



# Regulatory Reform (Scotland) Act 2014

## 2014 asp 3

### PART 1

#### REGULATORY FUNCTIONS

##### *Compliance and enforcement*

### **3 Regulations under section 1: compliance and enforcement**

- (1) A regulator to which regulations under section 1 apply must comply with the regulations except to the extent that—
  - (a) the regulator lacks the powers necessary to comply, or
  - (b) the regulations impose on the regulator a requirement that conflicts with any other obligation imposed on the regulator by or under an enactment.
- (2) Where a regulator fails to comply with the regulations, the Scottish Ministers may—
  - (a) declare the regulator to have so failed, and
  - (b) direct the regulator to take such steps to remedy the failure as are specified in the direction within such reasonable period as may be so specified.
- (3) Where a regulator fails to take some or all of the steps specified in a direction under subsection (2)(b), the Scottish Ministers may—
  - (a) take the steps,
  - (b) arrange for any other person to take the steps, or
  - (c) apply to the Court of Session for an order requiring the regulator to take the steps.
- (4) The Scottish Ministers may recover from a regulator the costs incurred by the Scottish Ministers in relation to—
  - (a) taking steps under paragraph (a) of subsection (3),
  - (b) arranging for another person to take steps under paragraph (b) of that subsection (including costs incurred by that other person which the Scottish Ministers have to bear),
  - (c) an application relating to the regulator under paragraph (c) of that subsection up to the time of making the application.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The Scottish Ministers may recover the costs mentioned in subsection (4) as a civil debt.