

SCHEDULE 4

Regulation (EU) No 251/2014 of the European Parliament and of the Council: new provisions

PART 6

New Article 33

“Article 33

Provisions relating to regulations

1. Any power to make regulations conferred on the Secretary of State by this Regulation is exercisable by statutory instrument.
2. Such regulations may:
 - (a) contain supplementary, incidental, consequential, transitional or saving provision (including provision amending, repealing or revoking an enactment);
 - (b) make different provision for different purposes.
3. Except as specified in paragraph 4, a statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
4. A statutory instrument containing regulations under Article 4(2), 28 or 32(2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
5. The Secretary of State may not make regulations under Article 4(2) or (3), the first subparagraph of Article 31(2) or Article 32(2) or (3) (‘the relevant powers’) without the consent of:
 - (a) in relation to Scotland, the Scottish Ministers;
 - (b) in relation to Wales, the Welsh Ministers.
6. Where either of the parties mentioned in point (a) or (b) of paragraph 5 requests the Secretary of State to make regulations under any of the relevant powers, the Secretary of State must have regard to that request.
7. In this Article, ‘enactment’ means the following legislation whenever passed or made:
 - (a) an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that it extends to Northern Ireland;
 - (b) regulations made under retained direct principal EU legislation, except to the extent that they extend to Northern Ireland;
 - (c) retained direct minor EU legislation, except to the extent that it extends to Northern Ireland.”