

5. Employing authorities defined

- (1) For the purposes of this Act, but subject to this section —
- “employing authority”** means, in relation to —
- (a) a chief executive officer (other than a chief executive officer referred to in section 4), the Minister;
 - (b) a chief employee (other than a chief employee referred to in section 4), the person or board, committee or other body specified by a written law as being the employer of the chief employee;
 - (c) a department or organisation or an employee (other than a chief executive officer or chief employee) employed in a department or organisation —
 - (i) subject to subparagraph (iii), if a chief executive officer or chief employee is the accountable officer of the department or organisation, the chief executive officer or chief employee;
 - (ii) subject to subparagraph (iii), if a board, committee or other body established under a written law is the accountable authority of the department or organisation, that board, committee or other body; or
 - (iii) if a written law confers on a person or board, committee or other body the power to appoint or employ staff, the person or board, committee or other body;
- or
- (d) a ministerial office or a ministerial officer, the Minister,
- or, when used otherwise than in relation to a public sector body or a chief executive officer, chief employee, employee or ministerial officer, means employing authority of any public sector body, chief executive officer, chief employee, employee or ministerial officer.
- (2) For the purposes of this section —
- (a) a department —
 - (i) which is established to support an organisation (other than an organisation which is a Minister of the Crown); and
 - (ii) which is not prescribed as an independent department for the purposes of this paragraph,is to be taken to be a part of the organisation referred to in subparagraph (i); and
 - (b) **“accountable authority”** and **“accountable officer”** have the respective meanings given by the *Financial Administration and Audit Act 1985*.
- (3) Despite anything in paragraph (c) of the definition of “employing authority” in subsection (1), regulations made under section 108 may provide that the holder of an office, post or position, or a board, committee or other body, created or established under a written law is the employing authority of a department or organisation or of an employee (other than a chief executive officer) employed in a department or organisation.