
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – CHIEF MINISTER TO ASSISTANT MINISTER WITH RESPONSIBILITY FOR EXTERNAL AFFAIRS

Presented to the States on 12th July 2011
by the Chief Minister

STATES GREFFE

REPORT

On 11th July 2011, the Chief Minister made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-C-2011-0086, 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 –

Article 28 of the States of Jersey Law 2005 permits a Minister to delegate, wholly or partly, functions to an Assistant Minister.

The Law states –

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.

Delegation

The Chief Minister wishes to delegate responsibility for the functions conferred upon him under Article 18(3)(b) of the States of Jersey Law 2005 to his Assistant Minister with responsibility for External Affairs, Senator F.E. Cohen.

Article 18(3)(b) of the States of Jersey Law 2005 provides that a function of the Chief Minister includes “*conducting external relations in accordance with the common policy agreed by the Council of Ministers.*”.

The Law anticipates that there will be a policy agreed by the Council of Ministers and that positive steps will be taken in conducting external relations to accord with that policy.

This delegation is consistent with the previous decision of the Chief Minister to appoint an Assistant Minister with responsibility for External Affairs. The delegation will strengthen the Assistant Minister’s ability to share political responsibility with the Chief Minister to ensure that the significant workload in relation to external relations is maintained at ministerial level.