



# Legislative and Regulatory Reform Act 2006

## 2006 CHAPTER 51

### PART 3 **U.K.**

#### LEGISLATION RELATING TO THE EUROPEAN COMMUNITIES ETC

##### *Interpretation of legislation*

#### 25 **References to Community instruments** **U.K.**

(1) In the Interpretation Act 1978 (c. 30), after section 20 insert—

##### **“20A References to Community instruments**

Where an Act passed after the commencement of this section refers to a Community instrument that has been amended, extended or applied by another such instrument, the reference, unless the contrary intention appears, is a reference to that instrument as so amended, extended or applied.”

(2) In that Act, in section 22(1) (application to Acts and Measures), after “passed after the commencement of this Act” insert “ (subject, in the case of section 20A, to the provision made in that section) ”.

(3) In that Act, in section 24 (application to Northern Ireland), after subsection (3) insert—

“(3A) Section 20A applies to Northern Ireland legislation as it applies to Acts.”

(4) In the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/1379), in Schedule 1 (statutory interpretation and operation) at the end insert—

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**“References to Community instruments**

16 Where an Act of the Scottish Parliament passed after the commencement of this paragraph refers to a Community instrument that has been amended, extended or applied by another such instrument, the reference, unless the contrary intention appears, is a reference to that instrument as so amended, extended or applied.”

**26 EEA agreement and EEA state U.K.**

<sup>F1</sup>(1) .....

(2) In that Act, in section 24 (application to Northern Ireland), in subsection (4), after “The Corporation Tax Acts” insert— “ EEA agreement and EEA state; ”.

(3) In the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/1379), in Schedule 2 (general definitions), after the definition of “Devolution issue” insert—

““EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented from time to time.

“EEA state”, in relation to any time, means—

- (a) a state which at that time is a member State; or
- (b) any other state which at that time is a party to the EEA agreement.”

(4) The amendment made by subsection (3) does not have effect in relation to—

- (a) an Act of the Scottish Parliament passed before the commencement of this section; or
- (b) Scottish subordinate legislation (within the meaning of the Order referred to in subsection (3)) made before the commencement of this section.

**Textual Amendments**

**F1** S. 26(1) repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), reg. 1(3), [Sch.](#) (with reg. 9(2))

*Implementation of Community obligations etc*

**27 Power to make orders, rules and schemes U.K.**

<sup>F2</sup>(1) .....

<sup>F2</sup>(2) .....

<sup>F3</sup>(3) .....

<sup>F4</sup>(4) .....

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- (5) Where any enactment passed, or subordinate legislation made, before the coming into force of this section refers to regulations under subsection (2) of section 2 of the European Communities Act 1972, a Minister of the Crown may by order or regulations amend the enactment or subordinate legislation so that it includes a reference to any order, rules or scheme under that subsection.
- (6) The powers of a Minister of the Crown under subsection (5)—
- (a) so far as exercisable in relation to a matter the exercise of functions in respect of which is within devolved competence (within the meaning of the Scotland Act 1998), shall also be exercisable by the Scottish Ministers;
  - (b) so far as exercisable in relation to a transferred matter (within the meaning of the Northern Ireland Act 1998 (c. 47)), shall also be exercisable by a Northern Ireland department;
  - <sup>[F5]</sup>(c) so far as they are powers that—
    - (i) could be conferred by provision falling within the legislative competence of the National Assembly for Wales, or
    - (ii) are exercisable in relation to matters in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,shall also be exercisable by the Welsh Ministers.]
- (7) The power under subsection (5) to make an order or regulations—
- (a) so far as exercisable by a Minister of the Crown, the Scottish Ministers or <sup>[F6]</sup>the Welsh Ministers], shall be exercisable by statutory instrument;
  - (b) so far as exercisable by a Northern Ireland department, shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (8) A statutory instrument or statutory rule containing an order or regulations under subsection (5)—
- (a) if made by a Minister of the Crown, shall be subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) if made by the Scottish Ministers, shall be subject to annulment in pursuance of a resolution of the Scottish Parliament; <sup>F7</sup>...
  - (c) if made by a Northern Ireland department, shall be subject to negative resolution, within the meaning of the Interpretation Act (Northern Ireland) 1954 (1954 c. 33 (N.I.)), as if it were a statutory instrument within the meaning of that Act <sup>[F8]</sup>, and]
  - <sup>[F9]</sup>(d) if made by the Welsh Ministers, shall be subject to annulment in pursuance of a resolution of the Assembly].
- (9) In subsection (5)—
- (a) “enactment” includes Acts of the Scottish Parliament and Northern Ireland legislation;
  - (b) “subordinate legislation” means any Order in Council, order, rules, regulations, scheme, warrant, byelaws or other instrument made under any Act, Act of the Scottish Parliament or Northern Ireland legislation.

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### Textual Amendments

- F2** S. 27(1)(2) repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1447), reg. 1(3), **Sch.** (with reg. 9(2))
- F3** S. 27(3) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), arts. 1(2), 3, **Sch. 1 para. 149(a)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see [ss. 46, 161\(5\)](#) of [Government of Wales Act 2006](#) (c. 32))
- F4** S. 27(4) repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1447), reg. 1(3), **Sch.** (with reg. 9(2))
- F5** S. 27(6)(c) substituted (1.4.2018) by [Wales Act 2017](#) (c. 4), s. 71(4), **Sch. 6 para. 67** (with [Sch. 7](#) paras. 1, 6); S.I. 2017/1179, reg. 3(r)
- F6** Words in s. 27(7)(a) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), arts. 1(2), 3, **Sch. 1 para. 149(c)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see [ss. 46, 161\(5\)](#) of [Government of Wales Act 2006](#) (c. 32))
- F7** Word in s. 27(8)(b) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), arts. 1(2), 3, **Sch. 1 para. 149(d)(i)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see [ss. 46, 161\(5\)](#) of [Government of Wales Act 2006](#) (c. 32))
- F8** Word in s. 27(8)(c) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), arts. 1(2), 3, **Sch. 1 para. 149(d)(ii)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see [ss. 46, 161\(5\)](#) of [Government of Wales Act 2006](#) (c. 32))
- F9** S. 27(8)(d) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), arts. 1(2), 3, **Sch. 1 para. 149(d)(iii)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see [ss. 46, 161\(5\)](#) of [Government of Wales Act 2006](#) (c. 32))

## <sup>F10</sup>28 Power to make ambulatory references to Community instruments **U.K.**

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### Textual Amendments

- F10** S. 28 repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1447), reg. 1(3), **Sch.** (with reg. 9(2))

## <sup>F11</sup>29 Combination of powers **U.K.**

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#### **Textual Amendments**

- F11** S. 29 repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), reg. 1(3), [Sch.](#) (with reg. 9(2))

**Changes to legislation:**

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**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. 23A inserted by [2016 c. 12 s. 15](#)