

Changes to legislation: There are currently no known outstanding effects for the Trade Act 2021, Cross Heading: Meaning of devolved competence. (See end of Document for details)

SCHEDULES

SCHEDULE 1

RESTRICTIONS ON DEVOLVED AUTHORITIES

Meaning of devolved competence

- 6 A provision is within the devolved competence of the Scottish Ministers if—
- (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament ^{F1}..., or
 - (b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate ^{F2}....

Textual Amendments

- F1** Words in Sch. 1 para. 6(a) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [9\(2\)\(a\)\(i\)](#)
- F2** Words in Sch. 1 para. 6(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [9\(2\)\(a\)\(ii\)](#)

Commencement Information

- I1** Sch. 1 para. 6 in force at 6.5.2021 by [S.I. 2021/550](#), [reg. 2\(f\)](#)

- 7 A provision is within the devolved competence of the Welsh Ministers if—
- (a) it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (^{F3}... including any provision that could be made only with the consent of a Minister of the Crown), or
 - (b) it is provision which could be made in other subordinate legislation by the Welsh Ministers ^{F4}....

Textual Amendments

- F3** Words in Sch. 1 para. 7(a) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [9\(2\)\(b\)\(i\)](#)
- F4** Words in Sch. 1 para. 7(b) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), [9\(2\)\(b\)\(ii\)](#)

Commencement Information

- I2** Sch. 1 para. 7 in force at 6.5.2021 by [S.I. 2021/550](#), [reg. 2\(f\)](#)

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- 8 A provision is within the devolved competence of a Northern Ireland department if—
- (a) the provision, if it were contained in an Act of the Northern Ireland Assembly—
 - (i) would be within the legislative competence of the Assembly ^{F5}..., and
 - (ii) would not require the consent of the Secretary of State,
 - (b) the provision—
 - (i) amends or repeals Northern Ireland legislation, and
 - (ii) would, if it were contained in an Act of the Northern Ireland Assembly, be within the legislative competence of the Assembly ^{F6}... and require the consent of the Secretary of State, or
 - (c) the provision is provision which could be made in other subordinate legislation by any Northern Ireland devolved authority ^{F7}....

Textual Amendments

- F5** Words in Sch. 1 para. 8(a)(i) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **9(2)(c)**
- F6** Words in Sch. 1 para. 8(b)(ii) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **9(2)(c)**
- F7** Words in Sch. 1 para. 8(c) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **9(2)(c)**

Commencement Information

- I3** Sch. 1 para. 8 in force at 6.5.2021 by [S.I. 2021/550](#), **reg. 2(f)**

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