



# Regulatory Enforcement and Sanctions Act 2008

## 2008 CHAPTER 13

### PART 3

#### CIVIL SANCTIONS

##### *Orders under Part 3: procedure*

#### **58 Consultation and consent: Scotland**

- (1) A Minister of the Crown must obtain the consent of the Lord Advocate before making an order under this Part in relation to an offence in Scotland.
- (2) A Minister of the Crown must consult the Scottish Ministers before making an order under this Part in relation to a regulator which is a local authority in Scotland.
- (3) In subsection (2), “local authority in Scotland” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).

#### **59 Consultation and consent: Wales**

- (1) A Minister of the Crown must consult the Welsh Ministers before making an order under this Part in relation to an offence which applies in or in relation to Wales.
- (2) A Minister of the Crown must obtain the consent of the Welsh Ministers before making an order under this Part containing provision which relates to a [<sup>F1</sup>devolved Welsh] matter.
- (3) The Welsh Ministers must consult the Secretary of State before making an order under this Part.

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**Changes to legislation:** Regulatory Enforcement and Sanctions Act 2008, Cross Heading: Orders under Part 3: procedure is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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### Textual Amendments

- F1** Words in s. 59(2) substituted (1.10.2016) by [Enterprise Act 2016 \(c. 12\), ss. 21\(2\)\(g\), 44\(5\)](#); S.I. 2016/695, art. 3(c)

## 60 Consultation: general

- (1) Before making an order under this Part the relevant authority must consult the following (in addition to any persons who must be consulted under sections 58 and 59)—
  - (a) the regulator to which the order relates,
  - (b) such organisations as appear to the relevant authority to be representative of persons substantially affected by the proposals, and
  - (c) such other persons as the relevant authority considers appropriate.
- (2) If, as a result of any consultation required by subsection (1), it appears to the relevant authority that it is appropriate substantially to change the whole or any part of the proposals, the relevant authority must undertake such further consultation with respect to the changes as it considers appropriate.
- (3) If, before the day on which this Part comes into force, any consultation was undertaken which, had it been undertaken after that day, would to any extent have satisfied the requirements of this section, those requirements may to that extent be taken to have been satisfied.

### Modifications etc. (not altering text)

- C1** [S. 60\(1\)\(2\)](#) applied (with modifications) (7.6.2023) by [The Environmental Protection \(Single-use Plastic Products\) \(Wales\) Act 2023 \(asc 2\), ss. 17\(4\)\(5\), 22\(1\)](#)

## 61 Parliamentary and Assembly procedure

- (1) A statutory instrument containing an order under this Part 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.
- (2) A statutory instrument containing an order under this Part 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.

**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\(3\)](#)