

EXPLANATORY NOTES

REGULATORY ENFORCEMENT AND SANCTIONS ACT 2008

INTRODUCTION

Summary and Background

TERRITORIAL EXTENT

Territorial Application: Wales

Territorial Application: Scotland

Territorial Application: Northern Ireland

COMMENTARY ON SECTIONS

PART 1: LOCAL BETTER REGULATION OFFICE

Establishment of

Section 1:

Section 2: Dissolution of the company

Definitions

Section 3: “Local Authority”

Section 4: “Relevant function”

General functions of

Section 5: Objective relating to general functions

Section 6: Guidance to local authorities

Section 7: Guidance to local authorities: enforcement

Section 8: Financial support and assistance to local authorities

Section 9: Advice to Ministers of the Crown

Section 10: Advice to Welsh Ministers

Function relating to enforcement priorities

Section 11: Enforcement priorities

Matters relating to the exercise of 's functions

Section 12: Relationship with other regulators

Section 13: Duty not to impose burdens

Section 14: Ancillary powers

Ministerial powers in relation to

Section 15: Guidance or directions by the Secretary of State

Section 16: Guidance or directions by Welsh Ministers

Supplementary and general

Section 17: Review of

Section 18: Power to dissolve

Section 19: Dissolution of : tax

Section 20: Orders under Part 1

PART 2: CO-ORDINATION OF REGULATORY ENFORCEMENT

Introduction

Section 22: Scope of Part 2

Section 23: "Local Authority"

Section 24: "Relevant function"

Primary Authorities

Section 25: Primary authorities

Section 26: Nomination of primary authorities

Functions of primary authorities

Section 27: Advice and guidance

Section 28: Enforcement action

Schedule 4

Section 29: Enforcement action: exclusions

Section 30: Inspection plans

Primary authorities: supplementary

Section 31: Power to charge

Section 32: support

General

Section 33: guidance

Section 34: Orders under Part 2

Section 35: Interpretation of Part 2

PART THREE: CIVIL SANCTIONS

Section 36: Power to make orders providing for civil sanctions

Section 37: “Regulator”

Section 38: “Relevant Offence”

Schedule 5: Designated regulators

Schedule 6: Enactments specified for the purposes of orders under Part 3

Section 39: Fixed monetary penalties

Section 40: Fixed monetary penalties: procedure

Section 41: Fixed monetary penalties: criminal proceedings and conviction

Section 42: Discretionary requirements

Section 43: Discretionary requirements: procedure

Section 44: Discretionary requirements: criminal proceedings and conviction

Section 45: Discretionary requirement: enforcement

Section 46: Stop notices

Section 47: Stop notices: procedure

Section 48: Stop notices: compensation

Section 49: Stop notices: enforcement

Section 50: Enforcement undertakings

Section 51: Combination of sanctions

Section 52: Monetary penalties

Section 53: Costs recovery

Section 54: Appeals

Section 55: Other provision

Section 56: Excluded provision: Scotland

Section 57: Excluded provision: Northern Ireland

These notes refer to the Regulatory Enforcement and Sanctions Act 2008 (c.13)

Section 58: Consultation and consent: Scotland

Section 59: Consultation and consent: Wales

Section 60: Consultation: general

Section 61: Parliamentary and Assembly procedure

Section 62: Offences under subordinate legislation

Schedule 7: Enactments specified for the purpose of section 62

Section 63: Guidance as to use of civil sanctions

Section 64: Guidance as to enforcement of relevant offences

Section 65: Publication of enforcement action

Section 66: Compliance with regulatory principles

Section 67: Review

Section 68: Suspension

Section 69: Payment of penalties into Consolidated Fund

Section 70: Disclosure of information

Section 71: Interpretation of Part 3

PART 4: REGULATORY BURDENS

Section 72: Duty not to impose or maintain unnecessary burdens

Section 73: Functions to which section 72 applies

PART 5: GENERAL

Section 75: Commencement

Hansard References