

## SCHEDULE 1

Article 4(2)

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 The following provisions of the Regulatory Enforcement and Sanctions Act 2008 are repealed—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

## 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)—

- (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”.

## PART 2

### Other Enactments

**17.** In the Parliamentary Commissioner Act 1967(1), in Schedule 2 (departments etc. subject to investigation) the entry relating to the Local Better Regulation Office is repealed.

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(1) 1967 c. 13. The relevant entry was inserted by paragraph 18 of Schedule 1 to the Regulatory Enforcement and Sanctions Act 2008.

**18.** In the Superannuation Act 1972(2), in Schedule 1 (kinds of employment, etc., referred to in section 1 of that Act), the entry relating to the Local Better Regulation Office is repealed.

**19.** In the House of Commons Disqualification Act 1975(3), in Schedule 1, Part 2 (bodies of which all members are disqualified), the entry relating the Local Better Regulation Office is repealed.

**20.** In the Freedom of Information Act 2000(4), Schedule 1, in Part 6 (other public bodies and offices: general) the entry relating to the Local Better Regulation Office is repealed.

## SCHEDULE 2

Article 8

### Transitional Provisions

**1.** A list published by LBRO under section 11(1)(a) or (b) of the Regulatory Enforcement and Sanctions Act 2008 has effect on or after the dissolution date as if prepared and published by the Secretary of State or, as the case may be, by the Welsh Ministers under section 11 of that Act.

**2.** Anything done by or in relation to LBRO which has effect immediately before the dissolution date is, so far as necessary for continuing its effect on or after that day, to have effect, as appropriate, as if done by or in relation to—

- (a) the Secretary of State; or
- (b) the Welsh Ministers.

**3.** If before the dissolution date any consultation was undertaken by LBRO which, had it been undertaken by the Secretary of State or the Welsh Ministers on or after that date, would to any extent have satisfied any consultation requirement to which the Secretary of State is or the Welsh Ministers are subject, the requirement may to that extent be taken to have been satisfied.

**4.** Anything (including legal proceedings) which, immediately before the dissolution date, is in the process of being done by or in relation to LBRO may be continued by or in relation to the Secretary of State.

**5.** So far as is necessary or appropriate in consequence of article 4 or 5, on and after the dissolution date a reference to LBRO in an enactment, instrument or other document is to be treated as a reference to the Secretary of State.

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(2) [1972 c. 11](#). The relevant entry was inserted by Article 2(2)(b) of the Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2008, [S.I. 2008/1891](#).

(3) [1975 c. 24](#). The relevant entry was inserted by paragraph 17 of Schedule 1 to the Regulatory Enforcement and Sanctions Act 2008.

(4) [2000 c. 36](#). The relevant entry was inserted by paragraph 19 of Schedule 1 to the Regulatory Enforcement and Sanctions Act 2008.