
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – HEALTH AND SOCIAL SERVICES – REVISED DELEGATIONS DECEMBER 2014

Presented to the States on 4th December 2014
by the Minister for Health and Social Services

STATES GREFFE

REPORT

On 1st December 2014, the Minister for Health and Social Services made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-HSS-2014-0055, 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 –

Introduction

Article 28 of the States of Jersey Law 2005 (*see previous page*) enables the Minister to delegate functions vested in the Minister to either Assistant Ministers or Officers.

The attached delegation schedule details the functions that have been delegated by the Minister in accordance with that Law. The schedule has been updated (to December 2014) and replaces all previously schedules. It includes the following amendments:

- a new delegated function, which under the Health Care (Registration) (Jersey) Law 1995 allows the Medical Officer of Health to attach conditions to the registration or renewal of registration and providing the applicant with a written statement of the reasons for so doing. Delegation approved in MD-HSSD-2013-0029 ([R.113/2013](#)).

HEALTH AND SOCIAL SERVICES DEPARTMENT DELEGATED FUNCTIONS – STATUTORY December 2014

ASSISTANT MINISTERS	
1.	
Legislation:	Article 25 States of Jersey Law 2005
Delegate:	Assistant Minister – Hospital and Acute Services.
Function delegated:	Responsible for political oversight of Hospital and Ambulance Services. To deputise for the Minister for Health and Social Services in his absence.
Scope of delegation:	To include strategic planning, property matters, operational delivery and management of associated workforce. To sign Ministerial Decisions relating to the business areas under this responsibilities. To hold delegated authority to sign all Ministerial Decisions and manage Ministerial business as necessary to maintain business flow, in the absence of the Minister.
2.	
Legislation:	Article 25 States of Jersey Law 2005
Delegate:	Assistant Minister – Mental Health Services.
Function delegated:	Responsible for political oversight of Mental Health Services.
Scope of delegation:	To include strategic planning, operational delivery and management of associated workforce.

PUBLIC HEALTH DIRECTORATE	
1.	
Legislation:	Food Safety (Jersey) Law 1966
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 11(1), (2) and (3) – to determine whether oysters may be landed in the Island without danger to the public health; and to decide whether any oysters landed are unfit for human consumption.
Scope of delegation:	(a) to authorise the landing of oysters, according to paragraph (1) – i.e. provided that they do not constitute a danger to the public health; (b) to require the confiscation or destruction of oysters according to the provisions of paragraph (2), to direct that oysters be confiscation or otherwise dealt with according to the provisions of paragraph (3).

2.	
Legislation:	Food Safety (Jersey) Law 1966
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 51 – to determine according to the Article whether – (a) an offence appears to have been committed under the Law. (b) a person might reasonably establish a defence that the contravention was due to the act or default of another person.
Scope of delegation:	To recommend proceedings are taken against the person who is considered to have committed the offence, according to Article 51 paragraph (3).

3.	
Legislation:	Food Safety (Jersey) Law 1966
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 59 – to obtain information as to the ownership of premises to enable the Minister to perform any of its functions under the Law.
Scope of delegation:	To require the occupier of any premises, and any person who either directly or indirectly receives rent in respect of any premises, to state in writing the nature of his own interest in those premises and the name and address of any other person known to him as having an interest in those premises.

4.	
Legislation:	Food Safety (Miscellaneous Provisions) Law 2000
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 2 – to investigate a complaint, or detect, where no

	<p>complaint has been made, that a health risk condition is fulfilled with respect to any food business.</p> <p>Article 3(1), 3(2), 3(3), 3(10) and 3(11) – to serve an emergency prohibition notice on the proprietor of the business, to make application to the Royal Court for an emergency prohibition order having first notified the proprietor of the business, to issue a Certificate to the effect that sufficient measures have been taken to secure that the health risk condition is no longer fulfilled and to provide reasons for any decision not to issue such Certificate.</p>
Scope of delegation:	<p>To investigate a complaint that the health risk condition is fulfilled with respect to any food business.</p> <p>To cause inspections to be made to detect whether the health risk condition is fulfilled in respect of a food business where no complaint has been made.</p> <p>To consider whether the health risk condition is fulfilled with respect to any food business and, if so satisfied, by an emergency prohibition notice served on the proprietor of the business, impose the appropriate prohibition.</p> <p>To make an application to the Royal Court for an emergency prohibition order and to notify the proprietor of the business of the intention to apply for the order.</p> <p>To issue a Certificate, on application by the proprietor of a food business, to the effect that the Minister is satisfied that the proprietor has taken sufficient measures to secure that the risk condition is no longer fulfilled with respect to the business; or</p> <p>if he determines that the Minister is not so satisfied, to give notice to the proprietor of the reasons for that determination.</p>

5.	
Legislation:	Food Hygiene (General Provisions) (Jersey) Order 1967
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	<p>Article 31(1) – to determine whether meat imported into the Island is in closed containers of an approved type.</p> <p>Article 31(2) – to determine whether meat imported in contravention of Article 31 (1) shall be permitted to remain in the Island.</p> <p>Article 31(3) – to determine whether the place where imported meat is to be conveyed is approved.</p>
Scope of delegation:	<p>(a) Approval of closed containers for the purpose of importing meat into the Island by ship according to paragraph (1) of Article 31.</p> <p>(b) To permit meat which has been imported in contravention of Article 31(1) to remain in the Island.</p> <p>(c) Approval of the places to which meat imported into the Island (in accordance with paragraph (1) of Article 31)</p>

	<p>may be conveyed in unopened containers.</p> <p>Authority is reserved to the Minister as follows – That it may direct (under Article 31(2)) that meat imported in contravention of Article 31(1) shall be re-exported by and at the expense of the importer.</p>
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6.	
Legislation:	Food Hygiene (General Provisions) (Jersey) Order 1967
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	<p>Article 33(2) and (3) – to determine in –</p> <p>(a) relation to any food premises or stall situated in a market, whether facilities required under the provisions of Articles 17, 18, 19 or 21 of the Order are made available by the authority responsible for administration of the market;</p> <p>(b) respect of any food premises, stall or vehicle, whether by reason of restricted accommodation or other special circumstances it is reasonable to grant exemption in regard to certain requirements.</p>
Scope of delegation:	<p>To grant a certificate of exemption according to the provisions of Article 33, paragraphs (2) or (3) of the Order.</p> <p>Authority is reserved to the Minister in respect of refusal of exemption, specification of a time period or withdrawal of exemption.</p>

7.	
Legislation:	Milk and Dairies (General Provisions) (Jersey) Order 1992
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	<p>Article 3 – to keep a register of –</p> <p>(a) persons carrying on the trade of processing dairyman; and</p> <p>(b) premises which are used as processing dairies, and shall remove from such register the name of any person who ceases so to trade and the address of any premises which cease to be so used.</p> <p>Article 4 – to determine whether it may be necessary and proper for the purposes of the Food Safety (Jersey) Law 1966 and the above Order to cause inspections to be made of dairies and dairy farms, or persons in and about such places.</p>

8.	
Legislation:	Health Care (Registration) (Jersey) Law 1995
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 3 – to approve registration of persons in registrable occupations.

	<p>Article 5(2) – if the application for annual registration is not made in the month of December, the name of the registered person be removed from the register.</p> <p>Article 6(1) – to attach conditions to the registration and renewal of registration of any person.</p> <p>Article 6(2) – where an application for registration is granted subject to conditions, furnish the applicant with a statement in writing of the Minister’s reasons for so doing.</p> <p>Article (9)(1) – to amend the register. If any particulars appearing in the register in respect of the name, qualifications or address of a person are provedto be, or are to the knowledge.....erroneous in any respect.</p>
Scope of delegation:	<p>To approve registrations if the applicant meets the conditions specified in Article (3)(1)(a) or (b) or (c) or (d) of the Law.</p> <p>To remove registrations if the applicant fails to meet the requirement specified in Article 5(2).</p> <p>To amend the register Article 9(1).</p>

9.	
Legislation:	Statutory Nuisances (Jersey) Law 1999
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	<p>Article 4(1) – to take such steps as are reasonably practical to investigate a complaint of a statutory nuisance.</p> <p>Article 4(2) – to cause inspections to be made to detect the presence or existence of a statutory nuisance in respect of which no complaint has been made.</p> <p>Article 5(1):</p> <ul style="list-style-type: none"> – to determine whether or not a statutory nuisance exists, or is likely to occur or recur; – and where a statutory nuisance exists, or is likely to occur or recur, to determine the requirements of the abatement notice that must be served. The requirements may extend to the abatement of the nuisance, or prohibit or restrict the occurrence or recurrence, and the execution of such works and the taking of such other steps as may be necessary for any of those purposes. The requirements should also take into account whether or not the relevant circumstances described in Article 5(8) apply and, if so, whether a valid defence might be claimed that best practicable means were used to prevent or counteract the effects of the nuisance (Article 5(7)). Where reasonable alternative requirements are proposed (see Schedule 3), these may be accepted and the requirements of the notice may be varied or amended accordingly. <p>Article 5(4) – to decide whether or not to initiate</p>

	<p>proceedings for an offence under paragraph (4) of Article 5.</p> <p>Article 6(2)(b) – to determine that paragraph (2)(b) of Article 6 should apply, in which case an abatement notice shall be served by fixing the notice to the relevant vehicle, machinery or equipment.</p> <p>Article 7(4) – where an abatement notice has not been complied with, whether or not proceedings are taken for an offence under paragraph (4) of Article 5, to decide whether or not to abate the nuisance and do whatever may be necessary in the execution of the notice (subject to the limitation described below).</p> <p>Article 11(5) – before a vehicle, machinery or equipment is entered, opened or removed under Article 11(1), to notify a police officer of its removal and current location.</p> <p>Article 11(6) – after a vehicle, machinery or equipment has been removed under Article 11(1) or (3), to notify a police officer of its removal and current location.</p> <p>Paragraph 10 of the Schedule to the Law – to determine whether the conditions described in paragraph 10 of the Schedule are fulfilled.</p>
Scope of delegation:	<p>The delegation of functions does not extend to the following matters that are reserved to the Minister –</p> <p>Article 7(4) – a decision to abate a nuisance or do whatever may be necessary in the execution of the notice, where this may have significant resource consequences or other implications of a sensitive or contentious nature.</p> <p>Article 7(5) – to decide whether or not to seek the recovery as a civil debt of any expenses reasonably incurred under Article 7(4).</p> <p>Article 7(6) – to determine whether or not the circumstances described in this paragraph apply (i.e. ‘an adequate remedy’) and to initiate proceedings in the Court for the purpose of securing the abatement, prohibition or restriction of a nuisance.</p>

10.	
Legislation:	Piercing and Tattooing (Jersey) Law 2002
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	<p>Article 2(1) – the registration of persons and premises in connection with the administration of any treatment in accordance with the Law.</p> <p>Article 2(2) – the prior approval to occasionally administer treatment elsewhere than from the registered premises.</p> <p>Article 3(a), (b) and (c) – to prescribe the form of application, categories of treatment in respect of which an application is made and the particulars which the application contains.</p>

	<p>Article 4 – to determine whether or not a person and premises fulfils the requirements under the Law. To impose conditions on the registration of persons or premises and to maintain the register of persons and premises under the Law. To receive notification of any changes of particulars for persons or premises registered.</p> <p>Article 7 – the Environmental Health Officers are authorised as designated officers for the purposes of the Law.</p> <p>Article 11 – the proposal to grant registration subject to conditions, to notify the person concerned of the intention to do so and the reasons therefore.</p>
Scope of delegation:	<p>The delegation of functions does not extend to the following matters that are reserved for the Minister –</p> <p>Article 3(d) – the decision to set a fee for registration and the scale of the fee.</p> <p>Article 4(2) – the decision to refuse to register or renew the registration of a person or premises.</p> <p>Article 10 – the revocation of a registration for a person and where that person is the only registered person at that premises, to revoke also the registration in respect of those premises.</p> <p>Article 11 – where there is a proposal to refuse registration under Article 4 or revoke registration under Article 10, to notify the person concerned of the intention to do so and the reasons therefore.</p>

11.	
Legislation:	Nursing Agencies (Jersey) Law 1978
Delegate	Medical Officer of Health or nominated deputy.
Function delegated:	Article 2(2) – to grant or renewal of licences only, according to the provisions of the Law.
Scope of delegation:	Delegated functions do not include authority to attach conditions to the grant of a licence under Article 2(2); to refuse or revoke a licence under Article 2(4); or to hear an appeal under Article 2(5).

12.	
Legislation:	Nursing and Residential Homes (Jersey) Law 1994
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	<p>(a) To maintain a register for each class of home to which the 1994 Law applies, according to Article 4(1) of the 1994 Law.</p> <p>(b) To register a person in respect of a home to which the 1994 Law applies, according to Article 4(6).</p> <p>(c) To enter the particulars specified in accordance with Article 4(7)(b) and (8)(b) of the 1994 Law (as</p>

	<p>amended).</p> <p>(d) To specify the conditions required under Article 6(1) of the 1994 Law.</p> <p>(e) To give notice in respect of an application for registration, under Article 9(1) and Article 10(1) of the 1994 Law.</p> <p>The delegate may – Article 6(2), (2A) and (3) –</p> <p>(f) apply such conditions as he may consider appropriate for the purposes specified in Article 6(2) and 6(2A);</p> <p>(g) vary or remove any conditions for the time being in force in respect of a home by virtue of Article 6 of the Law; or</p> <p>(h) impose an additional condition, either on the application of a person registered in respect of it or without such an application.</p> <p>The delegate may under Article 8(f) cancel the registration of a person in respect of a home to which the Law applies at the request of that registered person.</p>
Scope of delegation:	Delegated authority does <u>not</u> extend to – refusal of a registration (Article 7); cancellation of a registration (Article 8(1)(a)(b)(c)(d) or (e)) or consideration of any objections or representations according to Article 9(5) of the 1994 Law.

13.	
Legislation:	Nursing and Residential Homes (No. 2) (Jersey) Law 1997
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	<p>(a) To register a person in respect of a nursing home, according to Article 3(1), and to request the particulars detailed in Article 3(3), i.e. whether or not the home is to receive women immediately before or after childbirth.</p> <p>(b) To determine whether or not premises are a residential home, according to Article 4(2)(a), and to serve a notice to that effect according to Article 4(2)(b).</p> <p>(c) To register a person in respect of a residential home, according to Article 4(3).</p> <p>(d) To register a person in respect of a mental nursing home, according to Article 5(2), and to request the particulars detailed in Article 5(3), i.e. whether or not it is proposed to receive patients liable to be detained under the 1969 Mental Health Law,</p> <p>to serve a notice specifying proposals in regard to a number of persons or other conditions related to a registration, according to Article 7(2); and to issue a certificate according to Article 7(3).</p>

Scope of delegation:	Delegated functions do <u>not</u> extend to the authority to consider any representations or appeals in regard to the conditions relating to a registration.
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14.	
Legislation:	Nursing and Residential Homes (Jersey) Law 1994 Residential Homes (General Provisions) (Jersey) Order 1995 – Article 20
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 20 – to determine according to the Article that the person registered has contravened or failed to comply with Articles 6, 10, 11, 13, 14, 15, 16 or 19 of the Order.
Scope of delegation:	To serve a Notice on the person registered specifying – (a) in what respect in its opinion the person registered has failed or is failing to comply with the requirements of that Article; (b) what action, the person registered should take so as to comply with that Article, the period not exceeding 3 months, within which the person should take action.

15.	
Legislation:	Nursing and Residential Homes (Jersey) Law 1994 Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995 – Article 16(3)(a)
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 16(1) and (2) – to determine according to the Article whether an offence against the Order appears to have been committed.
Scope of delegation:	To serve a notice in writing on the person registered specifying – (a) the provision of the Order with which that person has failed or is failing to comply; (b) the respect in which that person has failed or is failing to comply with that provision; (c) the action which should be taken by that person so as to comply with that provision; and (d) the period within which such action should be taken.

16.	
Legislation:	Ancillary Dental Workers (Jersey) Regulations 1974
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 8 – to maintain a roll for each class of ancillary dental worker, including the information specified in Article.

	Article 9 – to determine whether or not a person fulfils the requirements under the Article.
Scope of delegation:	To enrol an applicant accordingly to Article 9. To retain a name on the roll according to Article 10. To restore a name to the roll according to Article 11.

17.	
Legislation:	Opticians (Registration) (Jersey) Law 1962
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 6 – to register companies under the Article.

18.	
Legislation:	Public Health (Vessels and Aircraft) (Jersey) Law 1950
Delegate	Medical Officer of Health or nominated deputy.
Function delegated:	Article 3 – to enter any premises, vessel or aircraft for the purpose of executing, or superintending the execution of, any Orders made under this Law.

19.	
Legislation:	Burials and Exhumations (Jersey) Law 2004
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 3(1) – to inspect any burial ground to ascertain whether Regulations made under Article 2(3) have been complied with.

20.	
Legislation:	International Health Regulations (2005) [World Health Organisation]
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Annexe 7, paragraph 2(f) – to register General Medical Practices to operate as a designated Yellow Fever Vaccination Centre.

21	
Legislation:	Misuse of Drugs (Jersey) Law 1978
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 15(1) and (2) – to require a practitioner, pharmacist or person conducting a pharmacy business to furnish information in regard to specified drugs and to serve a notice to that effect.
Scope of delegation:	The information required should extend to particulars specified under the provisions of Article 15(1) and (2) of the Law, including details of the prescription or supply of drugs, and details of the practitioners prescribing drugs.

22.	
Legislation:	Misuse of Drugs (Jersey) Law 1978 in conjunction with the Misuse of Drugs (Designation) (Jersey) Order 1989
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	To issue a licence under Article 12(4) of the Misuse of Drugs (Jersey) Law 1978, for a medical practitioner to prescribe amphetamine to patients.
Scope of delegation:	The delegation applies only – <ul style="list-style-type: none"> ● in relation to a person for whom a licence has previously been issued by the Minister; and ● according to the same terms and in compliance with the same conditions as applied to the previous licence; and ● to permit issue of the licence for a period not exceeding 12 months.

23.	
Legislation:	Misuse of Drugs (Addicts) (Jersey) Order 1980
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 3 – to issue a licence under for a doctor to prescribe controlled drugs or substances as specified in that Order to patients who have been statutorily notified under Article 2 of the same Order.
Scope of delegation:	The delegation applies only – <ul style="list-style-type: none"> ● in relation to a person for whom a licence has previously been issued by the Minister; and ● according to the same terms and in compliance with the same conditions as applied to the previous licence, and to permit issue of the licence for a period not exceeding 12 months.

24.	
Legislation:	Drainage (Jersey) Law 2005
Delegate:	Medical Officer of Health or nominated deputy.
Function delegated:	Article 15(2) – to act as the point of consultation on behalf of the Minister of Health and Social Services for matters relating to the repair of sewers and drains, in the interests of public health.
Scope of delegation:	To consult with the Minister for Transport and Technical Services, or officers acting on the Ministers behalf, on work to be undertaken under Article 15(1) relating to the repair of sewers and drains.

SURGICAL SERVICES DIRECTORATE	
1.	
Legislation:	Termination of Pregnancy (Jersey) Law 1997
Delegate:	Directorate Manager, Surgery or nominated deputy.
Function delegated:	Article 6(1) and (3) – to approve and to maintain a list of approved registered medical practitioners for the purposes of the Law.

2.	
Legislation:	Termination of Pregnancy (Jersey) Law 1997
Delegate:	Directorate Manager, Surgery or nominated deputy.
Function delegated:	Article 6(2) and (3) – to authorise and to maintain a list of approved registered medical practitioners who are authorised to carry out terminations of pregnancy in accordance with the Law.

CHIEF PHARMACIST	
1.	
Legislation:	Misuse of Drugs (Jersey) Law 1978
Delegate:	Chief Pharmacist or nominated deputy.
Function delegated:	Article 4(2)(b) – to issue a general licence to permit the importation or exportation of controlled drugs, as specified in the Second Schedule to the Law. The delegate may attach any conditions he deems appropriate.
Scope of delegation:	Licences are to be issued only to registered pharmacies and the hospital pharmacy department. Licences may be issued as renewals or to registered pharmacies which have not previously been licensed for this purpose. The delegate may <u>not</u> refuse or revoke a licence, which should be considered by the Minister. The duration of any licence shall not exceed a period of 3 years. The delegate may not issue a licence to himself.

2.	
Legislation:	Misuse of Drugs (Jersey) Law 1978
Delegate:	Chief Pharmacist or nominated deputy.
Function delegated:	Article 4(2)(b) – to issue a licence to permit the importation or exportation of controlled drugs, as specified in the Second Schedule to the Law, to an individual in circumstances when the quantities to be imported or exported exceed those authorized by the provisions of the ‘Open General Licence’ for the time being approved by the Minister.

Scope of delegation:	Licences are to be issued only on the request of a prescribing doctor (or of a patient with the legality of importation or exportation verified by the doctor). Licences are to be issued to cover one importation and/or exportation only (i.e. one return journey).
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3.	
Legislation:	Misuse of Drugs (Jersey) Law 1978
Delegate:	Chief Pharmacist or nominated deputy.
Function delegated:	Article 19(1) – to enter premises of a person carrying on a business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

4.	
Legislation	Medicines (Jersey) Law 1995
Delegate:	Chief Pharmacist or nominated deputy.
Function delegated:	Articles 96 and 97 – to take samples, to take copies of documents and to seize substances or articles in accordance with the relevant provisions of Articles 96(1), (2), (3) and 97 (1 to 8).

5.	
Legislation:	Poisons (Jersey) Law 1952
Delegate:	Chief Pharmacist or nominated deputy.
Function delegated:	Article 17(1) – to enter any registered premises, or the premises on which any person whose name is entered in the list kept in pursuance of Article 11 carries on business, or any premises in which he or she has reasonable cause to suspect that a breach of the provisions of this Law or of any Order has been committed, and , in any such case, he or she shall have power to make such examination and enquiry and to do such other things (including the taking, on payment therefore, of samples) as may be necessary for ascertaining whether the provisions are being complied with.

6.	
Legislation:	Medicines (Health Professionals – Exemption) (Jersey) Order 2001
Delegate:	Chair of Health and Social Services Medicines Governance Committee.
Function delegated:	Article 1(2) – to give a direction that a relevant health professional authorised by the department to do so may sell, supply or administer a medicinal product other than in accordance with Articles 51, 52 and 57(2) of the Medicines (Jersey) Law 1995.

Scope of delegation:	A direction may only be given in respect of a relevant health professional employed by the Health and Social Services Department. The details of any direction must be approved by the Health and Social Services Medicines Governance Committee.
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7.	
Legislation:	Medicines (Veterinary Drugs) (Jersey) Order 2011
Delegate:	States Veterinary Officer.
Function delegated:	Article 1(1) – to issue an authorisation which permits the importation of an unlicensed veterinary medicinal product. The delegate may attach any of the conditions provided for by Article 1(3) or any further conditions as they deem appropriate.
Scope of delegation:	An authorisation shall only be issued if it appears that there is an urgent need to administer a veterinary drug in the treatment of animals and there is no suitable veterinary drug which has a product licence available. The authorisation shall be in writing and shall specify the drug, and the person or class of persons to which the authorisation applies.

COMMUNITY & SOCIAL SERVICES DIRECTORATE	
1.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 9(1)(b) – for an Officer to prepare a report for the court in Family proceedings.
Scope of delegation:	To delegate the preparation of a report by an Officer or such other person (other than a probation officer) as the Minister considers appropriate.

2.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 10(4)(c) – to Grant permission for certain people to apply for an Article 10 Order.

3.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.

Function delegated:	Article 11(3)(a) – permission for a foster parent to apply for an Order under Article 10 of the Children (Jersey) Law 2002.
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4.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 17 – to provide or not provide accommodation for children in accordance with the conditions of Article 17.

5.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 18 – to provide accommodation for children kept away from home under Part 5 of this Law or who are subject to Police Protection.

6.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 19 – to undertake the general duties in relation to children subject to the provisions of the Article.

7.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 20(1) and (2) – to provide accommodation and maintenance for any child it looks after and make arrangements with respect to a child it is looking after in accordance with the Articles. Article 20(4) – to arrange with the appropriate authority the care of that child not ordinarily resident.

8.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 21(1) – to provide advice and guidance to anyone up to the age of 21 years if between the ages of 16 – 18 looked after by the Minister, accommodated by a voluntary agency accommodated in a hospital or privately fostered. Articles 21(4) and (5) – to give assistance such as a grant or

	contribute to expenses of any child it 'looked after' up to the age of 21 or beyond if the child reaches the age of 21 prior to the completion of the course.
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9.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 22(1) – to keep 'looked after' children in secure accommodation subject to the provisions of the Article.

10.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 24(1) – to apply to the Court for a Care or Supervision Order.

11.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 26(1) – where a Care Order is in force to receive and keep in its care a child and have parental responsibility for that child; and to determine the extent to which a parent may meet their parental responsibility.

12.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 27(1) and (2) – to allow a Child reasonable contact with his parents or other people determined under this Article whether or not this is ordered by the court. Article 27(4) – to apply for a 'no contact' Order to be made by the courts.
Scope of delegation:	Article 27(1) and (2) – to determine the amount of contact a child in care should have with his parents in line with good practice and Orders from the courts. Article 27(4) – to apply to the courts for a 'no contact' order under the terms of this Article and the Children (Contact) (Jersey) Regulations 2002.

13.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 29(1), (2) and (3) – under direction from the court to undertake an investigation of a child’s circumstances and consider whether it should provide certain services. If a Care Order or Supervision Order is not applied for to inform the Court of the Services the Children’s Service intend to make available.

14.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 33(1) – to apply to the court for a variation or discharge of Supervision or Care Orders.

15.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 36(1) and (8) – to apply for a Child Assessment Order subject to the provisions of the Article.

16.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	<p>Article 42(1) and (2) – if a child is subject to an emergency protection order or there is reasonable cause to suspect the child is suffering significant harm – to enquire as necessary to decide whether action should be taken to safeguard that child.</p> <p>Article 42(4) and (5) – to take reasonable steps to ensure that access to a child whom enquires are to be made and to if necessary apply for an emergency protection order, a child assessment order, a care order or supervision order with respect to the child unless satisfied that his welfare can be satisfactorily safeguarded without its doing so.</p> <p>Article 42(6) – to consider whether it would be appropriate to review the case at a later date; and if so determine date</p>

17.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 46(1) – to issue a certificate to a voluntary home or foster parent to act as a refuge for children.

18.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 48(2) – to give notice to an employer of children prohibiting him from employing the child or imposing restrictions on the employment. Article 48(3) – to serve notice on an employer, parent or guardian of any child requiring that person to provide details of a child’s employment.

19.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 50(1) and (2) – to grant a licence for children taking part in performances subject to the provisions of the Article.

20.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 51(1), (2) and (4) – to vary or revoke a licence for Children to take part in performances subject to the provisions of the Article and for the reasons for this action to be in writing.

21.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 53 – to enter any place and make enquiries if it appears that there is reasonable cause to believe that the provisions of this Part, or an Order made thereunder, are being contravened with respect to any person.

22.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 54(4) and (5) – to grant or refuse to register a Voluntary Home to receive children under 17 years of age.
Scope of delegation:	To grant or refuse to register a Voluntary Home under the terms of the Article and the Children (Voluntary Homes) (Jersey) Order 2005.

23.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 55(1) and (2) – to provide the applicant or person carrying on the Home with notice of its intention where it is proposed to refuse or to register a Voluntary Home.

24.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 57 (1) and (2) – to satisfy itself that any Voluntary Home is satisfactory safeguarding and promoting the welfare of a child and actions to take where it is not satisfied.

25.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 59(6), (7) and (8) – to request information as to the whereabouts of a child who was privately fostered, to exempt person from complying with notices under Article 59 (Private Fostering) for specified periods of time and for a person privately fostering to provide information set out under paragraph 8 regarding the child.

26.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 60(1) – to impose requirements on any person who is privately fostering. Article 60(3) – to prohibit a person from fostering a child or prohibit the use of any premises.

	Article 60(4) – to cancel a prohibition order on a person or the use of any premises.
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27.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 61(1) and (2) – to satisfy that the welfare of privately fostered children is safeguarded and promoted by ensuring that child is visited from time to time; and if not satisfied take reasonable steps to secure alternative care and accommodation of the child.

28.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 77(2) – where a child is taken lawfully to another part of the British Islands the Care Order will cease to have effect if the Officer has notified the court that it agrees to the above subject to the provisions of the Article.

29.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 15, Schedule 1, paragraph 12 – where a child lives with a person as a result of a Residence Order the Department may make contributions to that person toward the cost of maintaining that child.

30.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 20, Schedule 2, Part 1, paragraph 2 – unless not reasonable or consistent for the child, promote contact and provide the address of the child, and his parents, anyone with Parental responsibility, any relative, friend or other person connected with him subject to the provisions of the paragraph.

31.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.

Function delegated:	Article 20, Schedule 2, Part 1, paragraph 3(1) – to appoint an Independent visitor where it appears it would be in the child’s best interest.
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32.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 20, Schedule 2, Part 1, paragraph 4(1) – to assist children in care to live outside the Island with the approval of the Court.

33.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 20, Schedule 2, Part 1, paragraph 5 – in the event of a death of a child who is being ‘looked after’ and so far as it is reasonably practicable inform the parents, and everyone who has parental responsibility of his; and with the consent if reasonably practical to obtain arrange for the burial or cremation of that child; and subject to the provisions recover any expenses incurred.

34.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 20, Schedule 2, Part 2, paragraphs 6 and 7 – to recover contributions having made enquires considered necessary to ascertain the contributor’s means toward the child’s maintenance for any child ‘looking after’ subject to the provisions of the paragraph.

35.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 20, Schedule 2, Part 2, paragraph 8 – (1) – apply to the court for a contributions Order subject to the provisions of the paragraph; (5)(b) – where another contribution order is agreed, the court shall be notified of the agreement and the date which it took effect; (6) – to vary or revoke a contribution order; (7) – to specify such information as described in

	Paragraph 7 (a) (b) in proceedings for the variation of a contribution order.
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36.	
Legislation:	Children (Jersey) Law 2002
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 20, Schedule 2, Part 2, paragraph 9 – to collect any contribution for a child on behalf of another Authority in other part of the British Islands.

37.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 2(1) – to continue to maintain an Adoption Service to meet the needs of infants who have or may be adopted, parents of such infants and persons who have or may adopt.

38.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 3 – to promote the welfare of infants by having regard for all the circumstances of the welfare of the infant and so far as is practicable to ascertain their wishes and feelings.

39.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 4 – to have regards, so far as it is possible for the wishes of the infant's parents and guardians as to the religious upbringing of the child.

40.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 5 – to use approved adoption societies for placements if such an adoption cannot be placed in Jersey or Guernsey.

41.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 9 – to pay an allowance to the persons who have adopted or intend to adopt if satisfied that such an adoption is not practicable without such a payment.

42.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 12(1) – to apply to the court for an order freeing that infant for adoption.

43.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 30(4) – to provide a counselling service for any person who has been adopted and applies for information under this Article.

44.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 34 – to secure that protected children are visited by officers of the Ministry who shall satisfy themselves as to the well-being of the children and give such advice as may be needed.

45.	
Legislation:	Adoption (Jersey) Law 1961
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 37 – to make a representation to the court for a protected child to be removed from a person or premise that would be detrimental to that child – including an application made on proof that there is imminent danger to the health or well-being of the child the order of such that may be exercised by the Bailiff.

46.	
Legislation:	Adoption Rules 1962
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Articles 8 and 9 – to consent or refuse to be the guardian ad litem of the infant for the purposes of the application.

47.	
Legislation:	Mental Health (Jersey) Law 1969.
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 3(1) – to appoint officers for the purpose of making applications under Part II of the Law for the compulsory admission to hospital and the reception into Guardianship of patients.

48.	
Legislation:	Mental Health (Jersey) Law 1969
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 24(3) and (4) – to receive a report under the provisions of paragraph (3) or (4), for the detention or guardianship of the patient for the period prescribed in that case by paragraph (2).

49.	
Legislation:	Mental Health (Jersey) Law 1969
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 32(2)(c) – to make an application to the Royal Court for displacement of a patient's nearest relative.

50.	
Legislation:	Mental Health (Jersey) Law 1969
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 43(3), (4) and (9) – to report to H.M. Attorney General of potential interdict and reinstatements.

51.	
Legislation:	Mental Health (Jersey) Law 1969
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 43(24)(b) – to examine curators accounts at the Judicial Greffe.

52.	
Legislation:	Mental Health (Jersey) Law 1969
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 44(2) – to claim patients Social Security entitlements.

53.	
Legislation:	Mental Health (Jersey) Law 1969
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 46 – officers delegated to make applications to the Bailiff for authorisation to enter premises, if need by force, to search for and remove a patient/person.

54.	
Legislation:	Mental Health (Jersey) Law 1969 Mental Health (Review Tribunal) (Procedure) (Jersey) Order 1971
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Articles 5 and 6 – to make submissions of reports and receipts of statements in connection with patient's applications to the Mental Health Tribunal.

55.	
Legislation:	Mental Health (General Provisions) (Amendment No. 2) (Jersey) Order 2008
Delegate:	Managing Director, Community and Social Services or nominated deputy.
Function delegated:	Article 9(1) and (2) to determine who can receive documents related to the application or discharge of a patient.

STATES OF JERSEY LAW 2005	
1.	
Legislation:	States of Jersey Law 2005 – Article 26(1)(c)(i)
Delegate:	Chief Executive Officer.
Function delegated:	The power to enter into contracts, to the Chief Executive, who can make further delegations.

2.	
Legislation:	States of Jersey Law 2005 – Article 26(1)(c)(i)
Delegate:	Chief Executive Officer.

Function delegated:	The power to administer and authorise payments from Health and Social Services gift funds.
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**HEALTH AND SOCIAL SERVICES DEPARTMENT
DELEGATED FUNCTIONS – NON-STATUTORY
December 2014**

CHARGING POLICY	
Policy/Procedure:	Health and Social Services Residents and Non-Residents Charging Policy
Delegate:	Assistant Minister Hospital and Acute Services.
Function delegated:	The right to authorise amendments and exemptions to Residents and Non-Residents Charging Policy. The right to make changes to the Residents and Non-Residents Charging Policy eligibility criteria. To Chair of the Charges Appeals Panel and the right to grant special exemptions to charges on appeal – under the Charges Appeals Policy.

COMPLAINTS POLICY	
Policy/Procedure:	Health and Social Services Complaints Policy
Delegate:	Assistant Minister.
Function delegated:	To Chair the Panel for appropriate stage(s) of Complaints Reviews and/or Hearings under the Complaints Policy.

FINANCIAL REGULATIONS	
Policy/Procedure:	Health and Social Services Scheme of Delegation (HSS-PP-CG-021201).
Delegate:	The Department has a documented policy on delegations to the Chief Executive Officer and how these and the Chief Executive's Accounting Officer responsibilities are delegated to other officers.
Function delegated:	Power to incur expenditure; enter into contracts; place orders; collect income; manage staff and other Accounting Officer responsibilities.