C37** S. 5 applied (N.I.) (prosp.) by The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **100(1)**
- C38** S. 5 applied by 2008 SI1216 (N.I.1) art. 100(4) (as substituted ) (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 5 para. 30** (with arts. 28-31))
- C39** S. 5 applied by 1982 SI713 Sch. 2 para. 1(3) (as inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 26** (with arts. 28-31))
- C40** S. 5 applied by 2002 c. 26, s. 90(6) (as inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 23(d)** (with arts. 28-31))
- C41** S. 5 applied by 1953 c. 18 (N.I.) s. 42(2) (as substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 4 para. 6** (with arts. 28-31, Sch. 4 para. 25))
- C42** S. 5 applied by 2004 SI702 (N.I. 3) art. 80(6) (as substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 11 para. 10(1)** (with arts. 28-31))
- C43** S. 5 applied by 2004 c. 33, Sch. 15 para. 14E(4) (as inserted (N.I.) (6.4.2011) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), s. 118(1), **Sch. 5 para. 15** (with s. 73); S.R. 2011/108, art. 2(2), Sch.)

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- C44** S. 5 applied by SI 1978/1645 (N.I. 15) art. 27G(3) (as inserted (N.I.) (6.4.2011) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), s. 118(1), **Sch. 5 para. 7** (with s. 73); S.R. 2011/108, art. 2(2), Sch.)
- C45** S. 5 applied by SI 1978/1045 (N.I. 15) art. 26E(2) (as inserted (N.I.) (6.4.2011) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), s. 118(1), **Sch. 5 para. 3** (with s. 73); S.R. 2011/108, art. 2(2), Sch.)
- C46** S. 5 applied by 1978 c. 23, s. 56(1) (as substituted (13.5.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), s. 28(4), **Sch. para. 1**)
- C47** S. 5 applied by SI 1981/1695 (N.I. 26) art. 13A(1) (as inserted (13.5.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), s. 28, **Sch. para. 4(2)**)
- C48** S. 5 applied by SI 1980/397 (N.I. 3) art. 47A(1) (as inserted (13.5.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), s. 28, **Sch. para. 3**)
- C49** S. 5(1) modified (10.4.2001) by 2001 c. 6, **s. 4(10)**

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