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# STATES OF JERSEY



## STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – ASSISTANT MINISTER FOR TRANSPORT AND TECHNICAL SERVICES

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Presented to the States on 22nd September 2009  
by the Minister for Transport and Technical Services

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STATES GREFFE

## REPORT

On 18th September 2009, the Minister for Transport and Technical Services made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-T-2009-0080, available at [www.gov.je](http://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 –

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### Background

The Minister requested that matters requiring a Ministerial Decision relating to the Driver and Vehicle Standards Section (DVS) of Transport and Technical Services should be delegated, where possible, to his Assistant Minister. In addition, it has been identified that there are some issues in which the Minister, particularly as Constable of St. Brelade, is conflicted so it is also proposed to delegate any such matter, where possible, to the Assistant Minister.

### Comments

1. A specific conflict of interest has arisen where the Constable of St. Brelade has requested the Minister for Transport and Technical Services to amend a particular Order mainly related to roads or parking in his parish. Although the 'in principle' decision, once delegated, can be taken by the Assistant Minister once the authority has been delegated, the signing of the relevant Order cannot be delegated and has to remain with the Minister.
2. The following legislation could lead to conflict for the current Minister who is also a Constable –
  - Road Traffic (St. Brelade) (Jersey) Order 1990;
  - Road Traffic (Public Parking Places) (Jersey) Order 2006;
  - Road Traffic (Disabled Persons) (Parking) (Jersey) Order 2002;
  - Road Traffic (Speed Limits) (Jersey) Order 2003;
  - Use of footways and cycle tracks under Article 40 of Road Traffic (Jersey) Law 1956;
  - Prescribing of cycle tracks under Article 46 of Road Traffic (Jersey) Law 1956;
  - Power to restrict roads under Article 62 of Road Traffic (Jersey) Law 1956;
  - Designation of paying parking places under Article 63 of Road Traffic (Jersey) Law 1956;
  - Notices under Article 68 of Road Traffic (Jersey) Law 1956;
  - Establishment of pedestrian crossings under Article 69 of Road Traffic (Jersey) Law 1956;
  - Highways (Road Humps) (Jersey) Regulations 2002.

3. The primary laws administered by the Minister for TTS with relevance to DVS are as follows –
- Motor Traffic (Jersey) Law 1935;
  - Motor Traffic (Third-Party Insurance) (Jersey) Law 1948;
  - Motor Vehicle Registration (Jersey) Law 1993;
  - Motor Vehicles (International Circulation) (Jersey) Law 1953;
  - Road Traffic (Jersey) Law 1956 (those aspects relevant to DVS only - some aspects of this law and associated subordinate legislation are administered by other sections within TTS or the Home Affairs Minister).

### **Decision**

The Minister has delegated the following to his Assistant Minister –

- (a) all matters where the Minister has a conflict of interest or perceived conflict of interest under the legislation listed at 1 above, where possible; and
- (b) all matters related to the Driver and Vehicle Standards Section of Transport and Technical Services under the legislation listed at 2 above, where possible.