

STATES OF JERSEY



DRAFT FREEDOM OF INFORMATION (SCHEDULE 1 TO LAW) (AMENDMENT) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 20th May 2014
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT FREEDOM OF INFORMATION (SCHEDULE 1 TO LAW) (AMENDMENT) (JERSEY) REGULATIONS 201-

REPORT

The States agreed that the Freedom of Information (Jersey) Law 2011, [L.17/2011](#) (the “FOI Law”) should come into force by the end of 2015. This has been brought forward by one year as it is the Chief Minister’s intention that the Law be fully implemented by 1st January 2015, and the ground work for implementation commenced after the Law was adopted in 2011.

Members will recall that there is to be phasing-in of public authorities to be covered by the Law.

The definition of “public authority” is very wide. The Law defines “**public authority**” as –

- “(a) the States Assembly including the States Greffe;
- (b) a Minister;
- (c) a committee or other body established by a resolution of the States or by, or in accordance with, standing orders of the States Assembly;
- (d) an administration of the States;
- (e) a Department referred to in Article 1 of the Departments of the Judiciary and the Legislature (Jersey) Law 1965;
- (f) the States of Jersey Police Force;
- (g) a parish;
- (h) to the extent not included in paragraph (a) to (g) above, any body (whether incorporated or unincorporated) –
 - (i) which is in receipt of funding at least half of which is from the States in one or more years,
 - (ii) which carries out statutory functions,
 - (iii) which is appointed, or whose officers are appointed, by a Minister,
 - (iv) which appears to the States to exercise functions of a public nature, or
 - (v) which provides any service under a contract made with any public authority described in paragraphs (a) to (g), the provision of such service being a function of that authority;”.

The first group of public authorities to be covered by the Law is set out in SCHEDULE 1 of the Law –

- “1 The States Assembly including the States Greffe.
- 2 A Minister.
- 3 A committee or other body established by resolution of the States or by or in accordance with standing orders of the States Assembly.
- 4 An administration of the States.**
- 5 The Judicial Greffe.
- 6 The Viscount’s department.”

Legal advice has been received that one of the categories, namely “an administration of the States”, is not clear.

The definition of “administration of the States” in the Freedom of Information Law is –

“In this Law, unless a contrary intention appears –

... ..

“administration of the States” means –

- (a) a department established on behalf of the States; and
- (b) a body, office or unit of administration, established on behalf of the States (including under an enactment);”.**

Part (a) of the definition is clear.

Part (b) requires further clarification, and these draft Regulations therefore change paragraph 4 of the Schedule so that it refers only to “a department established on behalf of the States”. Further work needs to be completed before part (b) is captured in the Schedule. Some of this work overlaps with the careful identification of all entities which come under the definition expressed in (h) above. This work is underway, and further entities will be added to Schedule 1 by Regulations until all are covered.

The Chief Minister is pleased to announce that the States of Jersey Police Force (SOJPF) will be covered from 1st January 2015, and these draft Regulations accordingly now add SOJPF to Schedule 1.

Financial and manpower implications

The budget for the introduction of freedom of information has already been agreed. There is no new expenditure arising from the adoption of these draft Regulations.

Explanatory Note

These Regulations amend Schedule 1 to the Freedom of Information (Jersey) Law 2011 (“Law”). That Schedule lists the scheduled public authorities subject to the requirements of the Law.

Regulation 1 amends Schedule 1 in two respects. First, for “an administration of the States” it substitutes “a department established on behalf of the States”. Second, it adds the States of Jersey Police Force to the list.

Regulation 2 sets out the title of these Regulations and provides that they will come into force on the same day that the Freedom of Information (Jersey) Law 2011 comes into force.



Jersey

**DRAFT FREEDOM OF INFORMATION
(SCHEDULE 1 TO LAW) (AMENDMENT) (JERSEY)
REGULATIONS 201-**

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 6 of the Freedom of Information (Jersey) Law 2011¹, have made the following Regulations –

1 Schedule 1 to the Freedom of Information (Jersey) Law 2011 amended

In Schedule 1 to the Freedom of Information (Jersey) Law 2011² –

- (a) for paragraph 4 there shall be substituted the following paragraph –
“4 A department established on behalf of the States.”;
- (b) after paragraph 6 there shall be added the following paragraph –
“7 The States of Jersey Police Force.”.

2 Citation and commencement

These Regulations may be cited as the Freedom of Information (Schedule 1 to Law) (Amendment) (Jersey) Regulations 201- and shall come into force on the same day that the Freedom of Information (Jersey) Law 2011 comes into force.

¹ *L.17/2011*
² *L.17/2011*