
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers in Part 2 and Schedule 4A of the Regulatory Enforcement and Sanctions Act 2008 ('the Act'). These provisions create the framework under which Primary Authority operates. Primary Authority is a scheme that allows businesses to form partnerships with local authorities in order to receive advice and guidance on regulatory matters.

Regulation 2 and Schedule 1 of these Regulations specify the regulators that may provide support to primary authorities and specify the functions in relation to which that support may be provided.

Regulations 3 and 4 of these Regulations specify the regulatory functions exercisable by local authorities in Scotland and Northern Ireland to which Primary Authority applies.

Regulation 5 of these Regulations describes what is, and what is not, to be regarded as enforcement action for the purposes of Primary Authority and Regulation 6 prescribes the circumstances in which the enforcing authority does not have to notify the primary authority before it takes enforcement action. In such circumstances the enforcing authority must notify the primary authority as soon as it reasonably can after taking the enforcement action.

Schedule 4A of the Act sets out the procedure for references to the Secretary of State where there is dispute between the parties in relation to whether or not an enforcement action should go ahead.

Regulation 7 sets out the information to be provided by an applicant.

Regulation 8 provides for notice of an application to be given to the other parties, i.e. whichever of the enforcing authority, regulated person or primary authority is not the applicant.

Regulation 9 provides for the making of representations by the other parties to a reference.

Regulation 10 sets out time limits for making an application. It also provides for the Secretary of State to take a decision as to whether to consent to a reference as soon as reasonably practicable, and also makes provision for the Secretary of State to inform the parties of that decision.

Regulation 11 makes provision for the withdrawal of an application for consent to a reference or withdrawal of a reference once consent has been given by the Secretary of State.

Regulation 12 makes provision in relation to confidentiality and use of information.

Regulation 13 provides that the Secretary of State must inform the parties of the determination in writing as soon as reasonably practicable, and provide written reasons for the determination.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Business, Energy and Industrial Strategy, Regulatory Delivery, 1 Victoria Street, London, SW1H 0ET and is annexed to the Explanatory Memorandum, which is available alongside the instrument on www.legislation.gov.uk.