



Legislative and Regulatory Reform Act 2006

2006 CHAPTER 51

PART 3

LEGISLATION RELATING TO THE EUROPEAN COMMUNITIES ETC

Implementation of Community obligations etc

27 Power to make orders, rules and schemes

- (1) In section 2 of the European Communities Act 1972 (c. 68) (general implementation of Treaties)—
 - (a) in subsection (2), for “by regulations” substitute “by order, rules, regulations or scheme”;
 - (b) in subsection (4), for “and regulations” substitute “or orders, rules, regulations or schemes”.
- (2) In Schedule 2 to that Act (provisions as to subordinate legislation)—
 - (a) in paragraph 2, in sub-paragraphs (1) and (2), for “regulations” substitute “any order, rules, regulations or scheme”;
 - (b) in paragraph 3, for “regulations”, wherever occurring, substitute “order, rules, regulations or scheme”.
- (3) In section 29 of the Government of Wales Act 1998 (c. 38) (implementation of Community law) in subsections (2) and (3), for “regulations”, wherever occurring, substitute “any order, rules, regulations or scheme”.
- (4) In Schedule 8 to the Scotland Act 1998 (c. 46), in paragraph 15(3), for “regulations” substitute “any order, rules, regulations or scheme”.
- (5) Where any enactment passed, or subordinate legislation made, before the coming into force of this section refers to regulations under subsection (2) of section 2 of the European Communities Act 1972, a Minister of the Crown may by order or regulations

Status: This is the original version (as it was originally enacted).

amend the enactment or subordinate legislation so that it includes a reference to any order, rules or scheme under that subsection.

- (6) The powers of a Minister of the Crown under subsection (5)—
- (a) so far as exercisable in relation to a matter the exercise of functions in respect of which is within devolved competence (within the meaning of the Scotland Act 1998), shall also be exercisable by the Scottish Ministers;
 - (b) so far as exercisable in relation to a transferred matter (within the meaning of the Northern Ireland Act 1998 (c. 47)), shall also be exercisable by a Northern Ireland department;
 - (c) so far as exercisable in relation to a matter in respect of which functions are exercisable by the Assembly, shall also be exercisable by the Assembly.
- (7) The power under subsection (5) to make an order or regulations—
- (a) so far as exercisable by a Minister of the Crown, the Scottish Ministers or the National Assembly for Wales, shall be exercisable by statutory instrument;
 - (b) so far as exercisable by a Northern Ireland department, shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (8) A statutory instrument or statutory rule containing an order or regulations under subsection (5)—
- (a) if made by a Minister of the Crown, shall be subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if made by the Scottish Ministers, shall be subject to annulment in pursuance of a resolution of the Scottish Parliament; and
 - (c) if made by a Northern Ireland department, shall be subject to negative resolution, within the meaning of the Interpretation Act (Northern Ireland) 1954 (1954 c. 33 (N.I.)), as if it were a statutory instrument within the meaning of that Act.
- (9) In subsection (5)—
- (a) “enactment” includes Acts of the Scottish Parliament and Northern Ireland legislation;
 - (b) “subordinate legislation” means any Order in Council, order, rules, regulations, scheme, warrant, byelaws or other instrument made under any Act, Act of the Scottish Parliament or Northern Ireland legislation.