
Changes to legislation: There are currently no known outstanding effects for the Retained EU Law (Revocation and Reform) Act 2023, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 4

REGULATIONS: RESTRICTIONS ON POWERS OF DEVOLVED AUTHORITIES

No power to make provision outside devolved competence

- 2 (1) Provision may be made in regulations to which this Schedule applies by a devolved authority acting alone only if the provision is within the devolved competence of the devolved authority.
- (2) A provision is within the devolved competence of the Scottish Ministers for the purposes of this paragraph if—
- (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or
 - (b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone.
- (3) A provision is within the devolved competence of the Welsh Ministers for the purposes of this paragraph if—
- (a) it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006), or
 - (b) it is provision which could be made in other subordinate legislation by the Welsh Ministers acting alone.
- (4) A provision is within the devolved competence of a Northern Ireland department for the purposes of this paragraph if—
- (a) it would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly and it would not, if it were contained in a Bill in the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998, or
 - (b) it is provision which could be made in other subordinate legislation by any Northern Ireland devolved authority acting alone.

Commencement Information

II Sch. 4 para. 2 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

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