
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 (“the 2007 Order”) which specifies the regulatory functions to which the duties in sections 21 and 22 of the Legislative and Regulatory Reform Act 2006 (c.51) (“the Act”) apply.

Section 21 of the Act imposes a duty on any person exercising a specified regulatory function to have regard to the five principles of good regulation. The principles provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

Section 22 of the Act enables a Minister of the Crown to issue a Code of Practice relating to the exercise of regulatory functions (the “Regulators’ Code”). This section imposes a duty on any person exercising a specified regulatory function to have regard to the Regulators’ Code when determining general policies or principles by reference to which that person exercises those functions.

Article 2(2) of this Order extends the duties under sections 21 and 22 of the Act to all the regulatory functions exercised by the Groceries Code Adjudicator and the Regulator of Community Interest Companies. It also extends the duties to the regulatory functions exercised by Monitor, other than those regulatory functions which concern competition, pricing, and financial assistance in special administration cases which are exercised under or by virtue of Chapter 2, 4 or 6 of Part 3 of the Health and Social Care Act 2012 (c.7).

Article 2(4) of this Order also extends the duties under sections 21 and 22 of the Act to regulatory functions concerning claims management services which are exercised by a Minister of the Crown under Part 2 of the Compensation Act 2006 (c.29).

Article 2(3) of this Order updates Part 1 of the Schedule to the 2007 Order by removing reference to: the Hearing Aid Council; the Postgraduate Medical Education and Training Board; and the United Kingdom Sports Council.

A copy of the Regulators’ Code is available at: <https://www.gov.uk/government/publications/regulators-code>.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.