



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER I

GENERAL

Removal or reduction of burdens

1 Power to remove or reduce certain statutory burdens on businesses, individuals etc.

[^{F1}(1) If, with respect to any provision made by an enactment, a Minister of the Crown is of the opinion—

- (a) that the effect of the provision is such as to impose, or authorise or require the imposition of, a burden affecting any person in the carrying on of any trade, business or profession or otherwise, and
- (b) that, by amending or repealing the enactment concerned and, where appropriate, by making such other provision as is referred to in subsection (4) (a) below, it would be possible, without removing any necessary protection, to remove or reduce the burden or, as the case may be, the authorisation or requirement by virtue of which the burden may be imposed,

he may, subject to the following provisions of this section and sections 2 to 4 below, by order amend or repeal that enactment.

- (2) The reference in subsection (1)(b) above to reducing the authorisation or requirement by virtue of which a burden may be imposed includes a reference to shortening any period of time within which the burden may be so imposed.

Status: Point in time view as at 01/08/2010.

Changes to legislation: Deregulation and Contracting Out Act 1994, Section 1 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In this section and sections 2 to 4 below, in relation to an order under this section,—
- (a) “ the existing provision ” means the provision by which the burden concerned is imposed or, as the case may be, is authorised or required to be imposed; and
 - (b) “ the relevant enactment ” means the enactment containing the existing provision.
- (4) An order under this section shall be made by statutory instrument and may do all or any of the following—
- (a) make provision (whether by amending any enactment or otherwise) creating a burden which relates to the subject matter of, but is less onerous than that imposed by, the existing provision;
 - (b) make such modifications of enactments as, in the opinion of the Minister concerned, are consequential upon, or incidental to, the amendment or repeal of the relevant enactment;
 - (c) contain such transitional provisions and savings as appear to the Minister to be appropriate;
 - (d) make different provision for different cases or different areas;
- but no order shall be made under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (5) In this section and sections 2 to 4 below—
- (a) “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown^{M1} Act 1975 [F² and includes the Scottish Ministers where the functions of a Minister of the Crown under this section have transferred to them under section 53 of the Scotland Act 1998] and “ Minister ” shall be construed accordingly;
 - (b) “ burden ” includes a restriction, requirement or condition (including one requiring the payment of fees), together with—
 - (i) any sanction (whether criminal or otherwise) for failure to observe the restriction or to comply with the requirement or condition; and
 - (ii) any procedural provisions (including provisions for appeal) relevant to that sanction; and
 - (c) “ enactment ”, subject to subsection (6) below, means an enactment contained in this Act or in any other Act passed before or in the same Session as this Act, or any provision of an order under this section.
- (6) In paragraph (c) of subsection (5) above—
- (a) “ Act ” does not include anything contained in Northern Ireland legislation, within the meaning of section 24 of the Interpretation^{M2} Act 1978; and
 - (b) the reference to an enactment is a reference to an enactment as for the time being amended, extended or applied by or under any Act mentioned in that paragraph.
- (7) Where a restriction, requirement or condition is subject to a criminal sanction (as mentioned in subsection (5)(b)(i) above), nothing in this section shall authorise the making of an amendment which would have the effect of leaving the restriction, requirement or condition in place but producing a different criminal sanction or altering any procedural provisions relevant to the criminal sanction.]

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Textual Amendments

- F1** Ss. 1-5 repealed (S.) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(3)(7)(7), **Sch. 7 para. 1(2)** (with [Sch. 7 para. 1\(4\)](#)); S.S.I. 2010/221, art. 3(2)
- F2** Words in s. 1(5)(a) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 117(2)** (with [art. 5](#))
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Marginal Citations

- M1** 1975 c. 26.
- M2** 1978 c. 30.

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