

★ To move the following Clause—

“Regulations making provision within devolved competence

- (1) The Secretary of State may only make regulations under section 1 which contain provision within Scottish devolved competence with the consent of the Scottish Ministers, unless the provision is merely incidental to, or consequential on, provision outside Scottish devolved competence.
- (2) The Secretary of State may only make regulations under section 1 which contain provision within Welsh devolved competence with the consent of the Welsh Ministers, unless the provision is merely incidental to, or consequential on, provision outside Welsh devolved competence.
- (3) The Secretary of State may only make regulations under section 1 or 5(2) which contain provision within Northern Ireland devolved competence with the consent of the relevant Northern Ireland department, unless the provision is merely incidental to, or consequential on, provision outside Northern Ireland devolved competence.
- (4) In subsection (3), the “relevant Northern Ireland department” is such Northern Ireland department as the Secretary of State considers appropriate having regard to the provision which is to be contained in the regulations concerned.
- (5) For the purposes of this section, provision is—
 - (a) within Scottish devolved competence if it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
 - (b) within Welsh devolved competence if it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (including any provision that could be made only with the consent of a Minister of the Crown);
 - (c) within Northern Ireland devolved competence if the provision—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if it were contained in an Act of that Assembly, and
 - (ii) would not, if it were contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.
- (6) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru), in paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities)—
 - (a) omit the “or” at the end of paragraph (viii);
 - (b) at the end of paragraph (ix) insert “; or
 - (x) the Product Regulation and Metrology Act 2025.”

- (7) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”

Member's explanatory statement

This new clause requires the Secretary of State, before making regulations that contain provision within devolved competence, to obtain the consent of the relevant devolved government.