

93. Administration of Part 6

- (1) The employing authority of an affected department or organization may, with the approval of the Minister, exercise such powers and perform such duties as are conferred or imposed on such an employing authority by any regulations referred to in section 94(2).
- (2) An approval given by the Minister under subsection (1) shall not be made subject to any conditions, qualifications, limitations or exceptions.
- (3) In subsection (1) —
“affected department or organization” means department or organization the whole or any part of —
 - (a) the undertaking of which is, or is to be, sold or otherwise disposed of to; or
 - (b) the production or provision of goods or services or both by which is, or is to be, replaced by the production or provision of goods or services or both by,
a person outside the Public Sector.
- (4) As soon as practicable after regulations referred to in section 94(3) are made, and whenever required by subsection (5)(d) thereafter, the Minister shall in writing delegate to the person specified in the instrument of delegation (not being a person who is another Minister of the Crown or the Commissioner) the exercise and performance of all powers and duties conferred or imposed on the Minister by those regulations.
- (5) Section 59 of the *Interpretation Act 1984* applies to subsection (4) as if that subsection conferred on the Minister a power of delegation instead of imposing on the Minister a duty of delegation, but a delegation under that subsection —
 - (a) precludes the Minister from exercising or performing a power or duty delegated under that subsection;
 - (b) shall not be made subject to any conditions, qualifications, limitations or exceptions;
 - (c) shall not be amended; and
 - (d) shall not be revoked unless, forthwith on that revocation, the exercise and performance of the powers and duties referred to in that subsection are delegated under that subsection to another person.
- (6) A person to whom the exercise and performance of powers and duties have been delegated under subsection (4) —
 - (a) may, either generally or as otherwise provided by the instrument of delegation, by writing signed by that person, delegate to another person (not being a person who is a Minister of the Crown or the Commissioner) the exercise or performance of any of those powers or duties, other than this power of delegation; and
 - (b) shall not exercise the power conferred by regulations referred to in section 94(3)(c)(ii) without the prior approval of the Minister.