



# Regulatory Enforcement and Sanctions Act 2008

## 2008 CHAPTER 13

### PART 1

#### THE LOCAL BETTER REGULATION OFFICE

##### *General functions of LBRO*

#### 5 Objective relating to general functions

- (1) [<sup>F1</sup>In exercising their functions under sections 6 to 10 the Secretary of State and the Welsh Ministers have] the objective of securing that local authorities in England and Wales exercise their relevant functions—
- (a) effectively,
  - (b) in a way which does not give rise to unnecessary burdens, and
  - (c) in a way which conforms with the principles in subsection (2).
- (2) Those principles are that—
- (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;
  - (b) regulatory activities should be targeted only at cases in which action is needed.

#### Textual Amendments

- F1** Words in s. 5(1) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 3** (with Sch. 2)

#### 6 Guidance to local authorities

- [<sup>F2</sup>(1) It is a function of the Secretary of State to give guidance to—

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- (a) one or more local authorities in England,
  - (b) one or more local authorities in Wales, or
  - (c) local authorities in England and Wales
- as to how to exercise their relevant functions (other than functions relating to [F3devolved Welsh] matters).
- (1A) It is a function of the Welsh Ministers to give guidance to one or more local authorities in Wales as to how to exercise their relevant functions which relate to [F3devolved Welsh] matters.]
- (2) Guidance under subsection (1) [F4or (1A)] —
- <sup>F5</sup>(a) .....
  - (b) may relate to any one or more relevant functions;
  - (c) may relate to the exercise of one or more relevant functions in a particular case.
- (3) A local authority in England or Wales must have regard to any guidance given to it under this section.
- (4) Before giving guidance under this section in relation to any relevant function [F6the person giving the guidance] must consult—
- (a) the persons whose activities are regulated by the exercise of the function, or persons representative of such persons,
  - (b) such local authorities in England and Wales, or such persons representative of local authorities in England and Wales, as [F6the person giving the guidance] considers appropriate, and
  - (c) such other persons as [F6the person giving the guidance] considers appropriate.
- [F7(5) The person giving guidance under this section must publish it in such manner as that person considers appropriate.]
- (6) [F8The person giving the guidance] may vary or revoke any guidance given <sup>F9</sup>... under this section by further guidance under this section.

#### Textual Amendments

- F2** S. 6(1)(1A) substituted for s. 6(1) (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 4(a)** (with Sch. 2)
- F3** Words in s. 6(1)(1A) substituted (1.10.2016) by [Enterprise Act 2016 \(c. 12\)](#), **ss. 21(2)(b)**, 44(5); S.I. 2016/695, art. 3(c)
- F4** Words in s. 6(2) inserted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 4(b)** (with Sch. 2)
- F5** S. 6(2)(a) repealed (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 1(c)** (with Sch. 2)
- F6** Words in s. 6(4) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 4(c)** (with Sch. 2)
- F7** S. 6(5) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 4(d)** (with Sch. 2)
- F8** Words in s. 6(6) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 4(e)** (with Sch. 2)

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**F9** Words in s. 6(6) repealed (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 1(d)** (with Sch. 2)

**F107** **Guidance to local authorities: enforcement**

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**Textual Amendments**

**F10** S. 7 repealed (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 1(e)** (with Sch. 2)

**F118** **Financial support and assistance to local authorities**

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**Textual Amendments**

**F11** S. 8 repealed (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 1(f)** (with Sch. 2)

**F129** **Advice to Ministers of the Crown**

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**Textual Amendments**

**F12** S. 9 repealed (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 1(g)** (with Sch. 2)

**10** **Advice to Welsh Ministers**

- (1) [<sup>F13</sup>The Secretary of State] may at any time give advice or make proposals to the Welsh Ministers on—
- (a) the way in which any one or more local authorities in Wales exercise any of their relevant functions in relation to any [<sup>F14</sup>devolved Welsh] matter;
  - (b) the effectiveness of legislation (or proposed legislation) relating to the exercise by local authorities in Wales of their relevant functions in relation to any such matter;
  - (c) whether any other regulatory functions could appropriately be exercised by local authorities in Wales in relation to any such matter;
  - (d) anything else relating to the exercise by local authorities in Wales of their relevant functions in relation to any such matter.

<sup>F15</sup>(2) .....

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#### Textual Amendments

- F13** Words in s. 10(1) substituted (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 5** (with Sch. 2)
- F14** Words in s. 10(1)(a) substituted (1.10.2016) by [Enterprise Act 2016 \(c. 12\)](#), **ss. 21(2)(c)**, 44(5); S.I. 2016/695, art. 3(c)
- F15** S. 10(2) repealed (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch. 1 para. 1(h)** (with Sch. 2)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 70(6) inserted by [2018 c. 12 Sch. 19 para. 152\(3\)](#)