



Legislative and Regulatory Reform Act 2006

2006 CHAPTER 51

PART 1

ORDER-MAKING POWERS

Powers

1 Power to remove or reduce burdens

- (1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).
- (2) That purpose is removing or reducing any burden, or the overall burdens, resulting directly or indirectly for any person from any legislation.
- (3) In this section “burden” means any of the following—
 - (a) a financial cost;
 - (b) an administrative inconvenience;
 - (c) an obstacle to efficiency, productivity or profitability; or
 - (d) a sanction, criminal or otherwise, which affects the carrying on of any lawful activity.
- (4) Provision may not be made under subsection (1) in relation to any burden which affects only a Minister of the Crown or government department, unless it affects the Minister or department in the exercise of a regulatory function.
- (5) For the purposes of subsection (2), a financial cost or administrative inconvenience may result from the form of any legislation (for example, where the legislation is hard to understand).
- (6) In this section “legislation” means any of the following or a provision of any of the following—

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- (a) a public general Act or local Act (whether passed before or after the commencement of this section),^{F1}...
- [^{F2}(aa) a Measure or Act of the Assembly,
 [any [^{F4}assimilated direct] legislation,] or
^{F3}(ab)
^{F2}(b) any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other subordinate instrument made at any time [^{F5}under— ,
 (a) an Act referred to in paragraph (a), or
 (b) a Measure or Act of the Assembly,]
^{F5}but does not include any instrument which is, or is made under, Northern Ireland legislation.
- (7) Subject to this Part, the provision that may be made under subsection (1) includes—
 (a) provision abolishing, conferring or transferring, or providing for the delegation of, functions of any description,
 (b) provision creating or abolishing a body or office,
 and provision made by amending or repealing any enactment.
- (8) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate.
- (9) An order under this section may bind the Crown.
- (10) An order under this section must be made in accordance with this Part.

Textual Amendments

- F1** Word in s. 1(6)(a) left out by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2), 3, **Sch. 1 para. 144(a)**(the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))
- F2** S. 1(6)(aa) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2), 3, **Sch. 1 para. 144(b)**(the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))
- F3** S. 1(6)(ab) inserted (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), **ss. 16(2), 22(1)(d)**
- F4** Words in s. 1(6)(ab) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), **Sch. 2 para. 6(2)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F5** Words in s. 1(6)(b) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2), 3, **Sch. 1 para. 144(c)**(the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))

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2 Power to promote regulatory principles

- (1) A Minister of the Crown may by order under this section make any provision which he considers would serve the purpose in subsection (2).
- (2) That purpose is securing that regulatory functions are exercised so as to comply with the principles in subsection (3).
- (3) Those principles are that—
 - (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;
 - (b) regulatory activities should be targeted only at cases in which action is needed.
- (4) Subject to this Part, the provision that may be made under subsection (1) for the purpose in subsection (2) includes—
 - (a) provision modifying the way in which a regulatory function is exercised by any person,
 - (b) provision amending the constitution of a body exercising regulatory functions which is established by or under an enactment,
 - (c) provision transferring, or providing for the delegation of, the regulatory functions conferred on any person,and provision made by amending or repealing any enactment.
- (5) The provision referred to in subsection (4)(c) includes provision—
 - (a) to create a new body to which, or a new office to the holder of which, regulatory functions are transferred;
 - (b) to abolish a body from which, or office from the holder of which, regulatory functions are transferred.
- (6) The provision that may be made under subsection (1) does not include provision conferring any new regulatory function or abolishing any regulatory function.
- (7) An order under this section may contain such consequential, supplementary, incidental or transitional provision (including provision made by amending or repealing any enactment or other provision) as the Minister making it considers appropriate.
- (8) An order under this section may bind the Crown.
- (9) An order under this section must be made in accordance with this Part.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23A inserted by [2016 c. 12 s. 15](#)