



# Regulatory Enforcement and Sanctions Act 2008

## 2008 CHAPTER 13

### PART 3

#### CIVIL SANCTIONS

##### *Extension of powers to make subordinate legislation*

#### **62 Offences under subordinate legislation**

- (1) This section applies where, by virtue of a specified enactment—
  - (a) a Minister of the Crown has, or the Welsh Ministers have, power by statutory instrument to make provision creating a criminal offence, and
  - (b) the power has been or is being exercised so as to create the offence.
- (2) The power includes power to make, in relation to a relevant enforcement authority, any provision which could be made by an order under this Part if, for the purposes of this Part—
  - (a) the relevant enforcement authority were a regulator, and
  - (b) the offence were a relevant offence in relation to that regulator.
- (3) Where a statutory instrument containing provision made under the power referred to in subsection (1) pursuant to subsection (2) would, apart from this subsection, be subject to annulment in pursuance of a resolution of either House of Parliament or of the National Assembly for Wales—
  - (a) the instrument is not subject to such annulment; but
  - (b) the instrument may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament or (as the case may be) the National Assembly for Wales.
- (4) In subsection (1) “specified enactment” means any enactment specified in Schedule 7.

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**Changes to legislation:** Regulatory Enforcement and Sanctions Act 2008, Section 62 is up to date with all changes known to be in force on or before 21 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](#)

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- (5) In subsection (2) “relevant enforcement authority” means a person, other than a person referred to in section 37(3), who has an enforcement function in relation to the offence.

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**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\(3\)](#)