

Home Affairs Minister
Ministerial Decision

Subject:	Delegation of Functions to Chief Officers and Heads of Department		
Decision Reference:	MD-HA-2005-0003	Exempt clause (s):	
Form of Report (oral or written):	Written	Person Giving Report (if oral):	
Phone or Mail Meeting?		Report File ref:	HAD/DPT 2/1
Written Report – Author:	Brief for the Minister, Home Affairs – Delegated Functions	Written report – Author:	Karen Slack, Executive Officer

Reason(s):

- To agree to delegate the functions, listed in the attached report, to the various Chief Officers and Heads of Department of Home Affairs, in accordance with Article 28 of the States of Jersey Law 2005 (revised edition).

Reason(s) for decision:

- The functions have previously been delegated by the Defence and Home Affairs Committees.
- These delegations enable the Chief Officers and Heads of Department to perform their operational duties effectively.

Action required:

- Karen Slack, Executive Officer Home Affairs, to request the Greffier of the States to present these delegations to the States.

Signature:

(Minister/ Assistant Minister)

Date of Decision:

BRIEF FOR THE MINISTER, HOME AFFAIRS

DELEGATED FUNCTIONS

In pursuance of Article 36A of the States of Jersey Law, 1966, as amended, the Defence and Home Affairs Committees, have previously delegated certain functions, under legislation in force. Therefore the following delegations are recommended to Departmental Chief Officers/Heads of Department in accordance with Article 28 of the States of Jersey Law 2005 (revised edition).

Customs and Immigration Department

- Legislation:** Immigration (Work Permit) (Jersey) Rules 1995
- Delegate:** The Chief Inspector of Immigration
- Function delegated:** The consideration of applications for work permits under the Immigration (Work Permits) (Jersey) Rules 1995, and their approval or rejection.
- Scope of delegation:** The issue of work permits to persons who do not have the right of abode in the Bailiwick.

States of Jersey Fire and Rescue Service

- Legislation:** Fire Precautions (Jersey) Law 1977, as amended.
- Delegate:** The Chief Fire Officer or, in his absence the Divisional Officer in temporary command of the Service, or the Senior Fire Safety Officer
- Function delegated:** The issuing of fire certificates
- Scope of delegation:**
- Legislation:** Fire Service (Jersey) Law 1959, as amended. Article 5
- Delegate:** The Chief Fire Officer or, in his absence the Divisional Officer in temporary command of the Service
- Function delegated:** The power to make an agreement with another fire authority whereby there will, on request, be placed at the Minister's disposal, members of that authority's fire brigade for the purpose of enabling the Fire Service to meet any special demands on its services.
- Scope of delegation:** Notification of agreement to be submitted to the Minister for Home Affairs as soon as possible.
- Fire Service (Jersey) Law 1959, Article 6(c)

Legislation:

Delegate: The Chief Fire Officer

Function delegated: To determine the scale of charges for the employment of Fire Service personnel and equipment for purposes other than fire fighting.

Scope of delegation: Notification of charges to be advised to the Minister for Home Affairs as soon as practicable.

Legislation: Fire Precautions (Jersey) Law 1977

Delegate: The Chief Fire Officer or, in his absence, the Divisional Officer in temporary command of the Service

Function delegated: Where the Chief Fire Officer, or the Divisional Officer in temporary command of the Service, is satisfied that the risk to persons in case of fire is so serious that, until steps have been taken to reduce the risk to a reasonable level, the use of the premises be prohibited or restricted.

Scope of delegation: Notification of any prohibitions or restrictions to be advised to the Minister for Home Affairs as soon as possible.

States of Jersey Police

Legislation: Police Force (Jersey) Law 1974, as amended, Article 3 (5)

Delegate: The Minister for Home Affairs, or in their absence the Assistant Minister for Home Affairs, or the Chief Officer, States of Jersey Police.

Function delegated: The power to make an agreement with a Police Force in any other part of the British Islands for members of that Force to be placed at the disposal of the Minister.

Scope of delegation: This agreement would enable the States of Jersey Police to meet any special demands on its resources and, in any such case, those Officers would, during any period of duty in the Island, carry out the duties and possess the powers and privileges of a Police Officer. Notification of appointments to be submitted to the Minister for Home Affairs.

Legislation: Police Force (General Provisions) (Jersey) Order 1974, as amended, Article 4.

Delegate: The Minister for Home Affairs, or in their absence the

Assistant Minister for Home Affairs, or the Chief Officer, States of Jersey Police.

Function delegated: The power to extend, reduce or dispense with the two year period of probation for police constables.

Scope of delegation:

Legislation: Police Force (General Provisions) (Jersey) Order 1974, as amended, Articles 2 and 5(1).

Delegate: The Minister for Home Affairs, or in their absence the Assistant Minister for Home Affairs, or the Chief Officer, States of Jersey Police.

Function delegated: The appointment under Article 2 of candidates to the States of Jersey Police Force. The making of promotions under Article 5(1), both temporary and permanent, up to and including the rank of Chief Inspector in the States of Jersey Police Force, on the recommendation of the Chief Officer, States of Jersey Police.

Scope of delegation: The selection and appointment to the States of Jersey Police Force in accordance with the requirements of Articles 2, 3 and 4 of the Police Force (General Provisions) (Jersey) Order 1974, as amended. Notification of appointments to be submitted to the Minister for Home Affairs as soon as practicable.

Prison Service

Legislation: Prison (Jersey) Rules 1957, as amended, Rule 26

Delegate: The Prison Governor

Function delegated: The power to grant to a prisoner, on the ground of their industry and good conduct, remission of a portion of such term, not exceeding one third of the whole.

Scope of delegation: Provided that nothing in Rule 27 of the Prison (Jersey) Rules 1957 should authorize the reduction of any term of imprisonment to a period less than five days.

Legislation: Prison (Jersey) Rules 1957, as amended, Rule 78

Delegate: The Prison Governor

Function delegated: The power to allow prisoners to be temporarily released from HM Prison, La Moye, and to recall them to prison.

- Scope of delegation:** Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.
- Legislation:** Prison Officers (Jersey) Regulations 1957, Regulation 17
- Delegate:** The Prison Governor
- Function delegated:** Where an offence against discipline has been committed by a Prison Officer, to grant power in pursuance of Regulation 17, to either:
- (1)(a) Dismiss him
 - (b) Require him to resign forthwith, or at such date as may be determined (as an alternative to dismissal);
 - (c) Reduce his rate of pay (without reduction in rank) for a limited, definite period not exceeding 12 months. At the end of that period the Officer shall be advanced to the rate of pay to which he would have been entitled but for the punishment awarded to him, unless the period of reduction had, in the meantime, been extended by way of punishment for a further offence against discipline;
 - (d) Reduce him in rank;
 - (e) Reprimand him; or
 - (f) Caution him as to his future behaviour.
- (2) Every punishment, except a caution, shall be entered in the Officer's personal record to be kept in pursuance of Regulation 23 of these Regulations.

Scope of delegation: Notification to be submitted to the Minister for Home Affairs at the earliest opportunity of all hearings leading to discipline covered by (1)(a) to (d) above.

Miss K.L. Slack
Executive Officer Home Affairs
7th December 2005