

STATES OF JERSEY



DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS No. 4) (TREASURY AND RESOURCES TO CHIEF MINISTER) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 16th February 2011
by the Chief Minister**

STATES GREFFE



Jersey

**DRAFT STATES OF JERSEY (TRANSFER OF
FUNCTIONS No. 4) (TREASURY AND RESOURCES
TO CHIEF MINISTER) (JERSEY)
REGULATIONS 201-**

REPORT

The purpose of these Regulations is to transfer the sponsorship of the Data Protection (Jersey) Law 2005 from the Minister for Treasury and Resources to the Chief Minister. The Data Protection Commission is an independent non-executive Department within the administration of the States of Jersey.

Currently the provision of resources for the Data Protection Commission is shared between the Chief Minister and the Minister for Treasury and Resources and these Regulations transfer that responsibility to the Chief Minister. In addition the Chief Minister will now be responsible for receiving reports and sponsoring legislative changes on the recommendation of the Data Protection Commissioner. These Regulations have no effect on the independent nature of the Data Protection Commission.

Financial and manpower implications

There are no manpower or additional resource implications for the States arising from the adoption of these Draft Regulations.

Explanatory Note

These Regulations transfer the functions of the Minister for Treasury and Resources under the Data Protection (Jersey) Law 2005 to the Chief Minister.



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Arrangement

Regulation

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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 29 of the States of Jersey Law 2005¹,
have made the following Regulations –

1 Interpretation

In these Regulations –

“receiving Minister” means the Chief Minister;

“transferring Minister” means the Minister for Treasury and Resources.

2 Functions and connected rights and liabilities transferred

- (1) There shall be transferred to the receiving Minister the functions of the transferring Minister under the Data Protection (Jersey) Law 2005².
- (2) All rights enjoyed and liabilities incurred by the transferring Minister in connection with the functions transferred by paragraph (1) shall be transferred to the receiving Minister and become the rights and liabilities of the receiving Minister.
- (3) A provision of a contract or other instrument that specifies that a right or liability of the transferring Minister is incapable of transfer shall, to the extent that it applies to a right or liability transferred by paragraph (2), be of no effect.
- (4) The operation of paragraph (2) shall not be regarded –
 - (a) as a breach of contract or confidence or otherwise as a civil wrong;
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or

- (c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.

3 Data Protection (Jersey) Law 2005 amended

- (1) In Article 1(1) of the Data Protection (Jersey) Law 2005³ for the definition “Minister” there shall be substituted the following definition –
 - “ ‘Minister’ means the Chief Minister;”.
- (2) In paragraph 4 of Schedule 5 to the Data Protection (Jersey) Law 2005 –
 - (a) in sub-paragraph (1) for the words “Chief Minister” there shall be substituted the word “Minister”;
 - (b) in sub-paragraph (4) for the words “Minister for Treasury and Resources” there shall be substituted the word “Minister”.

4 Transitional provisions

- (1) The transfer effected by Regulation 2 shall not prejudice the operation of any appointment, approval, authorization, consent, delegation, determination, direction, instruction, requirement or other thing that is, before these Regulations come into force, made, given or done by the transferring Minister in relation to the functions, rights and liabilities so transferred, but such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the receiving Minister.
- (2) Anything commenced before these Regulations comes into force by or under the authority of the transferring Minister may, so far as it relates to any of the functions, rights and liabilities transferred by Regulation 2, be carried on and completed by or under the authority of the receiving Minister.
- (3) Where, at the coming into force of these Regulations, any legal proceeding is pending to which the transferring Minister is a party and the proceeding has reference to any of the functions, rights and liabilities transferred by Regulation 2, the receiving Minister shall be substituted in the proceeding for the transferring Minister and the proceeding shall not abate by reason of the substitution.

5 Citation and commencement

These Regulations may be cited as the States of Jersey (Transfer of Functions No. 4) (Treasury and Resources to Chief Minister) (Jersey) Regulations 201- and shall come into force on the day after the day they are made.

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- ¹ *chapter 16.800*
² *chapter 15.240*
³ *chapter 15.240*