
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – SOCIAL SECURITY – REVISED DELEGATION OF FINANCIAL AUTHORITIES SEPTEMBER 2013

**Presented to the States on 19th September 2013
by the Minister for Social Security**

STATES GREFFE

REPORT

On 16th September 2013, 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-2013-0092, available at 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, and run in parallel with the Ministerial Decision (MD-S-2012-0011), Delegated powers for the appointment of Determining Officers, dated 8th February 2012.

Chief Officer of the Social Security Department

General

Legislation:	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967
Delegate:	Chief Officer of the Social Security Department
Function delegated:	<p>Approve the Social Security Department's Authorised Signature schedule, approved expenditure limits and bank signing limits, conditional on them being within the pre-authorised limits specified below.</p> <p>During absences or incapacity, the Chief Officer will delegate his authority to the Director of Operations, who acts as his deputy.</p>

Financial

Legislation:	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967
Delegate:	Chief Officer of the Social Security Department
Function delegated:	<ul style="list-style-type: none"> • Approval of non-contentious inter-departmental budget transfers of up to £100,000 • Payments to individual Pharmacists not exceeding £500,000 • Accept tenders not exceeding £1,500,000 • Signing formal contracts and other forms of engagement not exceeding £1,500,000 • Place and accept orders, and approve invoices for payment not exceeding £250,000 • Appointment of consultants, contract not exceeding £1,500,000 • Write-offs not exceeding £50,000
Scope of delegation:	By any formal documentation. As part of the Department's quarterly reporting mechanism, the Minister will receive a report showing the number of contracts signed during that period, their form and value.

Chief Officers of the Social Security Department

Legislation:	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967
Delegate:	Director of Finance and Governance Director of Operations Director of Contributions, Enforcement and Contributory Benefits Director of Strategy and Policy Director of Health and Safety
Function delegated:	<ul style="list-style-type: none"> • Accept tenders not exceeding £50,000 • Payments to individual Pharmacists not exceeding £200,000 • Signing formal contracts and other forms of engagement not exceeding £50,000 • Place and accept orders, and approve invoices for payment not exceeding £50,000 • Appointment of consultants, contract not exceeding £50,000 • Write-offs not exceeding £25,000
Scope of delegation:	By any formal documentation. As part of the Department's quarterly reporting mechanism, the Minister will receive a report showing the number of contracts signed during that period, their form and value.