
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – AUTHORITY TO MAKE SPECIAL PAYMENTS UNDER ARTICLE 8(2) AND (3) OF THE INCOME SUPPORT (JERSEY) LAW 2007

**Presented to the States on 8th June 2009
by the Minister for Social Security**

STATES GREFFE

REPORT

On 3rd June 2009, 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-2009-0033, 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 –

Introduction

Article 28 of the States of Jersey Law 2005 permits a Minister to delegate, wholly or partly, functions to an Assistant Minister.

The Law states that –

- “(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.”

Article 8(2) and (3) of the Income Support (Jersey) Law 2007 permits a Minister to make, in exceptional circumstances, special payments of such amount as the Minister considers appropriate.

The Law states that –

- “(2) Without prejudice to paragraph (1), the Minister may, in exceptional circumstances, make special payments of such amount as the Minister considers appropriate to any person ordinarily resident in Jersey, whether or not that person is part of an eligible household.
- (3) Subject to paragraph (4), the Minister may, in exceptional circumstances, make special payments of such amount as the Minister considers appropriate to a person who (though not ordinarily resident in Jersey) is temporarily in Jersey, whether or not that person is part of an eligible household.”

Delegation

During the Minister's absence from the Island from 4th to 25th June 2009 and in accordance with Article 28 of the States of Jersey Law 2005, the Minister for Social Security delegates his powers and functions under Article 8(2) and (3) of the Income Support (Jersey) Law 2007 to his Assistant Minister, Deputy A.E. Jeune of St. Brelade.