



Regulatory Enforcement and Sanctions Act 2008

2008 CHAPTER 13

PART 1

THE LOCAL BETTER REGULATION OFFICE

Modifications etc. (not altering text)

- C1** Pt. 1: transfer of functions (1.4.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 2, 4(1)(a), **Sch. 1** (with Sch. 2)

Establishment of LBRO

1 LBRO

^{F1}(1)

^{F1}(2)

(3) Schedule 1 (which makes further provision about LBRO) has effect.

Textual Amendments

- F1** S. 1(1)(2) repealed (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2),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

^{F2} Dissolution of the LBRO company

.....

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 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*

Textual Amendments

- F2** S. 2 repealed (2.2.2012) by [The Local Better Regulation Office \(Dissolution and Transfer of Functions, Etc.\) Order 2012 \(S.I. 2012/246\)](#), arts. 1(2), 2, 4(2), **Sch.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(b)** (with Sch. 2)

Definitions

3 “Local authority”

- (1) In this Part references to a local authority in England are to any of the following—
- (a) a county or district council in England;
 - (b) a London borough council;
 - (c) the Common Council of the City of London;
 - (d) the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;
 - (e) the Council of the Isles of Scilly;
 - (f) a fire and rescue authority in England (not being an authority referred to in paragraphs (a) to (e));
 - (g) a port health authority in England (not being an authority referred to in paragraphs (a) to (e));
 - (h) an authority established under section 10 of the Local Government Act 1985 (c. 51) (waste disposal authorities for Greater London and metropolitan counties).
- (2) In this Part references to a local authority in Wales are to any of the following—
- (a) a county or county borough council in Wales;
 - (b) a fire and rescue authority in Wales (not being a county or county borough council);
 - (c) a port health authority in Wales (not being a county or county borough council).

4 “Relevant function”

- (1) In this Part “relevant function”, in relation to a local authority in England or Wales, means—
- (a) a function under a relevant enactment of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to any activity, or
 - (b) a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which under or by virtue of a relevant enactment relate to any activity.
- (2) In subsection (1) “relevant enactment” means—
- (a) an enactment specified in Schedule 3 or an enactment made under such an enactment;
 - (b) an enactment to which subsection (3) applies.
- (3) This subsection applies to any enactment made under section 2(2) of the European Communities Act 1972 (c. 68) with respect to any of the following matters—

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 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

- (a) agricultural produce (quality standards and labelling);
 - (b) animal health and welfare;
 - (c) animal feed;
 - (d) consumer protection;
 - (e) environmental protection;
 - (f) food hygiene and standards;
 - (g) public health and safety;
 - (h) weights and measures (including measuring instruments).
- (4) The Secretary of State may by order—
- (a) amend Schedule 3 so as to add any enactment to it or to remove any enactment from it;
 - (b) amend subsection (3) so as to add any matter to it or remove any matter from it.
- (5) An order under subsection (4) may make different provision for different purposes (including different provision in relation to local authorities in England and Wales respectively).
- (6) An order under subsection (4) requires the consent of the Welsh Ministers to make provision, in relation to local authorities in Wales, in respect of a [^{F3}devolved Welsh] matter.
- (7) The Secretary of State may by order determine whether, for the purposes of subsection (3), an enactment made under section 2(2) of the European Communities Act 1972 is made with respect to any of the matters specified in that subsection.
- (8) An order under subsection (7) requires the consent of the Welsh Ministers where—
- (a) the determination affects the application of this Part in relation to local authorities in Wales, and
 - (b) the enactment made under section 2(2) of the European Communities Act 1972 relates to a [^{F4}devolved Welsh] matter.
- (9) In subsection (1)—
- (a) references to a function do not include a function of conducting criminal or civil proceedings;
 - (b) references to an activity include providing goods and services and employing or offering employment to any person.

Textual Amendments

F3 Words in s. 4(6) substituted (1.10.2016) by [Enterprise Act 2016 \(c. 12\), ss. 21\(2\)\(a\), 44\(5\)](#); S.I. 2016/695, art. 3(c)

F4 Words in s. 4(8)(b) substituted (1.10.2016) by [Enterprise Act 2016 \(c. 12\), ss. 21\(2\)\(a\), 44\(5\)](#); S.I. 2016/695, art. 3(c)

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 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

General functions of LBRO

5 Objective relating to general functions

- (1) [^{F5}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

- F5** 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

- [^{F6}(1) It is a function of the Secretary of State to give guidance to—
- (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 [^{F7}devolved 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 [^{F7}devolved Welsh] matters.]
- (2) Guidance under subsection (1) [^{F8}or (1A)] —
- ^{F9}(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 [^{F10}the 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 [^{F10}the person giving the guidance] considers appropriate, and

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 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

(c) such other persons as [^{F10}the person giving the guidance] considers appropriate.

[^{F11}(5) The person giving guidance under this section must publish it in such manner as that person considers appropriate.]

(6) [^{F12}The person giving the guidance] may vary or revoke any guidance given ^{F13}... under this section by further guidance under this section.

Textual Amendments

F6 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)

F7 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)

F8 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)

F9 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)

F10 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)

F11 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)

F12 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)

F13 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)

^{F147} **Guidance to local authorities: enforcement**

.....

Textual Amendments

F14 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)

^{F158} **Financial support and assistance to local authorities**

.....

Textual Amendments

F15 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)

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 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

F169 Advice to Ministers of the Crown

.....

Textual Amendments

F16 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) ^{F17}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 ^{F18}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.

^{F19}(2)

Textual Amendments

- F17** 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)
- F18** 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)
- F19** 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)

Function relating to enforcement priorities

11 Enforcement priorities

- ^{F20}(1) The Secretary of State must prepare and publish a list specifying those matters to which a local authority in England should give priority when allocating resources to its relevant functions.
- (1A) The Welsh Ministers must prepare and publish a list specifying those matters to which a local authority in Wales should give priority when allocating resources to its relevant functions.]
- (2) A local authority in England or Wales must have regard to the appropriate list under subsection (1) ^{F21}or (1A)] when allocating resources to its relevant functions.
- (3) Before publishing a list under subsection (1) ^{F22}the person preparing the list] must consult such persons as ^{F23}that person] considers appropriate.

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 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

- (4) ^{F24}The person preparing the list] must publish details of any representations made ^{F25}... pursuant to subsection (3).
- ^{F26}(5) Before publishing a list under subsection (1A), the Welsh Ministers must consult the Secretary of State.]
- ^{F27}(6)
- ^{F28}(7) A list published under this section must be reviewed from time to time by the person who published it.]
- ^{F28}(8) A list revised as a result of a review under subsection (7) must be published (and subsections (2) to (7) have effect in relation to it).]

Textual Amendments

- F20** S. 11(1)(1A) substituted for s. 11(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. 6(a)** (with Sch. 2)
- F21** Words in s. 11(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. 6(b)** (with Sch. 2)
- F22** Words in s. 11(3) 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. 6(c)(i)** (with Sch. 2)
- F23** Words in s. 11(3) 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. 6(c)(ii)** (with Sch. 2)
- F24** Words in s. 11(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. 6(d)** (with Sch. 2)
- F25** Words in s. 11(4) 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(i)** (with Sch. 2)
- F26** S. 11(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. 6(e)** (with Sch. 2)
- F27** S. 11(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(j)** (with Sch. 2)
- F28** S. 11(7)(8) 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. 6(f)** (with Sch. 2)

Matters relating to exercise of LBRO's functions

12 Relationship with other regulators

- (1) ^{F29}The Secretary of State] and a regulator to which this section applies must enter into a memorandum of understanding with each other as to how they will work together in the exercise of their respective functions.
- (2) This section applies to the following regulators—
 - (a) the Environment Agency;
 - (b) the Food Standards Agency;
 - (c) the Gambling Commission;
 - (d) the Health and Safety Executive;

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 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

(e) the [^{F30}Competition and Markets Authority] .

[^{F31}(3) The Secretary of State must consult the Welsh Ministers about—

- (a) revising an existing memorandum of understanding, or
- (b) entering into a new one,

which relates to a [^{F32}devolved Welsh] matter.]

Textual Amendments

- F29** Words in s. 12(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. 7(a)** (with Sch. 2)
- F30** Words in s. 12(2)(e) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 179** (with art. 3)
- F31** S. 12(3) 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. 7(b)** (with Sch. 2)
- F32** Words in s. 12(3) substituted (1.10.2016) by [Enterprise Act 2016 \(c. 12\)](#), **ss. 21(2)(d)**, 44(5); S.I. 2016/695, art. 3(c)

^{F33}13 Duty not to impose burdens etc

.....

Textual Amendments

- F33** S. 13 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(k)** (with Sch. 2)

^{F34}14 Ancillary powers

.....

Textual Amendments

- F34** S. 14 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(l)** (with Sch. 2)

Ministerial powers in relation to LBRO

^{F35}15 Guidance or directions by the Secretary of State

.....

Textual Amendments

- F35** S. 15 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(m)** (with Sch. 2)

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 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

16 Guidance or directions by Welsh Ministers

- (1) The Welsh Ministers may give [^{F36}the Secretary of State] —
 - (a) guidance, ^{F37} ...
 - ^{F37}(b)as to the exercise in relation to Wales of any of [^{F38}the Secretary of State’s functions under this Act so far as they relate] to a [^{F39}devolved Welsh] matter.
- (2) Before giving any guidance ^{F40} ... under this section the Welsh Ministers must consult—
 - (a) [^{F41}the Secretary of State] , and
 - (b) such other persons as the Welsh Ministers consider likely to be affected by the guidance ^{F40} ..., or persons representative of such persons.
- (3) The Welsh Ministers must—
 - (a) publish (in such manner as they consider appropriate) any guidance ^{F42} ... given under this section, and
 - (b) lay a copy of any such guidance ^{F42} ... before the National Assembly for Wales.
- (4) [^{F43}The Secretary of State] must have regard to any guidance ^{F44} ... given under this section.
- (5) The Welsh Ministers may vary or revoke any guidance ^{F45} ... given under this section by further guidance ^{F45} ... under this section.
- ^{F46}(6)
- ^{F46}(7)

Textual Amendments

- F36** Words in s. 16(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. 8(a)(i)** (with Sch. 2)
- F37** S. 16(1)(b) and preceding word 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(n)** (with Sch. 2)
- F38** Words in s. 16(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. 8(a)(ii)** (with Sch. 2)
- F39** Words in s. 16(1) substituted (1.10.2016) by [Enterprise Act 2016 \(c. 12\)](#), **ss. 21(2)(e)**, 44(5); S.I. 2016/695, art. 3(c)
- F40** Words in s. 16(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(o)** (with Sch. 2)
- F41** Words in s. 16(2)(a) 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. 8(b)** (with Sch. 2)
- F42** Words in s. 16(3)(a)(b) 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(o)** (with Sch. 2)
- F43** Words in s. 16(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. 8(c)** (with Sch. 2)
- F44** Words in s. 16(4) 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(p)** (with Sch. 2)

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 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

- F45** Words in s. 16(5) 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(q)** (with Sch. 2)
- F46** S. 16(6)(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(r)** (with Sch. 2)

Supplementary and general

^{F47} 17 **Review of LBRO**

.....

Textual Amendments

- F47** S. 17 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(s)** (with Sch. 2)

18 Power to dissolve LBRO

- (1) The Secretary of State may by order—
 - (a) provide for LBRO to be dissolved, and
 - (b) make consequential, supplementary, incidental and transitional provision in relation to its dissolution.
- (2) An order under subsection (1) may in particular—
 - (a) provide for the transfer of the property, rights and liabilities of LBRO to another person;
 - (b) provide for the transfer of the functions of LBRO to another person;
 - (c) provide that anything done by or in relation to LBRO is, so far as is necessary for continuing its effect, to have effect as if done by or in relation to another person;
 - (d) provide for anything (which may include legal proceedings) which is in the process of being done by or in relation to LBRO when a transfer under the order takes effect to be continued by or in relation to another person;
 - (e) provide for a reference to LBRO in an enactment, instrument or other document to be treated as a reference to another person.
- (3) Provision under subsection (2)(a) may include provision for property, rights or liabilities to be transferred—
 - (a) whether or not they would otherwise be capable of being transferred,
 - (b) without any instrument or other formality being required, and
 - (c) despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict their transfer.
- (4) Provision under subsection (2)(a) for the transfer of rights and liabilities relating to employees of LBRO must include provision for the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) to apply in relation to the transfer.
- (5) Provision under subsection (2)(a) or (b) may include provision establishing a body corporate to which property, rights and liabilities, or functions, are transferred.

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 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

- (6) Before making an order under this section the Secretary of State must consult—
 - (a) the Welsh Ministers, and
 - (b) such persons (or persons representative of such persons) as appear to the Secretary of State to be substantially affected by the dissolution of LBRO.
- (7) The provision which may be made by an order under this section may be made by repealing, revoking or amending an enactment (whenever passed or made).

19 Dissolution of LBRO: tax

- (1) Where an order under section 18 makes provision under subsection (2)(a) of that section, the Treasury may by regulations make provision for varying the way in which a relevant tax has effect in relation to—
 - (a) the property, rights or liabilities transferred, or
 - (b) anything done for the purposes of, or in relation to, the transfer.
- (2) The provision which may be made under subsection (1)(a) includes in particular provision for—
 - (a) a tax provision not to apply, or to apply with modifications, in relation to the property, rights or liabilities transferred;
 - (b) the property, rights or liabilities transferred to be treated in a specified way for the purposes of a tax provision;
 - (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to the property, rights or liabilities transferred.
- (3) The provision which may be made under subsection (1)(b) includes in particular provision for—
 - (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, the transfer;
 - (b) anything done for the purposes of, or in relation to, the transfer to have or not have a specified consequence or be treated in a specified way;
 - (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, the transfer.
- (4) In this section—
 - “relevant tax” means income tax, corporation tax, capital gains tax, stamp duty or stamp duty reserve tax;
 - “tax provision” means a provision of an enactment about a relevant tax.

20 Orders under Part 1

- (1) An order or regulations under this Part must be made by statutory instrument.
- (2) A statutory instrument containing an order made by the Secretary of State under section 4(7)^{F48}... is subject to annulment in pursuance of a resolution of either House of Parliament.

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 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

- (3) A statutory instrument containing an order made by the Secretary of State under section 4(4) or 18 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.

^{F49}(4)

- (5) A statutory instrument containing regulations made by the Treasury under section 19 is subject to annulment in pursuance of a resolution of the House of Commons.

Textual Amendments

- F48** Words in s. 20(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(f)** (with Sch. 2)
- F49** S. 20(4) 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(u)** (with Sch. 2)

21 Interpretation of Part 1

In this Part—

^{F50} ...

^{F50} ...

“local authority” has the meaning given in section 3;

“relevant function” has the meaning given in section 4.

Textual Amendments

- F50** Words in s. 21 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(v)** (with Sch. 2)

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 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.

[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\(3\)](#)