



# Regulatory Enforcement and Sanctions Act 2008

## 2008 CHAPTER 13

### <sup>F1</sup>[PART 2

#### CO-ORDINATION OF REGULATORY ENFORCEMENT

##### *[Introductory*

### 22 Scope of Part 2

[ This Part applies in relation to a person if the Secretary of State is satisfied that the <sup>F1</sup>(A1) person is within subsection (1) or (1A).]

- (1) [<sup>F2</sup>A person is within this subsection if—
- (a) the person] carries on an activity in the area of two or more local authorities, and
  - (b) each of those authorities has the same relevant function in relation to that activity.

[ A person (P) is within this subsection if each of the conditions in subsection (1B) is <sup>F3</sup>(1A) met.

- (1B) The conditions are—
- (a) that P carries on an activity in relation to which a local authority exercises a relevant function;
  - (b) that the effect of arrangements made by P with any organisation or other person is that P's approach to compliance, in respect of the relevant function, is one that is shared with another person (Q) who carries on the activity;
  - (c) that—
    - (i) at least one of P and Q carries on the activity in the area of two or more local authorities, or

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(ii) Q carries on the activity in the area of a local authority in which P does not carry on the activity.]

[<sup>F4</sup>(2) In this Part, references to “the regulated person” are to a person to whom this Part applies.]

[ The Secretary of State may from time to time publish guidance about matters likely <sup>F4</sup>(3) to be taken into account for the purposes of subsection (1B)(b).]

[ The guidance may be published in such manner as the Secretary of State considers <sup>F4</sup>(4) appropriate.]

#### Textual Amendments

- F1** S. 22(A1) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(2)**, 103(3); S.I. 2013/2227, art. 2(d)
- F2** Words in s. 22(1) substituted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(3)**, 103(3); S.I. 2013/2227, art. 2(d)
- F3** S. 22(1A)(1B) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(4)**, 103(3); S.I. 2013/2227, art. 2(d)
- F4** S. 22(2)-(4) substituted for s. 22(2) (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(5)**, 103(3); S.I. 2013/2227, art. 2(d)

### 23 “Local authority”

- (1) In this Part “local authority” means a local authority in England, Wales, Scotland or Northern Ireland.
- (2) In this Part references to a local authority in England or Wales have the same meaning as in Part 1.
- (3) In this Part references to a local authority in Scotland are to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).
- (4) In this Part references to a local authority in Northern Ireland are to a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972 (c. 9).

### 24 “Relevant function”

- (1) In this Part “relevant function”—
  - (a) in relation to a local authority in England or Wales, has the same meaning as in Part 1;
  - (b) in relation to a local authority in Scotland, means a regulatory function exercised by that authority and specified for the purposes of this Part by order made by the Secretary of State;
  - (c) in relation to a local authority in Northern Ireland, means a regulatory function exercised by that authority and specified for the purposes of this Part by order made by the Secretary of State.
- (2) An order under subsection (1)(b) or (c) may only specify a regulatory function—
  - (a) which is a relevant function for the purposes of Part 1 in relation to local authorities in England or Wales or both, or

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- (b) which for the purposes of local authorities in Scotland or Northern Ireland is equivalent to such a function.
- (3) An order under subsection (1)(b) may not specify a regulatory function so far as exercisable in Scotland, if or to the extent that the function relates to matters which are not reserved matters.
- (4) An order under subsection (1)(c) may not specify a regulatory function so far as exercisable in Northern Ireland, if or to the extent that the function relates to matters which are transferred matters.
- (5) In subsection (3) “reserved matter” and “Scotland” have the same meanings as in the Scotland Act 1998 (c. 46).
- (6) In subsection (4) “transferred matter” and “Northern Ireland” have the same meanings as in the Northern Ireland Act 1998 (c. 47).
- [ References in this Part to “the relevant function”, in relation to the regulated person, <sup>F5</sup>(7) are to the relevant function by reference to which the Secretary of State is satisfied that the person is within section 22(1) or (1A).]

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#### Textual Amendments

- F5** S. 24(7) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 67(6)**, 103(3); [S.I. 2013/2227](#), **art. 2(d)**
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#### Commencement Information

- I1** S. 24 wholly in force at 6.4.2009; s. 24 not in force at Royal Assent see s. 76(1); s. 24(1)(b)(c) in force at 1.10.2008 by [S.I. 2008/2371](#), **art. 2(b)**; s. 24 in force for all remaining purposes at 6.4.2009 by [S.I. 2009/550](#), **art. 2**

**Changes to legislation:**

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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\(3\)](#)