

# **STATES OF JERSEY**



## **STATES OF JERSEY LAW 1966, AS AMENDED: DELEGATION OF FUNCTIONS- HOME AFFAIRS COMMITTEE**

---

**Presented to the States on 4th February 2003  
by the Home Affairs Committee**

---

**STATES GREFFE**



## REPORT

On 16th January 2003, the Home Affairs Committee made an Act delegating certain of its functions under legislation in force.

The terms of the delegation were recorded in an Act of the Committee as follows –

“A3. The Committee, in pursuance of Article 36A of the States of Jersey Law 1966, as amended endorsed decisions of the Home Affairs Committee, as previously constituted, to delegate certain functions, under legislation in force, as follows –

**(a) Immigration and Nationality Department**

**Legislation:** Immigration (Work Permits) (Jersey) Rules 1995.  
**Delegate:** The Chief Inspector of Immigration.  
**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.

**(b) States of Jersey Police**

**Legislation:** Police Force (Jersey) Law 1974, as amended, Article 3(5).  
**Delegate:** The President of the Home Affairs Committee or, in her absence, the Vice President of the Home Affairs Committee, or the Chief Officer, States of Jersey Police.  
**Functions 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 Committee.  
**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 Home Affairs Committee as soon as practicable.  
**Legislation:** Police Force (General Provisions) (Jersey) Order 1974, as amended, Article 4.  
**Delegate:** The President of the Home Affairs Committee or, in her absence, the Vice President of the Home Affairs Committee, or the Chief Officer, States of Jersey Police.  
**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 President of the Home Affairs Committee or, in her absence, the Vice President of the Home Affairs Committee or the Chief Officer, States of Jersey Police.  
**Function delegated:** The appointment under Article 2 of candidates to the States of Jersey Police Force.  
**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, as amended. Notification of appointments to be submitted to the Home Affairs Committee as soon as practicable.

**Function delegated:** The making of promotions, under Article 5(1), promotions, 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.

**(c) Prison Service**

**Legislation:** Prison (Jersey) Rules 1957, as amended, Rule 26.  
**Delegate:** The Prison Governor.  
**Function delegated:** To grant to a prisoner, on the ground of his 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 26 of the Prison (Jersey) Rules 1957 should authorize the reduction of any term of imprisonment to a period less than five days.  
**Legislation:** Prison (Jersey) Rules 1957, as amended, Rule 73 (2).  
**Delegate:** The Prison Governor.  
**Function delegated:** The power to allow prisoners to be temporarily released from H.M. Prison, La Moye, and to recall him or her to prison.  
**Scope of delegation:** Notification to be submitted to the Home Affairs Committee at the earliest opportunity.

**(d) States of Jersey Fire and Rescue Service**

**Legislation:** Fire Precautions (Jersey) Law 1977, as amended.  
**Delegate:** The Chief Fire Officer or, in his absence, the Deputy Chief Fire Officer or the Senior Fire Safety Officer.  
**Function delegated:** The issuing of fire certificates.  
**Legislation:** Fire Service (Jersey) Law 1959, as amended, Article 8A.  
**Delegate:** The Chief Fire Officer or, in his absence, the Deputy Chief Fire Officer.  
**Function delegated:** The power to make an agreement with another fire authority whereby there will, on request, be placed at the Committee'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 Home Affairs Committee as soon as possible.  
**Legislation:** Fire Service (Jersey) Law 1959, Article 9(c).  
**Delegate:** Chief Fire Officer.  
**Function delegated:** To determine the scale of charges for the employment of the Fire Service personnel and equipment for purposes other than fire-fighting.  
**Scope of delegation:** Notification of charges to be advised to the Home Affairs Committee as soon as practicable.

**Legislation:** (a) Fire Service (Jersey) Law 1959, Article 5 (1);  
(b) Fire Service (General Provisions) (Jersey) Order 1982, as amended, Article 3.

**Delegate:** Chief Fire Officer.

**Function delegated:** The appointment of Fire Service officers to the States of Jersey.

**Scope of delegation:** All prescribed functions relating to the appointment of officers. Notification of appointments to be advised to the Home Affairs Committee as soon as practicable.

**Legislation:** Fire Service (General Provisions) (Jersey) Order 1982, as amended, Article 5.

**Delegate:** (a) The power to extend a period of probationary service;  
(b) The power to dismiss a fire service officer at any time during his period of probation.

**Scope of delegation:** (a) In accordance with the provisions of Article 5(1);  
(b) In accordance with the provisions of Article 5(2).

Notification of dismissal to be advised to the Home Affairs Committee as soon as practicable.

**Legislation:** Fire Service (General Provisions) (Jersey) Order 1982, as amended, Article 17(1).

**Delegate:** The Chief Fire Officer.

**Function delegated:** The promotion, both temporary and permanent, of officers of the States of Jersey Fire Service up to and including the rank of Station Officer.

**Legislation:** Fire Service (General Provisions) (Jersey) Order 1982, as amended, Article 17(2).

**Delegate:** The Chief Fire Officer.

**Function delegated:** The power to determine the qualifying examinations in fire service duties and educational subjects required for promotion.

**Legislation:** Fire Precautions (Jersey) Law 1977.

**Delegate:** The Chief Fire Officer or, in his absence, the Deputy Chief Fire Officer.

**Function delegated:** Where the Chief Fire Officer or his Deputy 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 Home Affairs Committee as soon as possible.

**(e) Driver and Vehicle Standards Department**

**Legislation:** Motor Vehicles (Driving Licences) (Jersey) Order 1997, Article 9A(2).

**Delegate:** The Inspector of Motor Traffic.

**Function delegated:** To approve instructors to conduct compulsory basic training.

**Scope of delegation:** To enable trained motorcycle instructors to be approved to conduct compulsory basic training as required by the above Order.

**Legislation:** Motor Vehicles (Construction and Use) (Jersey) Order 1998, Article 120(2).  
**Delegate:** The Inspector of Motor Traffic.  
**Function delegated:** To designate persons to examine vehicles and issue certificates and issue certificates of compliance under Article 120(2) and if an examiner failed to carry out his functions satisfactorily, to remove that designation under sub-paragraph (5) of Article 120.  
**Scope of delegation:** If a vehicle testing scheme was to be introduced, this would enable designated examiners to be appointed and, if unsatisfactory, to remove that designation.

The Committee also approved the following delegated functions -

**Legislation:** Motor Traffic (Jersey) Law 1935, as amended, Article 10.  
**Delegate:** The Inspector of Motor Traffic.  
**Function delegated:** Suspension or revocation of public service vehicle licences.  
**Legislation:** Motor Traffic (Jersey) Law 1935, as amended, Article 30.  
**Delegate:** The Inspector of Motor Traffic.  
**Function delegated:** The revocation or suspension of authority given by a badge.

The Committee agreed to present the aforementioned delegated functions to the States as a Rapport et Correspondence and requested the Greffier of the States to make the necessary arrangements.”