

This draft Order supersedes the two previous draft Orders of the same title which were laid before Parliament on the 4th June 2009 and the 19th June 2009 respectively, and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Order laid before Parliament under section 24(9) of the Legislative and Regulatory Reform Act 2006, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2009 No. 0000

REGULATORY REFORM

**The Legislative and Regulatory Reform (Regulatory Functions)
(Amendment) Order 2009**

Made - - - - - *2009*

Coming into force in accordance with article 1(1)

The Secretary of State makes the following Order in exercise of the power conferred by section 24(2) of the Legislative and Regulatory Reform Act 2006(a).

In accordance with section 24(6) of that Act, the Secretary of State has consulted the persons whose functions are specified in this Order and such other persons as the Secretary of State considered appropriate.

In accordance with section 24(9) of that Act, a draft of this instrument was laid before Parliament and approved by resolution of each House of Parliament.

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009 and comes into force five days after the day on which it is made.

(2) In this Order, “the 2007 Order” means the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(b).

Amendment of the 2007 Order

2. The 2007 Order is amended as set out in the following articles.

3. In article 1(2), omit “and” at the end of paragraph (f) and at the end insert—
“(h) a county or county borough council in Wales;

(a) 2006 (c.51).

(b) S.I. 2007/3544 as amended by S.I. 2008/574, 2008/960, 2008/1816, 2008/1277, 2008/1284 and 2008/1597.

- (i) a fire and rescue authority in Wales (not being a county or county borough council); and
 - (j) a port health authority in Wales (not being a county or county borough council);
- “local authority in Scotland” means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(a);
- “local authority in Northern Ireland” means a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972(b);
- “private sector bodies” means bodies or persons other than the following bodies or persons—
- (a) any Minister of the Crown, Government department or other emanation of the Crown;
 - (b) any local authority;
 - (c) the Greater London Authority;
 - (d) any body corporate whose members are appointed by a Minister of the Crown, a Government department, a local authority, the Greater London Authority, or by a body corporate whose members are so appointed;
 - (e) a company—
 - (i) a majority of whose issued shares are held by or on behalf of any of the bodies or persons falling within paragraphs (a) to (d) above;
 - (ii) in which the majority of the voting rights are held by or on behalf of any of those bodies or persons;
 - (iii) a majority of whose board of directors can be appointed or removed by any of those bodies or persons; or
 - (iv) in which the majority of the voting rights are controlled by any of those bodies or persons, pursuant to an agreement with other persons;
 - (f) a subsidiary of a company falling within paragraph (e) above;
- “third sector bodies” means any organisations that exist wholly or mainly to provide benefits for society or the environment.”

4.—(1) In Part 1 of the Schedule, omit the entry “A person authorised by the Secretary of State under section 245C of the Companies Act 1985 for the purposes of section 245B of that Act” and insert the following entries at the appropriate place—

“British Hallmarking Council(e)”,

“Coal Authority(d)”,

“Criminal Records Bureau(e)”,

“Guardians of the Standard of Wrought Plate in Birmingham (the Birmingham Assay Office)” and “Guardians of the Standard of Wrought Plate within the town of Sheffield (the Sheffield Assay Office)(f)”,

“Her Majesty’s Revenue and Customs, so far as they relate to functions conferred by the Money Laundering Regulations 2007(g)”,

“Incorporation of Goldsmiths of the City of Edinburgh (the Edinburgh Assay Office)(h)”,

(a) 1994 (c.39).
 (b) 1972 (c.9).
 (c) see section 13 Hallmarking Act 1973 (c.43).
 (d) see section 1 Coal Industry Act 1994 (c.21).
 (e) see Part 5 Police Act 1997 (c.50).
 (f) see section 22 Hallmarking Act 1973.
 (g) S.I. 2007/2157.
 (h) see section 22 Hallmarking Act 1973.

“Legal Services Board(a)”,
 “Office for Tenants and Social Landlords(b)”,
 “Office of the Renewable Fuels Agency(c)”,
 “Postgraduate Medical Education and Training Board(d)”,
 “Traffic Commissioners(e)”,
 “Wardens and Commonalty of the Mystery of Goldsmiths of the City of London (the London Assay Office)(f)”,
 “A professional body listed in Schedule 3 to the Money Laundering Regulations 2007”,
 “A person authorised by the Office for Tenants and Social Landlords to carry out functions pursuant to sections 201, 202, and 203 of the Housing and Regeneration Act 2008”.

(2) After the last entry in Part 1 of the Schedule, insert—

“PART 1A

All the regulatory functions exercisable by the following bodies so far as relating to the regulation of private sector bodies or third sector bodies—

The Care Council for Wales, or Cygnor Gofal Cymru(g)
 The Care Quality Commission(h)
 The General Social Care Council(i)
 The Office for Standards in Education, Children’s Services and Skills(j)”.

(3) In Part 2 of the Schedule—

- (a) under the heading “Agricultural wages” after the entry “Agricultural Wages Act 1948” insert “Hill Farm Allowance Regulations 2008(k)”;
- (b) under the heading “Agriculture”—
 - (i) omit the following entries—
 - “Beef Labelling (Enforcement) (England) Regulations 2000”
 - “Sheep and Goats (Records, Identification and Movement) (England) Order 2005”
 - “Council Regulation (EC) No. 1255/1999 on the common organisation of the market in milk and milk products”
 - “Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers”
 - “Council Regulation (EC) No. 1788/2003 establishing a levy in the milk and milk products sector”
 - “Commission Regulation EC No. 817/2004 laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 on support for rural

(a) see section 2 Legal Services Act 2007 (c.29).
 (b) see section 81 Housing and Regeneration Act 2008 (c.17).
 (c) see article 6 of the Renewable Transport Fuel Obligations Order 2007 S.I. 2007/3072.
 (d) see article 3 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 S.I. 2003/1250.
 (e) see section 120(1) of the Public Passenger Vehicles Act 1981 (c.14).
 (f) see section 22 Hallmarking Act 1973.
 (g) see section 54 Care Standards Act 2000 (c.14).
 (h) see section 1 Health and Social Care Act 2008 (c.14).
 (i) see section 54 Care Standards Act 2000.
 (j) see section 112 of the Education and Inspections Act 2006 (c.40).
 (k) S.I. 2008/51.

- development from the European Agricultural Guidance and Guarantee Fund (EAGGF)”;
- (ii) after the entry “Hill Farm Allowance Regulations 2007” insert—
- “Sheep and Goats (Records, Identification and Movements) (England) Order 2007(a)
- Beef and Veal Labelling Regulations 2008(b)”;
- (iii) after the last entry insert—
- “Commission Regulation (EC) No. 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(c)
- Council Regulation (EC) No. 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No. 1290/2005, (EC) No. 247/2006, (EC) No. 378/2007 and repealing Regulation (EC) No. 1782/2003(d)”;
- (c) under the heading “Animal health and welfare”—
- (i) omit the following entries—
- “Protection of Animals Act 1911”
- “BSE Monitoring (England) (Amendment) Regulations 2001”
- “Bovine Products (Restriction on Placing on the Market) (England) (No. 2) Regulations 2005”
- “Transmissible Spongiform Encephalopathies (No. 2) Regulations 2006”
- “Eggs and Chicks (England) Regulations 2007”
- “Veterinary Medicines Regulations 2007”
- “Council Regulation (EEC) No. 2782/75 on the production and marketing of eggs for hatching and of farmyard poultry chicks”
- “Commission Regulation (EEC) No. 1868/77 laying down detailed rules of application for Regulation (EEC) No. 2782/75”
- “Council Regulation (EEC) No. 1907/90 on certain marketing standards of eggs”
- “Commission Regulation (EC) No. 1084/2003 (concerning the examination of variations to the terms of a marketing authorisation for medicinal products for human use and veterinary medicinal products granted by a competent authority of a member State)”
- “Commission Regulation (EC) No. 2295/2003 introducing detailed rules for implementing Council Regulation (EEC) No. 1907/90”;
- (ii) after the entry “Avian Influenza (Fees for the Licensed Vaccination of Birds) (England) Regulations 2007” insert—
- “Bluetongue Regulations 2008(e)
- Eggs and Chicks (England) Regulations 2008(f)
- Transmissible Spongiform Encephalopathies (England) Regulations 2008(g)

(a) S.I. 2007/3494.

(b) S.I. 2008/3252.

(c) OJ L 368, 23.12.2006, p.15.

(d) OJ L 30, 31.1.2009, p.16.

(e) S.I. 2008/962.

(f) S.I. 2008/1718.

(g) S.I. 2008/1881.

Veterinary Medicines Regulations 2008(a)”;

- (iii) after the entry “Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs” insert “Council Regulation (EC) No. 1028/2006 of 19 June 2006 on marketing standards for eggs(b)”;
- (iv) after the last entry insert—
 - “Commission Regulation (EC) No. 557/2007 of 23 May 2007 laying down detailed rules for implementing Council Regulation (EC) No. 1028/2006 on marketing standards for eggs(c)
 - Commission Regulation (EC) No. 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No. 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks(d)
 - Common Regulation (EC) No. 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (Text with EEA relevance)(e)”;
- (d) in the heading “Companies”, after the word “Companies”, insert “and other businesses”;
- (e) under the heading “Companies” in the entry “Part 42 Companies Act 2006” for “Part” substitute “Parts 5, 41 and”;
- (f) under the heading “Fish and fisheries” omit the entry “Sea Fisheries Act 1868”;
- (g) under the heading “Food standards and safety” omit the entry “Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005”;
- (h) under the heading “Horticulture”—
 - (i) omit the following entries—
 - “Regulation (EEC) No. 234/68 of the Council on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage”
 - “Council Regulation (EC) No. 2200/96 on the common organization of the market in fruit and vegetables”
 - “Commission Regulation (EC) No. 1148/2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables”
 - “Commission Regulation (EC) No. 408/2003 amending Regulation (EC) No. 1148/2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables”;
 - (ii) after the last entry insert—
 - “Commission Regulation (EC) No. 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No. 2200/96, (EC) No. 2201/96 and (EC) No. 1182/2007 in the fruit and vegetable section(f)”;
- (i) under the heading “Maritime transport” after the last entry insert—
 - “Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007(g)

(a) S.I. 2008/2297.

(b) OJ L 186 7.7.2006, p.1.

(c) OJ L 132, 24.5.2007, p.5.

(d) OJ L 168, 28.6.2008, p.5.

(e) OJ L 334, 12.12.2008, p.7.

(f) OJ L 350, 31.12.2007, p.1.

(g) S.I. 2007/3075.

Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007(a)

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007(b)”;

(j) under the heading “Road transport” after the entry “Motor Vehicles (EC Type Approval) Regulations 1998” insert “Motor Vehicles (Driving Licences) Regulations 1999(c);

(k) before the heading “Water” insert—

“Vehicles and vehicle operators

Public Passenger Vehicles Act 1981(d),

Goods Vehicles (Licensing of Operators) Act 1995(e)”;

(l) under the heading “Weights and measures” omit the entry “Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2006” and after the last entry insert “Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2008(f)”;

(m) at the end of Part 2 of the Schedule insert—

“Agricultural, animal health and welfare and horticulture

Council Regulation (EC) No. 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(g)”.

(4) In Part 3 of the Schedule—

(a) under the heading “Animal health and welfare” omit the entry “Veterinary Medicines Regulations 2007” and replace with “Veterinary Medicines Regulations 2008(h)”;

(b) under the heading “Companies” omit “Part 11 of the Companies Act 1985” and “Business Names Act 1985” and replace with “Parts 5 and 41 of the Companies Act 2006(i)”;

(c) under the heading “Consumer and business protection” omit the entry “Trading Representations (Disabled Persons) Act 1958”;

(d) under the heading “Entertainment” omit the entries “Theatres Act 1968” and “Cinemas Act 1985”;

(e) under the heading “Food standards and safety”, after the last entry insert “Infant Formula and Follow-on Formula (England) Regulations 2007(j)”;

(f) under the heading “Intellectual property”, after the last entry insert “London Olympic Games and Paralympic Games Act 2006(k)”;

(g) under the heading “Public health and safety”—

(i) omit the entries “Explosives Act 1923”, “Electro-Medical Equipment (EEC Requirements) Regulations 1988”, and “Controls on Dangerous Substances and Preparations Regulations 2006”, and

(ii) after the last entry insert “REACH Enforcement Regulations 2008(l)”;

(h) under the heading “Road transport” in the entry “Road Traffic Act (Consequential Provisions) Act 1988” omit the word “Act” the first time it occurs.

(a) S.I. 2007/3077.

(b) S.I. 2007/3100.

(c) S.I. 1999/2864.

(d) 1981(c.14).

(e) 1995 (c.23).

(f) S.I. 2008/37.

(g) OJ L 299, 16.11.2007, p.1.

(h) S.I. 2008/2297.

(i) 2006 (c.46).

(j) S.I.2007/3521.

(k) 2006 (c.12).

(l) S.I. 2008/2852.

5. After Part 4 of the Schedule to the 2007 Order, insert Parts 5 to 13 as set out in the Schedule to this Order.

	<i>Name</i>
Date	Minister for Business, Regulatory Reform and Employment Relations Department for Business, Innovation and Skills

SCHEDULE

Article 5

NEW PARTS 5 TO 13 TO BE INSERTED IN THE SCHEDULE TO THE 2007 ORDER

“PART 5

All the regulatory functions so far as exercisable by a local authority in Scotland under or by virtue of the following enactments (including any regulatory functions conferred by subordinate legislation made under those enactments)—

Offices, Shops and Railway Premises Act 1963**(a)**

Firearms Act 1968**(b)**

Medicines Act 1968 (section 109)**(c)**

Unsolicited Goods and Services Act 1971**(d)**

Poisons Act 1972 (section 9)**(e)**

Health and Safety at Work, etc Act 1974**(f)**

Consumer Credit Act 1974**(g)**

Firearms Act 1982 **(h)**

Video Recordings Act 1984**(i)**

Copyright, Designs and Patents Act 1988 (sections 107A and 198A)**(j)**

Timeshare Act 1992**(k)**

Trade Marks Act 1994**(l)**

Olympic Symbol etc (Protection) Act 1995**(m)**

PART 6

All the regulatory functions so far as exercisable by a local authority in Scotland under or by virtue of the following enactments (including any regulatory functions conferred by subordinate legislation made under those enactments) which relate to the protection of consumers—

Explosives Act 1875**(n)**

Trade Descriptions Act 1968**(o)**

(a) 1963 (c.41).

(b) 1968 (c.27).

(c) 1968 (c.67).

(d) 1971 (c.30).

(e) 1972 (c.66).

(f) 1974 (c.37).

(g) 1974 (c.39).

(h) 1982 (c.31).

(i) 1984 (c.39).

(j) 1988 (c.48), sections 107A and 198A were inserted by the section 165(2) of the Criminal Justice and Public Order Act

1994.

(k) 1992 (c.35).

(l) 1994 (c.26).

(m) 1995 (c.32).

(n) 1875 (c.17).

(o) 1968 (c.29).

Development of Tourism Act 1969**(a)**
 Supply of Goods (Implied Terms) Act 1973**(b)**
 Fair Trading Act 1973**(c)**
 Hallmarking Act 1973**(d)**
 Prices Act 1974**(e)**
 Energy Act 1976**(f)**
 Weights and Measures etc Act 1976**(g)**
 Unfair Contract Terms Act 1977**(h)**
 Estate Agents Act 1979**(i)**
 Sale of Goods Act 1979**(j)**
 Public Passenger Vehicles Act 1981**(k)**
 Supply of Goods and Services Act 1982**(l)**
 Motor Cycle Noise Act 1987**(m)**
 Consumer Protection Act 1987**(n)**
 Education Reform Act 1988 (section 215)**(o)**
 Property Misdescriptions Act 1991**(p)**
 Enterprise Act 2002, Part 8**(q)**
 Fireworks Act 2003**(r)**
 Crystal Glass (Descriptions) Regulations 1973**(s)**
 Alcohol Tables Regulations 1979**(t)**
 Package Travel, Package Holidays and Package Tours Regulations 1992**(u)**
 Medicines (Advertising) Regulations 1994**(v)**
 Unfair Terms in Consumer Contracts Regulations 1999**(w)**
 Consumer Protection (Distance Selling) Regulations 2000**(x)**
 Sale and Supply of Goods to Consumers Regulations 2002**(y)**
 Consumer Protection from Unfair Trading Regulations 2008**(z)**

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- (a)** 1969 (c.51).
(b) 1973 (c.13).
(c) 1973 (c.41).
(d) 1973 (c.43).
(e) 1974 (c.24).
(f) 1976 (c.76).
(g) 1976 (c.77).
(h) 1977 (c.50).
(i) 1979 (c.38).
(j) 1979 (c.54).
(k) 1981 (c.14).
(l) 1982 (c.29).
(m) 1987 (c.34).
(n) 1987 (c.43): Part 4 which relates to enforcement of Parts 2 and 3 was amended by S.I. 2008/1277.
(o) 1988 (c.40).
(p) 1991 (c.29).
(q) 2002 (c.40).
(r) 2003 (c.22).
(s) S.I. 1973/1952.
(t) S.I. 1979/132.
(u) S.I. 1992/3288: Schedule 3 sets out enforcement provisions; paragraph 2 of Schedule 3 was revoked by article 3 of S.I. 2003/1376, and paragraph 7 of the Schedule 3 was revoked by article 7 of, and Schedule 5 to, S.I. 2003/1400.
(v) S.I. 1994/1932, amended S.I. 1994/3144, 1999/267, 2002/236, 2003/2321, 2004/1480, 2005/2787, 2006/2407.
(w) S.I. 1999/2083, amended by the Enterprise Act 2002 (c.40).
(x) S.I. 2000/2334.
(y) S.I. 2002/3045, amended by S.I. 2008/1277.
(z) S.I. 2008/1277.

PART 7

All the regulatory functions so far as exercisable by a local authority in Scotland under or by virtue of the following enactments (including any regulatory functions conferred by subordinate legislation made under those enactments) which relate to the granting of licences or permits under those enactments—

Cinemas Act 1985 (sections 1 to 3 and 5 to 16)(a)

Road Traffic Act 1988 (the whole Act except sections 39, 40 and 157 to 159)(b)

Gambling Act 2005(c)

PART 8

All the regulatory functions so far as exercisable by a local authority in Scotland under or by virtue of the following enactments (including any regulatory functions conferred by subordinate legislation made under the Weights and Measures Act 1985) which relate to product safety, compliance with standards, product labelling or weights and measures—

Weights and Measures Act 1985(d)

Calibration of Tanks and Vessels (EEC Requirements) Regulations 1975(e)

Measuring Container Bottles (EEC Requirements) Regulations 1977(f)

Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977(g)

Aerosol Dispensers (EEC Requirements) Regulations 1977(h)

Taximeters (EEC Requirements) Regulations 1979(i)

Measuring Instruments (EEC Requirements) Regulations 1988(j)

Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1988(k)

Simple Pressure Vessels (Safety) Regulations 1991(l)

Supply of Machinery (Safety) Regulations 1992(m)

Electrical Equipment (Safety) Regulations 1994(n)

Units of Measurement Regulations 1995(o)

Footwear (Indication of Composition) Labelling Regulations 1995 (p)

Gas Appliances (Safety) Regulations 1995(q)

Toys (Safety) Regulations 1995(r)

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- (a) 1985 (c.13): whole Act ceased to have effect in respect of England and Wales by the Licensing Act 2003, Schedule 6 paragraph 95.
- (b) 1988 (c.52).
- (c) 2005 (c.19).
- (d) 1985 (c.72), section 85 which relates to enforcement, amended by S.I. 2006/659.
- (e) S.I. 1975/2125.
- (f) S.I. 1977/932
- (g) S.I. 1977/1753.
- (h) S.I. 1977/1140.
- (i) S.I. 1979/1379.
- (j) S.I. 1988/186.
- (k) S.I. 1988/296.
- (l) S.I. 1991/2749, amended by S.I. 2003/1400.
- (m) S.I. 1992/3073, amended by S.I. 1994/2063, 2005/831.
- (n) S.I. 1994/3260.
- (o) S.I. 1995/1804.
- (p) S.I. 1995/2489.
- (q) S.I. 1995/1629.
- (r) S.I. 1995/204, amended by S.I. 2004/1769, 2005/1082.

Energy Information (Washing Machines) Regulations 1996**(a)**
 Energy Information (Tumble Driers) Regulations 1996**(b)**
 Energy Information (Combined Washer-driers) Regulations 1997**(c)**
 Energy Information (Lamps) Regulations 1999**(d)**
 Energy Information (Dishwashers) Regulations 1999**(e)**
 Pressure Equipment Regulations 1999**(f)**
 Non-automatic Weighing Instruments Regulations 2000**(g)**
 Medical Devices Regulations 2002**(h)**
 Personal Protective Equipment Regulations 2002**(i)**
 Chemicals (Hazard Information and Packaging for Supply) Regulations 2002**(j)**
 Energy Information (Household Electric Ovens) Regulations 2003**(k)**
 Controls on Certain Azo Dyes and “Blue Colourant” Regulations 2003**(l)**
 Energy Information (Household Refrigerators and Freezers) Regulations 2004**(m)**
 Biofuel (Labelling) Regulations 2004**(n)**
 Recreational Craft Regulations 2004**(o)**
 Medicines (Traditional Herbal Medicinal Products for human use) Regulations 2005**(p)**
 Energy Information (Household Air Conditioners) (No. 2) Regulations 2005**(q)**
 General Product Safety Regulations 2005**(r)**
 Weights and Measures (Packaged Goods) Regulations 2006**(s)**
 Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006**(t)**
 Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006**(u)**
 Measuring Instruments (Automatic Catchweighers) Regulations 2006**(v)**
 Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006**(w)**

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- (a)** S.I. 1996/600, amended by S.I. 1997/803, 2001/3142, 2008/1277.
(b) S.I. 1996/601, amended by S.I. 2001/3142, 2003/1398, 2008/1277.
(c) S.I. 1997/1624, amended by S.I. 2001/3142, 2003/1398, 2008/1277.
(d) S.I. 1999/1517, amended by S.I. 2003/1398, 2008/1277.
(e) S.I. 1999/1679, amended by S.I. 2001/3142, 2003/1398, 2008/1277.
(f) S.I. 1999/2001, amended by S.I. 2002/1267, 2008/1597.
(g) S.I. 2000/3236, amended by S.I. 2008/738.
(h) S.I. 2002/618; relevant amending instruments are S.I. 2003/1697, 2005/2759, 2005/2909, 2007/400, 2008/2936.
(i) S.I. 2002/1144, amended by S.I. 2004/693.
(j) S.I. 2002/1689, amended by S.I. 2004/568, 2005/1732, 2005/2092, 2008/2337, 2008/2852; there are other amending instruments but none is relevant.
(k) S.I. 2003/751, amended by S.I. 2008/1277.
(l) S.I. 2003/3310, amended by S.I. 2004/2913.
(m) S.I. 2004/1468, amended by SI 2008/1277.
(n) S.I. 2004/3349, amended by S.I. 2005/3355.
(o) S.I. 2004/1464, to which there are amendments which are not relevant to this Order.
(p) S.I. 2005/395, to which there are amendments which are not relevant to this Order.
(q) S.I.2005/1726.
(r) S.I.2005/1803, to which there are amendments which are not relevant to this Order.
(s) S.I. 2006/ 659.
(t) S.I. 2006/1255.
(u) S.I. 2006/1256, amended by S.I. 2006/2625.
(v) S.I. 2006/1257, amended by S.I. 2006/2625.
(w) S.I. 2006/1258.

Measuring Instruments (Beltweighers) Regulations 2006(a)
Measuring Instruments (Capacity Serving Measures) Regulations 2006(b)
Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006(c)
Measuring Instruments (Material Measures of Length) Regulations 2006(d)
Measuring Instruments (Cold-water Meters) Regulations 2006(e)
Measuring Instruments (Liquid Fuel Delivered from Road Tankers)
Regulations 2006(f)
Electromagnetic Compatibility Regulations 2006(g)
Textile Products (Determination of Composition) Regulations 2008(h)
Cosmetic Products (Safety) Regulations 2008(i)

PART 9

All the regulatory functions so far as exercisable by a local authority in Scotland under or by virtue of the following enactment (including any regulatory functions conferred by subordinate legislation made under that enactment) which relate to the regulation of business associations—

Parts 5, 11 and 41 of the Companies Act 2006(j)

PART 10

All the regulatory functions so far as exercisable by a local authority in Scotland under or by virtue of the following enactment (including any regulatory functions conferred by subordinate legislation made under that enactment) which relate to price indications—

Energy Act 1976(k)

PART 11

All the regulatory functions so far as exercisable by a local authority in Scotland under or by virtue of the following enactment (including any regulatory functions conferred by subordinate legislation made under that enactment) other than those regulatory functions which relate to the encouragement of equal opportunities and the observance of requirements under the following enactment—

Disability Discrimination Act 1995(l)

PART 12

All the regulatory functions exercisable by a local authority in Northern Ireland under or by virtue of the following enactment (including any regulatory functions conferred by

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- (a) S.I. 2006/1259.
(b) S.I. 2006/1264.
(c) S.I. 2006/1266.
(d) S.I. 2006/1267.
(e) S.I. 2006/1268, amended by S.I. 2006/2625.
(f) S.I. 2006/1269.
(g) S.I. 2006/3418.
(h) S.I. 2008/15.
(i) S.I. 2008/1284, amended by S.I. 2008/2173, 2008/2566.
(j) 2006 (c.46).
(k) 1976 (c.76).
(l) 1995 (c.50).

subordinate legislation made under that enactment) which relate to the safety of consumers—

Consumer Protection Act 1987(a) (Parts II and III)

PART 13

All the regulatory functions so far as exercisable by a local authority in Northern Ireland under or by virtue of the following subordinate legislation which relates to technical standards derived from European Community law—

Construction Products Regulations 1991(b)
Simple Pressure Vessels (Safety) Regulations 1991(c)
Supply of Machinery (Safety) Regulations 1992(d)
Electrical Equipment (Safety) Regulations 1994(e)
Toys (Safety) Regulations 1995(f)
Gas Appliances (Safety) Regulations 1995(g)
Pressure Equipment Regulations 1999(h)
Medical Devices Regulations 2002(i)
Personal Protective Equipment Regulations 2002(j)
Recreational Craft Regulations 2004(k)
Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005(l)
General Product Safety Regulations 2005(m)
Cosmetic Products (Safety) Regulations 2008(n).”

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- (a) 1987 (c.43).
(b) S.I. 1991/1630, amended by S.I. 1994/3051.
(c) S.I. 1991/2749, amended by S.I. 1994/3098, 2003/1400.
(d) S.I. 1992/3073, amended by S.I. 1994/2063, 2005/831.
(e) S.I. 1994/3260.
(f) S.I. 1995/204, amended by S.I. 2004/1769, 2005/1082.
(g) S.I. 1995/1629.
(h) S.I. 1999/2001, amended by S.I. 2002/1267, 2008/1597.
(i) S.I. 2002/618, relevant amending instruments are S.I. 2003/1697, 2005/2759, 2005/2909, 2007/400, 2008/2936.
(j) S.I. 2002/1144, amended by S.I. 2004/693.
(k) S.I. 2004/1464, to which there are amendments which are not relevant to this Order.
(l) S.I. 2005/2750, to which there are amendments which are not relevant to this Order.
(m) S.I. 2005/1803, to which there are amendments which are not relevant to this Order.
(n) S.I. 2008/1284.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 (S.I.2007/3544) which specifies the regulatory functions to which the duties in sections 21 and 22 of the Legislative and Regulatory Reform Act 2006 (c.51) apply.

This Order extends the duty to have regard to the Regulator's Compliance Code to regulators which regulate private businesses and third sector operators carrying out "public sector" functions for or on behalf of the public sector. In addition, it extends the duty to local authorities in Scotland, Wales and Northern Ireland in respect of specified functions which are reserved, not devolved or not transferred. This Order also updates and modifies Parts 1 to 4 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

Section 21 of the Legislative and Regulatory Reform Act 2006 (the "Act") imposes a duty on any person exercising a specified regulatory function to have regard to the five principles of good regulation. The principles provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

Section 22 of the Act enables a Minister of the Crown to issue a Code of Practice relating to the exercise of regulatory functions (the "Regulators' Compliance Code"). This section imposes a duty on any person exercising a specified regulatory function to have regard to the Regulators' Compliance Code when determining general policies or principles by reference to which that person exercises those functions.

Under section 22(3) of the Act, where a person exercises a regulatory function of setting standards or giving general guidance about the exercise of other regulatory functions, the duty to have regard to the Regulators' Compliance Code applies directly to the exercise of that function of setting standards or giving general guidance.

A copy of the Regulators' Compliance Code and a full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are available from the Better Regulation Executive, Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET. The full impact assessment is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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This draft Order supersedes the two previous draft Orders of the same title which were laid before Parliament on the 4th June 2009 and the 19th June 2009 respectively, and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Order laid before Parliament under section 24(9) of the Legislative and Regulatory Reform Act 2006, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2009 No. 0000

REGULATORY REFORM

The Legislative and Regulatory Reform (Regulatory Functions)
(Amendment) Order 2009

£5.50