



Civil Service (Management Functions) Act 1992

1992 CHAPTER 61

An Act to make provision with respect to functions relating to the management of Her Majesty's Home Civil Service; and to make provision about parliamentary procedure in relation to legislation for Northern Ireland making corresponding provision with respect to the Northern Ireland Civil Service. [17th December 1992]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Home Civil Service

1 Delegation of functions

- (1) This section applies to any function delegated by Her Majesty with respect to the management of Her Majesty's Home Civil Service which has been the subject of a transfer of functions Order.
- (2) A Minister of the Crown in whom a function to which this section applies is vested may, to such extent and subject to such conditions as he thinks fit, delegate the function to any other servant of the Crown.
- (3) Without prejudice to the generality of subsection (2) above, the conditions subject to which a function may be delegated under that subsection 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 subsection (2) above otherwise than to such a person, 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.

- (5) In this section, “transfer of functions Order” means an Order in Council under section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946 or section 1 of the Ministers of the Crown Act 1975 (transfer of functions from one Minister of the Crown to another).

2 Power to authorise exercise of functions without approval etc

- (1) This section applies to any statutory power which—
- (a) relates to the appointment or management of members of Her Majesty’s Home Civil Service, and
 - (b) requires for its exercise the sanction of a Minister of the Crown (whether by way of approval, consent, agreement or otherwise).
- (2) The Minister whose sanction is required for the exercise of a power to which this section applies may, to such extent and subject to such conditions as he thinks fit, authorise its exercise without his sanction.
- (3) Without prejudice to the generality of subsection (2) above, the conditions which may be imposed on an authorisation under that subsection 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) Where by virtue of any statutory provision the sanction required for the exercise of a power to which this section applies itself requires the sanction (whether by way of approval, consent, agreement or otherwise) of a Minister of the Crown, the power conferred by subsection (2) above shall be exercisable subject to the approval of that Minister.

Northern Ireland Civil Service

3 Corresponding Northern Ireland legislation: parliamentary procedure

An Order in Council made under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement—

- (a) that it makes provision with respect to the management of the Northern Ireland Civil Service, and
 - (b) that it is made only for purposes corresponding to those of this Act,
- shall not be subject to sub-paragraphs (4) and (5) of paragraph 1 of that Schedule (affirmative resolution of both Houses of Parliament) but shall be subject to annulment in pursuance of a resolution of either House of Parliament.

General

4 Short title etc

- (1) This Act may be cited as the Civil Service (Management Functions) Act 1992.

- (2) In this Act, “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.
- (3) This Act extends to Northern Ireland, and section 3 above only so extends.