
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – SOCIAL SECURITY – LONG-TERM CARE SCHEME

Presented to the States on 4th August 2014
by the Minister for Social Security

STATES GREFFE

REPORT

On 1st August 2014, 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-2014-0102, 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.
- (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 –

Legislation:	Long-Term Care (General Provisions) (Jersey) Order 2014, Article 12.
Delegate:	Controller of the Social Security Department and, in his/her absence, the Director of Contributions, Enforcement and Contributory Benefits.
Function delegated:	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.

Legislation:	Long-Term Care (General Provisions) (Jersey) Order 2014, Article 13.
Delegate:	Controller of the Social Security Department and, in his/her absence, the Director of Contributions, Enforcement and Contributory Benefits.
Function delegated:	The power to approve, suspend approval, and revoke approval in respect of an approved care home under the Long-Term Care (Jersey) Law 2012.

Legislation:	Long-Term Care (Jersey) Law 2012, Article 8.
Delegate:	Controller of the Social Security Department and, in his/her absence, the Director of Contributions, Enforcement and Contributory Benefits.
Function delegated:	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.

Legislation:	Social Security Hypothecs (Jersey) Law 2014, Article 2.
Delegate:	Director of Contributions, Enforcement and Contributory Benefits, Manager for Contributory Benefits, Team Leader for Long-term Care Benefits.
Function delegated:	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.

Legislation:	Social Security Hypothecs (Jersey) Law 2014, Article 4.
Delegate:	Finance and Governance Director, Finance Manager, Finance Team Leader.
Function delegated:	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.

Legislation:	Social Security Hypothecs (Jersey) Law 2014, Article 5 and Royal Court (Jersey) Law 1948, Article 13.
Delegate:	Contributions, enforcement and contributory benefits director, Contributory Benefits Manager, Long-term Care Benefits Team Leader.
Function delegated:	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.

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