

*Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Paragraph 5 is up to date with all changes known to be in force on or before 23 May 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*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A

#### REFERENCES TO THE SECRETARY OF STATE

##### Textual Amendments

- F1** [Sch. 4A](#) substituted (4.5.2016 for specified purposes, 1.10.2017 in so far as not already in force) by [Enterprise Act 2016 \(c. 12\), s. 44\(1\)\(c\), Sch. 3; S.I. 2017/473, reg. 3\(b\)](#)

### PART 3

#### GENERAL

##### *Timing*

- 5 (1) Any reference under this Schedule must be made as soon as is reasonably practicable, and in any event within the referral period.
- (2) The “referral period” for the purposes of a reference under paragraph 1(1) is the period which—
- (a) begins when the regulated person or the member is notified under section 25B(2)(a) of the proposed enforcement action, and
  - (b) ends at the end of the tenth working day after the day on which the period begins, or at such later time as the Secretary of State may direct.
- (3) The “referral period” for the purposes of a reference under paragraph 2(1) is the period which—
- (a) begins when the enforcing authority is directed under section 25C(4) not to take the proposed enforcement action, and
  - (b) ends at the end of the tenth working day after the day on which the period begins, or at such later time as the Secretary of State may direct.
- (4) The “referral period” for the purposes of a reference under paragraph 3(1) is the period which—
- (a) begins when the regulated person or the member is informed under section 25C(6)(a) that the enforcing authority continues to propose to take the enforcement action, and
  - (b) ends at the end of the tenth working day after the day on which the period begins, or at such later time as the Secretary of State may direct.
- (5) The “referral period” for the purposes of a reference under paragraph 4(1) is the relevant period under section 25C(9).

---

**Changes to legislation:** Regulatory Enforcement and Sanctions Act 2008, Paragraph 5 is up to date with all changes known to be in force on or before 23 May 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](#)

---

- (6) The Secretary of State must determine a reference under this Schedule within the period of 28 days beginning with the day on which the reference is made.
- (7) The primary authority (in the case of a reference under paragraph 1(1)) or the enforcing authority (in the case of a reference under paragraph 2(1), 3(1) or 4(1)) may not take the proposed enforcement action at any time after the making of the reference and before its determination.]

**Changes to legislation:**

Regulatory Enforcement and Sanctions Act 2008, Paragraph 5 is up to date with all changes known to be in force on or before 23 May 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.

[View outstanding changes](#)

**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\(3\)](#)