

## SCHEDULES

### SCHEDULE 5

#### REGULATIONS: PROCEDURE

#### PART 3

##### POWERS OF RELEVANT NATIONAL AUTHORITY: JOINT EXERCISE

###### *Parliamentary procedure*

- 11 (1) A statutory instrument containing regulations within [paragraph 5\(2\)](#) may not be made by a Minister of the Crown jointly with a devolved authority unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) A statutory instrument containing regulations within [paragraph 5\(4\)](#) made by a Minister of the Crown jointly with a devolved authority is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing regulations under this Act that are made by a Minister of the Crown jointly with a devolved authority and to which neither [sub-paragraph \(1\)](#) nor [sub-paragraph \(2\)](#) applies is (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The procedure provided for by [this paragraph](#) is in addition to any other procedure provided for by [this Part of this Schedule](#).

###### **Commencement Information**

- II** Sch. 5 para. 11 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

###### *Joint exercise with Scottish Ministers*

- 12 (1) Regulations within [paragraph 5\(2\)](#) of a Minister of the Crown acting jointly with the Scottish Ministers are subject to the affirmative procedure.
- (2) Regulations within [paragraph 5\(4\)](#) made by a Minister of the Crown jointly with the Scottish Ministers are subject to the negative procedure.
- (3) Regulations under this Act made by a Minister of the Crown jointly with the Scottish Ministers and to which neither [sub-paragraph \(1\)](#) nor [sub-paragraph \(2\)](#) applies are (if they have not been subject to the affirmative procedure) subject to the negative procedure.

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*Changes to legislation: There are currently no known outstanding effects for the Retained EU Law (Revocation and Reform) Act 2023, Part 3. (See end of Document for details)*

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**Commencement Information**

**I2** Sch. 5 para. 12 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

- 13 (1) [This paragraph](#) applies in relation to regulations under this Act to which any provision of [paragraph 12](#) applies.
- (2) If the regulations are subject to the affirmative procedure, section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to the regulations as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (3) If the regulations are subject to the negative procedure, sections 28(2), (3) and (8) and 31 of that Act apply in relation to the regulations as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (4) Section 32 of that Act (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing the regulations as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).

**Commencement Information**

**I3** Sch. 5 para. 13 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

**Commencement Information**

**I2** Sch. 5 para. 12 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

**I3** Sch. 5 para. 13 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

*Joint exercise with Welsh Ministers*

- 14 (1) A statutory instrument containing regulations within [paragraph 5\(2\)](#) may not be made by a Minister of the Crown jointly with the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (2) A statutory instrument containing regulations within [paragraph 5\(4\)](#) made by a Minister of the Crown jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of the Senedd.
- (3) A statutory instrument containing regulations under this Act that are made by a Minister of the Crown jointly with the Welsh Ministers and to which neither [sub-paragraph \(1\)](#) nor [sub-paragraph \(2\)](#) applies is (if a draft of the instrument has not been laid before, and approved by a resolution of, Senedd Cymru) subject to annulment in pursuance of a resolution of the Senedd.

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**Changes to legislation:** There are currently no known outstanding effects for the Retained EU Law (Revocation and Reform) Act 2023, Part 3. (See end of Document for details)

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#### Commencement Information

**I4** Sch. 5 para. 14 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

#### *Joint exercise with Northern Ireland department*

- 15 (1) Regulations within [paragraph 5\(2\)](#) may not be made by a Minister of the Crown jointly with a Northern Ireland department unless a draft of the regulations been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (2) Regulations within [paragraph 5\(4\)](#) made by a Minister of the Crown jointly with a Northern Ireland department are subject to negative resolution.
- (3) Regulations under this Act made by a Minister of the Crown jointly with a Northern Ireland department and to which neither [sub-paragraph \(1\)](#) nor [sub-paragraph \(2\)](#) applies are (if a draft of the regulations has not been laid before, and approved by a resolution of, the Northern Ireland Assembly) subject to negative resolution.
- (4) In [this paragraph](#) “subject to negative resolution” means subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

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#### Commencement Information

**I5** Sch. 5 para. 15 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

#### *Effect of annulment resolution*

- 16 (1) If in accordance with [this Part of this Schedule](#)—
- (a) either House of Parliament resolves that an address be presented to His Majesty praying that an instrument be annulled, or
- (b) a relevant devolved legislature resolves that an instrument be annulled, nothing further is to be done under the instrument after the date of the resolution and His Majesty may by Order in Council revoke the instrument.
- (2) In [sub-paragraph \(1\)](#) “relevant devolved legislature” means—
- (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament;
- (b) in the case of regulations made jointly with the Welsh Ministers, Senedd Cymru;
- (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (3) [Sub-paragraph \(1\)](#) does not—
- (a) affect the validity of anything previously done under the instrument, or
- (b) prevent the making of a new instrument.
- (4) [This paragraph](#) applies in place of provision made by any other enactment about the effect of such a resolution.

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**Changes to legislation:** There are currently no known outstanding effects for the Retained EU Law (Revocation and Reform) Act 2023, Part 3. (See end of Document for details)

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**Commencement Information**

**16** Sch. 5 para. 16 in force at Royal Assent, see [s. 22\(1\)\(e\)](#)

*Transitional, transitory or saving provision*

17 This Part of this Schedule does not apply in relation to regulations under [section 22\(4\)](#).

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**Commencement Information**

**17** Sch. 5 para. 17 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 3.