

Rwanda

Presidential Order determining Competent Authority and Modalities of Delegating Authority in Public Service

Presidential Order 77 of 2015

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Presidential Order determining Competent Authority and Modalities of Delegating Authority in Public Service
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Presidential Order 77 of 2015

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Assented to on 30 September 2015

Commenced on 12 October 2015

[This is the version of this document from 12 October 2015.]

We, KAGAME Paul,

President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 112, 113, 121 and 201;

Pursuant to Law n° 86/2013/ of 11/09/2013 establishing the general statutes for public service, especially in its article 4;

Upon the proposal of the Minister of Public Service and Labour;

After examination and approval by the Cabinet in its session of 14/05/2015;

HAVE ORDERED AND HEREBY ORDERS:

Chapter One General provisions

Article one – Purpose of this Order

This Order determines competent authority and modalities of delegating authority in Public Service.

Article 2 – Definitions

For the purpose of this Order, the following terms shall have the following meanings:

- 1° **competent authority:** a public servant who is legally designated to perform certain duties;
- 2° **delegating authority:** devolution of decision making powers and a process by which a manager assigns part of his/her workload to his/her subordinate;
- 3° **managerial position:** a job position where a public servant is in charge of managing other employees and taking decisions;
- 4° **responsibility:** An employee's opportunity or ability to act independently, take decisions and perform satisfactorily or complete tasks established by his/her job position or duties assigned by his/ her superior.

Article 3 – Scope of application

This Order shall apply to authorities and public servants governed by the general statutes for public service.

Chapter II

Modalities for delegating authority in public service

Section One – Competence of discharging duties

Article 4 – Competent authorities in public service

Competent Authority to discharge duties in public service bases on laws or a document signed by a supervisor of a public servant.

Competent authorities to discharge some duties provided for by laws and delegates to whom such duties shall be delegated are in the table annexed to this Order.

The delegation of authorities presented on the table on annex of this Order shall serve as a model for the authority who wants to delegate some of his/her authorities and has no binding force. Delegating or not delegating authorities shall be at the discretion of the authority in managerial position. However, if the authority in managerial position has decided to delegate authorities, he/she shall comply with principles provided for by this Order.

Delegation of authority shall be complied with by adapting it to specific organisational structure of each public institution.

Every public institution must identify its sector specific activities not covered in the table and reflects them in delegation of authority document in conformity with the present Order. The sector specific authority delegation document shall be approved by the senior management of the concerned institution.

Section 2 – Conditions of authority delegation

Article 5 – Right to delegate authority

Delegation of authority shall be done by an authority to whom competence to exercise the authority is legally vested.

Only officials having managerial responsibilities shall be allowed to delegate authorities.

Article 6 – Requirements of delegation in delegating authority

Delegating authorities must respect the following requirements and restrictions:

- 1° the delegator shall be in a superior position than the delegate;
- 2° no delegation of authority shall be made if the law has expressly prohibited the delegation of such authority;
- 3° no delegation authority can be further delegated;
- 4° the delegated authority shall be conferred upon posts on the organizational structure and not personally on incumbents of such posts;
- 5° the delegated authorities must be defined clearly indicating the related tasks and responsibilities, subsequent competences and their limitations;
- 6° the delegated authority may be for specific period or non specific period;
- 7° the delegator and delegate must have constant and clear communication about authorities delegated and the way duties are performed.

Article 7 – Authority delegation document

Every authority delegation shall be certified by a written document made in three (3) original copies; the first to be kept by the delegator, the second by the delegate and the third shall be filed by the secretariat of the concerned institution. A copy of such document shall be reserved to the Minister in charge of finance and the Minister in charge of public service.

The delegation document shall clearly indicate the delegator and delegate's job positions and well defined delegated duties or functions.

Article 8 – Capacity of the delegate

The delegate shall exercise the responsibilities conferred to him/her in his/her own name, he/she signs the documents relating to delegated responsibilities provided to affix the words “*By Authority Delegation*” above his/her signature.

Article 9 – Validity of acts passed by the delegate

Any function performed by the delegate under authority delegation, shall be valid and have value as performed by the delegator.

Section 3 – Rights and obligations in delegating authority

Article 10 – Rights and obligations of the delegator

The delegator shall have rights to withdraw the delegated authorities or amend terms of a delegation document.

The delegator shall also monitor and evaluate execution of delegated authority.

If authority to be delegated concerns financial management, the Chief Budget Manager shall delegate part of his/her duties after having informed in writing the Minister in charge of finance with a copy to the Head of the concerned public Institution.

Article 11 – Obligations of the delegate

In course of exercising the delegated authorities, the delegate shall abide by the following:

- 1° exercise the authorities delegated to him/her as part of his/her duties;
- 2° not trespass the delegated authorities;
- 3° not sub-delegate authorities conferred upon him/her.
- 4° submit to the delegator a report in writing on performance of delegated authorities within a period defined by a delegating document.

Article 12 – Responsibility and accountability over the delegated duties

The delegator shall remain administratively responsible and accountable for acts or omissions performed by the delegate.

The delegate shall be administratively accountable to his/her delegator.

Chapter III

Final provisions

Article 13 – Authorities responsible for the implementation of this Order

The Prime Minister, the Minister of Public Service and Labour and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

Article 14 – Repealing provision

All previous contrary to this Order are hereby abrogated.

Article 15 – Commencement

This Order shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.