

2008 - 16

08 - 02

가

(I)

- , -

박영도



한국법제연구원
KOREA LEGISLATION RESEARCH INSTITUTE

가

(I)

- , -
The Comparative Legal Analysis on the Corporate
Regulatory Reform()
-Focus on the U.K. and Germany's Regulatory
Reform Act-

연구자 : 박영도(선임연구위원)
Park, Young-Do

2008. 6. 30.



한국법제연구원
KOREA LEGISLATION RESEARCH INSTITUTE

1999 12 1 “ 가- (Moderner Staat -
Moderne Verwaltung)”

,
· ,

. , 2004 5 12

(BMWA)가 29 가

. 가 , 2

. , 2005 11 Angela D. Merkel Agenda
2010 , 11 11 (Koalitionsvertrag
von CDU, CSU und SPD)

2006 4 25 “ (Programm
Bürokratieabbau und bessere Rechtsetzung)”

”

가 (Nationaler Normenkontrollrat)

. , (Standardkosten-Modell, SKM)

(Kordinator der Bundesregierung

für Bürokratieabbau und bessere Rechtsetzung)

가

1994 “
(Deregulation and Contracting Out Act 1994 : DCOA)”
가
,
가
,
가
1999 3 “ (Modernizing Government)”
,
가 (Regulatory Impact Assessment)가
,
“2001 (Regulatory Reform Act 2001)”
,
가
,
“ ” 가
, 2007 1 8 “
(Legislative and Regulatory Reform Act 2006)”
,
가

※ 키워드 : 규제개혁법, 행정절차 간소화, 국가규제감독위원회, 규제
완화

Abstract

On December 1, 1999, German Federal Government decided the reformatory program on administration, so called "Modern State - Modern Administration" and thereby continually has been going ahead with the modernization of administration, e-government policy and the abolition of bureaucratism. Especially, German Federal Government has simplified the complex processes of administration that have depressed the corporate activity, and made an attempt to the reformatory administration, in the name of the abolition of bureaucratism. On May 12, 2004, Federal Cabinet adopted the twenty nine additional measures that were submitted by Federal Ministry of Economics and Labour. This additional measures were roughly composed of the simplification of the administrative processes and the deregulation of administration. On November 11, 2005, in the Coalition Agreement (Koalitionsvertrag von CDU, CSU und SPD), Angela D. Merkel, the prime minister, offered the abolition of bureaucratism explicitly, in succession to the reformatory policy Agenda 2010. In promotion to the abolition of bureaucratism expressed in the Coalition Agreement, Federal Cabinet adopted "The Program on the abolition of bureaucratism and the better legislation". The main subject of "the Program on the abolition of bureaucratism and the better legislation" was the establishment of the National Supervisory Committee of the Regulation as an independent and advisory body. Additionally, The assessment method of bureaucratic administrative process cost was introduced on the basis of the standard cost model, and the ministries and offices appointed the coordinators for the abolition of bureaucratism and the better legislation. The important character of the National Supervisory Committee of the Regulation is impartial politically. In conclusion, the roles of the Committee, by maintaining the political

impartiality, were the prevention from the political disputes and the success of the effective regulatory reform.

In England, the initial attempt to the regulatory reform is the enactment of "Deregulation and Contracting Out Act 1994". This act provided that in case of the relevant Minister's decision on deregulation, he was able to propose the amendment bill and abolish the improper and excessive regulation without the approval of the Parliament. In England, there is no statutory constitution traditionally and the Parliament has a unlimited power theoretically. But in this circumstance, it is the fact that the statutory law can be amended by the statutory instrument which is the strong impact to the mechanism between the Parliament and the Government. After "the policy of Modernizing Government" started positively in March, 1999, "Regulatory Impact Assessment" was introduced in light of the exclusion of the excessive regulation and "Modernizing Government". In addition to this, to promote the more affirmative policy of the regulatory reform, "Regulatory Reform Act 2001" enacted. The character of this act is that the scope of the reformative power that the statutory law was amended by the Minister's Regulatory Reform Order was enlarged. But with regard to the Minister's Regulatory Reform Order, the enlarged scope of Order was criticized in that the constitutional system called "check and balance" could collapse. Therefore, "Legislative and Regulatory Reform Act 2006" enacted on January 1, 2006, provided that the scope of Order was confined to the observance of the promotion to the principle of the regulation.

※ **Key words** : **Regulatory Reform Act, Simplification of the administrative process, National Supervisory committee of the Regulation, Deregulation**

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1. (Order-making powers)	34
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4.	36

5.	38
Ⅲ. 가	39
[] 2006	41

1 「 가 」

I.

1999 12 1 “ 가- (Moderner Staat - Moderne Verwaltung)”

(bürokratieabbau)

2003 2 26 “ (Mittelstand fördern-Beschäftigung schaffen- Bürgergesellschaft stärken. Eckpunkte für den Masterplan Bürokratieabbau)”

- , ① (Bürgergesellschaft) , ②
- , ③ , ④ , ⑤
- 5 ,

.1) 13

2)

2003 4 1 3

. 2003 7 9

13 , 2

1) http://www.verwaltung-innovativ.de/cln_046/nn_684684/DE/Presse/Artikel/ArtikelArchiv/2003/20030226__kabinettbeschluss.html

2) 13 ① , ② , ③
 , ④ BundOnline 2005 , ⑤
 , ⑥ , ⑦ , ⑧
 , ⑨ , ⑩
 , ⑪ , ⑫ , ⑬

1 「 가 」

41 54

.3)

2004 5 12

(BMW)가 29

가 . 29 가 ①
(), ② ()

2 .4)

Gerhard Schröder 2003 11 “Agenda 2010
(Agenda 2010 Deutschland bewegt sich)”⁵⁾ 20 가

2005 3 17 .

3) 54 ① (, ,),
② (, , ,
, 가 , ③ (Profi-Online
(THW) () , ④ (, ⑤
(BundOnline
2005, , , , ,)

4) 34 , . 29
가 (Innovationsregion) Bremen, Ostwestfalen-Lippe,
Westmecklenburg 3 .

5) http://archiv.bundesregierung.de/artikel/81/557981/attachment/557980_0.pdf
, , 2010
, ,
① , ②

. 2010 - , -, FES
Information Series 2004.08.

가

.6)

2005 11 Gerhard Schröder 가 7 /
 (CDU)/ (CSU) (SPD)
 Angela D. Merkel Agenda 2010

11

11 (Koalitionsvertrag von CDU, CSU und SPD)⁷⁾

. , ①

“

()

가

가

(),

... EU OECD

가

(Standardkosten-Modell, SKM)

6) Nobert Röttgen, Normenkontrollrat : Der Koalitionsvertrag als Wegweiser zu besserer
 Rechtsetzung und weniger Bürokratie, ZRP 2006.2., S.50.

7) http://koalitionsvertrag.spd.de/servlet/PB/show/1645854/111105_Koalitionsvertrag.pdf

1 「 가 」

가 . ,
가

...” . ② “
.
.
.”

2006 4 25 “ (Programm
Bürokratieabbau und bessere Rechtsetzung)” .8)

가 , 2006
11 가 1
1,850 2,950 ,
15 (2002 ~ 2005) 460 1,300
.9)

8) http://www.bundesregierung.de/nsc_true/Content/DE/Artikel/2001__2006/2006/06/___Anlagen/programm-fuer-buerokratieabbau-und-bessere-rechtsetzung994101,templateId=raw,property=publicationFile.pdf/programm-fuer-buerokratieabbau-und-bessere-rechtsetzung994101

9) Presse und Informationsamt der Bundesregierung, Bilanz der Bundesregierung 2005/

I.

가 .10)
 “ ” ①
 가 (Nationaler Normenkontrollrat)
 . ② (Standardkosten-Modell, SKM)¹¹⁾
 . ③
 (Kordinator der
 Bundesregierung für Bürokratieabbau und bessere Rechtsetzung)
 . ④
 (BMWi)가 .12)

2006, Zahlen Daten Fakten, Stand 11/2006 S.17.

10) 340
 99.7%가 가 5000
 500 70%가

11) (information obligation)
 가

가
 가
 12) “Erstes Gesetz zum Abbau bürokratischer Hemmnisse
 insbesondere in der mittelständischen Wirtschaft” ,

16 (13 2)
 . 2006 8 25

BGBI. Teil I, 2006, S.1970.

II. 가

2006 6 1 “ 가
(Gesetz zur Einsatzung eines Nationalen Normenkontrollrates)”

가 8 18 .

(organisations- erlass)

CDU/CSU

(Entparlamentarisierung)

.13)

가

가

가

8 .

1.

13) Deutscher Bundestag, Drucksache 16/1406.

1 「가」

가 . 가

가 , 가

. , 1

.

.

.

5 .

. () .

.

가

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2.

1 4 . 1

“ 가 (Standardkosten-Modell)

” .14) 4

,

,

(, ,

14) 2007 6 가 . Nationaler Normenkontrollrat, Internationale Erfahrungen beim Bürokratieabbau. Analyse der Bürokratieabbauprozesse und Reduzierungsmaßnahmen in den Niederlanden, Großbritannien und Dänemark, 2007.6.

II. 가

) , , EU

,

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가

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, 가 ,

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3.

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가

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4.

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“ ” 가가

, (, , ,)

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1 「 가 」

, ①

. ②

. ③ 1

. ④ 2

. ⑤

가

. ⑥EU

가

15)

SKM

가

2006 8 17

15)

가

200

1975

. 1993

. 1993 가

가

①

, ②

가

, ③

가

, ④

가,

가

,

, ⑤

, ⑥

(

)

, , , , ,

. OECD 8

가가 가

. EU

Frank Frick, Das Standard Kosten

Modell, Ein neuer Ansatz für effektiven Bürokratieabbau, ZG 2006, S.30f.

II. 가

.16) SKM 3

. , ① 1 가

. ② 2

(, ,) . ③

3

, , 가
, 가 , , 가

(가×) (× 가)

, 가

가

16) Statistisches Bundesamt, Einführung des Standardkosten-Modells Methodenhandbuch der Bundesregierung, 2006.8. ([http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Content/ Projekte/SKM/SkmHandbuchPdf,property=file.pdf](http://www.destatis.de/jetspeed/portal/cms/Sites/destatis/Internet/DE/Content/Projekte/SKM/SkmHandbuchPdf,property=file.pdf))

1 「 가 」

5.

· ,

, 가

가

Ⅲ.

2006 9 19

, 9 20 1 가

Johannes Ludewig

가,

(Wolf-Michael Catenhusen),

(Hermann Bachmaier),

(Hans Dietmar Barbier),

(Gisela Färber),

(Henning Kreibohm),

(Dennis J.Snowe),¹⁷⁾

(Johannes

Wittmann)

2006

가

, 2007 1

2007

2006 11 8

(GGO)

12 1

.¹⁸⁾

17) Kiel

2006 12
Franz Schoser 가

III.

가

.

.

.

2007 9

1

받

.19)

2006 12 1

225

, 2007 8

190

2007 2

28

2011

25%

가

4 3

2007 10

가

가

.20)

18) GGO 가

가

가

19) Nationaler Normenkontrollrat, Jahresbericht 2007 des Nationalen Normenkontrollrates, 2007.9(<http://www.normenkontrollrat.bund.de/Webs/NKR/Content/DE/Publikationen/Anlagen/erster-jahresbericht-des-normenkontrollrates.property=publicationFile.pdf>)

20) Nationaler Normenkontrollrat, Stellungnahme des Nationalen Normenkontrollrates zum jährlichen Bericht der Bundesregierung, 2007.10.24(<http://www.normenkontrollrat.bund.de/Webs/NKR/Content/DE/Publikationen/Anlagen/stellungnahme-nkr-zum-bericht-der-bundesregierung.property=publicationFile.pdf>)

가

[]

가

(Gesetz zur Einsetzung eines Nationalen Normenkontrollrates)

1 가

1) (Bundeskanzleramt) 가

. 가

2) 가 가 (Standardkosten-
Modell)

2

1) (Bürokratiekosten)

. (Informationspflichten) ,
(Rechtsverordnung), (Satzung) (Verwaltungs-
vorschrift)

3 가

2)

가

[]

가

3) (

)

3 가

1) 가 8

5

가

2

2) 가
가

가

3) 가

(ständigen Dienst oder Geschäfts-

besorgungsverhältnis)

가

가

1

가

4) 가

가

5) 가

6) 가

가

7) 가

8)

9)

가

가

가

가

가

가

10) 가

11) 가

가

가

12) 가

가

가

가

가

[]

4 가

1) 2 2

1.

2. (Stammgesetz)

3.

4. (, ,
) (Verordnung),
(Richtlinien) (Entscheidungen)

5. EU

6.

2) 가

3) 가 가
가

4) (Bundesrechnungshofs)
(Bundesbeauftragten für die Wirtschaftlichkeit in der
Verwaltung)

5 가

1) 가 가

1. 가

가

2.

3.

4.

(Sonderbericht)

2)

6 가

1) 가

2) 가

가

3) 가

7

1.

2.

가

8

2 「2006」

I.

1994 “

(Deregulation and Contracting Out Act 1994 : DCOA)”

가

(Order)

가

가

.21)

“ 8 (Henry VIII powers)”

가

21)

(Order),

(Rule),

(Regulation)

가

가

90

3,000

2 「2006」

가 ①

, ②

, 가

, ③

가 60

,22)

가

1998

, 1999 3 “ (Modernizing Government)”

23)

가 (Regulatory Impact Assessment)

가

“2001 (Regulatory

Reform Act 2001)”

, ①

, ② 가 , ③

22) , 48

(Regulatory Reform Order)

, 3 12

가 3

가

23) , ①

, ③

, ②

, ④IT

, ⑤

, ④

, ⑤

2

, ⑥

가

, ⑦

가

가

(necessary protection test)가

가

“

(reasonable expectations

test)가

가

가

“

(proportionate)”,

“

(fair balance)”,

가가

“

(desirable)”

가

가

,

가

가

①

(extensive public consultation)

, 가

(proposals for Orders)

. ②

(scrutiny)

(Regulatory Reform Order)

,

가

가

(Code of Practice)

,24)

가

가

2005 7

(Cabinet Office)

(Better

Regulation Executive)

“2001 ”

,25)

2005 3 60

27

가

2001

①

② (burden)

③

④common law

(Law Commission)

24)

가

25) Better Regulation Executive, Review of the Regulatory Reform Act 2001.

I.

. ⑤

. ⑥ 2

. ⑦

. ⑧

(A Bill for Better Regulation)” 가
가

1

, ,
) . ②

①

가 (2001

. ③ 가

가 . ④

2

가 . ⑤

가

60

2001

, 2006 11 “

(legislative and Regulatory Reform Act 2006)”

2007 1 8

Ⅱ. 2006

4 , 39

1. (Order-making powers)

(A Minister of the Crown) 가

· , (remove) (reduce)

· (burden)

, , ·

· ① , ,

, ②

, ③ (1)

·

, (promote) · (regulatory principle) 가

①

, ②

(constitution)

, ③

, 4)

가

,

2.

6가

· , ①
 , ② ,
 ③ , ④
 , ⑤ , ⑥
 (constitutional significance) 가 .

3.

· ① , ②
 2
 , ③ 1 (6) 5,000
 , ④ ,
 ⑤ 1 1998 (Human Rights Act 1998)

4.

(1)

(Consultation) . , ①
 , ②
 (statutory body) , ③ Wales
 Wales Wales 가
 (Assembly), ④ ,
 Scottish Law Commission, Northern Ireland Law Commission .

(2)

(Draft of the order) (explanatory
 document) . 가 “2006
 ” ,

(3)

(Laying before the Parliament)

가
 .
 가 가 ,

70% 80% .
 1946 Statutory
 Instrument Act가
 ① (negative
 resolution procedure)²⁶⁾, ② (affirmative resolution procedur
 e)²⁷⁾, ③ (super-affirmative resolution)²⁸⁾가 ,

26)

40

가
가

40

40

(prayer)

Order in Council
“ (negative resolution)”

27)

가

때

40

가

가 40

가

(affirmative resolution procedure)

가

가 가

가

28

가

28

가

28)

2001

40

60

30

가 ,

40

가 30

40

, 가

가

60 ,

60

(statement)

가

가

60

가

가

, 가

5.

2005

“

:

”

,

Ⅲ. 가

(Transparent), (accountable), (proportionate) (consistent)

(Code of Practice),

가

, 가

(Gas and Electricity Authority), (Office of Communications),
(Office of Rail Regulation), (Postal Services
Commission), (Water Services Regulation Authority)

Ⅲ. 가

“2001 ” (Regulatory Reform Order)

(statutory instrument)

(reformatory power)

, “2006 ”

가 가

가 가

“ 가

가 ” 가 ,

“ ” “

”

가

, 가

가
가

가

가

가

[]

2006
(legislative and Regulatory Reform Act 2006)

1

(Powers)

1

1)

2

2)

3)

“ (burden)”

(a)

(b)

(c)

(d)

4)

1

5)

2

(,)

6)

“ (legislation)”

[]

(instrument)

(a) ()

(public general Act or Local

Act)

(b) (a)

Order in Council, (order), (rule), (regulation),

(scheme), (warrant), (byelaw)

(subordinate instrument)

7)

1

(a)

(b)

8)

9)

10)

2

1)

2

2)

가 3

3)

(a)

가

가

(b)

4)

2

1

(a)

(b)

(constitution)

(c)

5) 4 (c)

(a)

가

가

(b)

가

6)

1

7)

, ,

(

)

8)

9)

[]

(Restrictions)

3

1) 2

1 1 2 1

(restate)

2)

(a)

가

(b)

(c)

(d)

(e)

가

(f)

가

3) 4

1 1 2 1

4)

5) 4

7

“ (restate)”

가

(

가

)

4

1)

(a)

(b)

(c)

2)

3)

4

5

(1

)

4)

가

5)

4

(a) 1946

(Statutory Instruments Act 1946 c.36) 5

1 (

가

)

(b)

6) 1

3

7)

legislating)”

, ,

“

(function of

instrument)

(subordinate

[]

5

1) ,

2) (The Treasury)
가 가

(a) ,

(b) ,

3) 2 (a)

(a) ,
가

(b) ,

(c) ,

가

4) 2 (b) ,

(a)

가

(b)

가 가

(c)

,

가

5) 2

6) 2

가

7)

“ (relevant tax)” , , ,

“ (tax provisdion)”

6

1)

가

가

(a) 2

(b)

(i)

(ii) 5

2) 1 (b) “ (the normal maximum term)”

(a)

(i)

51

[]

(ii)

12

(b)

6

3)

1 (b) (ii)

5

(a) 1988

(Criminal Justice Act 1988 c.33) 5

(b) 1995

() (Criminal Procedure Scotland

Act 1995 c.46) 292 6 7

4)

2003 281 5

51

6

5)

2003 154 1

12 6

6) 1

7

1)

(a)

(b)

2) 1 ,

3) 1 .

8

(a)

(b) 1998 (Human Rights Act 1998 c.42)

9 ()

10 ()

11 ()

(Procedure)

12 :

1)

2)

(a) 13

(b) 14

(c) 15

[]

(i) (16)

(ii) (17)

(iii) (18)

13

1)

(a)

(b)

(c)

11 가 (가)

(d)

(Law Commission),

(e)

2) 1

3)

가
가

4)

(a) 2001 (Regulatory Reform Act 2001 c.6) 1

(b) 5 가

(c) 가

5) 1 (b) “ (statutory body)”

(a)

(b) 가

14

1) 13

(a) (a draft of the order)

(b) (an explanatory document)

2)

(a)

(b)

(c)

(i) 3 2 ()

(ii) 3 4

(d) 1

(2)

가

[]

(e)

(i)

(ii) (i)

(f)

(i) 13

(ii)

(iii) 가 ()

3) 13 가

, (

)

2 (f) (ii)

4) 13 가

,

2

(f) (ii) 가 .

(a) 가 가

(b)

5) 3 4

6) 2 (e) “ (function of legislating)”

4 가 .

15

1) 14

가

- (a) (16)
- (b) (17)
- (c) (18)
- 2)
- 3) 가 30
가
- (a) 가
- (b) (a) 가
- 4) 가 30
가
- 5) 가 가 가
- 6) 1 30
- (a)
- (b) (a) 가
- 7) “30 (30-day period)” 14

[]

30

16

1) “ (negative resolution procedure)”

14

2)

3)

40

4)

30

40

5)

4

가

가

6)

7)

“30 ” 15 7 가

“40 ” 14

40

8)

4

가

, 가 5

40

가

가

17

1) “ (affirmative resolution procedure)”

14

2) 40

3) ,

30

40

4)

3

가

가

2

5) 2

6)

“30 ” 15 7 가

“40 ” 14

40

7) 3

가

가 4

40

가

가

18

1) “ (super-affirmative

[]

resolution procedure)” 14

2) 60

(a)

(b)

(c)

3) 60

(a) 2 (a)

(b)

4) 3

5) ,

3

4

6) 5

가

가

4

7) 60

(a)

(b)

(i) 2 (a)

(ii)

8) 7

9) ,

7

, 8

10)

9

가

, 가

8

11) 14 3

5

2 (f) (ii)

가

3

(b) 7 (b) (i)

12) 4

8

13)

“60

”

14

60

(General)

19

[]

15 18

가

4

20 1972

1)

1972

(European Communities Act 1972 c.68) 2

2) 1

(a) 12 2 18

가

1972

2 2

(b) 1972

2 2

2

(Exercise of regulatory functions)

21

1)

가

2

2)

(a)

가

가

(b)

3) 1

22

1) (Code of practice)

2) 가 3

3) 가 가

4) 2 3

23 :

1) 22 ()

2) 21 2

3)

(a)

(b)

4)

()

5) 4

[]

()

6) 5 ()

24 21 22 가

1) 21 22

2) 21 22 가

3) 2

(a) (reserved matters)

(b) (transferred matters)

(c)

4) (Assembly)

21 22 가

5)

(a) 가 (Gas and Electricity Markets Authority)

(b) (Office of Communications)

(c) (Office of Rail Regulation)

(d) (Postal Services Commission)

(e) (Water Services Regulation Authority)

6)

가

(a) 가 (가)

(b)

7) 가 가

(,) ,

8)

9)

10)

“ (reserved matter)” “ (Scotland)” 1998
(Scotland Act 1998 c.46) 가 .

“ (transferred matter)” “ (Northern Ireland)”
1998 (Northern Ireland Act 1998 c.47)

가 .

“ (Wales)” 1998 (Government of Wales Act
1998 c.38) 가 .

3

(Interpretation of legislation)

25

1) 1978 (Interpretation Act 1978 c.30) 20

[]

가 .

“ 20A

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2) 22 1 () “

” “ 20A

” 가 .

3) 24 () 3

가 .

“(3A) 20A 가

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4) 1998 () (

) 1999 (Scotland Act 1998

[Transitory and Transitional Provisions] [Publication and

Interpretation etc of Acts the Scottish Parliament] Order (1999 S.

I . 1999/1379) 1()

가 .

“ 16

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26 가

1) 1978 1() “

(Crown Estate Commissioners)”

가

“ EEA ” 1992 5 2 ,
1993 3 17

() .

“EEA가 ”

(a) 가 가

(b) EEA 가 가(

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2) 24 () 4 “ (The Corporation Tax Acts)” “EEA EEA 가 (EEA agreement and EEA state)” 가 .

3) 1998 () () 1999 2() “ (Devolution issue)” 가

“EEA 1992 5 2 ,
1993 3 17 ,

EEA가

(a) 가 가

(b) EEA 가 가”

4) 3 가

(a)

(b) (3

)

(Implementation of Community obligations etc)

- 27 ,
- 1) 1972 (European Communities Act 1972 c.68) 2
 () .
 (a) 2 “ (by regulations)” “ , ,
 (by order, rules, regulations or scheme)”
 .
 (b) 4 “ (and regulations)” “ , ,
 (or order, rules, regulations or
 scheme)” .
 - 2) 2()
 .
 (a) 2 1 2 “ (regulations)” “ , ,
 (any order, rules, regulations or scheme)”
 .
 (b) 3 “ (regulations)” “ , ,
 (order, rules, regulations or scheme)” .
 - 3) 29 () 2 3
 “ (regulations)” “ , , (any order,
 rules, regulations or scheme)” .
 - 4) 1998 8 15 3 “
 (regulations)” “ , , (any order,
 rules, regulations or scheme)” .
 - 5) 1972
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6) 5

(a) (1998)

(b)

(c) 가

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(b) 가 1979

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(b)

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(c)

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(a) “ (enactment)”

(b) “ (subordinate legislation)” ,

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1972 (European Communities Act 1972 c.68)

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2) “ (subordinate legislation)”

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(d) 2 (c)

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(a) 1 (a)

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(b) 1 (a)

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(b) (a)

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(Deregulation and Contracting Out Act 1994 c.40)

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6)

“2001 (the 2001 Act)”

2001

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1) 1994 6 () 7 “ (enforcement action)”

“ ” .
(a) , ()

(b) 가 , 가 , 가 가 가 .

2) 2003 (Local Government Act 2003 c.26) 100 () 2 (b) “2001

1 ” “2006 1 2 ” .

3) 1996 () 17 1

“2001 1 ” “2006 1 2 ” .

(General)

32

1) .

“ (the Assembly)” .

“ (Minister of the Crown)” 1975 (Minister of the Crown Act 1975 c.26) 가 .

2) “ (regulatory function)” .

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(a)

(b)

3) 2 (a) (b)

(a)

(b)

(i)

가 가

(ii)

4) 2 (a) (b)

(a)

(b)

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(b) 3

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