



Regulatory Enforcement and Sanctions Act 2008

2008 CHAPTER 13

PART 2

CO-ORDINATION OF REGULATORY ENFORCEMENT

Functions of primary authorities

28 Enforcement action

- (1) Subject as follows, a local authority other than the primary authority (“the enforcing authority”) must notify the primary authority before taking any enforcement action against the regulated person pursuant to the relevant function.
- (2) If the primary authority determines within the relevant period that the proposed enforcement action is inconsistent with advice or guidance previously given by the primary authority (generally or specifically), it may within that period direct the enforcing authority not to take the enforcement action.
- (3) If the enforcing authority is not directed as specified in subsection (2) and continues to propose to take the enforcement action, it must inform the regulated person.
- (4) The enforcing authority may not take the proposed enforcement action—
 - (a) at any time during the relevant period;
 - (b) at any time after the end of that period, if it is directed as specified in subsection (2).
- (5) In this Part “enforcement action” means, subject to subsection (6)—
 - (a) any action which relates to securing compliance with any restriction, requirement or condition in the event of breach (or putative breach) of a restriction, requirement or condition;
 - (b) any action taken with a view to or in connection with the imposition of any sanction (criminal or otherwise) in respect of an act or omission;

Status: This is the original version (as it was originally enacted).

- (c) any action taken with a view to or in connection with the pursuit of any remedy conferred by an enactment in respect of an act or omission.
- (6) The Secretary of State may by order with the consent of the Welsh Ministers specify action which is or is not to be regarded as enforcement action for the purposes of this Part.
- (7) Schedule 4 (which makes provision for questions arising under this section to be referred to LBRO) has effect.
- (8) Where an enactment limits the period within which the enforcing authority may take the proposed enforcement action, any time during which the authority is prohibited under this section or Schedule 4 from taking the action is to be disregarded in calculating that period.
- (9) For the purposes of this section “relevant period” means—
 - (a) the period of five working days beginning with the day after that on which the primary authority is notified under subsection (1), or
 - (b) such longer period beginning with that day as LBRO may direct.
- (10) In subsection (9)(b) “working day” means a day other than—
 - (a) a Saturday or Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in—
 - (i) the part of the United Kingdom where the primary authority is, or
 - (ii) (if different) the part of the United Kingdom where the enforcing authority is.