



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Exercise of regulatory functions*

VALID FROM 09/03/2017

#### **108 Exercise of regulatory functions: economic growth**

- (1) A person exercising a regulatory function to which this section applies must, in the exercise of the function, have regard to the desirability of promoting economic growth.
- (2) In performing the duty under subsection (1), the person must, in particular, consider the importance for the promotion of economic growth of exercising the regulatory function in a way which ensures that—
  - (a) regulatory action is taken only when it is needed, and
  - (b) any action taken is proportionate.

#### **109 Functions to which section 108 applies**

- (1) A Minister of the Crown may by order specify the regulatory functions to which section 108 applies.
- (2) Before making an order under subsection (1), the Minister must consult—
  - (a) any person exercising functions to be specified in the order, and
  - (b) such other persons as the Minister considers appropriate.
- (3) An order under this section may not specify—
  - (a) a regulatory function so far as exercisable in Scotland, if or to the extent that the function relates to matters which are not reserved matters;
  - (b) a regulatory function so far as exercisable in Northern Ireland, if or to the extent that the function relates to matters which are transferred matters;
  - (c) a regulatory function so far as exercisable in Wales, if or to the extent that the function relates to matters which are devolved Welsh matters.

*Status: Point in time view as at 26/03/2015. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Deregulation Act 2015, Cross Heading: Exercise of regulatory functions is up to date with all changes known to be in force on or before 06 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) An order under this section must be made by statutory instrument.
- (5) A statutory instrument containing an order under this section may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section—
  - “devolved Welsh matter” means a matter within the legislative competence of the National Assembly for Wales;
  - “reserved matter” and “Scotland” have the same meanings as in the Scotland Act 1998;
  - “transferred matter” and “Northern Ireland” have the same meanings as in the Northern Ireland Act 1998;
  - “Wales” has the same meaning as in the Government of Wales Act 2006.

## 110 Guidance on duty under section 108

- (1) A Minister of the Crown may from time to time issue guidance as to the performance of the duty under section 108(1).
- (2) The guidance may include guidance—
  - (a) as to the ways in which regulatory functions may be exercised so as to promote economic growth;
  - (b) as to how persons who have the duty may demonstrate, in a way that is transparent and accountable, that they are complying with it.
- (3) A person who has a duty under section 108(1) must have regard to any guidance issued under subsection (1).
- (4) Before issuing guidance under subsection (1), the Minister must prepare a draft of the guidance.
- (5) The Minister must then consult the following about the draft—
  - (a) persons who appear to be representative of persons who have a duty under section 108;
  - (b) such other persons as the Minister considers appropriate.
- (6) If the Minister decides to proceed with issuing the guidance (either in its original form or with modifications), the Minister must lay the draft before Parliament.
- (7) Where the draft is approved by a resolution of each House of Parliament, the Minister may issue the guidance.
- (8) Guidance issued under subsection (1) is to come into force on such date as the Minister may by order made by statutory instrument appoint.

### Commencement Information

II S. 110(1)(2)(4)-(8) in force at Royal Assent, see s. 115

## 111 Sections 108 to 110: interpretation

- (1) In sections 108 to 110, “regulatory function” means—

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- (a) a function under or by virtue of an Act or subordinate legislation of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to an activity, or
  - (b) a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which, under or by virtue of an Act or subordinate legislation, relate to an activity.
- (2) In subsection (1)(a) and (b) the references to a function—
- (a) include a function exercisable by or on behalf of the Crown;
  - (b) do not include—
    - (i) a function of instituting or conducting criminal proceedings;
    - (ii) a function of conducting civil proceedings.
- (3) In subsection (1)(a) and (b) the references to an activity include—
- (a) providing goods and services, and
  - (b) employing or offering employment to a person.
- (4) In sections 109 and 110, “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.
- (5) In this section, “subordinate legislation” has the same meaning as in the Interpretation Act 1978.

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