

LEGISLATIVE AND REGULATORY REFORM ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Order-Making Powers

Procedure

Section 12: Procedure: introductory

80. [Section 12](#) sets out procedural requirements for making orders under sections 1 and 2. The Minister must consult on his proposals for an order (section 13). He must then lay a draft order and an explanatory document before Parliament (section 14). The order must be made by statutory instrument in accordance with the negative resolution procedure (section 16), the affirmative resolution procedure (section 17) or the super-affirmative resolution procedure (section 18). Section 15 sets out how the procedure is to be determined. The Minister must recommend in the explanatory document the procedure he considers appropriate. The Minister's recommended procedure will apply unless either House of Parliament requires a higher level of procedure.
81. Whilst not specifically introduced by section 12, another important aspect of the procedure for orders is that under all three procedures set out in sections 16 to 18, provision is made for an additional mechanism (which might be referred to as a 'veto') enabling a committee of either House charged with reporting on an order to prevent the order from being made.