



Criminal Finances Act 2017

2017 CHAPTER 22

PART 4

GENERAL

55 Section 54: procedural requirements

- (1) Before making regulations under section 54(1) the Secretary of State must—
 - (a) if the regulations contain provision that would fall within the legislative competence of the Scottish Parliament if included in an Act of that Parliament, consult the Scottish Ministers;
 - (b) if the regulations contain provision that deals with a transferred matter, consult the Department of Justice in Northern Ireland;
 - (c) if the regulations contain provision that would fall within the legislative competence of the National Assembly for Wales if included in an Act of that Assembly, consult the Welsh Ministers.
- (2) Before making regulations under section 54(2) the Scottish Ministers must consult the Secretary of State.
- (3) Before making regulations under section 54(3) the Department of Justice in Northern Ireland must consult the Secretary of State.
- (4) A statutory instrument containing (whether alone or with other provision) regulations under section 54 made by the Secretary of State that repeal, revoke or otherwise amend any provision of primary legislation is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Any other statutory instrument containing regulations under that section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under section 54 made by the Scottish Ministers that repeal, revoke or otherwise amend any provision of primary legislation are subject to the affirmative

procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

- (7) Any other regulations under that section made by the Scottish Ministers are subject to the negative procedure (see Part 2 of that Act).
- (8) Regulations under section 54 made by the Department of Justice in Northern Ireland that repeal, revoke or otherwise amend any provision of primary legislation are not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (9) Any other regulations under that section made by the Department of Justice in Northern Ireland are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (10) A power of the Department of Justice in Northern Ireland to make regulations under section 54 is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).