
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – MINISTER FOR SOCIAL SECURITY – EXTENSION SEPTEMBER 2020

**Presented to the States on 30th September 2020
by the Minister for Social Security**

STATES GREFFE

REPORT

On 23rd June 2020, the Minister for Social Security made a Ministerial Decision delegating certain of her functions under Articles 28, 30 and 30A of the [States of Jersey Law 2005](#) (see Decision reference MD-S-2020-0036, 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.
- (1A) A Minister shall not delegate to an Assistant Minister any function the delegation of which is wholly prohibited by an enactment.
- (1B) Where a Minister delegates to an Assistant Minister a power to make an enactment, paragraphs (4) and (5) of Article 26 shall apply to the making of an enactment by the Assistant Minister, in exercise of the delegated power, as they would apply to the making of the enactment by the Minister.
- (2) A Minister shall not delegate to an officer –
 - (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 wholly, or to an officer, 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).”

“30 Ministerial delegations to be presented to States

- (1) A Minister who delegates functions under Article 28 shall present to the States a report specifying the functions delegated and to whom.
- (2) A Minister shall not be required to present a report under paragraph (1) where the delegation is so immediate and of such brief duration that it is not practicable to present the report before the delegation ends.

30A List of delegations to be published

- (1) The Chief Minister shall cause to be established, maintained and published a consolidated list of –
 - (a) the functions for the time being discharged by the Chief Minister and by each Minister;
 - (b) the functions for the time being delegated by the Chief Minister and each Minister under Article 28, and to whom.
- (2) The list shall also specify which Minister is discharging, for the time being, the functions of another Minister under Article 27(1) or (2).
- (3) The information described in paragraph (1)(b) or (2) is not required to be incorporated in the list where the period for which the delegation has effect or for which one Minister’s functions are being discharged by another is so immediate and of such brief duration that it is not practicable to amend and publish the list to incorporate the information before the end of the period.
- (4) It shall be sufficient if the list is published on a website.”

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 –

Background

In addition to the existing delegations, the Social Security Minister has made the following delegations in response to COVID-19.

Purpose of the Report

In light of the current coronavirus outbreak, to ensure the continued efficient administration, the Social Security Minister, Deputy Judy Martin, has made the following delegations to ensure that there is ongoing capacity to act regarding Social Security matters.

These delegations will remain in force for 6 months from the date of this decision, subject to review or extension by the Minister.

Decisions**1. Delegation of powers to Assistant Social Security Ministers**

The Minister for Social Security has decided to delegate all powers and functions vested in her – including the power to make enactments and all other areas where the Minister has authority to act to Assistant Social Security Ministers – Deputy Jeremy Maçon and Deputy Scott Wickenden so that if she is unavailable they are able to cover her functions.

2. Delegation of powers to make exceptional payments of Income Support under Article 8(2) of the Income Support Jersey law 2007

Temporary Application Scheme for Short Term Incapacity Allowance following Government Advice to Self-Isolate – to pay equivalent amount as an Income Support Special Payment

The Minister has decided to delegate the power to make exceptional payments available to her, under Article 8(2) of the [Income Support \(Jersey\) Law 2007](#), to Determining Officers appointed under that Law. This will allow exceptional payments of Income Support up to the maximum value of 21 days of Short Term Incapacity Allowance (STIA) to be made, under ministerial guidance, to people who would not normally qualify for STIA.

Delegation of powers to accept applications for Income Support without written proofs required by the legislation

The Minister has decided to delegate the ability to make decisions under Article 8(2) of the Income Support Jersey Law 2007 to Determining Officers appointed under the Income Support Law. Determining Officers will have the power to make payments of Income Support to a household which would not normally be entitled, because they have not supplied all of the written proofs required by the legislation.

To note, these COVID-19 related delegations are separate to MD-S-2020-0054 signed on 18th September 2020.