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# STATES OF JERSEY



## STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – PROBATIONARY PERIOD OF POLICE CONSTABLES

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Presented to the States on 12th March 2013  
by the Minister for Home Affairs

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STATES GREFFE

## REPORT

On 8th March 2013, the Minister for Home Affairs made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-HA-2013-0013, available at [www.gov.je](http://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 –

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<b>Legislation:</b>	Police Force (General Provisions) (Jersey) Order 1974
<b>Delegate:</b>	The Chief Officer, States of Jersey Police or, in his absence, the Deputy Chief Officer.
<b>Function delegated:</b>	The power under Article 4(2) of the Order to dispense with the services of a police constable during his or her period of probation where he or she is not fitted, physically or mentally, to perform the duties of his or her office, or he or she is not likely to become an efficient and well-conducted police constable.
<b>Scope of delegation:</b>	Notification to be submitted to the Minister for Home Affairs as soon as practicable.