
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – SOCIAL SECURITY – ADULTS POLICY GROUP

Presented to the States on 1st October 2013
by the Minister for Social Security

STATES GREFFE

REPORT

On 30th 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-2013-096, 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 –

Delegation of function

The purpose of the Adults Policy Group: Older and Special Needs (APG) is to provide political co-ordination across States departments and States funded services that impact on benefit, or protect adults living in Jersey who require enhanced support or access to special services. This includes adults of working and post retirement age.

The Ministers of the APG will confer to support each other to deliver key outcomes for vulnerable adults in relation to the following –

- Health
- Safety
- Material well-being
- Employment and achievement
- Making a positive contribution

Current Ministerial Membership of Adults Policy Group –

Assistant Chief Minister, Senator Paul Routier, Chair
Minister for Health and Social Services
Minister for Home Affairs
Minister for Housing
Minister for Social Security

The Minister for Social Security in accordance with Article 28 of the States of Jersey Law 2005 has confirmed a decision to delegate membership of the Adults Policy Group (APG) to the Assistant Minister for Social Security who also attends the Children's Policy Group.

As Assistant Minister, Deputy S.J. Pinel of St. Clement provides support to the Minister for Social Security. This decision is to delegate this function as a specific area of responsibility.