



Regulatory Enforcement and Sanctions Act 2008

2008 CHAPTER 13

PART 3

CIVIL SANCTIONS

Orders under Part 3: introductory

36 Power to make orders providing for civil sanctions

- (1) A Minister of the Crown may by order in accordance with this Part make—
 - (a) the provision specified in section 39 (fixed monetary penalties);
 - (b) the provision specified in section 42 (discretionary requirements);
 - (c) the provision specified in section 46 (stop notices);
 - (d) the provision specified in section 50 (enforcement undertakings).
- (2) The Welsh Ministers may by order in accordance with this Part make any such provision, where the provision relates to a Welsh ministerial matter.
- (3) An order under this Part is to be made by statutory instrument.

37 “Regulator”

- (1) In this Part, “regulator” means—
 - (a) a person specified in Schedule 5 (in this Part called a “designated regulator”),
or
 - (b) a person, other than a designated regulator, who has an enforcement function in relation to an offence to which subsection (2) applies.
- (2) This subsection applies to an offence contained, immediately before the day on which this Act is passed, in an enactment specified in Schedule 6.

- (3) Subsection (1)(b) does not include—
- (a) the Crown Prosecution Service,
 - (b) a member of a police force in England or Wales,
 - (c) a Procurator Fiscal,
 - (d) a constable of a police force in Scotland,
 - (e) the Public Prosecution Service for Northern Ireland, or
 - (f) a member of the Police Service of Northern Ireland.

38 “Relevant offence”

- (1) In this Part, “relevant offence”, in relation to a designated regulator, means an offence—
- (a) in relation to which the designated regulator has an enforcement function, and
 - (b) which is contained in an Act immediately before the day on which this Act is passed.
- (2) In this Part “relevant offence”, in relation to a regulator other than a designated regulator, means an offence—
- (a) which is contained, immediately before the day on which this Act is passed, in an enactment specified in Schedule 6, and
 - (b) in relation to which that regulator has an enforcement function.