



Regulatory Reform Act 2001

2001 CHAPTER 6

Power to make provision reforming law which imposes burdens

4 Statutory instrument procedure

- (1) An order under section 1 shall be made by statutory instrument.
- (2) Subject to subsection (7), no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (3) An order under section 1 may designate specified provisions of the order as subordinate provisions for the purposes of this section; and in the following provisions of this section references to the subordinate provisions of an order are references to the provisions so designated.
- (4) In the following provisions of this section “a subordinate provisions order” means an order under section 1 which contains a statement that it makes only provision which either—
 - (a) modifies the subordinate provisions of an order previously made under that section, or
 - (b) is incidental, consequential, transitional or supplemental provision relating to the provision falling within paragraph (a).
- (5) Sections 1(3) and 3(2)(b) do not apply to a subordinate provisions order.
- (6) An order under section 1 which designates subordinate provisions may provide that the power to make a subordinate provisions order relating to those provisions is to be exercisable in relation to Wales—
 - (a) by the National Assembly for Wales,
 - (b) by the Assembly concurrently with a Minister of the Crown, or
 - (c) by a Minister of the Crown with the agreement of, or after consultation with, the Assembly;

and, in relation to the making of a subordinate provisions order, references in sections 1 to 3 to a Minister of the Crown shall so far as necessary be construed as being or including a reference to the Assembly.

Status: This is the original version (as it was originally enacted).

- (7) Subsection (2) does not apply to a subordinate provisions order, if—
- (a) it is not made by a Minister of the Crown,
 - (b) the order designating the subordinate provisions concerned (“the main order”) provides that the subordinate provisions order shall be subject to annulment in pursuance of a resolution of either House of Parliament, or
 - (c) the main order provides that the subordinate provisions order—
 - (i) is to be laid before Parliament after being made; and
 - (ii) is to cease to have effect at the end of the relevant period unless before the end of that period it is approved by a resolution of each House of Parliament (but without that affecting anything done under it or the power to make a new order).
- (8) In subsection (7)(c) “relevant period” means a period of twenty-eight days beginning with the day on which the subordinate provisions order is made.
- (9) In reckoning the period of twenty-eight days referred to in subsection (8), no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) For the purposes of section 5(1) of the Statutory Instruments Act 1946 (c. 36), provision falling within subsection (7)(b) is to be treated as provision made by an Act.
- (11) Nothing in sections 5 to 8 applies in relation to a subordinate provisions order.