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# STATES OF JERSEY



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – SOCIAL SECURITY – REVISED DELEGATIONS FEBRUARY 2015**

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**Presented to the States on 12th February 2015  
by the Minister for Social Security**

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**STATES GREFFE**

## REPORT

On 10th February 2015, the Minister for Social Security made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-S-2015-0010, available at [www.gov.je](http://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 –

**Delegation of financial authorities**

<b>Legislation:</b>	Social Security (Jersey) Law 1974.
<b>Delegate:</b>	Chief Officer of the Social Security Department and, in his/her absence, the Deputy Chief Officer. <i>(Note: the Chief Officer is referred to as the 'Controller' under the Social Security (Jersey) Law 1974.)</i>
<b>Function delegated:</b>	Article 31(1) to transfer monies from the Social Security Fund to the Social Security (Reserve) Fund.
<b>Scope of delegation:</b>	To transfer available cash from short-term investment into the Reserve Fund for onward investment by Fund managers.

<b>Legislation:</b>	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967 Long-Term Care (Jersey) Law 2012.
<b>Delegate:</b>	Chief Officer of the Social Security Department and, in his/her absence, the Deputy Chief Officer.
<b>Function delegated:</b>	Approve the Social Security Department's Authorised Signature schedule, approved expenditure limits and bank signing limits, conditional on them being within the pre-authorised limits specified below.

<b>Legislation:</b>	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967 Long-Term Care (Jersey) Law 2012.
<b>Delegate:</b>	Chief Officer of the Social Security Department.
<b>Function delegated:</b>	<ul style="list-style-type: none"> <li>• Approval of non-contentious inter-departmental budget transfers of up to £100,000</li> <li>• Payments to individual Pharmacists not exceeding £500,000</li> <li>• Accept tenders not exceeding £1,500,000</li> <li>• Signing formal contracts, including contracts entered into under Article 20B of the Health Insurance Law, and other forms of engagement not exceeding £1,500,000</li> <li>• Place and accept orders, and approve invoices for payment not exceeding £250,000</li> <li>• Appointment of consultants, contract not exceeding £1,500,000</li> <li>• Write-offs not exceeding £50,000.</li> </ul>

<b>Scope of delegation:</b>	By any formal documentation. As part of the Department's quarterly reporting mechanism, the Minister will receive a report showing the number of contracts signed during that period, their form and value.
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<b>Legislation:</b>	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967 Long-Term Care (Jersey) Law 2012.
<b>Delegate:</b>	Director of Finance and Governance Director of Operations Director of Contributions, Enforcement and Contributory Benefits Director of Strategy and Policy Director of Health and Safety.
<b>Function delegated:</b>	<ul style="list-style-type: none"> <li>• Accept tenders not exceeding £50,000</li> <li>• Payments to individual Pharmacists not exceeding £200,000</li> <li>• Signing formal contracts and other forms of engagement not exceeding £50,000</li> <li>• Place and accept orders, and approve invoices for payment not exceeding £50,000</li> <li>• Appointment of consultants, contract not exceeding £50,000</li> <li>• Write-offs not exceeding £25,000.</li> </ul>

#### **Delegation for the appointment of Determining Officers**

The following powers are delegated to the Chief Officer, Social Security Department and, in his/her absence, the Deputy Chief Officer –

<b>Legislation:</b>	<b>Function delegated</b>
Health Insurance (Jersey) Law 1967 – Article 28	The power to appoint Determining Officers for the determination of any question arising under or in connection with this Law, including any claim for benefit.
Social Security (Jersey) Law 1974 – Article 33	The power to appoint Determining Officers for the determination of any question arising under or in connection with this Law, including any claim for benefit.
Income Support (Jersey) Law 2007 – Article 9	The power to appoint Determining Officers for the determination of any claim under this Law.
Long-Term Care (Jersey) Law 2012 – Article 8	The power to appoint Determining Officers for the determination of any question arising under or in connection with this Law, including any claim for benefit.

### Delegations in respect of the Long-Term Care Scheme

<b>Legislation:</b>	Long-Term Care (General Provisions) (Jersey) Order 2014, Article 12.
<b>Delegate:</b>	Chief Officer of the Social Security Department and, in his/her absence, the Director of Contributions, Enforcement and Contributory Benefits and Head of Contributory Benefits.
<b>Function delegated:</b>	The power to appoint, suspend and remove approved registered persons who may make assessments for the purposes of Article 5 or Article 7 of the Long-Term Care (Jersey) Law 2012, or both.

<b>Legislation:</b>	Long-Term Care (General Provisions) (Jersey) Order 2012, Article 13.
<b>Delegate:</b>	Chief Officer of the Social Security Department and, in his/her absence, the Director of Contributions, Enforcement and Contributory Benefits and Head of Contributory Benefits.
<b>Function delegated:</b>	The power to approve, suspend approval, and revoke approval in respect of an approved care home under the Long-Term Care (Jersey) Law 2012.

<b>Legislation:</b>	Social Security Hypothec (Jersey) Law 2014, Article 2.
<b>Delegate:</b>	Director of Contributions, Enforcement and Contributory Benefits, Head of Contributory Benefits, Team Leader for Long-Term Care Benefits.
<b>Function delegated:</b>	The power to submit an application to the Judicial Greffier to register a Social Security hypothec in the public registry. The power to give notice of the registration of the Social Security hypothec to the debtor.

<b>Legislation:</b>	Social Security Hypothecs (Jersey) Law 2014, Article 4.
<b>Delegate:</b>	Finance and Governance Director, Finance Manager, Finance Team Leader.
<b>Function delegated:</b>	The power to cancel a Social Security hypothec, following its extinguishment. The power to provide notice to the Judicial Greffier of the extinguishment of the debt.

<b>Legislation:</b>	Social Security Hypothecs (Jersey) Law 2014, Article 5; and Royal Court (Jersey) Law 1948, Article 13.
<b>Delegate:</b>	Director of Contributions, Enforcement and Contributory Benefits, Head of Contributory Benefits, Long-Term Care Benefits Team Leader.
<b>Function delegated:</b>	The power to submit an application to the Judicial Greffier to register a Social Security hypothec in the public registry. The power to execute the form of notification of the Social Security hypothec.

<b>Legislation:</b>	Social Security Hypothecs (Jersey) Law 2014, Article 5; and Royal Court (Jersey) Law 1948, Article 13.
<b>Delegate:</b>	Finance and Governance Director, Finance Manager, Finance Team Leader.
<b>Function delegated:</b>	The power to provide written confirmation to the Judicial Greffier of the extinguishment of the debt.

Note: The above delegations supersede those made under MD-S-2014-0146.