

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 organization or an employee (other than a chief executive officer or chief employee) employed in a department or organization —
 - (i) subject to subparagraph (iii), if a chief executive officer or chief employee is the accountable officer of the department or organization, 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 organization, 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 organization (other than an organization 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 organization 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 organization or of an employee (other than a chief executive officer) employed in a department or organization.