



Regulatory Enforcement and Sanctions Act 2008

2008 CHAPTER 13

PART 4

REGULATORY BURDENS

73 Functions to which section 72 applies

- (1) Section 72 applies to the following regulatory functions—
 - (a) the regulatory functions specified in subsection (2),
 - (b) any regulatory function specified by a Minister of the Crown by order in accordance with this section, and
 - (c) any regulatory function specified by the Welsh Ministers by order in accordance with this section.
- (2) The regulatory functions referred to in subsection (1)(a) are the regulatory functions exercised by—
 - (a) the Gas and Electricity Markets Authority,
 - (b) the Office of Fair Trading,
 - (c) the Office of Rail Regulation,
 - (d) the Postal Services Commission, and
 - (e) the Water Services Regulation Authority,other than any function exercised under competition law.
- (3) Any reference in subsection (2) to a regulatory function—
 - (a) where the function is exercisable in Scotland, does not include the function if or to the extent that it relates to matters which are not reserved matters,
 - (b) where the function is exercisable in Northern Ireland, does not include the function if or to the extent that it relates to matters which are transferred matters, and

Status: This is the original version (as it was originally enacted).

- (c) where the function is exercisable in Wales, does not include the function if or to the extent that it relates to a Welsh ministerial matter.
- (4) A Minister of the Crown may not under this section specify—
- (a) a regulatory function so far as exercisable in Scotland, if or to the extent that the function relates to matters which are not reserved matters,
 - (b) a regulatory function so far as exercisable in Northern Ireland, if or to the extent that the function relates to matters which are transferred matters, or
 - (c) a regulatory function so far as exercisable in Wales, if or to the extent that the function relates to a Welsh ministerial matter.
- (5) The Welsh Ministers may only specify under this section a regulatory function if or to the extent that it relates to a Welsh ministerial matter.
- (6) Before making an order under this section the authority making the order must consult—
- (a) any person whose regulatory functions are to be specified in the order, and
 - (b) such other persons as the authority considers appropriate.
- (7) An order under this section may make such consequential, supplementary, incidental or transitional provision (including provision amending any enactment) as the authority making it considers appropriate.
- (8) An order under this section is to be made by statutory instrument.
- (9) A statutory instrument containing an order under this section made by a Minister of the Crown may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (10) A statutory instrument containing an order under this section made by the Welsh Ministers may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.
- (11) In subsections (3) and (4)—
- “reserved matter” and “Scotland” have the same meanings as in the Scotland Act 1998 (c. 46);
 - “transferred matter” and “Northern Ireland” have the same meanings as in the Northern Ireland Act 1998 (c. 47);
 - “Wales” has the same meaning as in the Government of Wales Act 2006 (c. 32).