



Regulatory Enforcement and Sanctions Act 2008

2008 CHAPTER 13

^{F1}[PART 2

CO-ORDINATION OF REGULATORY ENFORCEMENT

Textual Amendments

- F1** Pt. 2 substituted (4.5.2016 for specified purposes, 1.10.2017 in so far as not already in force) by Enterprise Act 2016 (c. 12), ss. 20(1), 44(1)(c); S.I. 2017/473, reg. 3(b)

Modifications etc. (not altering text)

- C1** Pt. 2: 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)(b), Sch. 1 (with Sch. 2)

Introductory

22 Scope of Part 2

[This Part applies in relation to a person if the Secretary of State is satisfied that the ^{F2}(A1) person is within subsection (1) or (1A).]

- (1) [^{F3}A person is within this subsection if—
- (a) the person] carries on an activity in the area of two or more local authorities, and
 - (b) each of those authorities has the same relevant function in relation to that activity.

[A person (P) is within this subsection if each of the conditions in subsection (1B) is ^{F4}(1A) met.

- (1B) The conditions are—

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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) 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;
- (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.]

[^{F5}(2) In this Part, references to “the regulated person” are to a person to whom this Part applies.]

[The Secretary of State may from time to time publish guidance about matters likely ^{F5}(3) to be taken into account for the purposes of subsection (1B)(b).]

[The guidance may be published in such manner as the Secretary of State considers ^{F5}(4) appropriate.]

Textual Amendments

- F2** S. 22(A1) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(2)**, 103(3); S.I. 2013/2227, art. 2(d)
- F3** Words in s. 22(1) substituted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(3)**, 103(3); S.I. 2013/2227, art. 2(d)
- F4** S. 22(1A)(1B) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(4)**, 103(3); S.I. 2013/2227, art. 2(d)
- F5** S. 22(2)-(4) substituted for s. 22(2) (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(5)**, 103(3); S.I. 2013/2227, art. 2(d)

23 “Local authority”

- (1) In this Part “local authority” means a local authority in England, Wales, Scotland or Northern Ireland.
- (2) In this Part references to a local authority in England or Wales have the same meaning as in Part 1.
- (3) In this Part references to a local authority in Scotland are to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).
- (4) In this Part references to a local authority in Northern Ireland are to a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972 (c. 9).

24 “Relevant function”

- (1) In this Part “relevant function”—
 - (a) in relation to a local authority in England or Wales, has the same meaning as in Part 1;

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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

- (b) in relation to a local authority in Scotland, means a regulatory function exercised by that authority and specified for the purposes of this Part by order made by the Secretary of State;
 - (c) in relation to a local authority in Northern Ireland, means a regulatory function exercised by that authority and specified for the purposes of this Part by order made by the Secretary of State.
- (2) An order under subsection (1)(b) or (c) may only specify a regulatory function—
- (a) which is a relevant function for the purposes of Part 1 in relation to local authorities in England or Wales or both, or
 - (b) which for the purposes of local authorities in Scotland or Northern Ireland is equivalent to such a function.
- (3) An order under subsection (1)(b) may not specify a regulatory function so far as exercisable in Scotland, if or to the extent that the function relates to matters which are not reserved matters.
- (4) An order under subsection (1)(c) may not specify a regulatory function so far as exercisable in Northern Ireland, if or to the extent that the function relates to matters which are transferred matters.
- (5) In subsection (3) “reserved matter” and “Scotland” have the same meanings as in the Scotland Act 1998 (c. 46).
- (6) In subsection (4) “transferred matter” and “Northern Ireland” have the same meanings as in the Northern Ireland Act 1998 (c. 47).
- [References in this Part to “the relevant function”, in relation to the regulated person, ^{F6}(7) 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).]

Textual Amendments

- F6** S. 24(7) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 67\(6\)](#), [103\(3\)](#); [S.I. 2013/2227](#), [art. 2\(d\)](#)

Commencement Information

- II** S. 24 wholly in force at 6.4.2009; s. 24 not in force at Royal Assent see s. 76(1); s. 24(1)(b)(c) in force at 1.10.2008 by [S.I. 2008/2371](#), [art. 2\(b\)](#); s. 24 in force for all remaining purposes at 6.4.2009 by [S.I. 2009/550](#), [art. 2](#)

Primary authorities

25 Primary authorities

- (1) For the purposes of this Part [^{F7}the Secretary of State] may nominate a local authority to be the “primary authority” for the exercise of the relevant function in relation to the regulated person.
- (2) Sections 27 to 32 apply in any case where a primary authority is nominated under this section in relation to the regulated person.

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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

- F7** Words in s. 25(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. 10** (with Sch. 2)

26 Nomination of primary authorities

- (1) [^{F8}The Secretary of State] may only nominate a local authority under section 25(1) in relation to the regulated person if—
- (a) the authority and the regulated person have agreed in writing to the nomination, or
 - (b) the regulated person has requested [^{F9}the Secretary of State] to make a nomination under section 25(1) for the exercise of the relevant function in relation to the regulated person,
- and [^{F9}the Secretary of State] considers the authority suitable for nomination.
- (2) [^{F10}Where the Secretary of State has been satisfied that the regulated person is within section 22(1), the Secretary of State] may in particular consider as suitable for nomination under subsection (1)—
- (a) the local authority in whose area the regulated person principally carries out the activity in relation to which the relevant function is exercised;
 - (b) the local authority in whose area the regulated person administers the carrying out of that activity.
- (3) Before nominating a local authority under section 25(1) in the case referred to in subsection (1)(b) [^{F11}the Secretary of State] must consult—
- (a) that authority, and
 - (b) the regulated person.
- (4) [^{F12}The Secretary of State] must have particular regard to any representations made by a local authority pursuant to subsection (3) as to the resources available to it.
- (5) [^{F13}The Secretary of State] may at any time revoke a nomination under section 25(1) if—
- (a) [^{F14}the Secretary of State] considers that the authority is no longer suitable for nomination, or
 - (b) [^{F14}the Secretary of State] considers it appropriate to do so for any other reason,
- and subsections (2) to (4) apply in relation to a revocation of a nomination as in relation to a nomination.
- (6) [^{F15}The Secretary of State] must maintain, or cause to be maintained, a register of nominations under section 25(1).

Textual Amendments

- F8** Words in s. 26(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. 11(a)(i)** (with Sch. 2)

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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

- F9** Words in s. 26(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. 11(a)(ii)** (with Sch. 2)
- F10** Words in s. 26(2) substituted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(7), 103(3)**; S.I. 2013/2227, art. 2(d)
- F11** Words in s. 26(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. 11(c)** (with Sch. 2)
- F12** Words in s. 26(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. 11(b)** (with Sch. 2)
- F13** Words in s. 26(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. 11(b)** (with Sch. 2)
- F14** Words in s. 26(5)(a)(b) 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. 11(d)** (with Sch. 2)
- F15** Words in s. 26(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. 11(b)** (with Sch. 2)

Functions of primary authorities

27 Advice and guidance

- (1) The primary authority has the function of—
 - (a) giving advice and guidance to the regulated person in relation to the relevant function;
 - (b) giving advice and guidance to other local authorities with the relevant function as to how they should exercise it in relation to the regulated person.
- (2) The primary authority may make arrangements with the regulated person as to how it will discharge its function under subsection (1).

28 Enforcement action

- (1) Subject as follows, a local authority other than the primary authority (“the enforcing authority”) must notify the primary authority before taking any enforcement action against the regulated person pursuant to the relevant function.
- (2) If the primary authority determines within the relevant period that the proposed enforcement action is inconsistent with advice or guidance previously given by the primary authority (generally or specifically), it may within that period direct the enforcing authority not to take the enforcement action.
- (3) If the enforcing authority is not directed as specified in subsection (2) and continues to propose to take the enforcement action, it must inform the regulated person.
- (4) The enforcing authority may not take the proposed enforcement action—
 - (a) at any time during the relevant period;
 - (b) at any time after the end of that period, if it is directed as specified in subsection (2).

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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

- (5) In this Part “enforcement action” means, subject to subsection (6)—
- (a) any action which relates to securing compliance with any restriction, requirement or condition in the event of breach (or putative breach) of a restriction, requirement or condition;
 - (b) any action taken with a view to or in connection with the imposition of any sanction (criminal or otherwise) in respect of an act or omission;
 - (c) any action taken with a view to or in connection with the pursuit of any remedy conferred by an enactment in respect of an act or omission.
- (6) The Secretary of State may by order with the consent of the Welsh Ministers specify action which is or is not to be regarded as enforcement action for the purposes of this Part.
- (7) Schedule 4 (which makes provision for questions arising under this section to be referred to [^{F16}the Secretary of State]) has effect.
- (8) Where an enactment limits the period within which the enforcing authority may take the proposed enforcement action, any time during which the authority is prohibited under this section or Schedule 4 from taking the action is to be disregarded in calculating that period.
- (9) For the purposes of this section “relevant period” means—
- (a) the period of five working days beginning with the day after that on which the primary authority is notified under subsection (1), or
 - (b) such longer period beginning with that day as [^{F16}the Secretary of State] may direct.
- (10) In subsection (9)(b) “working day” means a day other than—
- (a) a Saturday or Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in—
 - (i) the part of the United Kingdom where the primary authority is, or
 - (ii) (if different) the part of the United Kingdom where the enforcing authority is.

Textual Amendments

F16 Words in s. 28(7)(9)(b) 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. 12** (with Sch. 2)

Modifications etc. (not altering text)

C2 S. 28(1)-(4) excluded (6.4.2009) by [The Co-ordination of Regulatory Enforcement \(Enforcement Action\) Order 2009 \(S.I. 2009/665\)](#), **arts. 1(1), 3** (as amended (6.4.2014) by [S.I. 2014/573](#), arts. 1, **2(9)**)

Commencement Information

I2 S. 28 wholly in force at 6.4.2009; s. 28 not in force at Royal Assent see s. 76(1); s. 28(6)(7) in force at 1.10.2008 by [S.I. 2008/2371](#), **art. 2(b)**; s. 28 in force for all remaining purposes at 6.4.2009 by [S.I. 2009/550](#), **art. 2**

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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

29 Enforcement action: exclusions

- (1) The Secretary of State shall by order with the consent of the Welsh Ministers prescribe circumstances in which section 28(1) to (4) shall not apply.
- (2) Where a local authority other than the primary authority takes enforcement action against the regulated person in circumstances prescribed under subsection (1), the authority must inform the primary authority of the enforcement action it has taken as soon as it reasonably can.
- (3) The Secretary of State shall in particular under subsection (1) prescribe circumstances for the purpose of securing that section 28(1) to (4) shall not apply—
 - (a) where the enforcement action is required urgently to avoid a significant risk of serious harm to human health or the environment (including the health of animals or plants) or the financial interests of consumers;
 - (b) where the application of section 28(1) to (4) would be wholly disproportionate.

30 Inspection plans

- (1) Where a relevant function consists of or includes a function of inspection, the primary authority may in accordance with this section make an inspection plan.
- (2) An “inspection plan” is a plan containing recommendations as to how a local authority with the function of inspection should exercise it in relation to the regulated person.
- (3) An inspection plan may in particular set out—
 - (a) the frequency at which, or circumstances in which, inspections should be carried out;
 - (b) what an inspection should consist of.
- ^{F17}(3A) [An inspection plan may require a local authority other than the primary authority, on exercising the function of inspection in relation to the regulated person, to provide the primary authority with a report on its exercise of the function.]
- (4) Before making an inspection plan the primary authority must consult the regulated person.
- (5) When making an inspection plan the primary authority must take into account any relevant recommendations relating to inspections which are published by any person (other than a local authority) pursuant to a regulatory function.
- (6) Where a primary authority has made an inspection plan, it must, if [^{F18}the Secretary of State] consents to the plan, bring the plan to the notice of the other local authorities with the function of inspection.
- (7) [^{F19}Where the primary authority exercises] the function of inspection in relation to the regulated person [^{F20}, it] must have regard to a plan to which consent has been given under subsection (6).
- ^{F21}(7A) [A local authority other than the primary authority may not exercise the function of inspection in relation to the regulated person otherwise than in accordance with a plan that has been brought to its notice under subsection (6), unless—
 - (a) it has notified the primary authority in writing of the way in which it proposes to exercise the function in relation to the regulated person, and

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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

- (b) the primary authority has notified the local authority in writing that it consents to the authority's exercising the function in that way.
- (7B) Subsection (7C) applies if a primary authority that has been notified by a local authority as described in subsection (7A)(a) fails to notify that authority in writing, within the notification period, whether it consents to the authority's exercising the function of inspection as described in the notification.
- (7C) The primary authority is to be treated for the purposes of this section, following the expiry of the notification period, as having given the notification of consent described in subsection (7A)(b).
- (7D) The “notification period”, in subsections (7B) and (7C), is the period of five working days beginning with the first working day after the day on which the notification referred to in subsection (7A)(a) is received by the primary authority.
- (7E) Where an inspection plan includes a requirement of the type described in subsection (3A), a local authority exercising the function of inspection in relation to the regulated person must provide a report to the primary authority in accordance with the requirement.]
- ^{F22}(8)
- (9) A notification under subsection [^{F23}(7A)(a)] must include reasons for exercising the function otherwise than in accordance with the plan.
- [A primary authority may, with the consent of the Secretary of State, revoke a plan ^{F24}(9A) made by it under this section.
- (9B) If a primary authority revokes a plan under subsection (9A), it must notify the other local authorities with the function of inspection that the plan is no longer in effect.]
- (10) A primary authority may from time to time revise a plan made by it under this section (and subsections (3) to [^{F25}(9B)]) apply in relation to any revision of the plan).
- [In subsection (7D), “working day” means a day other than—
- ^{F26}(11) (a) a Saturday or Sunday,
 (b) Christmas Day or Good Friday, or
 (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in—
 (i) the part of the United Kingdom where the primary authority is, or
 (ii) (if different) the part of the United Kingdom where the authority is that has given the notification referred to in subsection (7A)(a).]

Textual Amendments

- F17** S. 30(3A) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 68(2)**, 103(3); S.I. 2013/2227, art. 2(e) (with art. 5(1))
- F18** Words in s. 30(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. 13** (with Sch. 2)
- F19** Words in s. 30(7) substituted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 68(3)(a)**, 103(3); S.I. 2013/2227, art. 2(e) (with art. 5(1))
- F20** Word in s. 30(7) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 68(3)(b)**, 103(3); S.I. 2013/2227, art. 2(e) (with art. 5(1))

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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

- F21** S. 30(7A)-(7E) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 68(4), 103(3); S.I. 2013/2227, art. 2(e) (with art. 5(1))
- F22** S. 30(8) omitted (1.10.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 68(5), 103(3); S.I. 2013/2227, art. 2(e) (with art. 5(1))
- F23** Word in s. 30(9) substituted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 68(6), 103(3); S.I. 2013/2227, art. 2(e) (with art. 5(1))
- F24** S. 30(9A)(9B) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 68(7), 103(3); S.I. 2013/2227, art. 2(e)
- F25** Word in s. 30(10) substituted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 68(8), 103(3); S.I. 2013/2227, art. 2(e) (with art. 5(2))
- F26** S. 30(11) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 68(9), 103(3); S.I. 2013/2227, art. 2(e) (with art. 5(1))

Primary authorities: supplementary

31 Power to charge

The primary authority may charge the regulated person such fees as it considers to represent the costs reasonably incurred by it in the exercise of its functions under this Part in relation to the regulated person.

^{F27}**32 LBRO support**

.....

Textual Amendments

- F27** S. 32 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(w) (with Sch. 2)

General

33 [^{F28}**Guidance from the Secretary of State**]

- (1) [^{F29}The Secretary of State] may give guidance to any one or more local authorities about the operation of this Part.
- (2) The guidance may include, in particular, guidance to local authorities about—
 - (a) arrangements under section 27(2);
 - (b) notification of inspection plans under section 30(6);
 - (c) the charging of fees under section 31.
- (3) A local authority must have regard to any guidance given to it under this section.
- (4) Before giving guidance under this section [^{F30}the Secretary of State] must consult such persons as [^{F30}the Secretary of State] considers appropriate.
- (5) [^{F31}The Secretary of State] may not give guidance under subsection (2)(c)—
 - ^{F32}(a)
 - (b) without having consulted the Welsh Ministers.

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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) [^{F33}The Secretary of State] must publish (in such manner [^{F34}as the Secretary of State] considers appropriate) any guidance given ^{F35}... under this section.
- (7) [^{F36}The Secretary of State] may at any time vary or revoke any guidance given under this section by further guidance under this section.

Textual Amendments

- F28** S. 33 heading substituted (2.2.2012) by The Local Better Regulation Office (Dissolution and Transfer of Functions, Etc.) Order 2012 (S.I. 2012/246), art. 4(2), **Sch. 1 para. 14(d) (with Sch. 2)**
- F29** Words in s. 33(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. 14(a)** (with Sch. 2)
- F30** Words in s. 33(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. 14(b)** (with Sch. 2)
- F31** Words in s. 33(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. 14(a)** (with Sch. 2)
- F32** S. 33(5)(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(x)** (with Sch. 2)
- F33** Words in s. 33(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. 14(a)** (with Sch. 2)
- F34** Words in s. 33(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. 14(c)** (with Sch. 2)
- F35** Words in s. 33(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(y)** (with Sch. 2)
- F36** Words in s. 33(7) 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. 14(a)** (with Sch. 2)

34 Orders under Part 2

- (1) An order under this Part is to be made by statutory instrument.
- (2) An order under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.

35 Interpretation of Part 2

In this Part—

“enforcement action” has the meaning given in section 28(5);

^{F37}
...

“local authority” has the meaning given in section 23;

“the regulated person” has the meaning given in section 22(2);

“relevant function” has the meaning given in section 24.]

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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

F37 Words in s. 35 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(z)** (with Sch. 2)

Changes to legislation:

Regulatory Enforcement and Sanctions Act 2008, Part 2 is up to date with all changes known to be in force on or before 20 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\(3\)](#)