

Status: Point in time view as at 29/06/2023.

Changes to legislation: There are currently no known outstanding effects for the Retained EU Law (Revocation and Reform) Act 2023, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 4

REGULATIONS: RESTRICTIONS ON POWERS OF DEVOLVED AUTHORITIES

Requirement for consent where it would otherwise be required

- 3 (1) The consent of a Minister of the Crown is required before any provision is made in regulations to which this Schedule applies by the Welsh Ministers acting alone so far as that provision, if contained in an Act of Senedd Cymru, would require the consent of a Minister of the Crown.
- (2) The consent of the Secretary of State is required before any provision is made in regulations to which this Schedule applies by a Northern Ireland department acting alone so far as that provision, if contained in a Bill in the Northern Ireland Assembly, would require the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.
- (3) Sub-paragraph (1) or (2) does not apply if—
- (a) the provision could be contained in subordinate legislation made otherwise than under this Act by the Welsh Ministers acting alone or (as the case may be) a Northern Ireland devolved authority acting alone, and
 - (b) no such consent would be required in that case.
- (4) The consent of a Minister of the Crown is required before any provision is made in regulations to which this Schedule applies by a devolved authority acting alone so far as that provision would require the consent of a Minister of the Crown if contained in—
- (a) subordinate legislation made otherwise than under this Act by the devolved authority, or
 - (b) subordinate legislation not falling within paragraph (a) and made otherwise than under this Act by (in the case of Scotland) the First Minister or Lord Advocate acting alone or (in the case of Northern Ireland) a Northern Ireland devolved authority acting alone.
- (5) Sub-paragraph (4) does not apply if—
- (a) the provision could be contained in—
 - (i) an Act of the Scottish Parliament, an Act of Senedd Cymru or (as the case may be) an Act of the Northern Ireland Assembly, or
 - (ii) different subordinate legislation of the kind mentioned in sub-paragraph (4)(a) or (b) and of a devolved authority acting alone or (as the case may be) other person acting alone, and
 - (b) no such consent would be required in that case.

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Commencement Information

II Sch. 4 para. 3 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

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