

## SCHEDULE 4

Regulation 14(6)

### Delegation of appellate functions

1. In this Schedule “appointed person” means a person appointed under regulation 14(6) and “appointment” means an appointment under that regulation.

2. An appointment must be in writing and—

- (a) may relate to any particular appeal or matter specified in the appointment or to appeals or matters of a description so specified;
- (b) may provide for the appointed person to determine the appeal or report on it to the Department;
- (c) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment; and
- (d) may, by notice in writing given to the appointed person, be revoked at any time by the Department in respect of any appeal or matter which has not been determined by the appointed person before that time.

3. Where an appointed person holds a hearing, whether public or otherwise, an assessor may be appointed by the Department to sit with the appointed person at the inquiry or hearing and advise him on any matters arising.

4. Subject to regulation 14, the costs of a hearing by an appointed person shall be defrayed by the Department.

5.—(1) Where under paragraph 2(d) the appointment of the appointed person is revoked in respect of any appeal or matter, the Department shall, unless it proposes to determine the appeal or matter itself, appoint another person under regulation 14 (6) to determine the appeal or matter instead.

(2) Where such a new appointment is made, the consideration of the appeal or matter, or any hearing in connection with it, shall be begun afresh.

(3) Nothing in sub-paragraph (2) shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

6.—(1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates shall be treated for all purposes as done or omitted to be done by the Department.

(2) Sub-paragraph (1) shall not apply—

- (a) for the purposes of so much of any contract made between the Department and the appointed person as relates to the exercise of the function; or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph.