
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – TRANSPORT AND TECHNICAL SERVICES – DRAINAGE (JERSEY) LAW 2005

Presented to the States on 17th July 2012
by the Minister for Transport and Technical Services

STATES GREFFE

REPORT

On 13th July 2012, the Minister for Transport and Technical Services made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-T-2012-0053, available at www.gov.je).

Article 28 of the States of Jersey Law 2005 permits a Minister to delegate, wholly or partly, functions to an Assistant Minister or an officer.

The Law states, *inter alia* –

“28 Power of Minister to delegate functions

- (1) A Minister may delegate, wholly or partly, functions conferred upon or vested in the Minister by or under this Law or any other enactment or any enactment of the United Kingdom having effect in Jersey, to –
 - (a) one of his or her Assistant Ministers;
 - (b) an officer.
- (2) A Minister shall not delegate –
 - (a) any power to make an enactment;
 - (b) any power to decide an appeal under an enactment;
 - (c) any function the delegation of which is prohibited by an enactment.
- (3) The delegation of functions by a Minister under this Article shall not prevent the Minister exercising those functions personally.
- (4) Where any licence, permit or authorization is granted in purported exercise of functions delegated under paragraph (1), no criminal proceedings shall lie against any person for any act done, or omitted to be done, in good faith and in accordance with the terms of the licence, permit or authorization, by reason that the functions had not been delegated, or that any requirement attached to the delegation of the functions had not been complied with.
- (5) In this Article –

“Minister” includes the Chief Minister;

“officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005 and includes a member of the States of Jersey Police Force and an officer appointed under paragraph 1(1) of Part 1 of Schedule 2 to the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 1993.
- (6) The States may by Regulations amend the definition “officer” in paragraph (5).”

The terms of the delegations, and the legislation under which those delegations were made, were recorded in a Report attached to the Ministerial Decision, as shown below –

The Minister for Transport and Technical Services has approved the delegation of certain matters from the Minister to Officers in the Department, in order to allow the efficient and effective administration of the Laws for which Transport and Technical Services is responsible. This is in addition to the previous Ministerial Decision of 20th January 2012 (MD-T-2012-0006) whereby the majority of delegated authorities were already approved; and results from an operational restructure with regard to Leading Technician CCTV and Technician – Drainage Works Blockages, to whom additional delegations are required to be made.

The attached tables show delegations under the Drainage (Jersey) Law 2005, and the highlighted details of what is required to be delegated to the Leading Technician CCTV and Technician – Drainage Works Blockages.

DRAINAGE (JERSEY) LAW 2005**SCHEDULE OF AUTHORISED PERSONS**

Authorised Person	Authorised to exercise power under Articles
Chief Executive Officer	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Director of Waste Management	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Principal Engineer, Liquid Waste	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Senior Engineer, Drainage Design	8, 12, 13, 14, 15, 16, 17, 18, 19, 23, 27, 30, 31, 34, 35, 37
Records Manager	8, 12, 13, 14, 15, 16, 17, 18, 19, 23, 30, 31, 34, 35, 37
Manager – Liquid Waste Treatment	22, 23, 24, 25, 26, 27, 34, 35, 37
Senior Engineer – Contracts Management	15, 16, 17, 23, 27, 30, 31, 34, 35, 37
Manager – Waste Compliance	15, 16, 22, 23, 24, 25, 26, 27, 34
Assistant Manager Drainage	15, 16, 31, 34
Assistant Manager Drainage Maintenance	15, 16, 31, 34
Leading Chargehand Drainage Investigations	15, 34
Chargehand Drainage Survey	15, 34
Leading Technician CCTV	15, 34
Technician – Drainage Works	15, 34
Senior Surveyor	34
Surveyor	34
Departmental Duty Officers	34

Article	Title	Brief Description
8	Sewers and drains to the sea	Restricts discharge to sea shore without consent
12	Adoption of other sewerage facilities	Power to adopt sewerage facilities as public
13	Separation of foul and surface water sewers	Power to reserve sewer for foul or surface water only
14	Obligation to connect to public sewer	Power to require property owner to connect to the sewer
15	Repair of sewers and drains by owners	Power to examine sewer or drain and require property owner to repair
16	Restricted discharges into sewers and drains	Restricts surface water from being discharged to foul sewers without consent
17	Disturbance of public sewers	Restricts building close to sewer, or connecting to sewer, without consent
18	Septic tanks	Restricts use of septic tanks where property is connected to sewer
19	Abandonment of public sewerage facilities	Power to discontinue or prohibit use of public sewer
22	Trade effluent discharge consents	Power to issue a discharge consent
23	Production of plans and furnishing of information	Requirement on owner to provide information on discharge
24	Variation, suspension and revocation	Power to amend trade discharge consent
25	Transfers	Power to transfer trade discharge consent to new holder
26	Information about harmful effluent	Power to request information about nature of trade discharge
27	Control of harmful effluent	Power to require person to dispose of harmful trade effluent
30	Alternation of designated flood defences	Restricts alterations without consent

Article	Title	Brief Description
31	Repair of other flood defences	Power to require work to be undertaken by owner on flood defences
34	Exercise of ancillary powers	Powers of entry for inspection, survey purposes, etc.
35	Remedial action by person causing damage	Power to require owner to correct damage
37	Remedial action by Minister	Power for TTSD to correct damage at owner's cost