

*Changes to legislation: Regulatory Enforcement and Sanctions Act 2008, Paragraph 3 is up to date with all changes known to be in force on or before 11 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*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A

#### REFERENCES TO THE SECRETARY OF STATE

##### Textual Amendments

- F1** [Sch. 4A](#) substituted (4.5.2016 for specified purposes, 1.10.2017 in so far as not already in force) by [Enterprise Act 2016 \(c. 12\), s. 44\(1\)\(c\), Sch. 3; S.I. 2017/473, reg. 3\(b\)](#)

### PART 2

#### ENFORCEMENT ACTION OTHER THAN BY PRIMARY AUTHORITY

##### *Reference by regulated person or member of the regulated group*

- 3 (1) If section 25C applies and the primary authority does not direct the enforcing authority (under subsection (4) of that section) not to take the proposed enforcement action, the regulated person or the member of the regulated group may, with the consent of the Secretary of State, refer the action to the Secretary of State.
- (2) On a reference under sub-paragraph (1) the Secretary of State must—
- (a) if satisfied as to the matters in sub-paragraph (3), direct the enforcing authority not to take the proposed enforcement action;
  - (b) otherwise, consent to the action.
- (3) The matters referred to in sub-paragraph (2) are that—
- (a) the proposed enforcement action is inconsistent with advice or guidance previously given by the primary authority (generally or specifically), and
  - (b) the advice or guidance was correct and properly given.
- (4) If the Secretary of State directs the enforcing authority not to take the proposed enforcement action, the Secretary of State may direct the enforcing authority to take some other enforcement action (and section 25C does not apply in relation to that other action).]

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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\(3\)](#)