



# Small Business, Enterprise and Employment Act 2015

## 2015 CHAPTER 26

### PART 2

#### REGULATORY REFORM

##### *Review of business appeals procedures*

#### **17 Review of regulators' complaints and appeals procedures**

- (1) A Minister of the Crown must appoint a person for the purposes of this section in respect of each regulatory function to which this section applies (see section 18).
- (2) A person so appointed (a “reviewer”) must, in relation to each regulatory function in respect of which the appointment is made—
  - (a) review the effectiveness during each reporting period of the procedures (both formal and informal) of the relevant regulator for handling and resolving complaints and appeals made by businesses to the regulator in connection with the exercise by the regulator of the function, and
  - (b) prepare a report about the findings of the review.
- (3) In this section “relevant regulator”, in relation to a regulatory function, means the person who exercises the function.
- (4) The report may include in particular—
  - (a) an assessment of the extent to which the relevant regulator's procedures of the kind mentioned in subsection (2)(a) are accessible and fair to businesses;
  - (b) recommendations to the relevant regulator about how the procedures, or the way in which they are operated, could be improved;
  - (c) recommendations to the Minister of the Crown who appointed the reviewer for any change in the law which the reviewer considers would lead to improvements in the procedures or their operation.

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*Changes to legislation:* There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Cross Heading: Review of business appeals procedures. (See end of Document for details)

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- (5) The report must not address, and the reviewer must not make any recommendation in relation to, the outcome of any particular case.
- (6) For the purposes of this section, each of the following is a reporting period—
  - (a) the period of 12 months beginning with the day on which the reviewer is appointed;
  - (b) each subsequent period of 12 months.
- (7) The reviewer must send the report to the relevant regulator and (if different) the Minister of the Crown who appointed the reviewer as soon as reasonably practicable after the end of the reporting period.
- (8) Before the end of the period of 3 months beginning with the day on which the relevant regulator receives the report, the regulator must—
  - (a) prepare a response and send it to the reviewer, and
  - (b) if the relevant regulator is not the Minister of the Crown who appointed the reviewer, send it to the Minister.
- (9) The Minister of the Crown must—
  - (a) publish the report and the response, and
  - (b) lay them before Parliament.
- (10) The reviewer may by notice require the relevant regulator to provide such documents or other information, in such form or manner as the reviewer may direct, as the reviewer may require for the purpose of exercising functions under this section.
- (11) Subsection (10) is subject to any express restriction on disclosure imposed by another enactment (ignoring any restriction which allows disclosure if authorised by an enactment).
- (12) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

#### Commencement Information

**II** [S. 17](#) in force at 1.10.2016 by [S.I. 2016/321](#), [reg. 7\(a\)](#)

## 18 Power to specify regulatory functions

- (1) The Secretary of State may by regulations specify regulatory functions as functions to which section 17 applies.
- (2) “Regulatory function” has the same meaning in this section and section 17 as in the Legislative and Regulatory Reform Act 2006 (see section 32(2) to (4) of that Act).
- (3) Regulations under this section may, in particular, specify a regulatory function by reference to—
  - (a) the person who exercises the function;
  - (b) the enactment under or by virtue of which it was conferred.
- (4) Regulations under this section must not specify a regulatory function of the Commission for Equality and Human Rights.

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- (5) Regulations under this section must not specify a regulatory function which is—
- (a) a Scottish devolved function, that is to say a function the exercise of which would be within devolved competence (within the meaning of section 54 of the Scotland Act 1998),
  - (b) a Northern Ireland devolved function, that is to say a function which could be conferred by provision included in an Act of the Northern Ireland Assembly made without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998), or
  - (c) a Welsh devolved function, that is to say a function which could be conferred by provision falling within the legislative competence of the National Assembly for Wales (see [F1section 108A] of the Government of Wales Act 2006).
- (6) Regulations under this section are subject to affirmative resolution procedure.

#### Textual Amendments

- F1** Words in s. 18(5)(c) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 106](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)

#### Commencement Information

- I2** S. 18 in force at 26.5.2015 by [S.I. 2015/1329, reg. 2\(a\)](#)

## 19 Guidance by the Secretary of State

- (1) The Secretary of State may issue guidance to reviewers as to the exercise of functions under section 17.
- (2) A reviewer must, in exercising any of those functions, have regard to any guidance for the time being in force under this section.
- (3) The Secretary of State must—
- (a) publish any guidance or revised guidance issued under this section, and
  - (b) lay any such guidance or revised guidance before Parliament.
- (4) In this section “reviewer” has the same meaning as in section 17.

#### Commencement Information

- I3** [S. 19\(1\)\(3\)\(4\)](#) in force at 26.5.2015 by [S.I. 2015/1329, reg. 2\(b\)](#)
- I4** [S. 19\(2\)](#) in force at 1.10.2016 by [S.I. 2016/321, reg. 7\(b\)](#)

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