

THE EXECUTIVE AGENCIES ACT

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SCHEDULE.

THE EXECUTIVE AGENCIES ACT

Acts
4 of 2002,
31 of 2004.

[1st April, 2002.]

1. This Act may be cited as the Executive Agencies Act.

Short title.

PART I. *Preliminary*

2. In this Act, unless the context otherwise requires—

Interpreta-
tion.

“Advisory Board” means a board with advisory functions only, which is appointed by the responsible Minister;

“appointed day” means the 1st day of April, 2002;

“Chief Executive Officer” means the person charged with responsibility for the management of an Executive Agency.

“Executive Agency” and “Agency” means a public body which is designated an Executive Agency pursuant to this Act;

“Framework Document” means the document establishing the legal framework between the Agency and the responsible Minister, stating the terms on which the Executive Agency will operate, including the matters specified in the Schedule;

Schedule.

“functions” includes duties and powers;

“generally accepted accounting practice” means such financial reporting standards as are—

(a) set out from time to time in the Handbook of the Institute of Chartered Accountants of Jamaica; and

(b) approved by the Minister responsible for finance, in accordance with the provisions of the Financial Administration and Audit Act;

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“Minister” means Minister responsible for the public service;

“Performance Agreement” means an agreement to be entered into between the responsible Minister and Chief Executive Officer of an Executive Agency, providing the basis for the specification, assessment and review of the Chief Executive Officer’s performance;

“public body” means—

- (a) a department of Government;
- (b) a statutory body or authority; or
- (c) a company which is owned by Government;

“relevant Act” means an Act which provides for the establishment and functions of a statutory body or authority which is designated under this Act as an Executive Agency;

“responsible Minister” as respects an Executive Agency or other public body, means the Minister having portfolio responsibility for that Agency or body, and “responsible Ministry” shall be construed accordingly.

Objects of Act.

3. The principal objects of this Act are—

- (a) the establishment of Executive Agencies;
- (b) the promotion of prudent, effective and efficient management in Executive Agencies;
- (c) the provision of appropriate mechanisms for proper management, accountability and transparency in the operations of Executive Agencies;
- (d) the enhancement of the effective and efficient delivery of goods and services to the public.

PART II. *Designation of Executive Agencies*

4.—(1) Subject to the provisions of this section, the Minister may by order designate one or more public bodies as Executive Agency with effect from such date as shall be specified in the order.

Designation
of public
body as
Executive
Agency.

(2) Before making an order under subsection (1) the Minister shall—

- (a) cause to be carried out, an assessment of the functions and operations of the body or bodies concerned for the purpose specified in subsection (3);
- (b) determine if the assessment shall extend to the functions and operations of any other body or bodies;
- (c) approve a scheme of management for the operations of the Executive Agency.

(3) An assessment shall be carried out under subsection (2) for the purpose of—

- (a) identifying—
 - (i) the most effective and efficient options for undertaking the functions of the public body or bodies; and
 - (ii) the advantages and disadvantages of each option; and
- (b) recommending, with accompanying reasons—
 - (i) the preferred option or combination of options, or such other options as may be necessary; and
 - (ii) the form of organization.