
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – CHIEF MINISTER – ASSISTANT MINISTER WITH OPERATIONAL RESPONSIBILITY FOR FINANCIAL SERVICES

Presented to the States on 18th May 2015
by the Chief Minister

STATES GREFFE

REPORT

On 14th May 2015, the Chief Minister made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-C-2015-0052, 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 –

The Chief Minister wishes to put the following delegations in place:

Delegate:	Senator P.F.C. Ozouf, Assistant Chief Minister.
Functions delegated and scope of delegation:	<p>Financial Services and legislation regarding related matters</p> <p>Bankruptcy (Désastre) (Jersey) Law 1990 Proceeds of Crime (Jersey) Law 1999 Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014 Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 Banking Business (Jersey) Law 1991 Charities (Jersey) Law 2014 Collective Investment Funds (Jersey) Law 1988 Collective Investment Funds (Amendment and Validation) (Jersey) Law 2012 Companies (Jersey) Law 1991 Companies (Amendment No. 11) (Jersey) Law 2014 Companies (Takeovers and Mergers Panel) (Jersey) Law 2009 Financial Services (Jersey) Law 1998 Financial Services Commission (Jersey) Law 1998 Foundations (Jersey) Law 2009 Incorporated Limited Partnerships (Jersey) Law 2011 Insurance Business (Jersey) Law 1996 Limited Liability Partnerships (Jersey) Law 1997 Limited Partnerships (Jersey) Law 1994 Registration of Business Names (Jersey) Law 1956 Separate Limited Partnerships (Jersey) Law 2011 Non-Profit Organizations (Jersey) Law 2008 Community Provisions (Wire Transfers) (Jersey) Regulations 2007 Control of Borrowing (Jersey) Law 1947 Alternative Investment Funds (Jersey) Regulations 2012 Security Interests (Jersey) Law 2012 Terrorism (Jersey) Law 2002 Trusts (Jersey) Law 1984; and</p> <p>All legislation made under these Laws and Regulations.</p> <p>The Chief Minister previously delegated operational responsibility for Financial Services to Senator P.F.C. Ozouf pursuant to R.48/2014 in order that the Island can continue to move quickly on implementing the recommendations from global advisers regarding the opportunities for Jersey as an international finance centre.</p> <p>In order to enable the Assistant Minister to deal with all matters in relation to Financial Services, the Chief Minister renews the previous delegation expressly in relation to Financial Services and the legislation set out above, and also delegates the following functions in respect of the aforementioned legislation and in respect of Financial Services generally to Senator P.F.C. Ozouf –</p>

	<p>Standing Order 17(1)(a) – making statements; Standing Order 19(c) – lodging Propositions; and Standing Order 35((1)(b) – presenting Reports or Comments.</p> <p>Further, the Chief Minister delegates all powers and functions given to the Chief Minister, including all powers to make enactments under the listed legislation, to the Assistant Chief Minister, Senator P.F.C. Ozouf.</p>
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