



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 5

REDUCTION OF LEGISLATIVE BURDENS

Regulatory Enforcement and Sanctions Act 2008

67 Primary authorities

- (1) Section 22 of the Regulatory Enforcement and Sanctions Act 2008 (scope of Part 2) is amended in accordance with subsections (2) to (5).
- (2) Before subsection (1), insert—

“(A1) This Part applies in relation to a person if the Secretary of State is satisfied that the person is within subsection (1) or (1A).”
- (3) In subsection (1), for the words from “This Part” to “a person” substitute “A person is within this subsection if—
 - (a) the person”.
- (4) After subsection (1) insert—

“(1A) A person (P) is within this subsection if each of the conditions in subsection (1B) is met.

(1B) The conditions are—
 - (a) that P carries on an activity in relation to which a local authority exercises a relevant function;
 - (b) that the effect of arrangements made by P with any organisation or other person is that P’s approach to compliance, in respect of the relevant function, is one that is shared with another person (Q) who carries on the activity;

- (c) that—
- (i) at least one of P and Q carries on the activity in the area of two or more local authorities, or
 - (ii) Q carries on the activity in the area of a local authority in which P does not carry on the activity.”
- (5) For subsection (2) substitute—
- “(2) In this Part, references to “the regulated person” are to a person to whom this Part applies.
 - (3) The Secretary of State may from time to time publish guidance about matters likely to be taken into account for the purposes of subsection (1B)(b).
 - (4) The guidance may be published in such manner as the Secretary of State considers appropriate.”
- (6) In section 24 of that Act, after subsection (6) insert—
- “(7) References in this Part to “the relevant function”, in relation to the regulated person, are to the relevant function by reference to which the Secretary of State is satisfied that the person is within section 22(1) or (1A).”
- (7) In section 26(2) of that Act (nomination of primary authorities), for “The Secretary of State” substitute “Where the Secretary of State has been satisfied that the regulated person is within section 22(1), the Secretary of State”.

68 Inspection plans

- (1) Section 30 of the Regulatory Enforcement and Sanctions Act 2008 (inspection plans) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) An inspection plan may require a local authority other than the primary authority, on exercising the function of inspection in relation to the regulated person, to provide the primary authority with a report on its exercise of the function.”
- (3) In subsection (7)—
- (a) for the words from the beginning to “exercising” substitute “Where the primary authority exercises”;
 - (b) after “regulated person” insert “, it”.
- (4) After subsection (7) insert—
- “(7A) A local authority other than the primary authority may not exercise the function of inspection in relation to the regulated person otherwise than in accordance with a plan that has been brought to its notice under subsection (6), unless—
 - (a) it has notified the primary authority in writing of the way in which it proposes to exercise the function in relation to the regulated person, and
 - (b) the primary authority has notified the local authority in writing that it consents to the authority’s exercising the function in that way.

- (7B) Subsection (7C) applies if a primary authority that has been notified by a local authority as described in subsection (7A)(a) fails to notify that authority in writing, within the notification period, whether it consents to the authority's exercising the function of inspection as described in the notification.
- (7C) The primary authority is to be treated for the purposes of this section, following the expiry of the notification period, as having given the notification of consent described in subsection (7A)(b).
- (7D) The "notification period", in subsections (7B) and (7C), is the period of five working days beginning with the first working day after the day on which the notification referred to in subsection (7A)(a) is received by the primary authority.
- (7E) Where an inspection plan includes a requirement of the type described in subsection (3A), a local authority exercising the function of inspection in relation to the regulated person must provide a report to the primary authority in accordance with the requirement."
- (5) Omit subsection (8).
- (6) In subsection (9) for "(8)" substitute "(7A)(a)".
- (7) After subsection (9) insert—
- “(9A) A primary authority may, with the consent of the Secretary of State, revoke a plan made by it under this section.
- (9B) If a primary authority revokes a plan under subsection (9A), it must notify the other local authorities with the function of inspection that the plan is no longer in effect.”
- (8) In subsection (10), for "(9)" substitute "(9B)".
- (9) After subsection (10) insert—
- “(11) In subsection (7D), "working day" means a day other than—
- (a) a Saturday or Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in—
 - (i) the part of the United Kingdom where the primary authority is, or
 - (ii) (if different) the part of the United Kingdom where the authority is that has given the notification referred to in subsection (7A)(a).”