

## SCHEDULES

### SCHEDULE 16

Section 76.

#### AMENDMENTS ETC. FOR FACILITATING CONTRACTING OUT

##### *Newspaper Libel and Registration Act 1881 (c. 60) and Limited Partnerships Act 1907 (c. 24)*

- 1 (1) This paragraph applies where by virtue of an order made under section 69 of this Act a person is authorised by the registrar of companies to accept delivery of any class of documents which are under any provision of the Newspaper Libel and Registration Act 1881 or the Limited Partnerships Act 1907 to be delivered to the registrar.
- (2) If—
- (a) the registrar directs that documents of that class shall be delivered to a specified address of the authorised person; and
  - (b) the direction is printed and made available to the public (with or without payment),
- any document of that class which is delivered to an address other than the specified address shall be treated for the purposes of that Act as not having been delivered.
- (3) In this paragraph “the registrar of companies” and “the registrar” have the same meanings as in the Companies Act 1985.

##### *Courts Act 1971 (c. 23)*

- 2 For section 27 of the Courts Act 1971 there shall be substituted the following section—

#### **“27 Administrative and other court staff**

- (1) The Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint such officers and other staff for the Supreme Court and county courts as appear to him appropriate for the following purposes, namely—
- (a) maintaining an administrative court service;
  - (b) discharging any functions in those courts conferred by or under this or any other Act on officers so appointed; and
  - (c) generally carrying out the administrative work of those courts.
- (2) The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall, with the necessary adaptations, apply to officers and staff appointed under subsection (1) above as it applies to other persons employed in the civil service of the State.
- (3) If and to the extent that an order made by the Lord Chancellor so provides, the Lord Chancellor may enter into contracts with other persons for the

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provision for the purposes mentioned in subsection (1) above, whether by those persons or by sub-contractors of theirs, of officers and staff for the Supreme Court and county courts.

- (4) No order under subsection (3) above shall authorise the contracting out of any functions the discharge of which would constitute—
- (a) making judicial decisions or advising persons making such decisions;
  - (b) exercising any judicial discretion or advising persons exercising any such discretion; or
  - (c) exercising any power of arrest.
- (5) An order under subsection (3) above may authorise the contracting out of any functions—
- (a) either wholly or to such extent as may be specified in the order;
  - (b) either generally or in such cases or areas as may be so specified; and
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (6) Before making an order under subsection (3) above, the Lord Chancellor shall consult with the senior judges as to what effect (if any) the order might have on the proper and efficient administration of justice.
- (7) An order under subsection (3) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) References in this section to the contracting out of any functions are references to the Lord Chancellor entering into contracts for the provision of officers and staff for the purpose of discharging those functions.
- (9) In this section—
- “the senior judges” means the Lord Chief Justice, the Master of the Rolls, the Vice-Chancellor and the President of the Family Division;
- “the Supreme Court” includes the district probate registries.”

*Local Government Act 1972 (c. 70)*

- 3 If and to the extent that an order under section 70 of this Act so provides, section 223 of the Local Government Act 1972 (appearance of local authorities in legal proceedings) shall have effect as if—
- (a) any person authorised by virtue of the order to exercise a function of a local authority, and
  - (b) any employee of a person so authorised,
- were an officer of the authority.

*Patents Act 1977 (c. 37)*

- 4 If and to the extent that an order under section 69 of this Act so provides, section 112 of the Patents Act 1977 (misuse of title “Patent Office”) shall not apply in relation to anything done by a person who is authorised by virtue of the order to exercise any function of the Comptroller-General of Patents, Designs and Trade Marks.

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*Rent (Scotland) Act 1984 (c. 58)*

5 At the beginning of subsection (3) of section 43 of the Rent (Scotland) Act 1984 (registration of rents under regulated tenancies) there shall be inserted the words “Subject to section 43A below.”

6 After section 43 of that Act there shall be inserted the following section—

**“43A Rent registration service providers**

- (1) The Secretary of State may, if he thinks fit, make arrangements (“rent registration arrangements”) with another person (a “rent registration service provider”) for the performance by that person in accordance with the arrangements of the functions mentioned in subsection (2) below.
- (2) Those functions are the functions, under this Part of this Act and section 70 of the Housing (Scotland) Act 1988, of the rent officer for such registration area or areas as are specified in the rent registration arrangements.
- (3) While rent registration arrangements are in force in relation to a registration area, section 43(3) above shall not apply in respect of that area.
- (4) The appointment of any rent officer appointed for a registration area in relation to which rent registration arrangements have been made shall terminate on the date on which the arrangements come into force.
- (5) Rent registration arrangements shall not include any provision calculated to influence the exercise of the rent registration service provider’s judgment in the performance of his functions.
- (6) A rent registration service provider performing functions in pursuance of rent registration arrangements shall not be regarded as a servant or agent of the Crown and shall not have any status, immunity or privilege of the Crown.
- (7) References in this Part of this Act (other than sections 43, 43B, 43C and this section), section 70 of the Housing (Scotland) Act 1988 and any other enactment (including an enactment contained in subordinate legislation) to a rent officer shall, as respects a registration area in relation to which rent registration arrangements are in force, be construed as references to the rent registration service provider responsible for the performance of the functions of the rent officer for that area.
- (8) A rent registration service provider may perform his functions through an employee or agent and, if he does so—
  - (a) any decision of, and anything else done or omitted to be done by or in relation to, the employee or agent shall, for the purposes of any enactment (including an enactment contained in subordinate legislation), be deemed to be a decision of or, as the case may be, done or omitted to be done by or in relation to the rent registration service provider; and
  - (b) where any enactment refers to the personal knowledge, experience or opinion of a rent officer the knowledge, experience or opinion of the employee or agent shall be deemed to be that of the rent registration service provider.
- (9) Subsection (8)(a) above is without prejudice to section 43C below.”

7 After section 43A of that Act there shall be inserted the following sections—

**“43B Supplementary provisions regarding rent registration service providers**

- (1) Where—
- (a) rent registration arrangements are in force in relation to a registration area (“existing arrangements”); and
  - (b) the Secretary of State decides not to make further such arrangements in relation to that area in respect of the period following the expiry or termination of the existing arrangements,
- then, notwithstanding section 43A(3) above, he may under section 43(3) above appoint rent officers for the area, such appointments taking effect on the expiry or, as the case may be, the termination of the existing arrangements.
- (2) For the purposes of subsections (3) and (4) below, a change of responsibility takes place where—
- (a) under rent registration arrangements in relation to a registration area, a rent registration service provider assumes responsibility for the performance of functions which, immediately prior to the coming into force of the arrangements, were performed by a rent officer for the area or by another rent registration service provider; or
  - (b) a rent officer is appointed for a registration area in relation to which, immediately prior to the coming into force of the appointment, rent registration arrangements were in force.
- (3) Where a change of responsibility takes place the Secretary of State shall publish, in such manner as he considers appropriate, a notice specifying—
- (a) the registration area concerned;
  - (b) the date when the change takes effect; and
  - (c) the name and official address of the person who is rent officer or, as the case may be, rent registration service provider after that date.
- (4) Where a change of responsibility takes place—
- (a) any decision taken, and anything else done or omitted to be done in the performance of the functions mentioned in section 43A(2) above by or in relation to the person previously responsible for the performance of those functions shall have effect as if taken or, as the case may be, done or omitted to be done by or in relation to the person currently so responsible; and
  - (b) any court proceedings by or against the person previously so responsible and relating to the performance by him of those functions shall continue by or against the person currently so responsible.

**43C Rent registration service providers: restrictions on disclosure of information**

- (1) Schedule 15 to the Deregulation and Contracting Out Act 1994 (restrictions on disclosure of information) shall, where contractor A within the meaning of that Schedule is a rent registration service provider, apply with the following modifications.

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- (2) Without prejudice to paragraph 10(1), references to an employee of contractor A and, where contractor B within the meaning of that Schedule is also a rent registration service provider, to an employee of contractor B shall be taken to include references to an agent, and the employee of an agent, of contractor A or, as the case may be, of contractor B.
- (3) Subject to subsections (4) to (6) below, references to authority A shall be taken to be references to the rent officer for any registration area specified in the rent registration arrangements.
- (4) In paragraph 2(a), the reference to authority A shall be taken to be a reference to such a rent officer or the Secretary of State.
- (5) In paragraphs 3(2)(b), 4(2)(b), 5(b) and 8 and, in paragraph 10(1), in the definition of “ancillary services”, the reference to authority A shall be taken to be a reference to the Secretary of State.
- (6) In the definition of “related function” in paragraph 10(1), the reference to a function of authority A which is certified by that authority shall be taken to be a reference to a function of a rent officer which is certified by the Secretary of State.”

*Companies Act 1985 (c. 6)*

8 After subsection (6) of section 704 of the Companies Act 1985 (registration offices) there shall be inserted the following subsections—

“(7) Subsection (8) below applies where by virtue of an order made under section 69 of the Deregulation and Contracting Out Act 1994 a person is authorised by the registrar of companies to accept delivery of any class of documents which are under any provision of the Companies Acts to be delivered to the registrar.

(8) If—

- (a) the registrar directs that documents of that class shall be delivered to a specified address of the authorised person; and
- (b) the direction is printed and made available to the public (with or without payment),

any document of that class which is delivered to an address other than the specified address shall be treated for the purposes of those Acts as not having been delivered.”

9 In section 735A(2) of that Act (relationship of Act to Insolvency Act), for the words “sections 704(5)” there shall be substituted the words “sections 704(5), (7) and (8)”.

10 In section 735B of that Act (relationship of Act to Parts IV and V of Financial Services Act 1986), for the words “sections 704(5)” there shall be substituted the words “sections 704(5), (7) and (8)”.

*Gas Act 1986 (c. 44)*

11 (1) In subsection (5) of section 13 of the Gas Act 1986 (alternative method of charge), for the words “the persons appointed under subsection (3) above” there shall be substituted the words “persons appointed under subsection (3) above who are in the civil service of the Crown”.

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- (2) In subsection (6) of that section, after the words “such proportion” there shall be inserted the words “(if any)”.
- 12 (1) In subsection (5) of section 16 of that Act (standards of quality), for the words “the persons appointed under subsection (3) above” there shall be substituted the words “persons appointed under subsection (3) above who are in the civil service of the Crown”.
- (2) In subsection (6) of that section, after the words “such proportion” there shall be inserted the words “(if any)”.
- 13 (1) In subsection (2) of section 17 of that Act (meter testing and stamping)—
- (a) after the words “meter examiner” there shall be inserted the words “who is in the civil service of the Crown”; and
  - (b) for the words “the prescribed fee” there shall be substituted the words “the requisite fee”.
- (2) In subsections (6) and (7) of that section, after the words “meter examiners” there shall be inserted the words “who are in the civil service of the Crown”.
- (3) In subsection (8) of that section, paragraph (d) and the word “and” immediately preceding that paragraph shall cease to have effect.
- (4) After that subsection there shall be inserted the following subsection—
- “(8A) The fees to be paid to meter examiners who are in the civil service of the Crown for examining, stamping and re-examining meters, and the persons by whom they are to be paid, shall be such as the Secretary of State may, with the approval of the Treasury, from time to time determine; and a determination under this subsection may—
- (a) make different provision for different areas or in relation to different cases or different circumstances; and
  - (b) make such supplementary, incidental or transitional provision as the Secretary of State considers necessary or expedient.”

*Agriculture Act 1986 (c. 49)*

- 14 For subsection (3) of section 1 of the Agriculture Act 1986 (provision of services and goods connected with agriculture and countryside) there shall be substituted the following subsection—
- “(3) The provision which may be made under this section includes provision for any services or goods mentioned in subsection (1) above to be supplied—
- (a) through any person with whom the Minister enters into a contract for the making of the supply; or
  - (b) through any organisation established by him for the purposes of this section.”

*European Economic Interest Grouping Regulations 1989*

- 15 In paragraph 16 of Schedule 4 to the European Economic Interest Grouping Regulations 1989 (provisions of Companies Act 1985 applying to EEIGs and their establishments), for the words “section 704(5)” there shall be substituted the words “section 704(5), (7) and (8)”.

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*Food Safety Act 1990 (c. 16)*

16 After subsection (5) of section 6 of the Food Safety Act 1990 (enforcement of Act) there shall be inserted the following subsection—

“(6) In this Act “authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by the authority in writing, either generally or specially, to act in matters arising under this Act and regulations and orders made under it; but if regulations made by the Ministers so provide, no person shall be so authorised unless he has such qualifications as may be prescribed by the regulations.”

17 In subsection (1) of section 42 of that Act (default powers)—

- (a) for the words “one of his officers” there shall be substituted the words “a person (whether or not an officer of his) who is authorised by him in writing to do so”; and
- (b) there shall be inserted at the end the words “but if regulations made by the Ministers so provide, no person shall be so authorised unless he has such qualifications as may be prescribed by the regulations.”

18 In subsection (1) of section 50 of that Act (service of documents), for the words “any officer” there shall be substituted the words “an authorised officer”.

19 In subsection (2) of section 53 of that Act (general interpretation), after the first entry there shall be inserted the following entry—

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“Authorised officer of an enforcement authority      section 6(6)”.

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*Social Security Administration Act 1992 (c. 5)*

20 (1) After subsection (7) of section 54 of the Social Security Administration Act 1992 (claims relating to attendance allowance, disability living allowance and disability working allowance) there shall be inserted the following subsection—

“(7A) Any reference in subsections (3) to (7) above to a medical practitioner who is an officer of the Secretary of State includes a reference to a medical practitioner who is provided by any person in pursuance of a contract entered into with the Secretary of State.”

(2) Sub-paragraph (3) below applies where a consent given before the commencement of this Part authorises the disclosure of any information to the Secretary of State, or to a medical practitioner who is an officer of the Secretary of State.

(3) The consent shall have effect as if it also authorised the disclosure of the information—

- (a) to a medical practitioner who is provided by any person in pursuance of a contract entered into with the Secretary of State, and
- (b) if and to the extent that the Secretary of State so directs, to any employee of such a practitioner.

(4) In this paragraph—



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“employee”, in relation to a medical practitioner, includes any person who performs ancillary services for the practitioner, and any employee of such a person;

“medical practitioner” has the same meaning as in that Act.

21 After subsection (6) of section 123 of that Act (disclosure of information relating to particular persons) there shall be inserted the following subsection—

“(6A) Subsection (6) above shall have effect as if any medical practitioner who, for the purposes of section 54 above, is provided by any person in pursuance of a contract entered into with the Secretary of State were specified in Part I of Schedule 4 to this Act.”

22 After subsection (3) of section 127 of that Act (housing benefit) there shall be inserted the following subsection—

“(4) Where, whether by virtue of an order made under section 70 of the Deregulation and Contracting Out Act 1994 or otherwise, a person is authorised by an authority to exercise any of their functions relating to housing benefit—

(a) subsection (1) above shall have effect in relation to information required in connection with the exercise of those functions, and

(b) subsection (2) above shall have effect in relation to information obtained by reason of their exercise,

as if the authorised person were an authority.”

23 After subsection (3) of section 128 of that Act (council tax benefit) there shall be inserted the following subsection—

“(4) Where, whether by virtue of an order made under section 70 of the Deregulation and Contracting Out Act 1994 or otherwise, a person is authorised by a billing or charging authority to exercise any of their functions relating to council tax benefit—

(a) subsection (1) above shall have effect in relation to information required in connection with the exercise of those functions, and

(b) subsection (2) above shall have effect in relation to information obtained by reason of their exercise,

as if the authorised person were such an authority.”

*Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

24 (1) After subsection (7) of section 52 of the Social Security Administration (Northern Ireland) Act 1992 (claims relating to attendance allowance, disability living allowance and disability working allowance) there shall be inserted the following subsection—

“(7A) Any reference in subsections (3) to (7) above to a medical practitioner who is an officer of the Department includes a reference to a medical practitioner who is provided by any person in pursuance of a contract entered into with the Department.”

(2) Sub-paragraph (3) below applies where a consent given before the commencement of this Part authorises the disclosure of any information to the Department, or to a medical practitioner who is an officer of the Department.



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(3) The consent shall have effect as if it also authorised the disclosure of the information—

- (a) to a medical practitioner who is provided by any person in pursuance of a contract entered into with the Department, and
- (b) if and to the extent that the Department so directs, to any employee of such a practitioner.

(4) In this paragraph—

“the Department” means the Department of Health and Social Services for Northern Ireland;

“employee”, in relation to a medical practitioner, includes any person who performs ancillary services for the practitioner, and any employee of such a person;

“medical practitioner” has the same meaning as in that Act.

25 After subsection (6) of section 117 of that Act (disclosure of information relating to particular persons) there shall be inserted the following subsection—

“(6A) Subsection (6) above shall have effect as if any medical practitioner who, for the purposes of section 52 above, is provided by any person in pursuance of a contract entered into with the Department were specified in Part I of Schedule 4 to this Act”.