



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—

Status: This is the original version (as it was originally enacted).

- (a) a public general Act or local Act (whether passed before or after the commencement of this section), or
 - (b) any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other subordinate instrument made at any time under an Act referred to in paragraph (a),
- 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.

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.