



## ANALYSIS

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| Title             |                   |
| 1. Short Title    | 3. Delegation of  |
| 2. Interpretation | Minister's powers |

1989, No. 7

An Act to amend the Education Act 1986-87

(2 May 1989)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Education Amendment Act 1989, and shall be read with and deemed part of the Education Act 1986-87 (herein referred to as "the principal Act").

2. Interpretation - Section 2 of the principal Act is amended by repealing the definition of "secondary" and substituting the following definition -

"Secondary" means forms 1 to 7, inclusive of those forms;

3. Delegation of Minister's powers - The principal Act is further amended by repealing section 7 and substituting the following section -

"7. Delegation of Minister's powers - (1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the Secretary all or any of the powers which are conferred on him as Minister of Education by this Act or any other enactment, including powers delegated to him under any enactment, but not including the power to delegate under this section or the power to consent to a delegation under section 10 of this Act.

(2) Subject to any general or special directions given or conditions or restrictions attached by the Minister, the Secretary may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Where the Secretary purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof of the contrary.

(4) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(5) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Secretary to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Secretary or, if there is no Secretary in office or if the Secretary is absent from duty to the person for the time being appointed under the Public Service Act 1975 to exercise and perform the powers and duties of the Secretary."

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This Act is administered by the Department of Education.