
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – HOUSING DEPARTMENT – REVISED DELEGATIONS DECEMBER 2014

**Presented to the States on 19th December 2014
by the Minister for Housing**

STATES GREFFE

REPORT

On 16th December 2014, the Minister for Housing made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-C-2014-0193, 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 –

Legislation:	Building Loans (Jersey) Law 1950
Delegate:	Chief Officer, Social Security, and Director, Corporate Policy, Chief Minister's Department, or other, as instructed by them, to include the Housing Control Manager.
Function delegated and scope of delegation:	The power to approve applications for building loans with the additional allowance to attach conditions to any consent to the loans approved without limitation, and the power to refuse application of a building loan where an applicant clearly falls outside eligibility as contained in the legislation.

Legislation:	Lodging Houses Registration (Jersey) Law 1962
Delegate:	Chief Officer, Social Security, and Director, Corporate Policy, Chief Minister's Department, or other, as instructed by them, to include the Housing Control Manager.
Function delegated and scope of delegation:	The power to approve the registration and renewal of registration of Lodging Houses. Officers are also empowered to impose conditions to registrations approved, though not the power to refuse formal applications for registration

The reason for the delegations is to ensure the effective administration of certain matters for which the Minister has responsibility under the legislation as cited above.

The delegation to the Chief Officer, Social Security Department reflects the transfer of existing Population Office services to Social Security, and the need to ensure that they are administered effectively.