

ADMINISTRATION RULES 1993

1 Name

These are the Administration Rules 1993.

2 Interpretation

In these Rules –

“Administrator” includes any person exercising the functions and powers of Administrator under rule 3(4);

“Minister” means the Minister of Foreign Affairs and Trade;

“Secretary” means the Secretary of Foreign Affairs and Trade.

3 Administrator of Tokelau

(1) The Minister may from time to time appoint such person as he or she thinks fit to be the Administrator of Tokelau.

(2) An appointment made under paragraph (1) shall be for such term not exceeding 3 years, and subject to such conditions, as the Minister thinks fit.

(3) Any person appointed as Administrator shall be eligible for reappointment from time to time.

(4) On the occurrence from any cause of a vacancy in the office of Administrator (whether by reason of death, resignation, or otherwise), and in the case of the absence from duty of the Administrator (from whatever cause arising), the Secretary, or the person for the time being discharging the duties of the office of Secretary, shall have and may exercise all the functions and powers of the Administrator

4 Duties of Administrator

(1) The Administrator shall be charged with the administration of the executive Government of Tokelau, and shall have such other functions and powers as are conferred on the Administrator by these rules or any other enactment in force in Tokelau.

(2) The Administrator shall, in the exercise of the Administrator's functions and powers, be subject to the control of the Minister.

5 Delegation of powers

- (1) Subject to this rule and to rule 6, the Administrator may, from time to time, delegate to the General Fono, or to such other person or persons as the Administrator thinks fit, all or any of the powers exercisable by the Administrator under any enactment, including any powers delegated to the Administrator under any enactment.
- (2) The Administrator shall not delegate –
 - (i) any power delegated to the Administrator by the Minister, without the written consent of the Minister;
 - (ii) [Spent]
- (3) Any delegation under this rule may be made –
 - (i) to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or specified class of offices;
 - (ii) subject to such restrictions and conditions as the Administrator thinks fit;
 - (iii) either generally or in relation to any particular case or class of cases.
- (4) No person to whom any power is delegated under this rule may delegate that power to any other person, unless that delegation authorises that person to delegate that power to other persons.

6 Further provisions relating to delegations

- (1) Every delegation under rule 5 shall be in writing.
- (2) Subject to any general or special directions given or restrictions or conditions imposed by the Administrator, the person to whom any power is delegated under rule 5 may exercise the power so delegated in the same manner and with the same effect as if that power had been conferred on that person directly by that rule and not by delegation.
- (3) Every person purporting to act pursuant to any delegation under rule 5 shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.
- (4) Any delegation under rule 5 shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Administrator.

- (5) Any delegation under rule 5, until that delegation is revoked, shall continue in force according to its tenor, notwithstanding that the Administrator by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Administrator.

7 Delegation to General Fono

Where, pursuant to rule 5, the Administrator delegates any power which is to be exercised by the General Fono, then, in any case where the General Fono is not in session, the Council for the Ongoing Government may exercise that power in the same manner and with the same effect as if the power had been delegated to the Council for the Ongoing Government under that rule.

8 Revocation

[Spent]
