

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 104: Power to spell out dates described in legislation

478. This section confers a power on Ministers to amend legislation – primary and secondary – by statutory instrument in order to spell out dates described in it.
479. *Subsection (1)(a)* gives a power to a Minister to make an order which replaces a reference in legislation to the commencement of a provision – for example ‘the appointed day’ – with a reference to the actual date on which the provision came into force.
480. *Subsection (1)(b)* gives a power to a Minister to replace a reference in legislation to the date on which any other event occurs with a reference to the actual date on which that event occurs.
481. The following example may help to illustrate the power in subsection (1)(a).

BEFORE

Section 66(2) of the Adoption and Children Act 2002 currently reads:

- “(2) But references in this Chapter to adoption do not include an adoption effected before the day on which this Chapter comes into force (referred to in this Chapter as “the appointed day”).

To know whether the Chapter applies to an adoption, the reader would need to find out when it came into force. The reader would need to look up the commencement order and would then discover that the Chapter came into force on 30 December 2005.

AFTER

The power could be used to amend section 66(2) to read:

- “(2) But references in this Chapter to adoption do not include an adoption effected before 30 December 2005 (the day on which this Chapter came into force).

It would also be necessary to use the power to convert other references to “the appointed day” into references to “30 December 2005”; and to remove “the appointed day” from the glossary of defined terms in the 2002 Act. This would be done using the power under *subsection (2)* of the section.

482. Legislation is sometimes brought into force early for the limited purpose of exercising powers under it; it is then brought into force for remaining purposes on a later date. In this sort of case, references in the legislation to the date on which it comes into force must usually be construed as references to the date on which it comes fully into force and, where appropriate, the power in subsection (1)(a) would therefore be used

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

to replace references in the legislation to the date on which it comes into force with the date on which it comes fully into force.

483. The following examples may help to illustrate the power in subsection (1)(b).

Example 1

BEFORE

Section 4(7) of the Holocaust (Return of Cultural Objects) Act 2009 says:

“This Act expires at the end of the period of 10 years beginning with the day on which it is passed.

AFTER

Subsection (1)(b) could be used to amend the provision to say:

“This Act expires at the end of the period of 10 years beginning with 12 November 2009 (the day on which the Act was passed).

Example 2

BEFORE

Section 73(1) of the Charities Act 2006 says:

“The Minister must, before the end of the period of five years beginning with the day on which this Act is passed, appoint a person to review generally the operation of this Act.

AFTER

Subsection (1)(b) could amend the provision to say:

“The Minister must, before the end of the period of five years beginning with 8 November 2006 (the day on which this Act was passed) appoint a person to review generally the operation of this Act.

484. The purpose of the power is to improve the accessibility of legislation, so that those reading legislation will be able to see on the face of the legislation what the relevant dates are without having to look them up, for example by searching through commencement orders. The power can be used on an ongoing basis, in relation to legislation passed or made after the enactment of a Bill, to replace references to commencement dates with actual dates as and when they become known. The power is often likely to be used at the same time as making a commencement order specifying the date on which the legislation is to come into force. But it will also be possible to use it to amend references to commencement dates in existing legislation.
485. The section forms part of the law of England and Wales, Scotland and Northern Ireland but the powers given by the section cannot be used in relation to areas within Scottish devolved competence or areas exclusively within Northern Ireland devolved competence. They also cannot be used to amend subordinate legislation made by the Welsh Ministers (or by the National Assembly for Wales at a time when, prior to the Government of Wales Act 2006, it made subordinate legislation). The section comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.