



# Constitutional Reform and Governance Act 2010

## 2010 CHAPTER 25

### PART 2

#### RATIFICATION OF TREATIES

#### **20 Treaties to be laid before Parliament before ratification**

- (1) Subject to what follows, a treaty is not to be ratified unless—
  - (a) a Minister of the Crown has laid before Parliament a copy of the treaty,
  - (b) the treaty has been published in a way that a Minister of the Crown thinks appropriate, and
  - (c) period A has expired without either House having resolved, within period A, that the treaty should not be ratified.
- (2) Period A is the period of 21 sitting days beginning with the first sitting day after the date on which the requirement in subsection (1)(a) is met.
- (3) Subsections (4) to (6) apply if the House of Commons resolved as mentioned in subsection (1)(c) (whether or not the House of Lords also did so).
- (4) The treaty may be ratified if—
  - (a) a Minister of the Crown has laid before Parliament a statement indicating that the Minister is of the opinion that the treaty should nevertheless be ratified and explaining why, and
  - (b) period B has expired without the House of Commons having resolved, within period B, that the treaty should not be ratified.
- (5) Period B is the period of 21 sitting days beginning with the first sitting day after the date on which the requirement in subsection (4)(a) is met.
- (6) A statement may be laid under subsection (4)(a) in relation to the treaty on more than one occasion.

*Status: Point in time view as at 19/08/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 2. (See end of Document for details)*

- (7) Subsection (8) applies if—
- (a) the House of Lords resolved as mentioned in subsection (1)(c), but
  - (b) the House of Commons did not.
- (8) The treaty may be ratified if a Minister of the Crown has laid before Parliament a statement indicating that the Minister is of the opinion that the treaty should nevertheless be ratified and explaining why.
- (9) “Sitting day” means a day on which both Houses of Parliament sit.

**Commencement Information**

**II** [S. 20](#) in force at 11.11.2010 by [S.I. 2010/2703](#), [art. 2\(b\)](#)

**21 Extension of 21 sitting day period**

- (1) A Minister of the Crown may, in relation to a treaty, extend the period mentioned in section 20(1)(c) by 21 sitting days or less.
- (2) The Minister does that by laying before Parliament a statement—
  - (a) indicating that the period is to be extended, and
  - (b) setting out the length of the extension.
- (3) The statement must be laid before the period would have expired without the extension.
- (4) The Minister must publish the statement in a way the Minister thinks appropriate.
- (5) The period may be extended more than once.

**Commencement Information**

**I2** [S. 21](#) in force at 11.11.2010 by [S.I. 2010/2703](#), [art. 2\(b\)](#)

**22 Section 20 not to apply in exceptional cases**

- (1) Section 20 does not apply to a treaty if a Minister of the Crown is of the opinion that, exceptionally, the treaty should be ratified without the requirements of that section having been met.
- (2) But a treaty may not be ratified by virtue of subsection (1) after either House has resolved, as mentioned in section 20(1)(c), that the treaty should not be ratified.
- (3) If a Minister determines that a treaty is to be ratified by virtue of subsection (1), the Minister must, either before or as soon as practicable after the treaty is ratified—
  - (a) lay before Parliament a copy of the treaty,
  - (b) arrange for the treaty to be published in a way that the Minister thinks appropriate, and
  - (c) lay before Parliament a statement indicating that the Minister is of the opinion mentioned in subsection (1) and explaining why.

*Status: Point in time view as at 19/08/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 2. (See end of Document for details)*

#### Commencement Information

**I3** S. 22 in force at 11.11.2010 by S.I. 2010/2703, art. 2(b)

### 23 Section 20 not to apply to certain descriptions of treaties

(1) Section 20 does not apply to—

- <sup>F1</sup>(a) .....
- (b) a treaty covered by section 5 of the European Union (Amendment) Act 2008 (treaty amending [<sup>F2</sup>Treaty establishing European Atomic Energy Community] not to be ratified unless approved by Act of Parliament).
- [<sup>F3</sup>(c) a treaty that is subject to a requirement imposed by Part 1 of the European Union Act 2011 (restrictions on treaties and decisions relating to EU).]

(2) Section 20 does not apply to a treaty in relation to which an Order in Council may be made under one or more of the following—

- (a) section 158 of the Inheritance Tax Act 1984 (double taxation conventions);
- (b) section 2 of the Taxation (International and Other Provisions) Act 2010 (double taxation arrangements);
- (c) section 173 of the Finance Act 2006 (international tax enforcement arrangements).

[<sup>F4</sup>(2A) Section 20 does not apply to a treaty in relation to which an order may be made under paragraph 66 of Schedule 19 to the Finance Act 2011 (bank levy: arrangements affording double taxation relief).]

(3) Section 20 does not apply to a treaty concluded (under authority given by the government of the United Kingdom) by the government of a British overseas territory, of any of the Channel Islands or of the Isle of Man.

(4) Section 20 does not apply to a treaty a copy of which is presented to Parliament by command of Her Majesty before that section comes into force.

#### Textual Amendments

- F1** S. 23(1)(a) omitted (19.8.2011) by virtue of European Union Act 2011 (c. 12), ss. 14(2)(a), 21; S.I. 2011/1984, art. 2
- F2** Words in s. 23(1)(b) substituted (19.8.2011) by European Union Act 2011 (c. 12), ss. 14(2)(b), 21; S.I. 2011/1984, art. 2
- F3** S. 23(1)(c) inserted (19.8.2011) by European Union Act 2011 (c. 12), ss. 14(2)(c), 21; S.I. 2011/1984, art. 2
- F4** S. 23(2A) inserted (19.7.2011) by Finance Act 2011 (c. 11), Sch. 19 para. 69

#### Commencement Information

**I4** S. 23 in force at 11.11.2010 by S.I. 2010/2703, art. 2(b)

### 24 Explanatory memoranda

In laying a treaty before Parliament under this Part, a Minister shall accompany the treaty with an explanatory memorandum explaining the provisions of the treaty, the

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reasons for Her Majesty's Government seeking ratification of the treaty, and such other matters as the Minister considers appropriate.

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**Commencement Information**

**I5** [S. 24](#) in force at 11.11.2010 by [S.I. 2010/2703](#), [art. 2\(b\)](#)

## **25 Meaning of “treaty” and “ratification”**

- (1) In this Part “treaty” means a written agreement—
  - (a) between States or between States and international organisations, and
  - (b) binding under international law.
- (2) But “treaty” does not include a regulation, rule, measure, decision or similar instrument made under a treaty (other than one that amends or replaces the treaty (in whole or in part)).
- (3) In this Part a reference to ratification of a treaty is a reference to an act of a kind specified in subsection (4) which establishes as a matter of international law the United Kingdom's consent to be bound by the treaty.
- (4) The acts are—
  - (a) deposit or delivery of an instrument of ratification, accession, approval or acceptance;
  - (b) deposit or delivery of a notification of completion of domestic procedures.

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**Commencement Information**

**I6** [S. 25](#) in force at 11.11.2010 by [S.I. 2010/2703](#), [art. 2\(b\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 2.