

*Status:* Point in time view as at 13/03/2017. This version of this schedule contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 23. (See end of Document for details)

## SCHEDULES

PROSPECTIVE

### SCHEDULE 23

Section 58

#### SUPER-AFFIRMATIVE PROCEDURE

##### *Prior consultation*

- 1 If the Secretary of State is proposing to make an order under section 2, the Secretary of State must consult those persons whom the Secretary of State considers would be affected by the proposed order.

##### *Draft order*

- 2 (1) If, after such a consultation, the Secretary of State considers it appropriate to proceed with the making of the order, the Secretary of State must lay before Parliament—
- (a) a draft order, and
  - (b) a document which explains the order.
- (2) The Secretary of State may not act under this paragraph before the end of the period of twelve weeks beginning with the day on which the consultation began.

##### *Draft order approved*

- 3 (1) The Secretary of State may make an order in the terms of the draft order laid under paragraph 2 if, after the expiry of the 40-day period, the draft order is approved by a resolution of each House of Parliament.
- (2) But the procedure in paragraph 4 is to apply to the draft order instead of the procedure in this paragraph if—
- (a) either House of Parliament so resolves within the 30-day period, or
  - (b) a committee of either House charged with reporting on the draft order so recommends within the 30-day period and the House to which the recommendation is made does not by resolution reject the recommendation within that period.

##### *Scrutiny extended*

- 4 (1) The Secretary of State must have regard to—
- (a) any representations,
  - (b) any resolution of either House of Parliament, and
  - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,
- made during the 60-day period with regard to the draft order.

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- (2) If after the expiry of the 60-day period the draft order is approved by a resolution of each House of Parliament, the Secretary of State may make an order in the terms of the draft order.
- (3) If after the expiry of the 60-day period the Secretary of State wishes to proceed with the draft order but with material changes, the Secretary of State may lay before Parliament—
  - (a) a revised draft order, and
  - (b) a statement giving a summary of the changes proposed.
- (4) If the revised draft order is approved by a resolution of each House of Parliament, the Secretary of State may make an order in the terms of the revised draft order.

#### *Interpretation*

- 5 (1) For the purposes of this paragraph an order is made in the terms of a draft order or revised draft order if it contains no material changes to its provisions.
- (2) In this Schedule, references to the “30-day”, “40-day” and “60-day” periods in relation to any draft order are to the periods of 30, 40 and 60 days beginning with the day on which the draft order was laid before Parliament.
- (3) For that purpose no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.

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