These notes refer to the Regulatory Reform Act 2001 (c.6) which received Royal Assent on 10th April 2001

REGULATORY REFORM ACT 2001

EXPLANATORY NOTES

ANNEX H: REGULATORY REFORM ORDER-MAKING: INITIAL CHECK ON VIRES

ENTRY POINT Is there legislation which has the effect of imposing burdens affecting persons in the carrying on of an activity? Would the proposal for regulatory reform include at least the removal or reduction of burdens (section 1(3)), and any of the remaining objects in section No 1(1): the re-enactment of provisions applying No proportionate burdens making new provisions applying proportionate burdens removing inconsistencies & anomalies? Yes Proposal is NOT suitable for Orders cannot cover RRO. devolved matters (cl. 1(2)). Liaise with Would the proposal for regulatory reform include Minister may decide to matters within the competence of the Scottish Scottish Executive pursue proposal via primary Parliament? legislation or other route. whether they wish to ake similar changes No Does the burden apply to someone other than No a Minister or Government Department? Yes Would the legislation be at least two years old when the order is made? Yes Ŧ is the Minister satisfied that the reform can only be No achieved by amending or replacing primary legislation? Yes Ŧ Is the proposed change to primary legislation likely to be acceptable to the Deregulation Committees No and Parliament as suitable subject-matter for a RRO? Yes ¥ Section 3 No Would the proposed order meet the 'necessary protection' and 'reasonable expectations' tests? Section 1 Would the proposed burden meet the Yes 'proportionality' test in section 1(1)(c)? + Yes Section 3 Would the proposed order Would the proposed order meet the fair impose a burden? No balance' test in section 3(2)? т Yes Section 1 No Section 4 Does the extent to which the order removes or No reduces burdens, or has other beneficial effects Would the proposed order for those subject to the burdens being removed impose new sanctions? make it desirable for the order to be made? No Section 3 Are any new sanctions/powers of entry No provided for by the proposed order within the limits imposed by section 3(3) to 3(5)? REGULATORY REFOR ORDER-MAKING POWEI CAN BE USED next chart on procedure

Note: paragraph 33 of the Explanatory Notes refers.