

**LORDS AMENDMENTS TO THE
LEGISLATIVE AND REGULATORY REFORM BILL**

[The page and line references are to HL Bill 109, the bill as first printed for the Lords.]

Clause 1

- 1** Page 1, line 13, leave out from “otherwise,” to end of line 14 and insert “which affects the carrying on of any lawful activity”
- 2** Page 2, line 18, leave out paragraphs (a) to (c) and insert—
 “(a) provision abolishing, conferring or transferring, or providing for the delegation of, functions of any description,
 (b) provision creating or abolishing a body or office,”
- 3** Page 2, line 24, leave out paragraph (d)

Clause 2

- 4** Page 3, line 5, leave out “transfer or”
- 5** Page 3, line 7, leave out paragraphs (d) and (e)
- 6** Page 3, line 11, at end insert—
 “(4A) The provision referred to in subsection (4)(c) includes provision—
 (a) to create a new body to which, or a new office to the holder of which, regulatory functions are transferred;
 (b) to abolish a body from which, or office from the holder of which, regulatory functions are transferred.

 (4B) The provision that may be made under subsection (1) does not include provision conferring any new regulatory function or abolishing any regulatory function.”

Clause 3

- 7** Leave out Clause 3

Clause 4

- 8** Page 4, line 4, leave out “, 2(1) or 3(1)” and insert “or 2(1), other than provision

which merely restates an enactment,”

9 Page 4, line 16, at end insert –

“(f) the provision is not of constitutional significance.”

10 Page 4, line 17, leave out subsection (3)

11 Page 4, line 22, leave out “, 2(1) or 3(1)” and insert “or 2(1)”

12 Page 4, line 23, leave out from “enactment” to end of line 24

13 Page 4, line 28, at end insert –

“() In this section and sections 5 to 8, to “restate” an enactment means to replace it with alterations only of form or arrangement (and for these purposes to remove an ambiguity is to make an alteration other than one of form or arrangement).”

Clause 5

14 Page 4, line 29, at end insert –

“(A1) An order under this Part may only confer or transfer a function of legislating on or to –

- (a) a Minister of the Crown;
- (b) any person on or to whom functions are conferred or have been transferred by an enactment; or
- (c) a body which, or the holder of an office which, is created by the order.

(A2) An order under this Part may not make provision for the delegation of any function of legislating.”

15 Page 4, line 36, leave out from “is” to “; or” in line 37 and insert “an instrument to which section 5(1) of the Statutory Instruments Act 1946 (c. 36) applies (instruments subject to annulment by resolution of either House of Parliament)”

16 Page 4, line 40, leave out “Subsection (1) does” and insert “Subsections (A1) to (1) do”

17 Page 4, line 40, at end insert –

“(5) For the purposes of this section a “function of legislating” is a function of legislating by order, rules, regulations or other subordinate instrument.”

Clause 6

18 Page 5, line 2, leave out from “impose” to end of line 3 and insert “, abolish or vary any tax”

19 Page 5, line 4, leave out subsection (2) and insert –

“(2) The Treasury may by regulations make provision for varying the way in which a relevant tax has effect in relation to –

- (a) any property, rights or liabilities transferred by or under an order under this Part; or
- (b) anything done for the purposes of, or in relation to, the transfer of any property, rights or liabilities by or under an order under this Part.

- (3) The provision which may be made under subsection (2)(a) includes in particular provision for –
- (a) a tax provision not to apply, or to apply with modifications, in relation to any property, rights or liabilities transferred;
 - (b) any property, rights or liabilities transferred to be treated in a specified way for the purposes of a tax provision;
 - (c) the Minister of the Crown making the order to be required or permitted, with the consent of the Treasury, to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to any property, rights or liabilities transferred.
- (4) The provision which may be made under subsection (2)(b) includes in particular provision for –
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of or in relation to the transfer;
 - (b) anything done for the purposes of or in relation to the transfer to have or not have a specified consequence or be treated in a specified way;
 - (c) the Minister of the Crown making the order to be required or permitted, with the consent of the Treasury, to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of or in relation to the transfer.
- (5) Regulations under subsection (2) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of the House of Commons.
- (7) In this section –
- “relevant tax” means income tax, corporation tax, capital gains tax, stamp duty or stamp duty reserve tax;
- “tax provision” means a provision of an enactment about a relevant tax.”

Clause 10

20 Page 6, line 11, leave out “, 2(5) or 3(5)” and insert “or 2(5)”

Clause 11

21 Page 6, line 15, leave out “, 2(5) or 3(5)” and insert “or 2(5)”

Clause 14

22 Page 7, line 10, leave out paragraph (d) and insert –

“(d) in such cases as he considers appropriate, consult the Law Commission, the Scottish Law Commission or the Northern Ireland Law Commission, and”

23 Page 7, leave out line 14

24 Page 7, line 15, leave out subsection (2)

25 Page 7, line 20, leave out “or (2)”

Clause 15

26 Page 8, line 12, leave out “powers to legislate” and insert “functions of legislating”

27 Page 8, line 13, leave out “those powers” and insert “the exercise of those functions”

28 Page 8, line 18, leave out subsection (3)

29 Page 8, line 39, at end insert –

“() In subsection (2)(e) “function of legislating” has the same meaning as in section 5.”

Clause 17

30 Page 9, line 39, leave out from “that” to “the” in line 40 and insert “the Minister not make an order in the terms of”

31 Page 9, line 41, leave out subsection (5)

Clause 18

32 Page 10, line 31, leave out subsection (4)

Clause 19

33 Page 11, line 31, leave out subsection (6)

34 Page 12, line 12, leave out subsection (11)

35 Page 12, line 24, at end insert –

“(12A) Subsections (4) to (6) of section 15 shall apply in relation to the disclosure of representations under subsections (3)(b) and (8)(b)(i) of this section as they apply in relation to the disclosure of representations under subsection (2)(f)(ii) of that section.”

Clause 22

36 Leave out Clause 22

Clause 28

37 Page 16, leave out lines 22 and 23 and insert “modified or supplemented from time to time.”

Clause 32

38 Page 20, line 29, leave out subsections (2) and (3) and insert –

“(2) The repeals in the Schedule do not affect the application of the 2001 Act in relation to the making of an order under section 1 of that Act giving effect (with or without variations) to proposals in a document laid before Parliament under section 6(1) of that Act before the day on which this Act comes into force.”

39 Page 20, line 36, leave out “Nothing in this Act affects” and insert “The repeals in the Schedule do not affect”

40 Page 20, line 39, at end insert –

“(4A) The repeals in the Schedule do not affect –

- (a) any power to make an order under section 1 of the 2001 Act pursuant to section 4(4) of that Act (a “subordinate provisions order”) in relation to the subordinate provisions of any order under section 1 of that Act continuing in force by virtue of subsection (4); or
- (b) the operation of sections 1 to 4 of that Act in relation to the making by virtue of paragraph (a) of any subordinate provisions order.”

41 Page 20, line 40, leave out “Nothing in this Act affects” and insert “The repeals in the Schedule do not affect”

Clause 33

42 Page 21, line 18, at end insert –

“(3) In Article 17 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (S.I. 1996/1632 (N.I. 11)), in paragraph (1), for “section 1 of the Regulatory Reform Act 2001” substitute “section 1 or 2 of the Legislative and Regulatory Reform Act 2006”.

Clause 34

43 Page 21, leave out lines 25 to 40 and insert –

“(2) In this Act “regulatory function” means –

- (a) a function under any enactment of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to any activity; or
- (b) a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which under or by virtue of any enactment relate to any activity.

(3) In subsection (2)(a) and (b) the references to a function –

- (a) include a function exercisable by or on behalf of the Crown;
- (b) do not include –
 - (i) any function exercisable by any body of, or any person holding office in, the Church of England; or
 - (ii) any function of conducting criminal or civil proceedings.

(4) In subsection (2)(a) and (b) the references to an activity include –

- (a) providing goods and services; and
- (b) employing or offering employment to any person.”

Clause 36

44 Page 22, line 5, leave out subsection (2) and insert –

“(2) In section 33 –

- (a) subsections (1) and (2) extend to England and Wales only;

(b) subsection (3) extends to Northern Ireland only.”

The Schedule

45 Page 23, line 31, at end insert –

“Wireless Telegraphy Act 2006 | In Schedule 8, paragraph 9.”

In the Title

46 Line 2, leave out from “legislation” to “; to” in line 4 and insert “and promoting regulatory principles”

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