



Regulatory Enforcement and Sanctions Act 2008

2008 CHAPTER 13

PART 4

REGULATORY BURDENS

72 Duty not to impose or maintain unnecessary burdens

- (1) Any person exercising a regulatory function to which this section applies must keep that function under review and secure that in exercising the function the person does not—
 - (a) impose burdens which that person considers to be unnecessary, or
 - (b) maintain burdens which that person considers to have become unnecessary.
- (2) Subsection (1) does not require the removal of a burden which has become unnecessary where its removal would, having regard to all the circumstances, be impracticable or disproportionate.
- (3) Where this section applies to a regulatory function, the person exercising the function must from time to time publish a statement setting out—
 - (a) what the person proposes to do pursuant to subsection (1) in relation to the function in the period to which the statement relates,
 - (b) (except in the case of the first statement published by the person under this section) what the person has done pursuant to subsection (1) in relation to the function since the previous statement published by that person under this section, and
 - (c) where a burden relating to the exercise of the function which has become unnecessary is maintained pursuant to subsection (2), the reasons why removal of the burden would, having regard to all the circumstances, be impracticable or disproportionate.
- (4) The first statement published under this section by a person—

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Section 72 is up to date with all changes known to be in force on or before 05 July 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](#)

- (a) must be published as soon as reasonably practicable after the commencement of the duty in subsection (1) in relation to the function, and
 - (b) is to be a statement for the period of twelve months beginning with the day of its publication.
- (5) A subsequent statement published by a person under this section—
 - (a) must be published during the period to which the previous statement related or as soon as reasonably practicable thereafter, and
 - (b) must be a statement for the period of twelve months beginning with the end of the period to which the previous statement related.
- (6) The publication of a statement under this section must be in such manner as the person publishing it considers appropriate for bringing it to the attention of the persons likely to be affected by it.
- (7) A person exercising a function to which subsection (1) applies must, in exercising the function during a period for which a statement is in force under this section, have regard to that statement.

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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\(3\)](#)