

STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – HOME AFFAIRS

**Presented to the States on 10th February 2009
by the Minister for Home Affairs**

STATES GREFFE

REPORT

On 5th February 2009, the Minister for Home Affairs made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MDHA-2009-0005, 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 –

The Defence and Home Affairs Committees have previously delegated certain functions in pursuance of Article 36A of the States of Jersey Law 1966, as amended. The following delegations to Departmental Chief Officers/Heads of Department are, therefore, recommended in accordance with Article 28 of the States of Jersey Law 2005.

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 the certificates of registration as firearms dealers.
Scope of delegation:	The issue of certificates under a Ministerial Decision to authorise the Firearm dealer applicants.

Finance (Home Affairs Department)

Legislation:	Public Finances (Jersey) Law 2005 – Financial Direction 3.6– variations to Heads of Expenditure.
Delegate:	Accounting Officer, Home Affairs Department or, in his absence, Finance Director, Home Affairs Department.
Function delegated:	Approval of future non-contentious budget transfers of up to £100,000.

Scope of delegation:	Up to £100, 000 for non-contentious budget transfers.
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Legislation:	Public Finances (Jersey) Law 2005 – Financial Direction 5.7– Purchasing of Goods and Services.
Delegate:	Accounting Officer, Home Affairs Department or, in his absence, Finance Director, Home Affairs Department.
Function delegated:	Any changes to existing spending powers and new spending powers.
Scope of delegation:	Delegates spending powers and the ability to sign off contracts.

Customs and Immigration Department

Legislation:	Immigration (Work Permit) (Jersey) Rules 1995.
Delegate:	The Head of the Customs and Immigration Service or, deputising for him, the Director Legal Status and Revenue or the Assistant Director 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:	Delegation of 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 to the Agent of the Impôts.
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 Divisional Officer in temporary command of the Service, or the Senior Fire Safety Officer.
Function delegated:	The issuing of fire certificates.

Legislation:	Fire Service (Jersey) Law 1959: Article 5.
Delegate:	The Chief Fire Officer or, in his absence Deputy Chief Fire 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.

Legislation:	Fire Service (Jersey) Law 1959: Article 6(c).
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, Deputy Chief Fire 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.
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States of Jersey Police

Legislation:	Police Force (Jersey) Law 1974: Article 3(5).
Delegate:	The Chief Officer, States of Jersey Police or in his absence, the Deputy Chief Officer.
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: Article 4.
Delegate:	The Chief Officer, States of Jersey Police or in his absence, the Deputy Chief Officer.
Function delegated:	The power to extend, reduce or dispense with the two year period of probation for police constables.

Legislation:	Police Force (General Provisions) (Jersey) Order 1974: Articles 2 and 5(1).
Delegate:	The Chief Officer, States of Jersey Police or in his absence, the Deputy Chief Officer.
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. Notification of appointments to be submitted to the Minister for Home Affairs as soon as practicable.
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Prison Service

Legislation:	Prison (Jersey) Rules 1957: 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 5 days.

Legislation:	Prison (Jersey) Rules 1957: Rule 78.
Delegate:	The Prison Governor.
Function delegated:	The power to allow prisoners to be temporarily released from H.M. 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: <ul style="list-style-type: none"> (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

	<p>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;</p> <p>(d) reduce him in rank;</p> <p>(e) reprimand him; or</p> <p>(f) caution him as to his future behaviour.</p> <p>(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.</p>
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.

Legislation:	Prison (Jersey) Rules 2007: Rule 64.
Delegate:	The Prison Governor.
Function delegated:	The authority for the Prison Governor to approve 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:	Prison (Jersey) Rules 2007: Rule 67.
Delegate:	The 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.

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Legislation:	Prison (Jersey) Rules 2007: Rule 71(3)(b).
Delegate:	The 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:	The 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:	The 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:	The 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.