
Changes to legislation: There are currently no known outstanding effects for the European Union (Future Relationship) Act 2020, Cross Heading: Implementation and other powers: certain urgent cases. (See end of Document for details)

SCHEDULES

SCHEDULE 5

REGULATIONS UNDER THIS ACT

PART 1

PROCEDURE

Implementation and other powers: certain urgent cases

- 14 (1) Sub-paragraph (2) applies to—
- (a) a statutory instrument to which paragraph 4(1) or 6(1) applies,
 - (b) a statutory instrument to which paragraph 6(3) applies which would not otherwise be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament, or
 - (c) a statutory instrument to which paragraph 10(1) or 12(1) applies.
- (2) The instrument may be made without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament if it contains a declaration that the Minister of the Crown concerned is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- (3) After an instrument is made in accordance with sub-paragraph (2), it must be laid before each House of Parliament.
- (4) Regulations contained in an instrument made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which—
- (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
- (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 6(3) applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Paragraph 8 does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it

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is necessary to make the regulations without meeting the requirements of that paragraph.

- 15 (1) Sub-paragraph (2) applies to—
 - (a) regulations to which paragraph 4(2) or 6(5) applies,
 - (b) regulations to which paragraph 6(6) applies which would not otherwise be made without being subject to the affirmative procedure, or
 - (c) regulations to which paragraph 10(2) or 12(4) applies.
- (2) The regulations may be made without being subject to the affirmative procedure if the regulations contain a declaration that the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without them being subject to that procedure.
- (3) After regulations are made in accordance with sub-paragraph (2), they must be laid before the Scottish Parliament.
- (4) Regulations made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which the Scottish Parliament is—
 - (a) dissolved, or
 - (b) in recess for more than four days.
- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- 16 (1) Sub-paragraph (2) applies to—
 - (a) a statutory instrument to which paragraph 4(3) or 6(7) applies,
 - (b) a statutory instrument to which paragraph 6(8) applies which would not otherwise be made without a draft of the instrument being laid before, and approved by a resolution of, Senedd Cymru, or
 - (c) a statutory instrument to which paragraph 10(3) or 12(6) applies.
- (2) The instrument may be made without a draft of the instrument being laid before, and approved by a resolution of, Senedd Cymru if it contains a declaration that the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
- (3) After an instrument is made in accordance with sub-paragraph (2), it must be laid before Senedd Cymru.
- (4) Regulations contained in an instrument made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of Senedd Cymru.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which Senedd Cymru is—
 - (a) dissolved, or
 - (b) in recess for more than four days.

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- (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
 - (7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 6(8) applies where the Welsh Ministers are of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of Senedd Cymru.
 - (8) Paragraph 9 does not apply in relation to the instrument if the instrument contains a declaration that the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.
- 17 (1) Sub-paragraph (2) applies to—
- (a) regulations to which paragraph 4(4) or 6(10) applies,
 - (b) regulations to which paragraph 6(11) applies which would not otherwise be made without a draft of the regulations being laid before, and approved by a resolution of, the Northern Ireland Assembly, or
 - (c) regulations to which paragraph 10(4) or 12(8) applies.
- (2) The regulations may be made without a draft of the regulations being laid before, and approved by a resolution of, the Northern Ireland Assembly if they contain a declaration that the Northern Ireland department concerned is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
 - (3) After regulations are made in accordance with sub-paragraph (2), they must be laid before the Northern Ireland Assembly.
 - (4) Regulations made in accordance with sub-paragraph (2) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by a resolution of the Northern Ireland Assembly.
 - (5) In calculating the period of 28 days, no account is to be taken of any time during which the Northern Ireland Assembly is—
 - (a) dissolved,
 - (b) in recess for more than four days, or
 - (c) adjourned for more than six days.
 - (6) If regulations cease to have effect as a result of sub-paragraph (4), that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.

Changes to legislation:

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