



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 5

REDUCTION OF LEGISLATIVE BURDENS

Regulatory Enforcement and Sanctions Act 2008

68 **Inspection plans**

- (1) Section 30 of the Regulatory Enforcement and Sanctions Act 2008 (inspection plans) is amended as follows.
- (2) After subsection (3) insert—
 - “(3A) An inspection plan may require a local authority other than the primary authority, on exercising the function of inspection in relation to the regulated person, to provide the primary authority with a report on its exercise of the function.”
- (3) In subsection (7)—
 - (a) for the words from the beginning to “exercising” substitute “ Where the primary authority exercises ”;
 - (b) after “regulated person” insert “ , it ”.
- (4) After subsection (7) insert—
 - “(7A) A local authority other than the primary authority may not exercise the function of inspection in relation to the regulated person otherwise than in accordance with a plan that has been brought to its notice under subsection (6), unless—

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 68. (See end of Document for details)

- (a) it has notified the primary authority in writing of the way in which it proposes to exercise the function in relation to the regulated person, and
 - (b) the primary authority has notified the local authority in writing that it consents to the authority's exercising the function in that way.
- (7B) Subsection (7C) applies if a primary authority that has been notified by a local authority as described in subsection (7A)(a) fails to notify that authority in writing, within the notification period, whether it consents to the authority's exercising the function of inspection as described in the notification.
- (7C) The primary authority is to be treated for the purposes of this section, following the expiry of the notification period, as having given the notification of consent described in subsection (7A)(b).
- (7D) The “notification period”, in subsections (7B) and (7C), is the period of five working days beginning with the first working day after the day on which the notification referred to in subsection (7A)(a) is received by the primary authority.
- (7E) Where an inspection plan includes a requirement of the type described in subsection (3A), a local authority exercising the function of inspection in relation to the regulated person must provide a report to the primary authority in accordance with the requirement.”
- (5) Omit subsection (8).
- (6) In subsection (9) for “(8)” substitute “ (7A)(a) ”.
- (7) After subsection (9) insert—
- “(9A) A primary authority may, with the consent of the Secretary of State, revoke a plan made by it under this section.
- (9B) If a primary authority revokes a plan under subsection (9A), it must notify the other local authorities with the function of inspection that the plan is no longer in effect.”
- (8) In subsection (10), for “(9)” substitute “ (9B) ”.
- (9) After subsection (10) insert—
- “(11) In subsection (7D), “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 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 authority is that has given the notification referred to in subsection (7A)(a).”

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 68. (See end of Document for details)

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Commencement Information

II S. 68 in force at 1.10.2013 by S.I. 2013/2227, **art. 2(e)** (with art. 5)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 68.