

SCHEDULES

SCHEDULE 5

REGULATIONS: PROCEDURE

PART 1

GENERAL

Making of regulations by statutory instrument etc

- 1 (1) A power to make regulations under this Act—
 - (a) so far as exercisable by a Minister of the Crown acting alone, the Welsh Ministers acting alone, or by a Minister of the Crown and a devolved authority acting jointly, is exercisable by statutory instrument;
 - (b) so far as exercisable by a Northern Ireland department (other than when acting jointly with a Minister of the Crown), is exercisable by statutory rule for the purposes of the [Statutory Rules \(Northern Ireland\) Order 1979 \(S.I. 1979/1573 \(N.I. 12\)\)](#).
- (2) For regulations made under this Act by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (Scottish statutory instruments).

Commencement Information

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

Combining provision

- 2 (1) [Sub-paragraph \(2\)](#) applies to a statutory instrument containing regulations under this Act which is subject to a procedure before Parliament for the approval of the instrument in draft before it is made.
- (2) The statutory instrument may also include regulations under this Act or another enactment which are made by statutory instrument which is not subject to the procedure mentioned in [sub-paragraph \(1\)](#) (whether or not it is subject to any other procedure before Parliament).
- (3) Where regulations are included as mentioned in [sub-paragraph \(2\)](#), the statutory instrument is subject to the procedure mentioned in [sub-paragraph \(1\)](#) (and is not subject to any other procedure before Parliament).
- (4) [Sub-paragraphs \(1\) to \(3\)](#) apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before Senedd Cymru as they apply in relation to a statutory instrument containing regulations under this Act

Changes to legislation: There are currently no known outstanding effects for the Retained EU Law (Revocation and Reform) Act 2023, Part 1. (See end of Document for details)

which is subject to a procedure before Parliament, but as if references to Parliament were references to the Senedd.

- (5) [Sub-paragraphs \(1\) to \(3\)](#) apply in relation to a statutory rule as they apply in relation to a statutory instrument but as if references to Parliament were references to the Northern Ireland Assembly.
- (6) [Sub-paragraphs \(1\) to \(3\)](#) apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before a devolved legislature as well as a procedure before Parliament as they apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before Parliament, but as if references to Parliament were references to Parliament and the devolved legislature.
- (7) In [sub-paragraph \(6\)](#) “devolved legislature” means the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly.
- (8) Nothing in this paragraph prevents the inclusion of other regulations in a statutory instrument or statutory rule which contains regulations under this Act.

Commencement Information

I2 Sch. 5 para. 2 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

Hybrid instruments

- 3 If an instrument, or a draft of an instrument, containing regulations under this Act would otherwise be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.

Commencement Information

I3 Sch. 5 para. 3 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Retained EU Law (Revocation and Reform) Act 2023, Part 1.