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# STATES OF JERSEY



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – MINISTER FOR HEALTH AND SOCIAL SERVICES – CONSOLIDATED SCHEDULE DECEMBER 2021**

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**Presented to the States on 24th December 2021  
by the Minister for Health and Social Services**

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**STATES GREFFE**

**REPORT**

On 23 December 2021, the Minister for Health and Social Services made a Ministerial Decision delegating certain of his functions under Articles 28, 30 and 30A of the [States of Jersey Law 2005](#) (see Decision reference MD-HSS-2021-0043, available at [www.gov.je](http://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 in the following Appendices:

## Appendix 1

**HEALTH AND COMMUNITY SERVICES DEPARTMENT  
DELEGATED FUNCTIONS – STATUTORY  
December 2021**

<b>ASSISTANT MINISTERS</b>	
<b>1.</b>	
<b>Legislation</b>	Article 28 States of Jersey Law 2005
<b>Delegate</b>	Assistant Ministers
<b>Functions Delegated</b>	<p>All the functions conferred upon or vested in the Minister</p> <p>To deputise for the Minister for Health and Social Services in his absence.</p> <p>The delegation provides flexibility, particularly in the event of the Minister being off-Island or being indisposed.</p>
<b>Scope of Delegation</b>	All the functions conferred upon or vested in the Minister. This includes the power to make enactments. However, in accordance with Article 28 (1A) of the States of Jersey Law 2005, the Minister has not delegated any function the delegation of which is wholly prohibited by an enactment.

<b>2.</b>	
<b>Legislation</b>	Article 28 States of Jersey Law 2005
<b>Delegate</b>	Assistant Minister (the Deputy of St John) – Adult Mental Health Services
<b>Functions Delegated</b>	Certain political oversight functions relating to adult mental health services
<b>Scope of Delegation</b>	<p>To include all areas relating to adult mental health services, including strategic planning, operational delivery and management of the associated workforce. In relation to this specific area of responsibility only, the Assistant Minister would also be able to lodge Propositions, make statements and respond to ministerial questions. He would also be able to sign Ministerial decisions relating to the business areas under these responsibilities.</p> <p>As the Minister retains political oversight for all Health and Community Services business, he would expect to be fully briefed on developments in these delegated areas.</p> <p>The Minister would reserve decision-making powers in three areas that relate to the delegated responsibility:</p> <ol style="list-style-type: none"> <li>1. The redevelopment of the mental health estate at Clinique Pinel and Rosewood House</li> <li>2. The location of mental health facilities where considered in conjunction with the future hospital</li> <li>3. Ongoing reviews of mental health and capacity legislation and the continuing implementation of that legislation.</li> </ol>

<b>PUBLIC HEALTH</b>	
<b>1.</b>	
<b>Legislation</b>	Food Safety (Miscellaneous Provisions) Law 2000
<b>Delegate</b>	Head of Environmental and Consumer Protection or nominated deputy
<b>Functions Delegated</b>	<p>Article 2 – to investigate a complaint, or detect, where no complaint has been made, that a health risk condition is fulfilled with respect to any food business.</p> <p>Article 3(1), 3(2), 3(3), 3(10), 3(11) – to serve an emergency prohibition notice on the proprietor of the business, to make application to the Royal Court for an emergency prohibition order having first notified the proprietor of the business, to issue a Certificate to the effect that sufficient measures have been taken to secure that the health risk condition is no longer fulfilled and to provide reasons for any decision not to issue such Certificate.</p>
<b>Scope of Delegation</b>	<p>To investigate a complaint that the health risk condition is fulfilled with respect to any food business.</p> <p>To cause inspections to be made to detect whether the health risk condition is fulfilled in respect of a food business where no complaint has been made.</p> <p>To consider whether the health risk condition is fulfilled with respect to any food business and, if so satisfied, by an emergency prohibition notice served on the proprietor of the business, impose the appropriate prohibition.</p> <p>To make an application to the Royal Court for an emergency prohibition order and to notify the proprietor of the business of the intention to apply for the order.</p> <p>To issue a Certificate, on application by the proprietor of a food business, to the effect that the Minister is satisfied that the proprietor has taken sufficient measures to secure that the risk condition is no longer fulfilled with respect to the business; or if he determines that the Minister is not so satisfied, to give notice to the proprietor of the reasons for that determination.</p>
<b>2.</b>	
<b>Legislation</b>	Public Health (Vessels and Aircraft (Jersey) Law 1950
<b>Delegate</b>	Medical Officer of Health or nominated deputy
<b>Functions Delegated</b>	Article 3 – to enter any premises, vessel or aircraft for the purpose of executing, or superintending the execution of, any Orders made under this Law.
<b>3.</b>	
<b>Legislation</b>	Burials and Exhumations (Jersey) Law 2004
<b>Delegate</b>	Medical Officer of Health or nominated deputy
<b>Functions Delegated</b>	Article 3 (1) – to inspect any burial ground to ascertain whether Regulations made under Article 2(3) have been complied with.

<b>4.</b>	
<b>Legislation</b>	WHO International Health Regulations (2005)
<b>Delegate</b>	Medical Officer of Health or nominated deputy.
<b>Functions Delegated</b>	Annex 7 2(f) - to register General Medical Practices to operate as a designated Yellow Fever Vaccination Centre.

<b>5.</b>	
<b>Legislation</b>	Drainage (Jersey) Law 2005
<b>Delegate</b>	Head of Environmental and Consumer Protection or nominated deputy
<b>Functions Delegated</b>	Article 15 (2) – to act as the point of consultation on behalf of the Minister of Health and Social Services for matters relating to the repair of sewers and drains, in the interests of public health.
<b>Scope of Delegation</b>	To consult with the Minister for Transport and Technical Services, or officers acting on the Ministers behalf, on work to be undertaken under Article 15 (1) relating to the repair of sewers and drains.

<b>MEDICAL DIRECTOR – HCS</b>	
<b>1.</b>	
<b>Legislation</b>	Misuse of Drugs (Addicts)(Jersey) Order, 1980
<b>Delegate</b>	Medical Director (HCS) or their Deputy
<b>Functions Delegated</b>	Article 3 (1) b) – to issue a licence under the article for a doctor to prescribe controlled drugs or substances as specified in Article 3 (3).
<b>Scope of Delegation</b>	<ul style="list-style-type: none"> <li>- the licence must specify the drugs to which it applies</li> <li>- the group medical director should satisfy themselves that the applicant has the required knowledge and experience to prescribe the specified controlled drugs for the purposes of managing addiction</li> <li>- licences may be issued as renewals or to prescribers who have not previously been licensed for this purpose</li> <li>- the duration of the licence must be for a period not exceeding 24 months</li> <li>- the delegate may attach any other conditions to the licence that they deem appropriate</li> <li>- a licence may be cancelled if these conditions are not being met</li> <li>- the group medical director reports annually to the Minister with details of the licences granted.</li> </ul>

<b>2.</b>	
<b>Legislation</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate</b>	Medical Director (HCS), their Deputy or the Medical Director for Primary Care
<b>Functions Delegated</b>	Article 15 (1) (2) – to require a practitioner to furnish information in regard to specified drugs and to serve a notice to that effect.
<b>Scope of Delegation</b>	The information required should extend to particulars specified under the provisions of Article 15 (1) and (2) of the Law, including details of the prescription or supply of drugs, and details of the practitioners prescribing drugs.

### WOMEN & CHILDREN'S CARE GROUP (HCS)

<b>1.</b>	
<b>Legislation</b>	Termination of Pregnancy (Jersey) Law 1997
<b>Delegate</b>	Assistant Medical Director for Women & Children or nominated deputy
<b>Functions Delegated</b>	Article 6 (1) (3) – to approve and to maintain a list of approved registered medical practitioners for the purposes of the Law

<b>2.</b>	
<b>Legislation</b>	Termination of Pregnancy (Jersey) Law 1997
<b>Delegate</b>	Assistant Medical Director for Women & Children or nominated deputy
<b>Functions Delegated</b>	Article 6 (2) (3) – to authorise and to maintain a list of approved registered medical practitioners who are authorised to carry out terminations of pregnancy in accordance with the Law.

### CHIEF PHARMACIST

<b>1.</b>	
<b>Legislation</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate</b>	Chief Pharmacist or nominated deputy
<b>Functions Delegated</b>	Article 4 (2) (b) – to issue a general licence to permit the importation or exportation of controlled drugs, as specified in the Second Schedule to the Law. The delegate may attach any conditions they deem appropriate.
<b>Scope of Delegation</b>	Licences are to be issued only to registered pharmacies and the hospital pharmacy department. Licences may be issued as renewals or to registered pharmacies which have not previously been licensed for this purpose. The delegate may <u>not</u> refuse or revoke a licence, which should be considered by the Minister The duration of any licence shall not exceed a period of three years. The delegate may not issue a licence to himself.

2.	
<b>Legislation</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate</b>	Chief Pharmacist or nominated deputy
<b>Functions Delegated</b>	Article 4 (2) (b) – to issue a licence to permit the importation or exportation of controlled drugs, as specified in the Second Schedule to the Law. The delegate may attach any conditions they deem appropriate.
<b>Scope of Delegation</b>	Licences for individuals are to be issued only on the request of a prescribing doctor (or of a patient with the legality of importation or exportation verified by the doctor). Licences for individuals travelling with their prescribed controlled drugs are to be issued to cover one importation and/or exportation only (i.e. one return journey). Any other licence should only cover a single consignment for either import or export.

3.	
<b>Legislation</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate</b>	Chief Pharmacist
<b>Functions Delegated</b>	Article 15 (1) (2) – to require a pharmacist or person conducting a pharmacy business to furnish information in regard to specified drugs and to serve a notice to that effect.
<b>Scope of Delegation</b>	The information required should extend to particulars specified under the provisions of Article 15 (1) and (2) of the Law, including details of the prescription or supply of drugs, and details of the practitioners prescribing drugs.

4.	
<b>Legislation</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate</b>	Chief Pharmacist or nominated deputy
<b>Functions Delegated</b>	Article 19(1) – to enter premises of a person carrying on a business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

5.	
<b>Legislation</b>	Misuse of Drugs (General Provisions) (Jersey) Order 2009
<b>Delegate</b>	Chief Pharmacist or nominated deputy
<b>Functions Delegated</b>	Article 29(2) – demand from any person specified in Article 29(1) the information provided for in Article 29(2)
<b>Scope of Delegation</b>	The information requested is subject to the provisions of Article 29(3) and 29(4).

<b>6.</b>	
<b>Legislation</b>	Medicines (Jersey) Law 1995
<b>Delegate</b>	Chief Pharmacist or nominated deputy
<b>Functions Delegated</b>	Articles 96 and 97 – to take samples, to take copies of documents and to seize substances or articles in accordance with the relevant provisions of Articles 96 (1), (2), (3) and 97 (1 to 8).

<b>7.</b>	
<b>Legislation</b>	Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010
<b>Delegate</b>	Chief Pharmacist or nominated deputy
<b>Functions Delegated</b>	Article 2 – to keep and maintain a register of persons registered as pharmacists or pharmacy technicians; Article 6(1) – to register an applicant as a pharmacist; Article 8 – to issue a certificate of registration to a person registered as a pharmacist; Articles 9(3) and 10(1) – to cancel a person’s registration as a pharmacist; Article 17(1) – to register an applicant as a pharmacy technician; Article 19 – to issue a certificate of registration to a person registered as a pharmacy technician; Articles 20(3) and 21(1) – to cancel a person’s registration as a pharmacy technician.
<b>Scope of Delegation</b>	To only register a person as a pharmacist if the application satisfies the provisions of Articles 5 and 6; To only register a person as a pharmacy technician if the application satisfies the provisions of Articles 16 and 17; To only cancel a person’s registration as a pharmacist if the provisions of either Article 9 or 10(1) are satisfied; To only cancel a person’s registration as a pharmacy technician if the provisions of either Article 20 or 21(1) are satisfied.

<b>8.</b>	
<b>Legislation</b>	Medicines (Health Professionals – Exemption) (Jersey) Order 2001.
<b>Delegate</b>	Chair of Health and Community Services Medicines Governance Committee.
<b>Functions Delegated</b>	Article 1(2) – to give a direction that a relevant health professional authorised by the department to do so may sell, supply or administer a medicinal product other than in accordance with Articles 51, 52 and 57(2) of the Medicines (Jersey) Law 1995.
<b>Scope of Delegation</b>	A direction may only be given in respect of a relevant health professional employed by the Health and Community Services Department. The details of any direction must be approved by the Health and Community Services Medicines Governance Committee.



<b>9.</b>	
<b>Legislation</b>	Medicines (Veterinary Drugs) (Jersey) Order 2011
<b>Delegate</b>	States Veterinary Officer
<b>Functions Delegated</b>	Article 1(1) – to issue an authorisation which permits the importation of an unlicensed veterinary medicinal product  The delegate may attach any of the conditions provided for by Article 1(3) or any further conditions as they deem appropriate
<b>Scope of Delegation</b>	An authorisation shall only be issued if it appears that there is an urgent need to administer a veterinary drug in the treatment of animals and there is no suitable veterinary drug which has a product licence available.  The authorisation shall be in writing and shall specify the drug, and the person or class of persons to which the authorisation applies.

<b>ADULT SOCIAL CARE AND MENTAL HEALTH</b>	
<b>1.</b>	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 6 – Authorised Officers
<b>Scope of Delegation</b>	Article 6 (1) To authorise officers in accordance with article 6(1) of the Mental Health (Jersey) Law 2016 and Article 2 of the Mental Health (Miscellaneous Provisions and Prescribed Forms (Jersey) Orders 2018.
<b>2.</b>	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 10 – Nomination of Nearest person
<b>Scope of Delegation</b>	Article 10 (1) b) To receive nominations of nearest person on behalf of the Minister Article 10 (2) – To nominate a person as the patient’s nearest person on behalf of the Minister.
<b>3.</b>	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Part 3 – Admissions for Assessment and Treatment
<b>Scope of Delegation</b>	To receive authorisations and recommendations on behalf of the Minister from Authorised officers, Approved Practitioners and/or Registered Medical Practitioners.

<b>4.</b>	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 16 – Approved Practitioners
<b>Scope of Delegation</b>	<p>To approve practitioners in accordance with Article 16 of the Mental Health (Jersey) Law 2016 and article 3 of the Mental Health (Miscellaneous Provisions and Prescribed Forms (Jersey) Orders 2018.</p> <p>The delegation includes that part of the Minister’s authority to the MHLA to approve registered medical practitioners as approved practitioners for the purposes of being considered eligible for appointment to the Mental Health Review Tribunal Panel.</p> <p>[Formerly this was subject to the MHLA only making such approvals to the MHRTP for six months at a time subject to renewal by the MHLA as each case requires, but this requirement was removed as it was recognised that sometimes it is necessary for the Tribunal to have access to local general practitioners with the necessary experience and training in mental health matters.]</p> <p>In addition, the MHLA is required, in exercising the Minister’s functions in this regard (ie only for the approval of general practitioners as approved practitioners) under Article 16, to impose the following terms and conditions on each approval granted:</p> <p>The approval of the named registered medical practitioner as an approved practitioner for the purpose of that registered medical practitioner exercising the powers under the 2016 Law given to approved practitioners only to the extent of being qualified to be appointed as (and therefore having the authority to discharge the functions of) a medical member of the Mental Health Review Tribunal Panel under article 47 of the 2016 Law.</p> <p>The requirements as to the approval by the MHLA of registered medical practitioners who are general practitioners, for the purposes of being considered eligible for appointment to the Mental Health Review Tribunal, does not otherwise affect the MHLA’s authority to approve registered medical practitioners as approved practitioners under Article 16 of the 2016 Law.</p>

5.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 20 – Effects of Admission Application
<b>Scope of Delegation</b>	Will receive from the Manager (M) written notification of the admission of a patient to whom the application relates.  The Mental Health Law Administrator will confirm in writing to M that the admission application has been duly made.

6.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 22 – Treatment Authorisation
<b>Scope of Delegation</b>	Article 22(4) On behalf of the Minister will receive a report from the Responsible Medical Officer (RMO).  Article 22(5) a) Will inform the patient and the patient's nearest person of the recommendations and proposed action from the RMO report.

7.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 24 – Leave of absence from approved establishment
<b>Scope of Delegation</b>	Article 24 (4) On behalf of the Minister will receive notice from the RMO of the granting of leave.

8.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 26 – Transfer of Patients
<b>Scope of Delegation</b>	Article 26 (1) – Will arrange for the transfer of a patient liable to be detained from one approved establishment to another.

9.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 27 – Discharge of Patients
<b>Scope of Delegation</b>	Article 27 (4) c) On behalf of the Minister will receive notice in writing from the RMO of the discharge of a patient who was liable to be detained.

10.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 28 – Special provisions; patients absent without leave
<b>Scope of Delegation</b>	Articles 28 (5) b) and 6) – on behalf of the Minister will receive a report in writing from the RMO.

11.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Part 4 - Guardianship
<b>Scope of Delegation</b>	Shall receive authorisations and recommendations on behalf of the Minister from Authorised officers, Approved Practitioners and/or Registered Medical Practitioners.

12.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 33 – Duration of Guardianship
<b>Scope of Delegation</b>	Articles 33 (4) and 5) – will receive the report from the RMO on behalf of the Minister and inform the patient and nearest person of the recommendations and actions.

13.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 38 – Interpretation and application of Part 6
<b>Scope of Delegation</b>	Article 38 (3) c) – Will approve Second Opinion Approved Doctors on behalf of the Minister.

14.	
<b>Legislation</b>	Mental Health (Jersey) Law 2016
<b>Delegate</b>	Mental Health Law Administrator or their deputy
<b>Functions Delegated</b>	Article 78 – Information to be given to patients
<b>Scope of Delegation</b>	Article 78 (1) – when appropriate, as soon as possible after the detention or guardianship commences inform patients of their rights as described in Article 78 (1) Article 78 (2) – when appropriate inform the nearest person of the same information of the patient’s rights as described in Article 78(1).

<b>15.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 37(3) – Designating a ‘relevant place’
<b>Scope of Delegation</b>	To designate a ‘relevant place’.

<b>16.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 40 (1) a Arrangements to be made by Minister: designation of assessors
<b>Scope of Delegation</b>	To designate registered persons to act as assessors under Part 5 and maintain a register of persons so designated.

<b>17.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 41 Arrangements to be made by Minister: requirement for authorisation
<b>Scope of Delegation</b>	To appoint a person to carry out assessments in accordance with Articles 43 to 46.

<b>18.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 42 – Urgent authorisations
<b>Scope of Delegation</b>	To receive applications made under this article and give notice in writing of the terms and conditions (if any) in which an urgent authorisation is granted.

<b>19.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 43 – Request for assessment
<b>Scope of Delegation</b>	To receive requests for assessment in accordance with Article 43.

<b>20.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 44 – Manner of assessment
<b>Scope of Delegation</b>	To designate registered medical practitioners to act for the purposes of Article 44 (2) b), and maintain a register of persons so designated.

<b>21.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 45 – Report of assessment
<b>Scope of Delegation</b>	To receive from the assessor reports of an assessment in accordance with Article 45(2) to (6).

<b>22.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 46 – Effect of report
<b>Scope of Delegation</b>	To deal with requests for fresh assessments or reviews of assessments in accordance with Article 46 (1).

<b>23.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 47 – Record of assessments etc
<b>Scope of Delegation</b>	To keep a record of all assessments carried out, and all authorisations granted, under this Part, together with copies of reports of all such assessments.

<b>24.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 48 – Standard authorisations
<b>Scope of Delegation</b>	To authorise the imposition of significant restrictions and give notice in writing of the authorisation to the assessor and Manager in accordance with this Article.

<b>25.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 49 – Rectification etc of reports and recommendations
<b>Scope of Delegation</b>	To rectify errors or defects in reports as necessary or give notice in writing to the assessor and Manager if a recommendation in any report of an assessment is insufficient to warrant the imposition of a significant restriction on P's liberty in accordance with this Article.

<b>26.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 51 – Advocates to be appointed
<b>Scope of Delegation</b>	To nominate an independent capacity advocate to represent P in accordance with this Article.

<b>27.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 52 – Renewal of standard authorisation
<b>Scope of Delegation</b>	To receive requests for renewal in accordance with Article 52(3). To appoint an assessor to carry out a further assessment of P following the receipt of a request duly made under Article 52(3). And further, to renew the standard authorisation if satisfied that it is appropriate in accordance with any fresh recommendation made by the assessor under Article 45(2) e).

<b>28.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 54 – Continuity of authorization: changes of place and in management
<b>Scope of Delegation</b>	To receive notification where P is to be moved from the relevant place to which an authorisation relates to another relevant place and direct in accordance with this Article.

<b>29.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 55 – Review of authorisations by Tribunal
<b>Scope of Delegation</b>	Request for a review of an authorisation be made by the Tribunal where appropriate, on behalf of the Minister.  To deal with any orders made by the Tribunal under Article 55(6).

<b>30.</b>	
<b>Legislation</b>	Capacity and Self-Determination (Jersey) Law 2016
<b>Delegate</b>	Capacity and Self-Determination Law Administrator or their deputy
<b>Functions Delegated</b>	Article 56 – Monitoring of authorisations
<b>Scope of Delegation</b>	To review, audit and direct managers of relevant places in the application and use of authorisations; and the operation of significant restrictions on liberty authorised by them as necessary on behalf of the Minister.

## STATES OF JERSEY LAW 2005

<b>1.</b>	
<b>Legislation</b>	States of Jersey Law 2005
<b>Delegate</b>	Director General HCS
<b>Functions Delegated</b>	Article 26(1)(c)(i)
<b>Scope of Delegation</b>	The power to enter into contracts up to the value of £10 million to the Director General who can make further delegations.

<b>2.</b>	
<b>Legislation</b>	States of Jersey Law 2005
<b>Delegate</b>	Director General HCS
<b>Functions Delegated</b>	Article 26(1)(c)(i)
<b>Scope of Delegation</b>	The power to administer payments from Health and Community Services' gift funds up to the value of £0.1 million previously authorised by the Minister.

<b>3.</b>	
<b>Legislation</b>	States of Jersey Law 2005
<b>Delegate</b>	Director General – Infrastructure, Housing and Environment Department – and subordinate staff
<b>Functions Delegated</b>	Article 28
<b>Scope of Delegation</b>	The powers required to administer the Covid-19 (Construction Work) (Jersey) Order 2020.



## Appendix 2

**HEALTH AND COMMUNITY SERVICES DEPARTMENT  
DELEGATED FUNCTIONS – NON-STATUTORY  
December 2021**

<b>CHARGING POLICY</b>	
<b>Policy/Procedure</b>	Health and Community Services Residents and Non-Residents Charging Policy
<b>Delegate</b>	Assistant Minister
<b>Functions Delegated</b>	The right to authorise amendments and exemptions to the Residents and Non-Residents Charging Policy. The right to make changes to the Residents and Non-Residents Charging Policy eligibility criteria. To chair the Charges Appeals Panel and the right to grant special exemptions to charges on appeal – under the Charges Appeals Policy.

<b>COMPLAINTS POLICY</b>	
<b>Policy/Procedure</b>	Health and Community Services Complaints Policy
<b>Delegate</b>	Assistant Minister
<b>Functions Delegated</b>	To chair the Panel for appropriate stage(s) of Complaints Reviews and/or Hearings under the Complaints Policy.