

SCHEDULES

SCHEDULE 9

DESIGNATED AGENCIES : STATUS AND EXERCISE OF TRANSFERRED FUNCTIONS

Legislative functions

- 4 (1) A designated agency shall send the Secretary of State a copy of any rules or regulations made by it by virtue of functions transferred to it by a delegation order and give him written notice of any amendment or revocation of or addition to any such rules or regulations.
- (2) A designated agency shall—
- (a) send the Secretary of State a copy of any guidance issued by the agency which is intended to have continuing effect and is issued in writing or other legible form ; and
 - (b) give him written notice of any amendment, revocation of or addition to guidance issued by it ;
- but notice need not be given of the revocation of guidance other than such as is mentioned in paragraph (a) above or of any amendment or addition which does not result in or consist of such guidance as is there mentioned.
- 5 Paragraphs 6 to 9 below shall have effect instead of section 205 (2) and (4) of this Act in relation to rules and regulations made by a designated agency in the exercise of functions transferred to it by a delegation order.
- 6 The rules and regulations shall be made by an instrument in writing.
- 7 The instrument shall specify the provision of this Act under which it is made.
- 8 (1) Immediately after an instrument is made it shall be printed and made available to the public with or without payment
- (2) A person shall not be taken to have contravened any rule or regulation if he shows that at the time of the alleged contravention the instrument containing the rule or regulation had not been made available as required by this paragraph.
- 9 (1) The production of a printed copy of an instrument purporting to be made by the agency on which is endorsed a certificate signed by an officer of the agency authorised by it for that purpose and stating—
- (a) that the instrument was made by the agency ;
 - (b) that the copy is a true copy of the instrument; and
 - (c) that on a specified date the instrument was made available to the public as required by paragraph 8 above,
- shall be prima facie evidence or, in Scotland, sufficient evidence of the facts stated in the certificate.
- (2) Any certificate purporting to be signed as mentioned in subparagraph (1) above shall be deemed to have been duly signed unless the contrary is shown.

Status: This is the original version (as it was originally enacted).

- (3) Any person wishing in any legal proceedings to cite an instrument made by the agency may require the agency to cause a copy of it to be endorsed with such a certificate as is mentioned in this paragraph.