
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – HOME AFFAIRS – REVISED DELEGATIONS FEBRUARY 2012

**Presented to the States on 9th February 2012
by the Minister for Home Affairs**

STATES GREFFE

REPORT

On 8th February 2012, the Minister for Home Affairs made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-HA-2012-0009, available at www.gov.je).

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 –

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.”

The Defence and Home Affairs Committees and previous Ministers for Home Affairs have previously delegated certain functions.

The following delegations to the various Heads of Service within the Home Affairs Department and to the Assistant Minister (in addition to those already delegated to him, in a separate Ministerial Decision – MD-HA-2011-0091) are therefore recommended:

Home Affairs

Legislation:	Explosives (Jersey) Law 1970.
Delegate:	Chief Officer, Home Affairs Department.
Function delegated:	Issuing of licences under this piece of legislation.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Firearms (Jersey) Law 2000.
Delegate:	Chief Officer, Home Affairs Department.
Function delegated:	Responsibility for signing certificates of registration as firearms dealers.
Scope of delegation:	The issue of certificates under a Ministerial decision to authorise the Firearms dealer applicants.

Finance

Legislation:	Public Finances (Jersey) Law 2005.
Delegate:	Accounting Officers.
Function delegated:	Compliance with all Finance Directions issued under Article 34 of the Public Finances (Jersey) Law 2005 where they relate to the finances or operations of the Department and States of Jersey Police.
Scope of delegation:	To enable compliance with all Finance Directions and to ensure specific requirements contained within each of the Financial Directions are delegated to the Chief Officers and/or Finance Director.

Legislation:	Public Finances (Jersey) Law 2005.
Delegate:	Accounting Officers; Finance Director.
Function delegated:	Approve the Department's authorised signature schedule and approved expenditure limits, conditional upon them being within pre-authorised limits.
Scope of delegation:	To reduce the administrative burden on the Minister.

Legislation:	Public Finances (Jersey) Law 2005.
Delegate:	Accounting Officers; Service Heads.
Function delegated:	Accept Tenders not exceeding £250,000.

Scope of delegation:	To reduce the administrative burden on the Minister. As part of the Departmental quarterly reporting mechanism, the Minister will receive a report showing the details of any tenders accepted up to the value of £250,000.
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Legislation:	Public Finances (Jersey) Law 2005.
Delegate:	Accounting Officers; Service Heads.
Function delegated:	Responsibility for signing formal contracts and forms of engagement, and appointment of consultants up to their allocated financial authorisations.
Scope of delegation:	To reduce the administrative burden on the Minister. As part of the Departmental quarterly reporting mechanism, the Minister will receive a report showing the number of contracts, their form and contract value.

Legislation:	Public Finances (Jersey) Law 2005.
Delegate:	Accounting Officers; Finance Director.
Function delegated:	Authorisation of non-contentious budget transfers up to the value of £250,000.
Scope of delegation:	To reduce the administrative burden on the Minister.

Customs and Immigration Department

Legislation:	Immigration (Work Permits) (Jersey) Rules 1995.
Delegate:	The Head of the Customs and Immigration Service or, deputising for him, the Director of Legal Status and Revenue or the Assistant Director of Immigration Casework and Nationality.
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.

Legislation:	Customs and Excise (Import and Export Control) (Jersey) Order 2006.
Delegate:	Agent of the Impôts (the Head of the Customs and Immigration Service).
Function delegated:	The power to grant a licence to import and/or export goods under Article 4 of the Customs and Excise (Import and Export Control) (Jersey) Order 2006.
Scope of delegation:	This controls imports and/or exports by setting a licensing regime for restricted goods.

States of Jersey Fire and Rescue Service

Legislation:	Fire Precautions (Jersey) Law 1977.
Delegate:	The Chief Fire Officer or, in his absence, the Deputy Chief Fire Officer in temporary command of the Service, or the Senior Fire Safety Officer.
Function delegated:	The issuing of fire certificates under the Fire Precautions (Jersey) Law 1977.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Fire Precautions (Jersey) Law 1977.
Delegate:	Chief Fire Officer or, in his absence, Deputy Chief Fire Officer in temporary command of the Service.
Function delegated:	Power to prohibit or restrict the use of premises in cases of excessive risk, under Article 9 of the Law.
Scope of delegation:	Notification of any prohibition or restriction to be notified to the Minister for Home Affairs as soon as possible.

Legislation:	Petroleum (Jersey) Law 1984.
Delegate:	The Chief Fire Officer or, in his absence, the Deputy Chief Fire Officer in temporary command of the Service, or the Senior Fire Safety Officer.

Function delegated:	Issuing of Petroleum licences under this piece of legislation.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Explosives (Jersey) Law 1970.
Delegate:	The Chief Fire Officer or, in his absence, the Deputy Chief Fire Officer in temporary command of the Service, or the Senior Fire Safety Officer.
Function delegated:	Issuing of Pyrotechnics (fireworks) import licences under this piece of legislation.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Fire Service (Jersey) Law 1959.
Delegate:	The Chief Fire Officer or, in his absence, the Deputy Chief Fire Officer in temporary command of the Service.
Function delegated:	The power to make an agreement with another fire authority, under Article 5 of the Law, 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 Minister for Home Affairs as soon as possible.

Legislation:	Fire Service (Jersey) Law 1959.
Delegate:	Chief Fire Officer.
Function delegated:	Determination of the scale of charges for the employment of Fire Service personnel and equipment for purposes other than firefighting, under Article 6(c) of the Law.
Scope of delegation:	Notification of the scale of charges to be advised to the Minister for Home Affairs as soon as practicable.

Office of the Superintendent Registrar

Legislation:	Marriage and Civil Status (Jersey) Law 2001.
Delegate:	Chief Officer, Home Affairs Department, in the case of registers kept by the Superintendent Registrar; and the Superintendent Registrar in the case of registers kept by the parish registrars.
Function delegated:	Inspection of registers kept by the registrars every 5 years in accordance with Article 75 of the Law.

States of Jersey Police

Legislation:	Police Force (Jersey) Law 1974.
Delegate:	The Chief Officer, States of Jersey Police, or in his absence, the Deputy Chief Officer.
Function delegated:	The power, under Article 3(5) of the Law 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 for the purpose of enabling the Force to meet any special demand on its resources.
Scope of delegation:	During any period of duty in the Island, those officers placed at the disposal of the Minister would carry out the duties and possess the powers and privileges of a Jersey Police Officer. Notification of any agreement to be submitted as soon as possible to the Minister for Home Affairs.

Legislation:	Police Force (General Provisions) (Jersey) Order 1974.
Delegate:	The Chief Officer, States of Jersey Police or, in his absence, the Deputy Chief Officer.
Function delegated:	The power under Article 4 of the Order to extend, reduce or dispense with the 2 year period of probation for police constables.

Legislation:	Police Force (General Provisions) (Jersey) Order 1974.
Delegate:	The Chief Officer, States of Jersey Police or, in his absence, the Deputy Chief Officer.

Function delegated:	The appointment of candidates to the States of Jersey Police Force under Article 2 of the Order; and the making of promotions both temporary and permanent, up to and including the rank of Chief Inspector under Article 5(1) of the Order.
Scope of delegation:	Notification of appointments and promotions to be submitted to the Minister for Home Affairs as soon as practicable.

Legislation:	Firearms (Jersey) Law 2000.
Delegate:	Chief Officer, States of Jersey Police.
Function delegated:	Responsibility for signing permits for possession of a firearm or ammunition for sporting purposes under Article 14(8) of the Law.

Prison Service

Legislation:	Prison (Jersey) Rules 2007.
Delegate:	Prison Governor or, in his absence, the Deputy Prison Governor.
Function delegated:	The power under Rule 63 to grant a prisoner remission of a portion of their term of imprisonment, not exceeding one third of the whole, on the grounds of their industry and good conduct.
Scope of delegation:	The remission of a portion of the term of imprisonment shall not reduce the term to less than 5 days.

Legislation:	Prison (Jersey) Rules 2007.
Delegate:	Prison Governor or, in his absence, the Deputy Prison Governor.
Function delegated:	The power under Rule 64 to grant a prisoner temporary release from La Moye Prison, to enable them to engage in employment or receive training, or in other circumstances as approved by the Minister for Home Affairs; 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 (Jersey) Rules 2007.
Delegate:	Prison Governor or, in his absence, the Deputy Prison Governor.
Function delegated:	The power under Rule 64 to grant a prisoner temporary release for compassionate reasons away from Jersey.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Criminal Justice (Young Offenders) (Jersey) Law 1994.
Delegate:	Prison Governor or, in his absence, the Deputy Prison Governor.
Function delegated:	The determination of supervision requirements, on release from custody, of young offenders in accordance with Article 10 of the Law.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Prison (Jersey) Rules 2007, Rule 67.
Delegate:	Assistant Minister for Home Affairs.
Function delegated:	The power to extend the order removing a prisoner from associating with other prisoners as prescribed by the Prison Governor, or to renew the order as prescribed by the Prison Governor.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Prison (Jersey) Rules 2007, Rule 71(3)(b).
Delegate:	Assistant Minister for Home Affairs.
Function delegated:	The power to extend the period of restraint for a prisoner in writing for more than 24 hours.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Prison (Jersey) Rules 2007, Rule 82(3).
Delegate:	Assistant Minister for Home Affairs.
Function delegated:	The power to give written authority for Removal from Association, pending the preparation of a report under Rule 81, and to renew that authority month by month.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Prison (Jersey) Rules 2007, Rule 100(3).
Delegate:	Assistant Minister for Home Affairs.
Function delegated:	The power to consider and respond to complaints received within the stipulated time period.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.

Legislation:	Prison (Jersey) Rules 2007, Rule 101(5).
Delegate:	Assistant Minister for Home Affairs.
Function delegated:	The power to consider and respond to complaints against the Prison Governor within the stipulated time period.
Scope of delegation:	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity.