

# Electronic Trade Documents Bill [HL]

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## COMMONS AMENDMENTS

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*[The page and line references are to Bill 280, the Bill as first printed for the Commons]*

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### Clause 5

#### COMMONS AMENDMENT 1

- 1 Page 3, line 24, leave out “Secretary of State” and insert “appropriate authority”

#### COMMONS AMENDMENT 2

- 2 Page 3, line 29, at end insert—  
“(4A) Subsection (4) does not apply if the regulations are to be made by the Secretary of State and the Scottish Ministers acting jointly.”

#### COMMONS AMENDMENT 3

- 3 Page 3, line 31, leave out paragraph (a)

#### COMMONS AMENDMENT 4

- 4 Page 3, line 32, at end insert—  
“(5A) “The appropriate authority”, in relation to regulations under subsection (2)(b), means—  
(a) in any case, the Secretary of State or the Secretary of State and the Scottish Ministers acting jointly;  
(b) in a case in which all of the provision made by the regulations is within Scottish devolved competence, the Scottish Ministers.  
(5B) Provision is within Scottish devolved competence if it is provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.”

#### COMMONS AMENDMENT 5

- 5 Page 3, line 33, leave out subsection (6)

**After Clause 5****COMMONS AMENDMENT 6**

6 Insert the following new Clause –

**“Regulations under section 5**

- (1) Any power to make regulations under section 5, so far as exercisable by the Secretary of State acting alone or by the Secretary of State and the Scottish Ministers acting jointly, is exercisable by statutory instrument.
- (2) For regulations made under section 5 by the Scottish Ministers acting alone, see section 27 of the 2010 Act (Scottish statutory instruments).
- (3) A statutory instrument containing regulations made under section 5 by the Secretary of State acting alone, or by the Secretary of State and the Scottish Ministers acting jointly, may not be made unless a draft of the instrument containing the regulations has been laid before and approved by a resolution of each House of Parliament.
- (4) Regulations made under section 5 by the Scottish Ministers acting alone, or by the Secretary of State and the Scottish Ministers acting jointly, are subject to the affirmative procedure (see section 29 of the 2010 Act).
- (5) Where regulations are made under section 5 by the Secretary of State and the Scottish Ministers acting jointly –
  - (a) section 29 of the 2010 Act (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 to a statutory instrument, and
  - (b) section 32 of the 2010 Act (laying) applies in relation to the laying before the Scottish Parliament of the 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).
- (6) In this section “the 2010 Act” means the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).”



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