

SCHEDULES

SCHEDULE 3

Section 6(9)

REGULATIONS UNDER SECTION 6

PART 1

STATUTORY INSTRUMENTS

- 1 Any power to make regulations under section 6—
- (a) so far as exercisable by the Secretary of State or the Treasury, or by a Minister of the Crown acting jointly with a Northern Ireland department, is exercisable by statutory instrument, and
 - (b) so far as exercisable by a Northern Ireland department (other than when acting jointly with a Minister of the Crown), is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ([SI 1979/1573 \(NI 12\)](#)) (and not by statutory instrument).

PART 2

SCRUTINY OF REGULATIONS UNDER SECTION 6

Scrutiny where sole exercise

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- (1) A statutory instrument containing regulations of the Secretary of State or the Treasury under section 6 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
 - (2) Regulations of a Northern Ireland department under section 6 may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
 - (3) This paragraph does not apply to regulations to which paragraph 3 applies (Minister of the Crown and a Northern Ireland department acting jointly).

Scrutiny where joint exercise

- 3 Regulations under section 6 of a Minister of the Crown acting jointly with a Northern Ireland department may not be made unless—
- (a) a draft of the statutory instrument containing those regulations has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Combination of instruments

- 4 (1) Sub-paragraph (2) applies to a statutory instrument containing regulations under section 6 which is subject to a procedure before Parliament for the approval of the instrument in draft before it is made.
- (2) The statutory instrument may also include regulations under another Act which are made by statutory instrument which is subject to a procedure before Parliament that provides for the annulment of the instrument after it has been made.
- (3) Where regulations are included as mentioned in sub-paragraph (2), the procedure applicable to the statutory instrument—
- (a) is the procedure mentioned in sub-paragraph (1), and
 - (b) is not the procedure mentioned in sub-paragraph (2).
- (4) Sub-paragraphs (1) to (3) apply in relation to a statutory rule as they apply in relation to a statutory instrument but as if—
- (a) the references to Parliament were references to the Northern Ireland Assembly, and
 - (b) the reference to another Act in sub-paragraph (2) included Northern Ireland legislation.
- (5) Sub-paragraphs (1) to (3) apply in relation to a statutory instrument containing regulations under section 6 which is subject to a procedure before the Northern Ireland Assembly as well as a procedure before Parliament as they apply to a statutory instrument containing regulations under section 6 which is subject to a procedure before Parliament but as if the references to Parliament were references to Parliament and the Northern Ireland Assembly.
- (6) This paragraph does not prevent the inclusion of other regulations in a statutory instrument or statutory rule which contains regulations under section 6 (and, accordingly, references in this Schedule to an instrument containing regulations are to be read as references to an instrument containing (whether alone or with other provision) regulations).