
Changes to legislation: There are currently no known outstanding effects for the Retained EU Law (Revocation and Reform) Act 2023, Paragraph 9. (See end of Document for details)

SCHEDULES

SCHEDULE 5

REGULATIONS: PROCEDURE

PART 2

POWERS OF RELEVANT NATIONAL AUTHORITY: SEPARATE EXERCISE

Separate exercise by Welsh Ministers

- 9 (1) Sub-paragraph (2) applies if—
- (a) the Welsh Ministers, acting alone, are to make a statutory instrument containing regulations under [section 11](#), [12](#) or [14](#),
 - (b) [paragraph 8\(3\)](#) applies to the instrument, and
 - (c) 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.
- (2) The Welsh Ministers may not make the instrument so that it is subject to that procedure unless—
- (a) condition 1 is met, and
 - (b) either condition 2 or 3 is met.
- (3) Condition 1 is that the Welsh Ministers—
- (a) have made a statement in writing to the effect that in their opinion the instrument should be subject to annulment in pursuance of a resolution of the Senedd, and
 - (b) have laid before the Senedd—
 - (i) a draft of the instrument, and
 - (ii) a memorandum setting out the statement and the reasons for the Welsh Ministers' opinion.
- (4) Condition 2 is that a committee of the Senedd charged with doing so have made a recommendation as to the appropriate procedure for the instrument.
- (5) Condition 3 is that the period of 14 days beginning with the first day after the day on which the draft instrument was laid before the Senedd as mentioned in sub-paragraph (3)(b)(i) has ended without any recommendation being made as mentioned in sub-paragraph (4).
- (6) In calculating the period of 14 days, no account is to be taken of any time during which the Senedd is—
- (a) dissolved, or
 - (b) in recess for more than four days.

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- (7) Nothing in [this paragraph](#) prevents the Welsh Ministers from deciding at any time before a statutory instrument containing regulations under [section 11](#), [12](#) or [14](#) is made that another procedure should apply in relation to the instrument.
- (8) Section 6(1) of the Statutory Instruments Act 1946 as applied by section 11A of that Act (alternative procedure for certain instruments laid in draft before Senedd Cymru) does not apply in relation to any statutory instrument to which [this paragraph](#) applies.

Commencement Information

II Sch. 5 para. 9 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

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