



Regulatory Enforcement and Sanctions Act 2008

2008 CHAPTER 13

^{F1}[PART 2

CO-ORDINATION OF REGULATORY ENFORCEMENT

Primary authorities

[26 **Nomination of primary authorities**

- (1) [^{F1}The Secretary of State] may only nominate a local authority under section 25(1) in relation to the regulated person if—
 - (a) the authority and the regulated person have agreed in writing to the nomination, or
 - (b) the regulated person has requested [^{F2}the Secretary of State] to make a nomination under section 25(1) for the exercise of the relevant function in relation to the regulated person,and [^{F2}the Secretary of State] considers the authority suitable for nomination.
- (2) [^{F3}Where the Secretary of State has been satisfied that the regulated person is within section 22(1), the Secretary of State] may in particular consider as suitable for nomination under subsection (1)—
 - (a) the local authority in whose area the regulated person principally carries out the activity in relation to which the relevant function is exercised;
 - (b) the local authority in whose area the regulated person administers the carrying out of that activity.
- (3) Before nominating a local authority under section 25(1) in the case referred to in subsection (1)(b) [^{F4}the Secretary of State] must consult—
 - (a) that authority, and
 - (b) the regulated person.

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Section 26 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) [^{F5}The Secretary of State] must have particular regard to any representations made by a local authority pursuant to subsection (3) as to the resources available to it.
- (5) [^{F6}The Secretary of State] may at any time revoke a nomination under section 25(1) if—
- (a) [^{F7}the Secretary of State] considers that the authority is no longer suitable for nomination, or
 - (b) [^{F7}the Secretary of State] considers it appropriate to do so for any other reason, and subsections (2) to (4) apply in relation to a revocation of a nomination as in relation to a nomination.
- (6) [^{F8}The Secretary of State] must maintain, or cause to be maintained, a register of nominations under section 25(1).]

Textual Amendments

- F1** Words in s. 26(1) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 11(a)(i)** (with Sch. 2)
- F2** Words in s. 26(1) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 11(a)(ii)** (with Sch. 2)
- F3** Words in s. 26(2) substituted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(7), 103(3)**; S.I. 2013/2227, art. 2(d)
- F4** Words in s. 26(3) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 11(c)** (with Sch. 2)
- F5** Words in s. 26(4) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 11(b)** (with Sch. 2)
- F6** Words in s. 26(5) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 11(b)** (with Sch. 2)
- F7** Words in s. 26(5)(a)(b) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 11(d)** (with Sch. 2)
- F8** Words in s. 26(6) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 11(b)** (with Sch. 2)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 70(6) inserted by [2018 c. 12 Sch. 19 para. 152\(3\)](#)