



# 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**

<sup>F1</sup>(1) .....

<sup>F1</sup>(2) .....

<sup>F2</sup>(3) .....

<sup>F3</sup>(4) .....

(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 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;

<sup>F4</sup>(c) so far as they are powers that—

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- (i) could be conferred by provision falling within the legislative competence of the National Assembly for Wales, or
- (ii) are exercisable in relation to matters in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,
- shall also be exercisable by the Welsh Ministers.]
- (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 [<sup>F5</sup>the Welsh Ministers], 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; <sup>F6</sup>...
- (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 [<sup>F7</sup>, and]
- [<sup>F8</sup>(d) if made by the Welsh Ministers, shall be subject to annulment in pursuance of a resolution of the Assembly].
- (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.

#### Textual Amendments

- F1** S. 27(1)(2) repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), reg. 1(3), [Sch.](#) (with reg. 9(2))
- F2** S. 27(3) omitted 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. 149\(a\)](#) (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 \(c. 32\)](#))
- F3** S. 27(4) repealed (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), reg. 1(3), [Sch.](#) (with reg. 9(2))
- F4** S. 27(6)(c) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 67](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)
- F5** Words in s. 27(7)(a) 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. 149\(c\)](#) (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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- F6** Word in s. 27(8)(b) omitted 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. 149\(d\)\(i\)](#)(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 \(c. 32\)](#))
- F7** Word in s. 27(8)(c) 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. 149\(d\)\(ii\)](#)(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 \(c. 32\)](#))
- F8** S. 27(8)(d) 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. 149\(d\)\(iii\)](#)(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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**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](#)