

# **STATES OF JERSEY**



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – H.M. PRISON LA MOYE**

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**Presented to the States on 11th September 2008  
by the Minister for Home Affairs**

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**STATES GREFFE**

## REPORT

On 11th September 2008, the Minister for Home Affairs made a decision delegating certain of her functions under Article 28 of the States of Jersey Law 2005 in respect of the Prison (Jersey) Rules 2007.

The terms of the delegation were recorded in a ministerial decision as follows –

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In the absence of the Minister for Home Affairs, and under Prison Rule 67, the Assistant Minister is authorised to extend the 72 hour period of removal of association ordered by the Governor to have effect for a maximum of one month, and to renew that authority.

Currently, however, similar problems may arise with authorisations in the Minister's absence with regard to Rule 71 (Use of Restraints), Rule 82 (Removal from Association pending charge) and Rules 100 and 10 (Complaints to the Minister).

Under Article 28 of the States of Jersey Law 2005 the following delegations are recommended, which would give the Assistant Minister for Home Affairs the delegated authority to act in the absence of the Minister for Home Affairs under these circumstances also.

### Prison Service

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

<b>Legislation:</b>	Prison (Jersey) Rules 2007, Rule 82(3)
<b>Delegate:</b>	Assistant Minister for Home Affairs
<b>Function delegated:</b>	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
<b>Scope of delegation:</b>	Notification to be submitted to the Minister for Home Affairs at the earliest opportunity

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

earliest opportunity

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