

1979 WL 43073 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 19, 1979

*1 Mrs. Joyce C. Hearn
Member
House of Representatives
State of South Carolina
District No. 76-Richland County
Columbia, South Carolina

Dear Mrs. Hearn:

This is in reply to your request for an opinion from this Office on whether rules and regulations duly promulgated by a State agency in accordance with [§ 1-23-10, et seq., Code of Laws of South Carolina](#), 1976, as amended, have the force and effect of law immediately upon going into effect.

It is axiomatic that '[a] valid rule or regulation duly promulgated by a public administrative agency is binding on the agency and on all of those to whom its terms apply . . . '73 C.J.S. [Public Administrative Bodies And Procedure](#), § 107 (1951). Also see [Mace v. Berry](#), 225 S.C. 160, 81 S.E.2d 276 (1954); [Faile v. South Carolina Employment Sec. Com'n](#), 267 S.C. 536, 230 S.E.2d 219 (1976); 1 Am. Jur.2d [Administrative Law](#), § 96 (1962).

To determine if the rule or regulation is validly promulgated, reference is made to the procedural requirements of [§ 1-23-10, et seq.](#), with the assistance of the attached outline disseminated by this Office to State agencies in 1977.

Therefore, it is the opinion of this Office that if a State agency has followed the procedures in the promulgation of rules and regulations as set forth in [§ 1-23-10, et seq.](#), that such duly promulgated rules and regulations have the force and effect of law immediately upon going into effect.

Very truly yours,

C. Havird Jones, Jr.
Assistant Attorney General

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