



# Regulatory Enforcement and Sanctions Act 2008

## 2008 CHAPTER 13

### PART 1

#### THE LOCAL BETTER REGULATION OFFICE

##### *Ministerial powers in relation to LBRO*

#### **15 Guidance or directions by the Secretary of State**

- (1) The Secretary of State may give LBRO—
  - (a) guidance, or
  - (b) directions,as to the exercise of any of its functions.
- (2) Before giving any guidance or directions under this section the Secretary of State must consult—
  - (a) LBRO, and
  - (b) such other persons as the Secretary of State considers likely to be affected by the guidance or directions, or persons representative of such persons.
- (3) The Secretary of State must—
  - (a) publish (in such manner as the Secretary of State considers appropriate) any guidance or directions given under this section, and
  - (b) lay a copy of any such guidance or directions before Parliament.
- (4) LBRO must have regard to any guidance, and comply with any directions, given under this section.
- (5) The Secretary of State may vary or revoke any guidance or directions given under this section by further guidance or directions under this section.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The Secretary of State may not under subsection (1)(b) give LBRO directions relating to the exercise of its functions under section 7 in relation to two or more local authorities in England and Wales.
- (7) The Secretary of State may by order require LBRO to exercise its functions under section 7 in relation to two or more local authorities in England and Wales in such manner as may be specified in the order.

## **16 Guidance or directions by Welsh Ministers**

- (1) The Welsh Ministers may give LBRO—
  - (a) guidance, or
  - (b) directions,as to the exercise in relation to Wales of any of its functions relating to a Welsh ministerial matter.
- (2) Before giving any guidance or directions under this section the Welsh Ministers must consult—
  - (a) LBRO, and
  - (b) such other persons as the Welsh Ministers consider likely to be affected by the guidance or directions, or persons representative of such persons.
- (3) The Welsh Ministers must—
  - (a) publish (in such manner as they consider appropriate) any guidance or directions given under this section, and
  - (b) lay a copy of any such guidance or directions before the National Assembly for Wales.
- (4) LBRO must have regard to any guidance, and comply with any directions, given under this section.
- (5) The Welsh Ministers may vary or revoke any guidance or directions given under this section by further guidance or directions under this section.
- (6) The Welsh Ministers may not under subsection (1)(b) give LBRO directions relating to the exercise of its functions under section 7 in relation to two or more local authorities in Wales.
- (7) The Welsh Ministers may by order require LBRO to exercise its functions under section 7 in relation to two or more local authorities in Wales, so far as relating to a Welsh ministerial matter, in such manner as may be specified in the order.