



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER I

GENERAL

Removal or reduction of burdens

3 Preliminary consultation.

[^{F1}(1) Before a Minister makes an order under section 1 above, he shall—

- (a) consult such organisations as appear to him to be representative of interests substantially affected by his proposals; and
- (b) consult such other persons as he considers appropriate.

(2) If it appears to the Minister, as a result of the consultation required by subsection (1) above, that it is appropriate to vary the whole or any part of his proposals, he shall undertake such further consultation with respect to the variations as appears to him to be appropriate.

(3) If, after the conclusion of—

- (a) the consultation required by subsection (1) above, and
- (b) any further consultation undertaken as mentioned in subsection (2) above,

the Minister considers it appropriate to proceed with the making of an order under section 1 above, he shall lay before Parliament [^{F2}or, where the Minister is a Scottish Minister, before the Scottish Parliament] a document containing his proposals in

Changes to legislation: There are currently no known outstanding effects for the Deregulation and Contracting Out Act 1994, Section 3. (See end of Document for details)

the form of a draft of the order, together with details of the matters specified in subsection (4) below.

- (4) The matters referred to in subsection (3) above are—
- (a) the burden, authorisation or requirement which it is proposed to remove or reduce;
 - (b) whether the existing provision affords any necessary protection and, if so, how that protection is to be continued if the burden, authorisation or requirement is removed or reduced;
 - (c) whether any savings in cost are estimated to result from the proposals and, if so, either the estimated amount or the reasons why savings should be expected;
 - (d) any other benefits which are expected to flow from the removal or reduction of the burden, authorisation or requirement;
 - (e) any consultation undertaken as required by subsection (1) or subsection (2) above;
 - (f) any representations received as a result of that consultation; and
 - (g) the changes (if any) which the Minister has made to his original proposals in the light of those representations.
- (5) In giving details of the representations referred to in subsection (4)(f) above, the Minister shall not disclose any information relating to a particular person or business except—
- (a) with the consent of that person or of the person carrying on that business; or
 - (b) in such a manner as not to identify that person or business.
- (6) If, before the day on which this section comes into force, any consultation was undertaken which, had it been undertaken after that day, would to any extent have satisfied the requirements of subsection (1) above, those requirements shall to that extent be taken to have been satisfied.]

Textual Amendments

- F1** Ss. 1-5 repealed (S.) (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(3)(7)(7), [Sch. 7 para. 1\(2\)](#) (with [Sch. 7 para. 1\(4\)](#)); S.S.I. 2010/221, art. 3(2)
- F2** Words in s. 3(3) inserted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. I para. 117\(3\)](#) (with [art. 5](#))

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