



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 9

GENERAL

176 Orders, regulations and rules

- (1) Orders or regulations made by the Secretary of State, the Lord Chancellor, the Welsh Ministers or the Chief Coroner under this Act are to be made by statutory instrument.
- (2) The Statutory Instruments Act 1946 (c. 36) applies in relation to the power of the Chief Coroner under section 37 to make regulations as if the Chief Coroner were a Minister of the Crown.
- [^{F1}(2A) Any power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.]
- (3) Any power conferred by this Act to make orders, regulations or rules includes power—
 - (a) to make provision generally or only for specified purposes, cases, circumstances or areas;
 - (b) to make different provision for different purposes, cases, circumstances or areas;
 - (c) to make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (4) A statutory instrument containing an order or regulations under this Act is subject to negative resolution procedure unless it is—
 - (a) an instrument within subsection (5), or
 - (b) an instrument containing an order under section 182 only.
- (5) A statutory instrument containing (whether alone or with other provision)—
 - (a) regulations under section 20(5) setting a fee for the first time or increasing the fee by more than is necessary to reflect changes in the value of money,
 - (b) an order under section 40(6),

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners and Justice Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) an order under section 74, 75, 77 or 78,
- (d) an order under section 148(1) or (3),
- (e) an order under section 161(2)(a)(ii) or (4),
- (f) an order under section 177 which contains provision amending or repealing any provision of an Act, or
- (g) an order under paragraph 34 or 35 of Schedule 22.

is subject to affirmative resolution procedure.

(6) In this section—

“affirmative resolution procedure” means—

- (a) in relation to any statutory instrument made by the Secretary of State or the Lord Chancellor, a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament;
- (b) in relation to any statutory instrument made by the Welsh Ministers, a requirement that a draft of the instrument be laid before, and approved by a resolution of, the National Assembly for Wales;

“negative resolution procedure” means—

- (a) in relation to any statutory instrument made by the Secretary of State, Lord Chancellor or Chief Coroner, annulment in pursuance of a resolution of either House of Parliament;
- (b) in relation to any statutory instrument made by the Welsh Ministers, annulment in pursuance of a resolution of the National Assembly for Wales.

[^{F2}(7) No order may be made under this Act by the Department of Justice in Northern Ireland unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(8) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (7) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.

(9) Subsection (7) does not apply to the making by the Department of Justice of—

- (a) an order under section 177 which does not contain any provision amending or repealing any provision of an Act;
- (b) an order under section 182;

and an order within paragraph (a) above made by the Department of Justice is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

Textual Amendments

- F1** S. 176(2A) 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. 101(2)** (with arts. 28-31)
- F2** S. 176(7)-(9) 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. 101(3)** (with arts. 28-31)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners and Justice Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)