

These notes refer to the Regulatory Enforcement and Sanctions Act 2008 (c.13) which received Royal Assent on 21 July 2008

REGULATORY ENFORCEMENT AND SANCTIONS ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Local Better Regulation Office

Establishment of LBRO

Section 2: Dissolution of the LBRO company

21. There is a non-departmental public body named the Local Better Regulation Office (the “LBRO company”), constituted as a private company limited by guarantee. When Part 1 comes into force, section 2 will effect the dissolution of the LBRO company, and the transfer of the functions, staff and property of the LBRO company to a new statutory corporation. Subsection (3) gives effect to Schedule 2, which provides for the automatic transfer of staff, property, rights, and liabilities from the LBRO company to LBRO. The transfers of property and staff take place immediately before the dissolution of the LBRO company.
22. Paragraphs 1 and 2 of Schedule 2 provide that the transfer of staff, property, rights and liabilities from the LBRO company to LBRO should be treated as if it were a transfer of an undertaking to which the Transfer of Undertakings (Protection and Employment) Regulations 2006 (TUPE) apply. Paragraphs 4 to 6 ensure continuity, so that things done by the LBRO company immediately before it is dissolved have effect as if done by LBRO. For example, if the LBRO company were to initiate a consultation with persons who are affected by a particular type of trading standards regulations with a view to improving the effectiveness of enforcement, the consultation would be deemed to have satisfied the requirements of section 6(4), which requires LBRO to consult before giving guidance to local authorities.