



Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

2023 CHAPTER 41

PART 5

FINAL PROVISIONS

59 Regulations

- (1) Regulations made under this Act by the Secretary of State are to be made by statutory instrument.
- (2) Regulations made under this Act by the Department of Justice in Northern Ireland are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (3) Where regulations under this Act are “subject to affirmative procedure” they are to be made in accordance with the procedure set out in this table that is applicable (which depends on who makes the regulations)—

<i>Person(s) making the regulations</i>	<i>Procedure applicable</i>
The Secretary of State	The regulations may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament
The Department of Justice in Northern Ireland	The regulations may not be made unless a draft of them has been laid before, and approved by a resolution of, the Northern Ireland Assembly
The Scottish Ministers	The regulations are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10))

Status: This is the original version (as it was originally enacted).

- (4) Where regulations under this Act are “subject to negative procedure” they are to be made in accordance with the procedure set out in this table that is applicable (which depends on who makes the regulations)—

<i>Person(s) making the regulations</i>	<i>Procedure applicable</i>
The Secretary of State	The statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament
The Department of Justice in Northern Ireland	The regulations are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954)
The Scottish Ministers	The regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010)

- (5) Where regulations under this Act are subject to made affirmative procedure, the statutory instrument containing them must be laid before Parliament after being made.
- (6) Regulations contained in a statutory instrument laid before Parliament under subsection (5) 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.
- (7) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which—
- Parliament is dissolved or prorogued, or
 - either House of Parliament is adjourned for more than four days.
- (8) If regulations cease to have effect as a result of subsection (6), that does not—
- affect the validity of anything previously done under the regulations, or
 - prevent the making of new regulations.
- (9) Regulations under this Act may make—
- different provision for different purposes or cases;
 - incidental, supplementary or consequential provision;
 - transitional or transitory provision or savings.
- (10) Regulations made by the Department of Justice in Northern Ireland under this Act may only make—
- transferred provision, or
 - reserved provision;
- and the regulations may not make reserved provision without the consent of the Secretary of State.
- (11) Regulations made by the Scottish Ministers under this Act may only make provision that would be within the legislative competence of the Scottish Parliament if it were contained in an Act of the Scottish Parliament.