

# Legislation (Territorial Extent) Bill

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**B I L L**

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Require the Secretary of State, when preparing draft legislation for publication, to do so in such a way that the effect of that legislation on England, Wales, Scotland and Northern Ireland is separately and clearly identified; to require the Secretary of State to issue a statement to the effect that in his or her view the provisions of the draft legislation are in accordance with certain principles relating to territorial extent; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Duties of the Secretary of State**

The Secretary of State must, when publishing draft legislation, ensure that the legal and financial effect of that legislation on each part of the United Kingdom is separately and clearly identified.

**2 Interpretation**

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For the purposes of this Act—

“draft legislation” means primary legislation published before a bill is introduced into Parliament or secondary legislation published before the bill creating the relevant instrument-making power has received Royal Assent,

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“part of the United Kingdom” means England, Wales, Scotland or Northern Ireland,

“publish” means publication in hard or electronic form,

“Secretary of State” includes a Minister of the Crown,

“separately and clearly identified” means, with regard to legal effect, that there is a statement in the draft legislation setting out the legal effect on each part of the United Kingdom of each of the clauses and schedules of the bill,

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“separately and clearly identified” means, with regard to financial effect, that the financial effects of the draft legislation on each part of the

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United Kingdom are set out in a financial memorandum accompanying the draft legislation, including any impact on Barnett formula allocations (or, should the Barnett formula be superseded, its successor formula).

- 3 Declaration of compatibility** 5
- (1) The Secretary of State must, when publishing draft legislation –
- (a) make a statement to the effect that in his or her view the provisions of the Bill are compatible with the principles of legislative territorial clarity, or
  - (b) make a statement to the effect that although he or she is unable to make a statement of compatibility the government nonetheless wishes to proceed. 10
- (2) The statement must be in writing, be published in such manner as the Secretary of State making it considers appropriate and be laid before each House of Parliament. 15
- 4 Principles of legislative territorial clarity**
- The principles of legislative territorial clarity are that –
- (a) every citizen of the United Kingdom has the right to see how proposed changes to the law will affect them, and
  - (b) Members of the House of Commons have the right to see how proposed changes to the law will affect their constituents. 20
- 5 Short title, commencement and extent**
- (1) This Act may be cited as the Legislation (Territorial Extent) Act 2011.
- (2) This Act comes into force at the end of the period of 3 months beginning with the day on which it is passed. 25
- (3) This Act extends to England, Wales, Scotland and Northern Ireland.

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## B I L L

To require the Secretary of State, when preparing draft legislation for publication, to do so in such a way that the effect of that legislation on England, Wales, Scotland and Northern Ireland is separately and clearly identified; to require the Secretary of State to issue a statement to the effect that in his or her view the provisions of the draft legislation are in accordance with certain principles relating to territorial extent; and for connected purposes.

*Presented by Harriett Baldwin, supported by  
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