
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – MINISTER FOR SOCIAL SECURITY – EXTENDED DELEGATIONS

Presented to the States on 7th April 2022
by the Minister for Social Security

STATES GREFFE

REPORT

On 1st April 2022, the Minister for Social Security made a Ministerial Decision delegating certain of her functions under Articles 28, 30 and 30A of the [States of Jersey Law 2005](#) (see Decision reference MD-SOCSEC-2022-225, available at www.gov.je).

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 –

In addition to the main Ministerial delegations, the Minister for Social Security has decided to extend the following additional delegations due to Covid-19.

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.
- (1A) A Minister shall not delegate to an Assistant Minister any function the delegation of which is wholly prohibited by an enactment.^[70]
- (1B) Where a Minister delegates to an Assistant Minister a power to make an enactment, paragraphs (4) and (5) of Article 26 shall apply to the making of an enactment by the Assistant Minister, in exercise of the delegated power, as they would apply to the making of the enactment by the Minister.^[71]
- (2) A Minister shall not delegate to an officer –
 - (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 wholly, or to an officer, by an enactment.^[72]
- (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.^[73]

(6) The States may by Regulations amend the definition “officer” in paragraph (5).

In light of Covid-19, to ensure continued efficient administration, the Minister for Social Security, Deputy Judy Martin has extended the following delegations to ensure that there is ongoing capacity to act regarding Social Security matters.

This decision extends MD-S-2021-0085 which ends on 1 April 2022, to take effect from its expiry, until 1 June 2022, as required and subject to review by the Minister.
Decisions:

1. Delegation of powers to Assistant Social Security Minister

The Minister for Social Security has decided to delegate all powers and functions vested in her, and all other areas where the Minister has authority to act, to Assistant Social Security Minister – Deputy Jeremy Maçon so that if she is unavailable, Deputy Maçon is able to cover her functions.

2. Delegation of powers to make exceptional payments of Income Support under Article 8(2) of the Income Support Jersey law 2007

Temporary Application Scheme for Short Term Incapacity Allowance (STIA) following Government Advice to Self-Isolate – to pay equivalent amount as an Income Support Special Payment

The Minister has decided to delegate the power to make exceptional payments available to her, under Article 8(2) of the Income Support (Jersey) Law 2007, to Determining Officers appointed under that Law. This will allow exceptional payments of Income Support up to the maximum value of 21 days of STIA to be made, under ministerial guidance, to people who would not normally qualify for STIA.

Delegation of powers to accept applications for Income Support without written proofs required by the legislation

The Minister has decided to delegate the ability to make decisions under Article 8(2) of the Income Support Jersey Law 2007 to Determining Officers appointed under that Law. Determining Officers will have the power to make payments of Income Support to a household which would not normally be entitled because they have not supplied all of the written proofs required by the legislation.

To note, these Covid-19 related delegations are separate to the main delegations covered in MD-S-2021-0016 signed on the 15th February 2021.

Delegate:	Deputy Jeremy Maçon, Assistant Social Security Minister
Functions delegated:	Delegate all powers and functions
Scope of delegation:	Deputy Jeremy Maçon so that if she is unavailable, Deputy Maçon is able to cover her functions

Delegate:	Determining Officers
Functions delegated:	The power to make exceptional payments available to her, under Article 8(2) of the Income Support (Jersey) Law 2007
Scope of delegation:	This will allow exceptional payments of Income Support up to the maximum value of 21 days of STIA to be made, under ministerial guidance, to people who would not normally qualify for STIA.

Delegate:	Determining Officers
Functions delegated:	The ability to make decisions under Article 8(2) of the Income Support Jersey Law 2007
Scope of delegation:	Determining Officers will have the power to make payments of Income Support to a household which would not normally be entitled because they have not supplied all of the written proofs required by the legislation.

Re-issue Note

This report was re-issued to update references to the States of Jersey Law.
