

[^{X1}SCHEDULE 2

Regulation 6

Regulation (EC) No 110/2008 of the European Parliament and of the Council: new provisions

Editorial Information

- X1** This statutory instrument was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.

“Article 25

Regulations: general

1. Any power to make regulations under this Regulation is exercisable by:
 - (a) the Secretary of State in relation to England;
 - (b) the Department of Agriculture, Environment and Rural Affairs in relation to Northern Ireland;
 - (c) the Scottish Ministers in relation to Scotland;
 - (d) the Welsh Ministers in relation to Wales.
2. But the power to make regulations may be exercised by the Secretary of State for the whole or part of the United Kingdom if consent is given by:
 - (a) the Department of Agriculture, Environment and Rural Affairs for regulations applying in relation to Northern Ireland;
 - (b) the Scottish Ministers for regulations applying in relation to Scotland;
 - (c) the Welsh Ministers for regulations applying in relation to Wales.
3. Such regulations may:
 - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking enactments);
 - (b) make different provision for different purposes.
4. In this Article, ‘enactments’ means:
 - (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act,
 - (b) an enactment contained in an instrument made under an Act of the Scottish Parliament,
 - (c) an enactment contained in an instrument made under a Measure or Act of the National Assembly for Wales,
 - (d) an enactment contained in an instrument made under Northern Ireland legislation, and

(e) retained direct minor EU legislation.

Article 25a

Regulations: the Secretary of State

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
2. Except as specified in paragraph 3, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
3. A statutory instrument containing regulations made by the Secretary of State under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Article 25b

Regulations: Northern Ireland

1. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979^{M1}.
2. Except as specified in paragraph 3, regulations made by the Department of Agriculture, Environment and Rural Affairs are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954^{M2} as if they were a statutory instrument within the meaning of that Act.
3. Regulations made under Article 26 that amend Annex 2 may not be made by the Department of Agriculture, Environment and Rural Affairs unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Article 25c

Regulations: Scotland

1. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010^{M3}.
2. Except as specified in paragraph 3, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
3. Regulations made by the Scottish Ministers under Article 26 that amend Annex 2 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

Article 25d

Regulations: Wales

1. Regulations made by the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. Subject to paragraph 3, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
3. A statutory instrument containing regulations made by the Welsh Ministers under Article 26 that amend Annex 2 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”]

Marginal Citations

- M1** [S.I. 1979/1573 \(N.I. 12\)](#).
M2 [1954 c. 33 \(N.I.\)](#); section 41(6) was amended by [S.I. 1999/663](#).
M3 [2010 asp 10](#).

Changes to legislation:

There are currently no known outstanding effects for the The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2019 (expired—not approved), SCHEDULE 2.