

## SCHEDULES

### SCHEDULE 8

#### POWERS TO MAKE FURTHER PROVISION: DEVOLVED AUTHORITIES

#### PART 3

##### THE NORTHERN IRELAND DEPARTMENT

##### *Scope of regulations under paragraph 11 or 13*

- 14 (1) Regulations under paragraph 11 or 13 may—
- (a) confer a function, including a function involving the exercise of a discretion, on any person, or
  - (b) impose fees.
- (2) Regulations under paragraph 11 or 13 may create a criminal offence, but not one punishable with imprisonment.
- (3) Regulations under paragraph 11 or 13 may only include provision which would be within the legislative competence of the Northern Ireland Assembly if it were included in an Act of that Assembly.
- (4) Regulations under paragraph 11 or 13 may not include provision modifying a function of the Secretary of State, or of any of the sea fish licensing authorities, under any of the provisions of sections 14 to 18 or Schedule 3 (licensing of fishing boats).
- (5) The reference in sub-paragraph (4) to “modifying” a function of a person under an enactment includes—
- (a) abolishing the function;
  - (b) changing the purpose or objective for which the function is exercised;
  - (c) changing the conditions under which the function is exercised.
- (6) A power to make regulations under paragraph 11 or 13 is capable of being exercised so as to amend, repeal or revoke any enactment (apart from sections 36 to 42, this Schedule and section 52 so far as it applies for the purposes of those enactments).
- (7) In sub-paragraph (6) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.