

SCHEDULES

SCHEDULE 1

Article 9(4).

CODES OF PRACTICE

PART I

ISSUE OF CODE OF PRACTICE UNDER ARTICLE 9(3)

1.—(1) Where the Commission proposes to issue a code of practice under Article 9(3), it shall prepare and publish a draft of that code, shall consider any representations made to it about the draft and may modify the draft accordingly.

(2) In the course of preparing any draft code of practice for publication under sub-paragraph (1) the Commission shall consult with such persons as it thinks fit.

(3) If the Commission determines to proceed with the draft, it shall send the draft to the Department which shall—

(a) if it approves of the draft, lay it before the Assembly; and

(b) if it does not approve of the draft, publish details of its reasons for withholding approval.

(4) If, within the statutory period beginning with the day on which the draft of the code of practice is laid before the Assembly, the Assembly so resolves, no further proceedings shall be taken on the draft, but without prejudice to the laying before the Assembly of a new draft.

(5) If no such resolution is passed as is referred to in sub-paragraph (4), the Commission shall issue the code of practice in the form of the draft and the code shall come into effect on such day as the Department may by order appoint.

PART II

CODES OF PRACTICE — GENERAL

Revision of a code of practice

2.—(1) The Commission may from time to time revise the whole or any part of a code of practice under Article 9.

(2) If the Commission proposes to revise a code of practice, it shall publish a draft of the revised code or of the amendments to the existing code.

(3) The Commission shall consider any representations made to it about the draft and may modify the draft accordingly.

(4) In the course of preparing any draft for publication under sub-paragraph (2) the Commission shall consult with such persons as the Commission thinks fit.

(5) Where the Commission determines to proceed with the revision of a code of practice after publishing the draft under sub-paragraph (2), the Commission shall send a draft of the revised code to the Department which shall—

- (a) if it approves of the draft, lay it before the Assembly; and
- (b) if it does not approve of the draft, publish details of its reasons for withholding approval.

(6) If, within the statutory period beginning with the day on which the draft of the revised code is laid before the Assembly, the Assembly so resolves, no further proceedings shall be taken on the draft, but without prejudice to the laying before the Assembly of a new draft.

(7) If no such resolution is passed as is referred to in sub-paragraph (6), the Commission shall issue the revised code of practice in the form of the draft and the code shall come into effect on such day as the Department may by order appoint.

Publication

3. The Commission shall—

- (a) publish a code of practice under Article 9 as for the time being in force; and
- (b) take such other steps as it considers necessary to publicise any such code.

Effect of code of practice

4. The Commission and the Department shall each take such steps as they consider necessary to encourage the adoption of the policies and practices recommended in a code of practice under Article 9.

5. A failure on the part of any person to observe any provision of a code of practice under Article 9 shall not of itself render him liable to any proceedings, but in any proceedings under this Order before the Tribunal or a court—

- (a) any code of practice shall be admissible in evidence; and
- (b) if any provision of a code appears to the Tribunal or the court to be relevant to any question arising in the proceedings, it shall be taken into account in determining that question.