
STATUTORY INSTRUMENTS

1994 No. 1894 (N.I. 9)

NORTHERN IRELAND

**The Civil Service (Management
Functions) (Northern Ireland) Order 1994**

Made - - - - 19th July 1994

Coming into operation 20th September 1994

At the Court at Buckingham Palace, the 19th day of July 1994

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974⁽¹⁾ and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Civil Service (Management Functions) (Northern Ireland) Order 1994 and shall come into operation on the expiration of 2 months from the day on which it is made.

General interpretation

2. The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Delegation of functions

3.—(1) This Article applies to any function with respect to the management of the Northern Ireland Civil Service—

(a) which has been delegated to the Secretary of State by Letters Patent of Her Majesty; and

(1) 1974 c. 28

(2) 1954 c. 33 (N.I.)

(b) which, immediately before the coming into operation of this Order, is exercisable through the Department of Finance and Personnel.

(2) The Department of Finance and Personnel may, to such extent and subject to such conditions as it thinks fit, delegate any function to which this Article applies to any servant of the Crown.

(3) Without prejudice to the generality of paragraph (2), the conditions subject to which a function may be delegated under that paragraph include a condition prohibiting, to such extent as may be specified in the condition, the carrying out of the function under the authority of the person to whom it is delegated.

(4) Without prejudice to any rule of law with respect to the carrying out of functions under the authority of a person in charge of a government department, where a function is delegated under paragraph (2), the person to whom the function is delegated may, subject to the terms of the delegation, authorise a servant of the Crown for whom he is responsible to carry out the function on his behalf.

Power to authorise exercise of functions without approval etc.

4.—(1) This Article applies to any statutory power which—

- (a) relates to the appointment or management of members of the Northern Ireland Civil Service, and
- (b) requires for its exercise the sanction of a department (whether by way of approval, consent, agreement or otherwise).

(2) The department whose sanction is required for the exercise of a power to which this Article applies may, to such extent and subject to such conditions as the department thinks fit, authorise its exercise without the department's sanction.

(3) Without prejudice to the generality of paragraph (2), the conditions which may be imposed on an authorisation under that paragraph include a condition prohibiting, to such extent as may be specified in the condition, the exercise of the power concerned under the authority of the person by whom it is exercisable.

(4) In this Article “department” has the same meaning as in the Ministries Act (Northern Ireland) 1944⁽³⁾ and includes the head of a Department.

N. H. Nicholls
Clerk of the Privy Council

(3) 1944 c. 14 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision with respect to functions relating to the management of the Northern Ireland Civil Service.

Article 3 of the Order empowers the Department of Finance and Personnel to delegate any function with respect to the management of the Northern Ireland Civil Service to any servant of the Crown. Article 4 enables a department to authorise any person who requires the approval of that department for the exercise of a statutory power relating to the appointment or management of Northern Ireland civil servants to exercise the power without that approval.