

*Status: Point in time view as at 04/05/2016.*

*Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, PART 1 is up to date with all changes known to be in force on or before 18 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)*

## SCHEDULES

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

#### REFERENCES TO THE SECRETARY OF STATE

##### Textual Amendments

- F1** Sch. 4A substituted for Sch. 4 (4.5.2016 for specified purposes) by [Enterprise Act 2016 \(c. 12\), s. 44\(1\)\(c\)](#), [Sch. 3](#)

### PART 1

#### ENFORCEMENT ACTION BY PRIMARY AUTHORITY

- 1 (1) If the primary authority notifies the regulated person, or a member of the regulated group, under section 25B(2)(a) that it proposes to take enforcement action against the regulated person or the member, the regulated person or the member may, with the consent of the Secretary of State, refer the proposed enforcement action to the Secretary of State.
- (2) On a reference under sub-paragraph (1) the Secretary of State must—
- if satisfied as to the matters in sub-paragraph (3), direct the primary authority not to take the proposed enforcement action;
  - otherwise, consent to the action.
- (3) The matters referred to in sub-paragraph (2) are that—
- the proposed enforcement action is inconsistent with advice or guidance previously given by the primary authority (generally or specifically), and
  - the advice or guidance was correct and properly given.
- (4) If the Secretary of State directs the primary authority not to take the proposed enforcement action, the Secretary of State may direct the primary authority to take some other enforcement action (and section 25B does not apply in relation to that other action).]

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