

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

# REGULATORY REFORM ACT 2001

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## EXPLANATORY NOTES

### THE ACT

36. The sections of the Act may be conveniently divided into four main groups:
- Section 1 sets out the order-making power and the context within which it can be exercised. Section 2 explains what is meant by the term “burden” and related expressions. Section 3 sets out the tests which have to be met by proposed orders, and limits the level of criminal penalties which can be imposed by an order. The flow-chart at **Annex H** details the preliminary checks against vires which a Minister must consider before embarking along the route of a regulatory reform order.
  - The second group of sections is concerned with the mechanics of order-making, which are only slightly different to the equivalent provisions in the 1994 Act. The flow-charts at **Annexes I** and **J** set out the steps involved, from identification of burdensome legislation which could be reformed through to the Parliamentary procedures which an order must undergo. Section 4 provides that orders shall be made by affirmative resolution, except that subordinate details of matters addressed by orders can be modified by either negative or either form of affirmative resolution. Section 5 sets out the consultation a Minister must undertake prior to laying before Parliament details of his proposed order. Section 6 gives details of the information the Minister must provide to Parliament alongside the proposed order. Section 7 governs the disclosure requirements for representations made during consultation on proposed orders. Section 8 sets out the procedure governing Parliament’s scrutiny of draft orders.
  - Sections 9, 10 and 11 make provision for Ministers (and, in certain limited circumstances, the National Assembly for Wales) to set out codes of good practice in relation to enforcement of statutory requirements.
  - The final group of sections is concerned with supplementary matters. Section 12 deals with repeals and savings. Section 13 makes consequential amendments to section 6 of the 1994 Act. Section 14 covers interpretation of terms and section 15 deals with the short title and territorial extent of the Act.