

SCHEDULES

SCHEDULE 4

ENFORCEMENT ACTION: REFERENCES TO LBRO

Reference by enforcing authority

- 1 (1) If the primary authority directs the enforcing authority as specified in section 28(2), the enforcing authority may with the consent of LBRO refer the proposed enforcement action to LBRO.
- (2) On a reference under this paragraph—
 - (a) if LBRO is satisfied as to the matters in sub-paragraph (3), it must confirm the direction;
 - (b) in any other case, it must revoke the direction (and section 28(4)(b) shall accordingly cease to apply in relation to the direction).
- (3) The matters referred to in sub-paragraph (2) are that—
 - (a) the proposed enforcement action is inconsistent with advice or guidance previously given by the primary authority (generally or specifically),
 - (b) the advice or guidance was correct, and
 - (c) the advice or guidance was properly given by the primary authority.
- (4) Where under sub-paragraph (2) LBRO confirms a direction of the primary authority, it may direct the enforcing authority to take some other enforcement action (and section 28(1) to (4) does not apply in relation to that action).
- (5) The enforcing authority must comply with any direction under sub-paragraph (4).