SCHEDULES

SCHEDULE 1

RESTRICTIONS ON DEVOLVED AUTHORITIES

Requirement for consent where it would otherwise be required

3 (1) The consent of a Minister of the Crown is required before any provision is made by the Welsh Ministers acting alone in regulations under section 1(1) or 2(1) so far as that provision, if contained in an Act of Senedd Cymru, would require the consent of a Minister of the Crown.

(2) The consent of the Secretary of State is required before any provision is made by a Northern Ireland department acting alone in regulations under section 1(1) or 2(1) so far as that provision, if contained in an Act of the Northern Ireland Assembly, would require the consent of the Secretary of State.

(3) Sub-paragraph (1) or (2) does not apply if—

(a) the provision could be contained in subordinate legislation made otherwise than under this Act by the Welsh Ministers acting alone or (as the case may be) a Northern Ireland devolved authority acting alone, and

(b) no such consent would be required in that case.

(4) The consent of a Minister of the Crown is required before any provision is made by a devolved authority acting alone in regulations under section 1(1) or 2(1) so far as that provision, if contained in—

(a) subordinate legislation made otherwise than under this Act by the devolved authority, or

(b) subordinate legislation not falling within paragraph (a) and made otherwise than under this Act by (in the case of Scotland) the First Minister or Lord Advocate acting alone or (in the case of Northern Ireland) a Northern Ireland devolved authority acting alone,

would require the consent of a Minister of the Crown.

(5) Sub-paragraph (4) does not apply if—

(a) the provision could be contained in—

(i) an Act of the Scottish Parliament, an Act of Senedd Cymru or (as the case may be) an Act of the Northern Ireland Assembly, or

(ii) different subordinate legislation of the kind mentioned in sub-paragraph (4)(a) or (b), and

(b) the consent of a Minister of the Crown would not be required in that case.

Commencement Information

I1 Sch. 1 para. 3 in force at 6.5.2021 by S.I. 2021/550, **reg. 2(f)**

Changes to legislation:
There are currently no known outstanding effects for the Trade Act 2021, Cross Heading: Requirement for consent where it would otherwise be required.