

2021 No. 1426

PUBLIC HEALTH, ENGLAND

REGULATORY REFORM, ENGLAND

**The Regulatory Enforcement and Sanctions Act 2008
(Amendment to Schedule 3) (England) Order 2021**

Made - - - - *9th December 2021*

Coming into force - - *30th December 2021*

The Secretary of State, in exercise of the powers conferred by section 4(4)(a) of the Regulatory Enforcement and Sanctions Act 2008^(a), makes the following Order.

In accordance with section 20(3) of the Regulatory Enforcement and Sanctions Act 2008, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, application, extent and commencement

1. This Order—

- (a) may be cited as the Regulatory Enforcement and Sanctions Act 2008 (Amendment to Schedule 3) (England) Order 2021;
- (b) applies in relation to England;
- (c) extends to the United Kingdom; and
- (d) comes into force 21 days after the day on which it is made.

Amendment of Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008

2. In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of Part 1), after “Public Health Act 1961 (c. 64)”, insert—

“Public Health (Control of Disease) Act 1984 (c. 22), Part 2A as it applies in England”.

9th December 2021

Paul Scully
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (c. 13) (“the Act”), adding Part 2A of the Public Health (Control of Disease) Act 1984 as it applies in England to the list in that Schedule. Enactments listed in Schedule 3, and the provisions of any secondary legislation made under a listed Act, are “relevant enactments” for the purposes of the definition in section 4 of the Act of a “relevant function” of a local authority in England or Wales. The definition of “relevant function” applies for the purposes of Parts 1 and 2 of the Act. It covers particular regulatory functions under any “relevant enactment” in relation to any activity, such as a statutory function of giving guidance in relation to an activity. It also covers functions relating to (broadly speaking) the enforcement of any restrictions or requirements which, under or by virtue of any “relevant enactment”, relate to an activity.

Under Part 1 of the Act the Secretary of State and the Welsh Ministers have powers and duties in relation to the exercise of “relevant functions” by local authorities in England and Wales, including powers to give guidance on the exercise of such functions so as to ensure that, among other things, they are exercised effectively and in a way that does not give rise to unnecessary burdens.

Part 2 of the Act applies where a person (“the regulated person”) carries on an activity in the areas of two or more local authorities and each of those authorities has the same “relevant function” in relation to that activity. Part 2 enables a local authority to be nominated by the Secretary of State as the “primary authority” for the exercise of that “relevant function” in relation to the regulated person. The primary authority gives advice and guidance to the regulated person in relation to the “relevant function” in question and gives advice and guidance to other local authorities as to how they should exercise that function in relation to the regulated person. And the primary authority is able to make an “inspection plan” containing recommendations as to how a local authority with an inspection function should exercise it in relation to the regulated person.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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