



# Regulatory Enforcement and Sanctions Act 2008

## 2008 CHAPTER 13

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

#### REGULATORY ENFORCEMENT

##### *Cases with more than one primary authority*

#### [<sup>F1</sup>29D Overlapping inspection plans

- (1) This section applies if, in relation to an inspecting regulator, there is more than one relevant inspection plan in respect of the exercise of the same inspection function in relation to the same person.
- (2) An inspection plan is “relevant” in relation to an inspecting regulator if—
  - (a) it is a plan made by it (as a primary authority) to which the Secretary of State has consented under section 26A(7), or
  - (b) it is a plan notified to it (as an inspecting regulator) under section 26A(8)(b).
- (3) If—
  - (a) the inspecting regulator is a direct primary authority for the exercise of the inspection function in relation to the person, and
  - (b) there is a relevant inspection plan made by the regulator in relation to the exercise of the function in relation to the person,section 26B(2) (duty of inspecting regulator to act in accordance with plans notified by the primary authority) does not apply in relation to the inspecting regulator by reason of it being notified of any other relevant inspection plan under section 26A(8)(b) in relation to the exercise of the function in relation to the person.
- (4) Subsection (5) applies if—
  - (a) the inspecting regulator is a co-ordinated primary authority for the exercise of the inspection function in relation to the person, and

**Changes to legislation:** Regulatory Enforcement and Sanctions Act 2008, Section 29D is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) there is a relevant inspection plan which is made by a direct primary authority for the exercise of the function in relation to the person and notified to the inspecting regulator under section 26A(8)(b).
- (5) Where this subsection applies—
- (a) section 26B(1) (duty of primary authority to have regard to its own inspection plan) does not apply to the inspecting regulator (as primary authority) in relation to any relevant inspection plan made by it in respect of the exercise of the function in relation to the person;
  - (b) in the application of section 26B(2) to the exercise of the function in relation to the person by the inspecting regulator, the reference to the inspection plan in that provision is to the plan mentioned in subsection (4)(b) only.
- (6) If—
- (a) the inspecting regulator is a co-ordinated primary authority for the exercise of the inspection function in relation to the person,
  - (b) there is a relevant inspection plan made by the regulator in respect of the exercise of the function in relation to the person, and
  - (c) subsection (5) does not apply,
- section 26B(2) does not apply in relation to the exercise of the function by the inspecting regulator in relation to the person.
- (7) If none of subsections (3) to (6) apply, but more than one relevant inspection plan is notified to the inspecting regulator under section 26A(8)(b) in relation to the exercise of the inspection function in relation to the person, in section 26B(2) the reference to the plan is to be read—
- (a) if one of those plans is made by a direct primary authority for the exercise of the function in relation to the person, as a reference to that plan, and
  - (b) otherwise, as a reference to any one of the plans notified to the regulator.]

#### Textual Amendments

- F1** Pt. 2 substituted (4.5.2016 for specified purposes, 1.10.2017 in so far as not already in force) by Enterprise Act 2016 (c. 12), **ss. 20(1), 44(1)(c)**; S.I. 2017/473, **reg. 3(b)**

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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\(3\)](#)