



# Regulatory Reform (Scotland) Act 2014

## 2014 asp 3

### PART 1

#### REGULATORY FUNCTIONS

*Regulations to encourage or improve regulatory consistency*

#### **1 Power as respects consistency in regulatory functions**

- (1) The Scottish Ministers may by regulations make any provision which they consider will encourage or improve consistency in the exercise by regulators of regulatory functions.
- (2) Regulations under subsection (1)—
  - (a) must specify the regulators to which they apply,
  - (b) may specify regulatory functions in respect of which they are, or are not, to apply,
  - (c) may prescribe the forms, procedure or other arrangements in respect of which a regulator is to impose, set, secure compliance with or enforce a regulatory requirement (including the manner in which and extent to which fees may be charged or costs recovered),
  - (d) may require a regulator to co-operate, or co-ordinate activity, with other regulators or the Scottish Ministers (including providing information to the Scottish Ministers).
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult—
  - (a) the regulators to which the regulations would apply,
  - (b) such persons or bodies as appear to the Scottish Ministers to represent the interests of persons substantially affected by the proposed regulations,
  - (c) such other persons or bodies as the Scottish Ministers consider appropriate.
- (4) For the purposes of subsection (1), “consistency” includes consistency—
  - (a) in the way in which particular regulators, their employees or their agents impose, set, secure compliance with or enforce a regulatory requirement,

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*Status: This is the original version (as it was originally enacted).*

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- (b) in the way in which different regulators, or the employees or agents of different regulators, impose, set, secure compliance with or enforce a regulatory requirement.

(5) In this Part—

“regulator” means a person, body or office-holder listed, or of a description listed, in schedule 1,

“regulatory functions” means—

- (a) functions conferred by or under any enactment of—

- (i) imposing requirements, restrictions or conditions in relation to an activity,

- (ii) setting standards or outcomes in relation to an activity, or

- (iii) giving guidance in relation to an activity, or

- (b) functions which relate to the securing of compliance with, or enforcement of, requirements, restrictions, conditions, standards, outcomes or guidance which by or under any enactment relate to an activity,

but does not include any such functions exercisable by a planning authority,

“regulatory requirement” means a requirement, restriction, condition, standard or outcome (whether contained in guidance or otherwise)—

- (a) which is to be complied with, met, attained or achieved by a person, body or office-holder whether by or under an enactment (including this Act) or otherwise, and

- (b) in respect of which a regulator has regulatory functions.

(6) In the definition of “regulatory functions” in subsection (5), “activity” includes—

- (a) providing goods and services, and
- (b) employing or offering employment to any person.