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Make provision in respect of the effect on persons and businesses of regulations made under section 2 of the European Communities Act 1972.

BE 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 Power to declare that provisions of regulations shall not have effect

- (1) If it appears to a court of competent jurisdiction that regulations to which this Act applies contain a provision or any part thereof which imposes on a person or business a higher compliance cost, or a heavier sanction (whether criminal or otherwise), for failure to comply than in one or more other Member State of the European Union, that court shall declare that the provision or part thereof shall not have effect. 5
- (2) For the purposes of this section, “a court of competent jurisdiction” means—
- (a) any court or tribunal in which the provision of part thereof is sought to be enforced or given effect in civil, criminal or administrative proceedings, and 10
 - (b) as respects England and Wales, the High Court,
 - (c) as respects Scotland, the Court of Session, and
 - (d) as respects Northern Ireland, the High Court of Northern Ireland.
- (3) The courts specified in subsection (2)(b) to (d) shall have power to entertain an application for a declaration (or, in Scotland, declarator) under this section notwithstanding that no other relief is sought or might be sought. 15
- (4) In this section, “compliance cost” means the cost to a business or individual of complying with a provision or any part thereof contained in regulations to which this Act applies, including costs arising from any restriction, requirement or condition (including a requirement to pay fees). 20

2 Regulations to which this Act applies

- (1) The regulations to which this Act applies are—

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- (a) Orders in Council made by Her Majesty under section 2(2) of the European Communities Act 1972 (c. 68) (hereafter “the 1972 Act”) (general implementation of Treaties);
- (b) regulations made by any designated Minister or department under section 2(2) of the 1972 Act; 5
- (c) orders, rules, regulations or other subordinate legislation made in the exercise of any statutory power or duty entrusted to a person and exercised having regard to the objects of the Communities or to any obligations or rights created or arising by or under the Treaties; and
- (d) directions given in the exercise of any statutory power or duty entrusted to a person and exercised having regard to the objects of the Communities or to any obligations or rights created or arising by or under the Treaties. 10
- (2) In this section –
- “designated Minister or department” has the same meaning as in section 2(2) of the 1972 Act; 15
- “objects of the Communities” and “any obligations or rights created or arising by or under the Treaties” have the same meaning as in section 2(1) of that Act; and
- “the Treaties” has the same meaning as in section 1(2) of that Act. 20

3 Short title

This Act may be cited as the European Communities (Deregulation) Act 2004.

European Communities (Deregulation) Bill

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To make provision in respect of the effect on persons and businesses of regulations made under section 2 of the European Communities Act 1972.

*Ordered to be brought in by
Mr Jonathan Djanogly,
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Mr Henry Bellingham, Mr Laurence Robertson,
Mr Andrew Mitchell, Michael Fabricant,
Mr Peter Atkinson and Mr Mark Field.*

*Ordered by The House of Commons
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