



# Constitutional Reform and Governance Act 2010

## 2010 CHAPTER 25

### PART 2

#### RATIFICATION OF TREATIES

#### **20 Treaties to be laid before Parliament before ratification**

- (1) Subject to what follows, a treaty is not to be ratified unless—
  - (a) a Minister of the Crown has laid before Parliament a copy of the treaty,
  - (b) the treaty has been published in a way that a Minister of the Crown thinks appropriate, and
  - (c) period A has expired without either House having resolved, within period A, that the treaty should not be ratified.
- (2) Period A is the period of 21 sitting days beginning with the first sitting day after the date on which the requirement in subsection (1)(a) is met.
- (3) Subsections (4) to (6) apply if the House of Commons resolved as mentioned in subsection (1)(c) (whether or not the House of Lords also did so).
- (4) The treaty may be ratified if—
  - (a) a Minister of the Crown has laid before Parliament a statement indicating that the Minister is of the opinion that the treaty should nevertheless be ratified and explaining why, and
  - (b) period B has expired without the House of Commons having resolved, within period B, that the treaty should not be ratified.
- (5) Period B is the period of 21 sitting days beginning with the first sitting day after the date on which the requirement in subsection (4)(a) is met.
- (6) A statement may be laid under subsection (4)(a) in relation to the treaty on more than one occasion.

*Status: Point in time view as at 31/07/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 2. (See end of Document for details)*

- (7) Subsection (8) applies if—
- (a) the House of Lords resolved as mentioned in subsection (1)(c), but
  - (b) the House of Commons did not.
- (8) The treaty may be ratified if a Minister of the Crown has laid before Parliament a statement indicating that the Minister is of the opinion that the treaty should nevertheless be ratified and explaining why.
- (9) “Sitting day” means a day on which both Houses of Parliament sit.

#### Commencement Information

**II** [S. 20](#) in force at 11.11.2010 by [S.I. 2010/2703](#), [art. 2\(b\)](#)

## 21 Extension of 21 sitting day period

- (1) A Minister of the Crown may, in relation to a treaty, extend the period mentioned in section 20(1)(c) by 21 sitting days or less.
- (2) The Minister does that by laying before Parliament a statement—
  - (a) indicating that the period is to be extended, and
  - (b) setting out the length of the extension.
- (3) The statement must be laid before the period would have expired without the extension.
- (4) The Minister must publish the statement in a way the Minister thinks appropriate.
- (5) The period may be extended more than once.

#### Commencement Information

**I2** [S. 21](#) in force at 11.11.2010 by [S.I. 2010/2703](#), [art. 2\(b\)](#)

## 22 Section 20 not to apply in exceptional cases

- (1) Section 20 does not apply to a treaty if a Minister of the Crown is of the opinion that, exceptionally, the treaty should be ratified without the requirements of that section having been met.
- (2) But a treaty may not be ratified by virtue of subsection (1) after either House has resolved, as mentioned in section 20(1)(c), that the treaty should not be ratified.
- (3) If a Minister determines that a treaty is to be ratified by virtue of subsection (1), the Minister must, either before or as soon as practicable after the treaty is ratified—
  - (a) lay before Parliament a copy of the treaty,
  - (b) arrange for the treaty to be published in a way that the Minister thinks appropriate, and
  - (c) lay before Parliament a statement indicating that the Minister is of the opinion mentioned in subsection (1) and explaining why.

*Status: Point in time view as at 31/07/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 2. (See end of Document for details)*

#### Commencement Information

**I3** S. 22 in force at 11.11.2010 by S.I. 2010/2703, art. 2(b)

### 23 Section 20 not to apply to certain descriptions of treaties

(1) Section 20 does not apply to—

- <sup>F1</sup>(a) .....
- (b) a treaty covered by section 5 of the European Union (Amendment) Act 2008 (treaty amending [<sup>F2</sup>Treaty establishing European Atomic Energy Community] not to be ratified unless approved by Act of Parliament).
- [<sup>F3</sup>(c) a treaty that is subject to a requirement imposed by Part 1 of the European Union Act 2011 (restrictions on treaties and decisions relating to EU). ]

(2) Section 20 does not apply to a treaty in relation to which an Order in Council may be made under one or more of the following—

- (a) section 158 of the Inheritance Tax Act 1984 (double taxation conventions);
- (b) section 2 of the Taxation (International and Other Provisions) Act 2010 (double taxation arrangements);
- (c) section 173 of the Finance Act 2006 (international tax enforcement arrangements).

[<sup>F4</sup>(2A) Section 20 does not apply to a treaty in relation to which an order may be made under paragraph 66 of Schedule 19 to the Finance Act 2011 (bank levy: arrangements affording double taxation relief).]

[<sup>F5</sup>(2B) Section 20 does not apply to any treaty referred to in section 218(1) of the Finance Act 2012.]

(3) Section 20 does not apply to a treaty concluded (under authority given by the government of the United Kingdom) by the government of a British overseas territory, of any of the Channel Islands or of the Isle of Man.

(4) Section 20 does not apply to a treaty a copy of which is presented to Parliament by command of Her Majesty before that section comes into force.

#### Textual Amendments

- F1** S. 23(1)(a) omitted (19.8.2011) by virtue of European Union Act 2011 (c. 12), ss. 14(2)(a), 21; S.I. 2011/1984, art. 2
- F2** Words in s. 23(1)(b) substituted (19.8.2011) by European Union Act 2011 (c. 12), ss. 14(2)(b), 21; S.I. 2011/1984, art. 2
- F3** S. 23(1)(c) inserted (19.8.2011) by European Union Act 2011 (c. 12), ss. 14(2)(c), 21; S.I. 2011/1984, art. 2
- F4** S. 23(2A) inserted (19.7.2011) by Finance Act 2011 (c. 11), Sch. 19 para. 69
- F5** S. 23(2B) inserted (17.7.2012) by Finance Act 2012 (c. 14), s. 218(3)

#### Commencement Information

**I4** S. 23 in force at 11.11.2010 by S.I. 2010/2703, art. 2(b)

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## 24 Explanatory memoranda

In laying a treaty before Parliament under this Part, a Minister shall accompany the treaty with an explanatory memorandum explaining the provisions of the treaty, the reasons for Her Majesty's Government seeking ratification of the treaty, and such other matters as the Minister considers appropriate.

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### Commencement Information

**I5** S. 24 in force at 11.11.2010 by S.I. 2010/2703, art. 2(b)

## 25 Meaning of “treaty” and “ratification”

- (1) In this Part “treaty” means a written agreement—
  - (a) between States or between States and international organisations, and
  - (b) binding under international law.
- (2) But “treaty” does not include a regulation, rule, measure, decision or similar instrument made under a treaty (other than one that amends or replaces the treaty (in whole or in part)).
- (3) In this Part a reference to ratification of a treaty is a reference to an act of a kind specified in subsection (4) which establishes as a matter of international law the United Kingdom's consent to be bound by the treaty.
- (4) The acts are—
  - (a) deposit or delivery of an instrument of ratification, accession, approval or acceptance;
  - (b) deposit or delivery of a notification of completion of domestic procedures.

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### Commencement Information

**I6** S. 25 in force at 11.11.2010 by S.I. 2010/2703, art. 2(b)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 2.