



Regulatory Enforcement and Sanctions Act 2008

2008 CHAPTER 13

PART 3

CIVIL SANCTIONS

Supplementary and general

69 Payment of penalties into Consolidated Fund etc

- (1) Where pursuant to any provision made under or by virtue of this Part a regulator receives—
- (a) a fixed monetary penalty, a variable monetary penalty or a non-compliance penalty under section 45(1),
 - (b) any interest or other financial penalty for late payment of such a penalty, or
 - (c) a sum paid in discharge of liability to a fixed monetary penalty pursuant to section 40(2)(b),
- the regulator must pay it into the relevant Fund.
- (2) In subsection (1) “relevant Fund” means—
- (a) in a case where the regulator has functions only in relation to Wales, the Welsh Consolidated Fund,
 - (b) in a case where the regulator has functions only in relation to Scotland, the Scottish Consolidated Fund,
 - (c) in a case where the regulator has functions only in relation to Northern Ireland, the Consolidated Fund of Northern Ireland, and
 - (d) in any other case, the Consolidated Fund.

Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Cross Heading: Supplementary and general is up to date with all changes known to be in force on or before 12 May 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

Modifications etc. (not altering text)

- C1 Ss. 63-69 applied (with modifications) (15.2.2011) by [Waste \(Wales\) Measure 2010 \(nawm 8\)](#), s. [14\(4\)\(5\)21\(2\)](#)
- C2 Ss. 63-69 applied (with modifications) (15.2.2011) by [Waste \(Wales\) Measure 2010 \(nawm 8\)](#), s. [10\(4\)\(5\)21\(2\)](#)
- C3 Ss. 63-69 modified (26.11.2018) by [Space Industry Act 2018 \(c. 5\)](#), ss. [59\(4\)](#), 70(1); S.I. 2018/1224, reg. 2(vv)
- C4 Ss. 63-70 applied (with modifications) (7.6.2023) by [The Environmental Protection \(Single-use Plastic Products\) \(Wales\) Act 2023 \(asc 2\)](#), ss. [17\(3\)\(5\)](#), 22(1)

70 Disclosure of information

- (1) Information held by or on behalf of a person referred to in section 37(3) may be disclosed to a regulator on whom powers are conferred under or by virtue of this Part where—
 - (a) the person has an enforcement function in relation to an offence, and
 - (b) the information is disclosed for the purpose of the exercise by the regulator of any powers conferred on it under or by virtue of this Part in relation to that offence.
- (2) It is immaterial for the purposes of subsection (1) whether the information was obtained before or after the coming into force of this section.
- (3) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (4) Nothing in this section authorises the making of a disclosure in contravention of—
 - (a) the Data Protection Act 1998 (c. 29), or
 - [^{F1}(b) any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.]
- (5) This section does not affect a power to disclose which exists apart from this section.

Textual Amendments

- F1 [S. 70\(4\)\(b\)](#) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), [Sch. 10 para. 21](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/652, reg. 12(g)(iii)

Modifications etc. (not altering text)

- C4 Ss. 63-70 applied (with modifications) (7.6.2023) by [The Environmental Protection \(Single-use Plastic Products\) \(Wales\) Act 2023 \(asc 2\)](#), ss. [17\(3\)\(5\)](#), 22(1)

71 Interpretation of Part 3

- (1) In this Part—
 - “civil sanction” means a fixed monetary penalty, discretionary requirement, stop notice or enforcement undertaking (and references to imposition of a civil sanction include acceptance of an enforcement undertaking);
 - “discretionary requirement” has the meaning given in section 42(3);

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“enforcement function”, in relation to an offence, means a function (whether or not statutory) of taking any action with a view to or in connection with the imposition of any sanction, criminal or otherwise, in a case where the offence is committed;

“enforcement undertaking” has the meaning given in section 50(2);

“fixed monetary penalty” has the meaning given in section 39(3);

“non-monetary discretionary requirement” has the meaning given in section 42(5);

“prescribed” means prescribed in an order under this Part;

“regulator” has the meaning given in section 37;

“relevant authority” means—

(a) in relation to provision made under or by virtue of this Part by a Minister of the Crown, that Minister, and

(b) in relation to provision made under or by virtue of this Part by the Welsh Ministers, the Welsh Ministers;

“relevant offence” has the meaning given in section 38;

“stop notice” has the meaning given in section 46(2);

“variable monetary penalty” has the meaning given in section 42(5).

- (2) For the purposes of this Part, any reference to a person who has an enforcement function in relation to an offence includes a reference to a person who is in any circumstances capable of exercising an enforcement function in relation to the offence.

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\(3\)](#)