



# Regulatory Enforcement and Sanctions Act 2008

## 2008 CHAPTER 13

### PART 1

#### THE LOCAL BETTER REGULATION OFFICE

##### *Definitions*

### **3 “Local authority”**

- (1) In this Part references to a local authority in England are to any of the following—
- (a) a county or district council in England;
  - (b) a London borough council;
  - (c) the Common Council of the City of London;
  - (d) the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;
  - (e) the Council of the Isles of Scilly;
  - (f) a fire and rescue authority in England (not being an authority referred to in paragraphs (a) to (e));
  - (g) a port health authority in England (not being an authority referred to in paragraphs (a) to (e));
  - (h) an authority established under section 10 of the Local Government Act 1985 (c. 51) (waste disposal authorities for Greater London and metropolitan counties).
- (2) In this Part references to a local authority in Wales are to any of the following—
- (a) a county or county borough council in Wales;
  - (b) a fire and rescue authority in Wales (not being a county or county borough council);
  - (c) a port health authority in Wales (not being a county or county borough council).

#### 4 “Relevant function”

- (1) In this Part “relevant function”, in relation to a local authority in England or Wales, means—
- (a) a function under a relevant enactment of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to any activity, or
  - (b) a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which under or by virtue of a relevant enactment relate to any activity.
- (2) In subsection (1) “relevant enactment” means—
- (a) an enactment specified in Schedule 3 or an enactment made under such an enactment;
  - (b) an enactment to which subsection (3) applies.
- (3) This subsection applies to any enactment made under section 2(2) of the European Communities Act 1972 (c. 68) with respect to any of the following matters—
- (a) agricultural produce (quality standards and labelling);
  - (b) animal health and welfare;
  - (c) animal feed;
  - (d) consumer protection;
  - (e) environmental protection;
  - (f) food hygiene and standards;
  - (g) public health and safety;
  - (h) weights and measures (including measuring instruments).
- (4) The Secretary of State may by order—
- (a) amend Schedule 3 so as to add any enactment to it or to remove any enactment from it;
  - (b) amend subsection (3) so as to add any matter to it or remove any matter from it.
- (5) An order under subsection (4) may make different provision for different purposes (including different provision in relation to local authorities in England and Wales respectively).
- (6) An order under subsection (4) requires the consent of the Welsh Ministers to make provision, in relation to local authorities in Wales, in respect of a Welsh ministerial matter.
- (7) The Secretary of State may by order determine whether, for the purposes of subsection (3), an enactment made under section 2(2) of the European Communities Act 1972 is made with respect to any of the matters specified in that subsection.
- (8) An order under subsection (7) requires the consent of the Welsh Ministers where—
- (a) the determination affects the application of this Part in relation to local authorities in Wales, and
  - (b) the enactment made under section 2(2) of the European Communities Act 1972 relates to a Welsh ministerial matter.
- (9) In subsection (1)—
- (a) references to a function do not include a function of conducting criminal or civil proceedings;

- (b) references to an activity include providing goods and services and employing or offering employment to any person.