



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 5

REDUCTION OF LEGISLATIVE BURDENS

Regulatory Enforcement and Sanctions Act 2008

67 Primary authorities

- (1) Section 22 of the Regulatory Enforcement and Sanctions Act 2008 (scope of Part 2) is amended in accordance with subsections (2) to (5).
- (2) Before subsection (1), insert—

“(A1) This Part applies in relation to a person if the Secretary of State is satisfied that the person is within subsection (1) or (1A).”
- (3) In subsection (1), for the words from “This Part” to “a person” substitute “A person is within this subsection if—
 - (a) the person”.
- (4) After subsection (1) insert—

“(1A) A person (P) is within this subsection if each of the conditions in subsection (1B) is met.

(1B) The conditions are—
 - (a) that P carries on an activity in relation to which a local authority exercises a relevant function;
 - (b) that the effect of arrangements made by P with any organisation or other person is that P’s approach to compliance, in respect of the relevant function, is one that is shared with another person (Q) who carries on the activity;

Status: This is the original version (as it was originally enacted).

- (c) that—
- (i) at least one of P and Q carries on the activity in the area of two or more local authorities, or
 - (ii) Q carries on the activity in the area of a local authority in which P does not carry on the activity.”
- (5) For subsection (2) substitute—
- “(2) In this Part, references to “the regulated person” are to a person to whom this Part applies.
 - (3) The Secretary of State may from time to time publish guidance about matters likely to be taken into account for the purposes of subsection (1B)(b).
 - (4) The guidance may be published in such manner as the Secretary of State considers appropriate.”
- (6) In section 24 of that Act, after subsection (6) insert—
- “(7) References in this Part to “the relevant function”, in relation to the regulated person, are to the relevant function by reference to which the Secretary of State is satisfied that the person is within section 22(1) or (1A).”
- (7) In section 26(2) of that Act (nomination of primary authorities), for “The Secretary of State” substitute “Where the Secretary of State has been satisfied that the regulated person is within section 22(1), the Secretary of State”.