



Legislative and Regulatory Reform Act 2006

2006 CHAPTER 51

PART 2

REGULATORS

Exercise of regulatory functions

21 Principles

- (1) Any person exercising a regulatory function to which this section applies must have regard to the principles in subsection (2) in the exercise of the function.
- (2) Those principles are that—
 - (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;
 - (b) regulatory activities should be targeted only at cases in which action is needed.
- (3) The duty in subsection (1) is subject to any other requirement affecting the exercise of the regulatory function.

22 Code of practice

- (1) A Minister of the Crown may issue and from time to time revise a code of practice in relation to the exercise of regulatory functions.
- (2) Any person exercising a regulatory function to which this section applies must, except in a case where subsection (3) applies, have regard to the code in determining any general policy or principles by reference to which the person exercises the function.
- (3) Any person exercising a regulatory function to which this section applies which is a function of setting standards or giving guidance generally in relation to the exercise of other regulatory functions must have regard to the code in the exercise of the function.

Status: Point in time view as at 01/10/2011.

Changes to legislation: Legislative and Regulatory Reform Act 2006, Part 2 is up to date with all changes known to be in force on or before 06 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) The duties in subsections (2) and (3) are subject to any other requirement affecting the exercise of the regulatory function.

23 Code of practice: procedure

- (1) Where a Minister of the Crown proposes to issue or revise a code of practice under section 22, he shall prepare a draft of the code (or revised code).
- (2) The Minister shall, in preparing the draft, seek to secure that it is consistent with the principles specified in section 21(2).
- (3) The Minister shall consult the following about the draft—
- (a) persons appearing to him to be representative of persons exercising regulatory functions;
 - (b) such other persons as he considers appropriate.
- (4) If the Minister determines to proceed with the draft (either in its original form or with modifications) he shall lay the draft before Parliament.
- (5) Where the draft laid before Parliament under subsection (4) is approved by resolution of each House of Parliament, the Minister may issue the code (or revised code).
- (6) A code (or revised code) issued under subsection (5) shall come into force on such date as the Minister may by order made by statutory instrument appoint.

Subordinate Legislation Made

P1 [S. 23\(6\)](#) power fully exercised: 6.4.2008 appointed by [{S.I. 2007/3548}](#), art. 2

24 Functions to which sections 21 and 22 apply

- (1) Sections 21 and 22 apply to regulatory functions specified under this section.
- (2) A Minister of the Crown may by order in accordance with this section specify regulatory functions as functions to which sections 21 and 22 apply.
- (3) A Minister may not under subsection (2) specify—
- (a) a regulatory function so far as exercisable in Scotland, if or to the extent that the function relates to matters which are not reserved matters;
 - (b) a regulatory function so far as exercisable in Northern Ireland, if or to the extent that the function relates to matters which are transferred matters; or
 - (c) a regulatory function exercisable only in or as regards Wales.
- (4) ^[F1]The Welsh Ministers^{F1} may by order in accordance with this section specify regulatory functions exercisable only in or as regards Wales as functions to which sections 21 and 22 apply.
- (5) An order under this section may not specify regulatory functions conferred on or exercisable by any of the following—
- (a) the Gas and Electricity Markets Authority;
 - (b) the Office of Communications;
 - (c) the Office of Rail Regulation;

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- ^{F2}(d)
- (e) the Water Services Regulation Authority.
- (6) Before making an order under this section, the authority making the order must consult the following—
- (a) any person (other than the authority) whose functions are to be specified in the order;
- (b) such other persons as the authority considers appropriate.
- (7) An order under this section may make such consequential, supplementary, incidental, or transitional provision (including provision amending any enactment) as the authority making it considers appropriate; and may make different provision for different purposes.
- (8) An order under this section must be made by statutory instrument.
- (9) A Minister of the Crown may not make a statutory instrument containing an order under this section unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- [^{F3}(9A) The Welsh Ministers may not make a statutory instrument containing an order under this section unless a draft has been laid before, and approved by resolution of, the Assembly.]
- ^{F3}(10) In this section—
- “reserved matter” and “Scotland” have the same meanings as in the Scotland Act 1998 (c. 46);
- “transferred matter” and “Northern Ireland” have the same meanings as in the Northern Ireland Act 1998 (c. 47);
- “Wales” has the same meaning as in the [^{F4}Government of Wales Act 2006]^{F4}.

Textual Amendments

- F1** Words in s. 24(4) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2), 3, **Sch. 1 para. 148(a)**(the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#))
- F2** S. 24(5)(d) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 174**; S.I. 2011/2329, art. 3
- F3** S. 24(9A) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2), 3, **Sch. 1 para. 148(b)**(the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#))
- F4** Words in s. 24(10) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), arts. 1(2), 3, **Sch. 1 para. 148(c)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#))

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Modifications etc. (not altering text)

- C1** S. 24(6) excluded (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 3(2)**, 324; S.I. 2009/3345, **art. 2**, Sch. para. 1
- C2** S. 24(6) excluded (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 3(2)**, 324(3); S.I. 2009/3345, **art. 2**, Sch. para. 1

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