



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.
- (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—
 - (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.

Status: This is the original version (as it was originally enacted).

- (6) Subsections (1) to (3) 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.