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DRAFT STATUTORY INSTRUMENTS

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**2004 No.**

**The Environmental Information Regulations 2004**

**PART 4**

*Code of practice and historical records*

**Issue of a code of practice and functions of the Commissioner**

**16.**—(1) The Secretary of State may issue, and may from time to time revise, a code of practice providing guidance to public authorities as to the practice which it would, in the Secretary of State's opinion, be desirable for them to follow in connection with the discharge of their functions under these Regulations.

(2) The code may make different provision for different public authorities.

(3) Before issuing or revising any code under this regulation, the Secretary of State shall consult the Commissioner.

(4) The Secretary of State shall lay before each House of Parliament any code issued or revised under this regulation.

(5) The general functions of the Commissioner under section 47 of the Act and the power of the Commissioner to give a practice recommendation under section 48 of the Act shall apply for the purposes of these Regulations as they apply for the purposes of the Act but with the modifications specified in paragraph (6).

(6) For the purposes of the application of sections 47 and 48 of the Act to these Regulations, any reference to—

- (a) a public authority is a reference to a public authority within the meaning of these Regulations;
- (b) the requirements or operation of the Act, or functions under the Act, includes a reference to the requirements or operation of these Regulations, or functions under these Regulations; and
- (c) a code of practice made under section 45 of the Act includes a reference to a code of practice made under this regulation.