



## 2001 CHAPTER 17

### *Penalties as an alternative to prosecution*

#### **Delegation of functions**

**13.** In section 109A of the Administration Act (penalty as alternative to prosecution), after subsection (7) there shall be inserted—

“(7A) Subject to subsection (7B) below, the Department and the Housing Executive may agree that, to the extent determined by the agreement, one may carry out on the other’s behalf, or may join in the carrying out of, any of the other’s functions under this section.

(7B) Subsection (7A) above shall not authorise any delegation of—

- (a) the function of the person by whom any overpayment is recoverable, or to whom it is due, of determining whether or not a notice should be given under subsection (2) above in respect of that overpayment; or
- (b) the power to make regulations for the purposes of paragraph (b) of subsection (2) above.”.