



# Deregulation and Contracting Out Act 1994

## 1994 CHAPTER 40

### PART II

#### CONTRACTING OUT

##### *Provisions for facilitating contracting out*

#### **74 Powers of certain office-holders.**

- (1) In so far as an office-holder to whom this section applies does not already have power to do so, he may authorise an officer of his to exercise any function of his which is conferred by or under any enactment.
- (2) Subject to subsection (3) below, anything done or omitted to be done by an officer so authorised in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by the office-holder in his capacity as such.
- (3) Subsection (2) above shall not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that subsection.
- (4) The office-holders to whom this section applies are—
  - [<sup>F1</sup>(a) the registrar of companies for England and Wales, Scotland or Northern Ireland;]
  - (b) the official receiver attached to any court;
  - (c) the Comptroller-General of Patents, Designs and Trade Marks;
  - (d) the Public Trustee;
  - [<sup>F2</sup>(e) a traffic commissioner;]
  - (f) the registrar of approved driving instructors;
  - (g) the Registrar General of Births, Deaths and Marriages for Scotland;

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**Changes to legislation:** Deregulation and Contracting Out Act 1994, Cross Heading: Provisions for facilitating contracting out is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (h) the Keeper of the Registers of Scotland; and
- (i) the Keeper of the Records of Scotland.

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**Textual Amendments**

- F1** S. 74(4)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 148(2)** (with art. 10)
- F2** S. 74(4)(e) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

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**Modifications etc. (not altering text)**

- C1** S. 74(4)(a) applied (3.12.1998) by [1998 c. 48, ss. 23, 25\(3\)](#), **Sch. 3 para. 4**

**75 Restrictions on disclosure of information.**

Schedule 15 to this Act (which contains provisions modifying certain restrictions on the disclosure of information where functions of Ministers, office-holders or local authorities are contracted out) shall have effect.

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**Modifications etc. (not altering text)**

- C2** S. 75 applied by [1998 c. 37, s. 1F\(7\)\(c\)](#) (as inserted (E.W.) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 142(1)**, 178(8); [S.I. 2005/1521](#), art. 3(1)(s))
- C3** S. 75 applied by [2003 c. 38, s. 28A\(7\)](#) (as inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 25**, 53(1); [S.I. 2007/1614](#), art. 3(a))

**76 Amendments of enactments etc.**

Schedule 16 to this Act (which contains amendments and other provisions for facilitating or otherwise in connection with the contracting out of particular functions, whether in pursuance of an order made under section 69 or 70 above or otherwise) shall have effect.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 71(3)(ha) inserted by [2023 c. 55 Sch. 12 para. 4](#)