

## SCHEDULES

### SCHEDULE 5

#### REGULATIONS UNDER THIS ACT

#### PART 1

#### PROCEDURE

*Implementation power: on or after IP completion day*

- 6 (1) A statutory instrument which—
- (a) contains regulations under section 31 of a Minister of the Crown acting alone which contain provision falling within sub-paragraph (2), and
  - (b) is to be made on or after IP completion day,
- 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) Provision falls within this sub-paragraph if it—
- (a) amends, repeals or revokes primary legislation or retained direct principal EU legislation, or
  - (b) creates a power to legislate.
- (3) Any other statutory instrument which—
- (a) contains regulations under section 31 of a Minister of the Crown acting alone, and
  - (b) is made on or after IP completion day,
- is (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) See paragraph 8 for certain restrictions on the choice of procedure under sub-paragraph (3).
- (5) Regulations under section 31 of the Scottish Ministers acting alone which—
- (a) contain provision falling within sub-paragraph (2), and
  - (b) are to be made on or after IP completion day,
- are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (6) Any other regulations under section 31 of the Scottish Ministers acting alone which are made on or after IP completion day are (if they have not been subject to the affirmative procedure) subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (7) A statutory instrument which—

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*Status: This is the original version (as it was originally enacted).*

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- (a) contains regulations under section 31 of the Welsh Ministers acting alone which contain provision falling within sub-paragraph (2), and
  - (b) is to be made on or after IP completion day,may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (8) Any other statutory instrument which—
  - (a) contains regulations under section 31 of the Welsh Ministers acting alone, and
  - (b) is made on or after IP completion day,is (if a draft of the instrument has not been laid before, and approved by a resolution of, Senedd Cymru) subject to annulment in pursuance of a resolution of Senedd Cymru.
- (9) See paragraph 9 for certain restrictions on the choice of procedure under sub-paragraph (8).
- (10) Regulations under section 31 of a Northern Ireland department acting alone which—
  - (a) contain provision falling within sub-paragraph (2), and
  - (b) are to be made on or after IP completion day,may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (11) Any other regulations under section 31 of a Northern Ireland department acting alone which are made on or after IP completion day are (if a draft of the regulations has not been laid before, and approved by a resolution of, the Northern Ireland Assembly) subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (12) This paragraph is subject to paragraphs 14 to 17 (urgency procedures for regulations to which this paragraph applies).