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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

**The Management of Hedgerows (England) Regulations 2024**

**PART 5**

**Review**

**Review**

**23.**—(1) The Secretary of State must—

- (a) as soon as reasonably practicable after the end of the period of three years from the date on which these Regulations come into force carry out a review of the operation of Part 4 and Schedules 1 and 2 (which relate to enforcement and civil sanctions);
- (b) from time to time carry out a review of the regulatory provision contained in these Regulations;
- (c) publish a report setting out the conclusions of any review.

(2) In the case of a review under paragraph (1)(a)—

- (a) section 67 of the Regulatory Enforcement and Sanctions Act 2008<sup>(1)</sup> (review) requires that the review must in particular consider whether the provision has implemented its objectives efficiently and effectively;
- (b) the Secretary of State, in conducting the review, must consult such persons as the Secretary of State considers appropriate; and
- (c) the Secretary of State must lay a copy of the report under paragraph (1)(c) before Parliament.

(3) In the case of a review under paragraph (1)(b)—

- (a) the first report must be published before the expiry of the period of five years from the date on which these Regulations come into force;
- (b) subsequent reports must be published at intervals not exceeding five years; and
- (c) section 30(4) of the Small Business, Enterprise and Employment Act 2015<sup>(2)</sup> (section 28(2)(a): provision for review) requires that a report published under this regulation must, in particular—
  - (i) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(b);
  - (ii) assess the extent to which those objectives are met;
  - (iii) assess whether those objectives remain appropriate; and

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<sup>(1)</sup> 2008 c. 13.

<sup>(2)</sup> 2015 c. 26. Sections 28 to 30 were amended by the Enterprise Act 2016 (c. 12), sections 19(a) and (b) and 44(5) and article 3(b) of S.I. 2016/695; the European Union (Withdrawal) Act 2018 (c. 16), section 25(4) and Schedule 8, paragraph 36(a); the Advanced Research and Invention Agency Act 2022 (c. 4), Schedule 3, paragraph 11; and the Retained EU Law (Revocation and Reform) Act 2023 (c. 28), sections 18(3) and 22(2).

(iv) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which achieves less onerous regulatory provision.

(4) In this regulation, “regulatory provision” has the meaning given in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).