



# Corporate Insolvency and Governance Act 2020

## 2020 CHAPTER 12

*Power to amend corporate insolvency or governance legislation: Great Britain*

### **22 Restrictions**

- (1) Before making regulations under section 20 the Secretary of State must consider the effect of the regulations on persons likely to be affected by them (for example, debtors, creditors or employees).
- (2) The Secretary of State may only make regulations under section 20 if satisfied—
  - (a) that the need for the provision made by the regulations is urgent,
  - (b) that the provision made by the regulations is proportionate to the purpose for which it is made,
  - (c) that it is not practicable without legislation to bring about the result intended to be brought about by that provision, and
  - (d) if the Secretary of State could make the same provision in other subordinate legislation, that doing so would risk not achieving the purpose for which the regulations are made (because of possible delay or for any other reason).
- (3) Regulations under section 20—
  - (a) may not create a criminal offence or civil penalty (but may modify the circumstances in which a person is guilty of an existing offence or liable for an existing civil penalty);
  - (b) may not make provision so as to impose or increase a fee.
- (4) Regulations under section 20 may not make provision that could be made by an Act of the Scottish Parliament unless the Secretary of State has first consulted the Scottish Ministers.