

SCHEDULE 1

Transfer of Functions

PART 1

Regulatory Enforcement and Sanctions Act 2008

Repeals

1. The following provisions of the Regulatory Enforcement and Sanctions Act 2008 are repealed—

- (a) section 1(1) and (2);
- (b) section 2;
- (c) section 6(2)(a);
- (d) in section 6(6), the words “by it”;
- (e) section 7;
- (f) section 8;
- (g) section 9;
- (h) section 10(2);
- (i) in section 11(4), the words “to it”;
- (j) section 11(6);
- (k) section 13;
- (l) section 14;
- (m) section 15;
- (n) in section 16(1), paragraph (b) and the word “, or” preceding it;
- (o) in section 16(2), in both places, and in subsection (3)(a) and (b), the words “or directions”;
- (p) in section 16(4), the words “, and comply with any directions,”;
- (q) in section 16(5), in both places, the words “or directions”;
- (r) section 16(6) and (7);
- (s) section 17;
- (t) in section 20(2), the words “, 7(4) or 15(7)”;
- (u) section 20(4);
- (v) in section 21, the definition of “LBRO” and that of “the LBRO company”;
- (w) section 32;
- (x) section 33(5)(a);
- (y) in section 33(6), the words “by it”;
- (z) in section 35, the definition of “LBRO”;
- (aa) Schedule 1, except paragraphs 11(3) and (4) and 16; and
- (bb) Schedule 2.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 1 of the Act

2. Part 1 of the Regulatory Enforcement and Sanctions Act 2008 is amended as follows.

3. In section 5(1), for the words from the beginning to “has” substitute “In exercising their functions under sections 6 to 10 the Secretary of State and the Welsh Ministers have”.

4. In section 6—

(a) for subsection (1), substitute—

“(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 Welsh ministerial 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 Welsh ministerial matters.”;

(b) in subsection (2), after “(1)” insert “or (1A)”;

(c) in subsection (4), for “LBRO”, in each place, substitute “the person giving the guidance”;

(d) for subsection (5), substitute—

“(5) The person giving guidance under this section must publish it in such manner as that person considers appropriate.”;

(e) in subsection (6), for “LBRO” substitute “The person giving the guidance”.

5. In section 10(1), for “LBRO” substitute “The Secretary of State”.

6. In section 11—

(a) for subsection (1) substitute—

“(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.”;

(b) in subsection (2), after “(1)” insert “or (1A)”;

(c) in subsection (3)—

- (i) for “LBRO” substitute “the person preparing the list”; and
- (ii) for “it” substitute “that person”;

(d) in subsection (4), for “LBRO” substitute “The person preparing the list”;

(e) for subsection (5), substitute—

“(5) Before publishing a list under subsection (1A), the Welsh Ministers must consult the Secretary of State.”; and

(f) for subsections (7) and (8), substitute—

“(7) A list published under this section must be reviewed from time to time by the person who published it.

(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).”

7. In section 12—

(a) In subsection (1), for “LBRO” substitute “The Secretary of State”; and

(b) after subsection (2), insert—

“(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 Welsh ministerial matter.”

8. In section 16—

(a) in subsection (1)—

(i) for “LBRO” substitute “the Secretary of State”; and

(ii) for “its functions relating” substitute “the Secretary of State’s functions under this Act so far as they relate”;

(b) in subsection (2)(a), for “LBRO” substitute “the Secretary of State”; and

(c) in subsection (4), for “LBRO” substitute “The Secretary of State”.

Part 2 of the Act

9. Part 2 of the Regulatory Enforcement and Sanctions Act 2008 is amended as follows.

10. In section 25(1), for “LBRO” substitute “the Secretary of State”.

11. In section 26—

(a) in subsection (1)—

(i) for “LBRO”, where it first appears, substitute “The Secretary of State”; and

(ii) for “LBRO”, where it appears elsewhere, substitute “the Secretary of State”;

(b) in subsections (2), (4), (5) and (6), for “LBRO” substitute “The Secretary of State”;

(c) in subsection (3), for “LBRO” substitute “the Secretary of State”; and

(d) in subsection (5)(a) and (b), for “it” substitute “the Secretary of State”.

12. In section 28(7) and (9)(b), for “LBRO” substitute “the Secretary of State”.

13. In section 30(6), for “LBRO” substitute “the Secretary of State”.

14. In section 33—

(a) in subsections (1), (5), (6) and (7), for “LBRO” substitute “The Secretary of State”;

(b) in subsection (4), for “LBRO” and for “it” substitute “the Secretary of State”;

(c) in subsection (6) for “as it” substitute “as the Secretary of State”; and

(d) for the section heading, substitute “**Guidance from the Secretary of State**”.

15. In paragraph 11(3) of Schedule 1, for “LBRO” substitute “the Secretary of State in respect of the Secretary of State’s functions under Parts 1 and 2”.

16. In Schedule 4—

(a) in paragraph 1(1), for “LBRO”, in both places, substitute “the Secretary of State”;

(b) in paragraph 1(2)—

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- (i) in sub-paragraph (a), for “LBRO” and for “it” substitute “the Secretary of State”; and
- (ii) in sub-paragraph (b), for “it” substitute “the Secretary of State”;
- (c) in paragraph 1(4), for “LBRO” and for “it” substitute “the Secretary of State”;
- (d) in paragraph 2(1), for “LBRO”, in both places, substitute “the Secretary of State”;
- (e) in paragraph 2(2)—
 - (i) in paragraph (a), for “LBRO” and for “it” substitute “the Secretary of State”; and
 - (ii) in paragraph (b), for “it” substitute “the Secretary of State”;
- (f) in paragraph 2(5), for “LBRO” and for “it” substitute “the Secretary of State”;
- (g) in paragraph 2(7)—
 - (i) for “LBRO”, where it first appears, substitute “The Secretary of State”; and
 - (ii) for “LBRO”, where it appears elsewhere, substitute “the Secretary of State”;
- (h) in paragraph 3(1), for “LBRO”, in both places, substitute “the Secretary of State”;
- (i) in paragraph 3(2)—
 - (i) in paragraph (a), for “LBRO” and “it” substitute “the Secretary of State”; and
 - (ii) in paragraph (b), for “it” substitute “the Secretary of State”;
- (j) in paragraph 3(5), for “LBRO” and for “it” substitute “the Secretary of State”;
- (k) in paragraph 5(1)—
 - (i) for “LBRO” substitute “the Secretary of State”; and
 - (ii) in paragraph (b), for “it” substitute “Secretary of State”;
- (l) in paragraph 6(1), for “LBRO” substitute “The Secretary of State”;
- (m) in paragraph 6(2), for “LBRO” substitute “the Secretary of State”;
- (n) in paragraph 7(1)—
 - (i) for “LBRO” substitute “The Secretary of State”; and
 - (ii) for “it” substitute “the Secretary of State”;
- (o) in paragraph 7(3)—
 - (i) for “LBRO” substitute “The Secretary of State”; and
 - (ii) for “it” substitute “the Secretary of State”;
- (p) in paragraph 8, for “LBRO”, in both places, and for “it”, in both places, substitute “the Secretary of State”; and
- (q) in the Schedule heading, for “LBRO” substitute “the Secretary of State”.