



# Economic Crime and Corporate Transparency Act 2023

## 2023 CHAPTER 56

### PART 6

#### GENERAL

#### **216 Power to make consequential provision**

- (1) The Secretary of State may by regulations make provision that is consequential on this Act.
- (2) Regulations under this section may amend, repeal or revoke provision made by or under primary legislation passed—
  - (a) before this Act, or
  - (b) later in the same session of Parliament as this Act.
- (3) In this section “primary legislation” means—
  - (a) an Act,
  - (b) an Act or Measure of Senedd Cymru,
  - (c) an Act of the Scottish Parliament, or
  - (d) Northern Ireland legislation.

#### **217 Regulations**

- (1) A power to make regulations under any provision of this Act includes power to make—
  - (a) consequential, supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (2) Regulations made by the Secretary of State or the Lord Chancellor under this Act are to be made by statutory instrument.

- (3) For regulations made under this Act by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).
- (4) Any power of the Department of Justice in Northern Ireland to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (5) A statutory instrument containing any of the following (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament—
  - (a) regulations under section 37;
  - (b) regulations under section 39;
  - (c) regulations under section 153, unless they are regulations under that section that only make provision that corresponds or is similar to provision made or capable of being made by a statutory instrument that is itself subject to annulment in pursuance of a resolution of either House of Parliament;
  - (d) regulations under section 178;
  - (e) regulations under section 193;
  - (f) regulations made by the Secretary of State under section 197(1);
  - (g) regulations made by the Secretary of State under section 200(1);
  - (h) regulations under section 201(6) or (7);
  - (i) regulations under section 216 that amend or repeal provision made by an Act.
- (6) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) But subsection (6) does not apply to a statutory instrument that only contains regulations appointing the appointed day for the purposes of section 50.
- (8) Regulations made by the Scottish Ministers under section 197(1) or 200(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (9) Regulations made by the Department of Justice in Northern Ireland under section 197(1) or 200(1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (10) This section does not apply to regulations under sections 219 and 220.

## 218 Extent

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, subject to subsections (2) and (3).
- (2) Sections 194 and 195 extend to England and Wales only.
- (3) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.

## 219 Commencement

- (1) Except as provided by subsections (2) to (5), this Act comes into force on such day as the Secretary of State or the Lord Chancellor may by regulations made by statutory instrument appoint.
- (2) The following come into force on the day on which this Act is passed—
  - (a) this Part;
  - (b) any provision of, or amendment made by, Parts 1 to 5 so far as it confers a power to make regulations or relates to the exercise of the power;
  - (c) paragraph 1 of Schedule 9 so far as it inserts section 303Z25 into the Proceeds of Crime Act 2002;
  - (d) paragraph 17 of Schedule 9 so far as it relates to that section;
  - (e) section 180 so far as it relates to the provisions mentioned in paragraphs (c) and (d);
  - (f) section 182;
  - (g) section 184;
  - (h) section 185(12) and (13);
  - (i) section 186(13) and (14).
- (3) The following come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
  - (a) section 196 and Schedule 12;
  - (b) section 197;
  - (c) section 198;
  - (d) section 213.
- (4) The following come into force (so far as not brought into force by subsection (2)(b)) on such day as the Scottish Ministers may by regulations appoint after consulting the Secretary of State—
  - (a) Part 2 of Schedule 8, and
  - (b) section 179 so far as it relates to that Part.
- (5) The following come into force (so far as not brought into force by subsection (2)(b)) on such day as the Department of Justice in Northern Ireland may by order appoint after consulting the Secretary of State—
  - (a) Part 3 of Schedule 8, and
  - (b) section 179 so far as it relates to that Part.
- (6) No regulations may be made under subsection (1) bringing into force any of the following provisions, so far as they extend to Scotland, unless the Secretary of State has consulted the Scottish Ministers—
  - (a) Schedule 9, and
  - (b) section 180 so far as it relates to that Schedule.
- (7) No regulations may be made under subsection (1) bringing into force any of the following provisions, so far as they extend to Northern Ireland, unless the Secretary of State has consulted the Department of Justice in Northern Ireland—
  - (a) Schedule 9, other than paragraphs 6(7), 10 and 11, and
  - (b) section 180 so far as it relates to that Schedule, other than paragraphs 6(7), 10 and 11.

- (8) No regulations may be made under subsection (1) bringing into force section 199 unless the Secretary of State has published guidance under section 204(3).
- (9) Regulations under subsection (1) or (4), and orders subsection (5), may appoint different days for—
  - (a) different purposes, and
  - (b) where regulations under subsection (1) appoint a day for the coming into force of any provision of Schedule 9 or 10, different areas.
- (10) A power of the Department of Justice in Northern Ireland to make an order under subsection (5) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

## **220 Transitional provision**

- (1) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of any provision of this Act, other than a provision mentioned in section 219(4) or (5).
- (2) The Scottish Ministers may by regulations make transitional or saving provision in connection with the coming into force of a provision mentioned in section 219(4).
- (3) The Department of Justice in Northern Ireland may by order make transitional or saving provision in connection with the coming into force of a provision mentioned in section 219(5).
- (4) The power to make regulations under subsection (1) or (2), and the power to make orders under subsection (3), includes power to make different provision for—
  - (a) different purposes, and
  - (b) where regulations under subsection (1) make provision in connection with the coming into force of any provision of Schedule 9 or 10, different areas.
- (5) Transitional provision and savings made under subsections (1) to (3) are additional, and without prejudice, to those made by or under any other provision of this Act.
- (6) A power of the Department of Justice in Northern Ireland to make an order under subsection (3) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

## **221 Short title**

This Act may be cited as the Economic Crime and Corporate Transparency Act 2023.