



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 2

REGULATORY REFORM

Secondary legislation: duty to review

28 Duty to review regulatory provisions in secondary legislation

- (1) This section applies where—
- (a) an Act confers a power or duty on a Minister of the Crown to make secondary legislation, and
 - (b) the Minister exercises the power or duty so as to—
 - (i) make regulatory provision in relation to any qualifying activity (see sections 29 and 32), or
 - (ii) amend regulatory provision made in relation to any qualifying activity.
- (2) The Minister must—
- (a) make provision for review in the secondary legislation in which the regulatory provision is made (see section 30), or
 - (b) publish a statement that it is not appropriate in the circumstances to make provision for review in that legislation (see section 31).
- (3) This section does not apply if or to the extent that the power or duty is to be exercised so as to—
- (a) make or amend—
 - (i) provision imposing, abolishing or varying any tax, duty, levy or other charge, or

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 28. (See end of Document for details)

- (ii) provision in connection with provision falling within subparagraph (i);
 - (b) make or amend provision in connection with procurement;
 - (c) make or amend provision in connection with the giving of grants or other financial assistance by or on behalf of a public authority;
 - (d) make or amend provision which is to cease to have effect before the end of the period of 5 years beginning with the commencement date; or
 - (e) make or amend provision which is subject to review by virtue of existing provision in the secondary legislation.
- (4) In this section and section 29 “public authority” [^{F1}means—
- (a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or
 - (b) the Advanced Research and Invention Agency.]

Textual Amendments

- F1** Words in s. 28(4) substituted (25.1.2023) by [Advanced Research and Invention Agency Act 2022](#) (c. 4), s. 13(1), [Sch. 3 para. 11](#); S.I. 2023/58, reg. 2

Modifications etc. (not altering text)

- C1** S. 28 excluded (26.6.2018) by [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(1)(e), [Sch. 7 para. 27](#) (with s. 19, [Sch. 8 para. 37](#))
- C2** S. 28 excluded (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(6)(e), [Sch. 5 para. 31](#)
- C3** S. 28 excluded (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), [ss. 20\(5\), 22\(1\)\(e\)](#)

Commencement Information

- I1** S. 28 in force at 1.7.2015 by [S.I. 2015/1329](#), [reg. 5](#)

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