

SCHEDULE 1

Definitions

PART 1

Meaning of (a) “retained function” and (b) “any function in relation to which functions are exercisable by a Minister of the Crown or Government Department”

1. In these Regulations, “retained function” means as respects the Scottish inshore region, the Scottish offshore region, the Welsh inshore region, the Welsh offshore region, the Northern Ireland inshore region and the Northern Ireland offshore region, any function of a Minister of the Crown, government department, Northern Ireland department or public authority other than—

- (a) any Scottish Ministerial function;
- (b) any Welsh Ministerial function;
- (c) any Northern Ireland government function;
- (d) any secondary devolved function; or
- (e) any relevant ancillary function.

2.—(1) For the purpose of paragraph 1(a) to (c) and paragraph 3—

- (a) “Northern Ireland government function” means—
 - (i) any function exercisable by a Northern Ireland Minister or a Northern Ireland department, other than any joint function or concurrent function;
 - (ii) any concurrent function, so far as exercised by a Northern Ireland Minister or a Northern Ireland department;
 - (iii) the function exercised by a Northern Ireland Minister or a Northern Ireland department when exercising a joint function;
- (b) “Scottish Ministerial function” means—
 - (i) any function exercisable by the Scottish Ministers, other than any joint function or concurrent function;
 - (ii) any concurrent function, so far as exercised by the Scottish Ministers;
 - (iii) the function exercised by the Scottish Ministers when exercising a joint function;
- (c) “Welsh Ministerial function” means—
 - (i) any function exercisable by the Welsh Ministers, the First Minister or the Counsel General, other than any joint function or concurrent function;
 - (ii) any concurrent function, so far as exercised by the Welsh Ministers, the First Minister or the Counsel General;
 - (iii) the function exercised by the Welsh Ministers, the First Minister or the Counsel General when exercising a joint function;
- (d) “concurrent function” means a function exercisable concurrently with a Minister of the Crown or government department;
- (e) “joint function” means a function exercisable jointly with a Minister of the Crown or government department.

3. For the purpose of paragraph 1(e), “relevant ancillary function” means any function exercisable by a public authority in relation to any of the following—

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

- (a) a Scottish Ministerial function,
- (b) a Welsh Ministerial function,
- (c) a Northern Ireland government function,
- (d) a secondary devolved function,

other than any function in relation to which functions are exercisable by a Minister of the Crown or government department.

4. For the purposes of regulation 2(1)(1) and paragraph 3, functions are not to be regarded as exercisable by a Minister of the Crown or government department in relation to any function of a public authority merely because—

- (a) the agreement of a Minister of the Crown or government department is required to the exercise of a function of the public authority;
- (b) a Minister of the Crown or government department must be consulted by the public authority, or by the Scottish Ministers, the Welsh Ministers, the First Minister, the Counsel General, a Northern Ireland Minister or a Northern Ireland department, about the exercise of a function of the public authority; or
- (c) a Minister of the Crown or government department may exercise functions falling within paragraph 5 in relation to functions of the public authority.

5. The functions mentioned in paragraph 4(c) are—

- (a) functions under section 2(2) of the European Communities Act 1972(2);
- (b) functions by virtue of section 57(1) of the Scotland Act 1998(3) (Community obligations) or under section 58 of that Act (international obligations);
- (c) functions under section 26 or 27 of the Northern Ireland Act 1998(4) (international obligations and quotas for international obligations);
- (d) functions by virtue of section 80(3) of, or paragraph 5 of Schedule 3 to, the Government of Wales Act 2006(5) (Community obligations) or under section 82 of that Act (international obligations etc);
- (e) functions under section 152 of that Act (intervention in case of functions relating to water etc).

(1) See definitions of “secondary devolved Northern Ireland function”, “secondary devolved Scottish function” and “secondary devolved Welsh function”.

(2) 1972 c. 68.

(3) 1998 c. 46.

(4) 1998 c. 47.

(5) 2006 c. 32.