Legislative and Regulatory Reform Act 2006

2006 CHAPTER 51

PART 1

ORDER-MAKING POWERS

Restrictions

4 Subordinate legislation

(1) An order under this Part may only confer or transfer a function of legislating on or to—

(a) a Minister of the Crown;

(b) any person on or to whom functions are conferred or have been transferred by an enactment; or

(c) a body which, or the holder of an office which, is created by the order.

(2) An order under this Part may not make provision for the delegation of any function of legislating.

(3) An order under this Part may not make provision to confer a function of legislating on a Minister of the Crown (alone or otherwise) unless the conditions in subsections (4) and (5) are satisfied.

[[F1](3A) An order under this Part may not make provision to confer a function of legislating on the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government (alone or otherwise) unless the conditions in subsections (4) and (5A) are satisfied.**]**

[F1](4) The condition in this subsection is that the function is exercisable by statutory instrument.

(5) The condition in this subsection is that such a statutory instrument—

Changes to legislation: *Legislative and Regulatory Reform Act 2006, Section 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) is an instrument to which section 5(1) of the Statutory Instruments Act 1946 (c. 36) applies (instruments subject to annulment by resolution of either House of Parliament); or

(b) is not to be made unless a draft of the statutory instrument has been laid before and approved by a resolution of each House of Parliament.

[[F2](5A) The condition in this subsection is that such a statutory instrument—

(a) is an instrument to which section 5(1) of the Statutory Instruments Act 1946 applies (instruments subject to annulment); or

(b) is not to be made unless a draft of the statutory instrument has been laid before and approved by a resolution of the Assembly.**]**

[F2](6) **[**[F3]Subsections (1) to (3A)**]**[F3] do not apply to provision which merely restates an enactment.

(7) For the purposes of this section a "function of legislating" is a function of legislating by order, rules, regulations or other subordinate instrument.

Textual Amendments

F1 S. 4(3A) 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. 145(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))

F2 S. 4(5A) 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. 145(b)**(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 Words in s. 4(6) 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. 145(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))

Changes to legislation:
Legislative and Regulatory Reform Act 2006, Section 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

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