
Changes to legislation: There are currently no known outstanding effects for the Trade Act 2021, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 4(3)

REGULATIONS UNDER PART 1

PART 1

STATUTORY INSTRUMENTS AND STATUTORY RULES

- 1 (1) Any power to make regulations under Part 1 of this Act—
- (a) so far as exercisable by a Minister of the Crown acting alone or by a Minister of the Crown acting jointly with a devolved authority, is exercisable by statutory instrument,
 - (b) so far as exercisable by the Welsh Ministers acting alone, is exercisable by statutory instrument, and
 - (c) so far as exercisable by a Northern Ireland department acting alone, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (SI 1979/1573 (NI 12)) (and not by statutory instrument).
- (2) For regulations made under Part 1 of this Act by the Scottish Ministers acting alone, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).

Commencement Information

II Sch. 2 para. 1 in force at 6.5.2021 by S.I. 2021/550, reg. 2(g)

PART 2

SCRUTINY OF REGULATIONS UNDER SECTION 1(1)

Scrutiny of regulations made by Minister of the Crown or devolved authority acting alone

- 2 (1) A statutory instrument containing regulations of a Minister of the Crown acting alone under section 1(1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Regulations of the Scottish Ministers acting alone under section 1(1) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (3) A statutory instrument containing regulations of the Welsh Ministers acting alone under section 1(1) is subject to annulment in pursuance of a resolution of Senedd Cymru.

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- (4) Regulations of a Northern Ireland department acting alone under section 1(1) are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

Commencement Information

I2 Sch. 2 para. 2 in force at 6.5.2021 by S.I. 2021/550, reg. 2(g)

Scrutiny of regulations made by Minister of the Crown and devolved authority acting jointly

- 3 (1) This paragraph applies to regulations of a Minister of the Crown acting jointly with a devolved authority under section 1(1).
- (2) The procedure provided for by sub-paragraph (3) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.
- (5) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (negative procedure etc.) apply in relation to regulations to which sub-paragraph (4) applies and which are subject to the negative procedure as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (6) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (4) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (7) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (8) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (9) If in accordance with this paragraph—
- (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument be annulled, or
 - (b) a relevant devolved legislature resolves that an instrument be annulled,
- nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.
- (10) In sub-paragraph (9) “relevant devolved legislature” means—

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- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
 - (b) in the case of regulations made jointly with the Welsh Ministers, Senedd Cymru, and
 - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (11) Sub-paragraph (9) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (12) Sub-paragraphs (9) to (11) apply in place of provision made by any other enactment about the effect of such a resolution.
- (13) In this paragraph, “enactment” includes an enactment contained in, or in an instrument made under—
- (a) an Act of the Scottish Parliament,
 - (b) a Measure or Act of Senedd Cymru, or
 - (c) Northern Ireland legislation.

Commencement Information

I3 Sch. 2 para. 3 in force at 6.5.2021 by S.I. 2021/550, reg. 2(g)

PART 3

SCRUTINY OF REGULATIONS UNDER SECTION 2(1)

Scrutiny of regulations made by Minister of the Crown or devolved authority acting alone

- 4 (1) A statutory instrument containing regulations of a Minister of the Crown acting alone under section 2(1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) Regulations of the Scottish Ministers acting alone under section 2(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (3) A statutory instrument containing regulations of the Welsh Ministers acting alone under section 2(1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (4) Regulations of a Northern Ireland department acting alone under section 2(1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Commencement Information

I4 Sch. 2 para. 4 in force at 6.5.2021 by S.I. 2021/550, reg. 2(g)

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Scrutiny of regulations made by Minister of the Crown and devolved authority acting jointly

- 5 (1) This paragraph applies to regulations of a Minister of the Crown acting jointly with a devolved authority under section 2(1).
- (2) The procedure provided for by sub-paragraph (3) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument which contains regulations to which this paragraph applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the affirmative procedure.
- (5) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (4) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (6) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (4) applies as it applies in relation to the laying before the Scottish Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (7) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (8) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Commencement Information

I5 [Sch. 2 para. 5](#) in force at 6.5.2021 by [S.I. 2021/550](#), [reg. 2\(g\)](#)

PART 4

SCRUTINY OF REGULATIONS UNDER SECTION 2(10)(B)

- 6 A statutory instrument containing regulations of the Secretary of State under section 2(10)(b) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Commencement Information

I6 [Sch. 2 para. 6](#) in force at 6.5.2021 by [S.I. 2021/550](#), [reg. 2\(g\)](#)

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