
STATES OF JERSEY



DRAFT STATES OF JERSEY (MINISTER FOR EXTERNAL RELATIONS) (JERSEY) REGULATIONS 201-: REPORT OF THE CHIEF MINISTER

**Presented to the States on 11th March 2013
by the Chief Minister**

STATES GREFFE

INTRODUCTION

The Chief Minister, in accordance with MD-C-2013-0020, has decided to present these draft Regulations to the States for information to enable them to be considered by the Corporate Services Scrutiny Panel before a decision is taken on whether or not they should be lodged for debate.

REPORT

The Council of Ministers, at their meeting on 12th May 2011, endorsed the proposal to establish an office of Minister with responsibility for UK and international relations. The Council of Ministers, at their meeting on 7th December 2012, reaffirmed the proposal to create a Minister for External Relations to share concurrent responsibility for external relations with the Chief Minister. The Council asked that the necessary draft Regulations be referred in the first instance to the Corporate Services Scrutiny Panel, and that once the views of the Scrutiny Panel had been considered, the draft Regulations together with an explanatory report should be lodged *au Greffe* for consideration by the States Assembly.

The Corporate Services Scrutiny Panel has indicated that the draft Regulations necessary to create this new ministerial office should in the first instance be presented to the States as a Report in order that they can be made publicly available, and so enable the Panel to undertake their review unhindered by any potential issues of confidentiality.

The Draft States of Jersey (Minister for External Relations) (Jersey) Regulations 201- are accordingly conveyed to the States Assembly (see attached **Appendix**). The Council of Ministers hopes that the views of the Scrutiny Panel can be considered before the draft Regulations need to be lodged for debate.



**DRAFT STATES OF JERSEY (MINISTER FOR
EXTERNAL RELATIONS) (JERSEY)
REGULATIONS 201-**

REPORT

Explanatory Note

Regulation 1 defines the States of Jersey Law 2005 as the principal Law.

Regulation 2 establishes the Minister for External Relations.

Regulation 3 describes the functions of the Minister for External Relations. He or she shall discharge, concurrently with the Chief Minister, the function described in Article 18(3)(b) of the principal Law. That function is –

“(b) conducting external relations in accordance with the common policy agreed by the Council of Ministers.”

It remains the function of the Council of Ministers, under Article 18(2)(c) of the principal Law, to discuss and agree their common policy regarding external relations.

In addition, the functions of the Chief Minister under various enactments and Acts of the United Kingdom that are extended to Jersey are transferred to the Minister for External Relations. The functions are described in detail in Regulations 6 to 20 below.

Regulation 4 amends the principal Law so as to increase the number of Ministers to 10. These Regulations do not provide for an increase in the total of the Chief Minister, Ministers and Assistant Ministers, which is set at 22 by Article 25(3) of the principal Law.

Regulation 5 amends Standing Orders of the States of Jersey so as to apply the process for selection and appointment of Ministers to the selection and appointment of a Minister for External Relations.

Regulations 6 to 20 amend Jersey enactments or provide for the construction of Orders in Council of the United Kingdom so as to implement the transfer of functions provided for in Regulation 3(2).

Regulation 6 amends the European Communities Legislation (Implementation) (Jersey) Law 1996. Under that Law the Minister may make Orders to give effect in Jersey to a Community instrument where immediate or early enactment is necessary or expedient. Otherwise, Community instruments are given effect by Regulations. The Ministerial power under this Law is customarily used to give effect to Community instruments which impose sanctions against regimes in other countries.

Regulation 7 amends the Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2007 so as to remove an express reference to the Chief Minister. Consequently, any reference to “the Minister” in the Order will be construed in accordance with the European Communities Legislation (Implementation) (Jersey) Law 1996 as amended by Regulation 6.

Regulation 8 amends the Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005. The Minister has the power to make Orders amending certain dates and the list of competent authorities in the Regulations and suspending or reinstating the operation of the Regulations in respect of a contracting party that has served a termination agreement.

Regulation 9 amends the Taxation (Double Taxation) (Jersey) Regulations 2010. Under those Regulations the Minister has power by Order to add to the Regulations a commencement date for a double taxation agreement.

Regulation 10 amends the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008. Under those Regulations the Minister has power by Order to add to the Regulations descriptions of taxes and a commencement date for a tax information exchange agreement.

Regulation 11 amends the Money Laundering and Weapons Development (Directions) (Jersey) Law 2012. Under that Law the Minister may make Orders amending definitions in the Law, give directions in respect of a country or territory where there is a risk of money laundering or weapons development that is a significant risk to the interests of Jersey and give licences permitting activity that would otherwise be prohibited by a direction.

Regulation 12 provides for the construction of the Nuclear Safeguards Act 2000 as that Act is extended to Jersey by the Nuclear Safeguards (Jersey) Order 2004. Under that Act, the Minister may make Orders giving effect in Jersey to any Safeguards Agreement connected with the Treaty on the Non-Proliferation of Nuclear Weapons and may require the provision of information for those purposes.

Regulation 13 amends the Nuclear Safeguards (Jersey) Order 2005 so that, consistent with the rule for construction in Regulation 12, references to the Minister in it are references to the Minister for External Relations.

Regulation 14 amends the Terrorist Asset-Freezing (Jersey) Law 2011. Under that Law the Minister may designate a person suspected of direct or indirect involvement in terrorist activity, with the consequence that the person’s assets are frozen. The Minister may also by licence authorize activities that would otherwise be prohibited by a designation.

Regulation 15 amends the Crime and Security (Jersey) Law 2003. The principal function of the Minister under that Law is to make asset-freezing Orders.

Regulation 16 provides for the construction of certain Orders in Council that implement sanctions and measures pursuant to a resolution of the Security Council of

the United Nations so as to provide for licensing functions under those Orders in Council to be discharged by the Minister for External Relations.

Regulation 17 amends the Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998. Under that Law the Minister has power, by Order, to confer specified exemptions and reliefs in connection with an office to which the Law applies.

Regulation 18 provides for references to the Chief Minister in the Air Navigation Order 2005 of the United Kingdom, as it has effect in Jersey, to be construed as references to the Minister for External Relations. The Ministerial powers under the Air Navigation Order are to make Orders regulating the carriage, by air, of dangerous goods, to make Rules of the Air by Order, to make Orders prohibiting or restricting flying, to make Orders regarding aircraft noise and to make Orders designating airports for customs and excise purposes. In addition, the Secretary of State in the United Kingdom is required to notify the Minister before exercising certain powers under the 2005 Order and the Director of Civil Aviation is required to consult the Minister before making directions for airspace policy purposes.

Regulation 19 provides for references to the Chief Minister in the Aviation Security Act 1982 of the United Kingdom, as it has effect in Jersey, to be construed as references to the Minister for External Relations. The Ministerial powers under that Act are to obtain information from the airport operator, to designate restricted zones in the airport, to give directions requiring persons, property and aircraft to be searched before a flight, to require the airport or any part of airport land to be searched and to give directions for the protection of the airport, aircraft, people and property against acts of violence. The Minister has a power, by Order, to regulate air cargo agents, to impose a duty to report certain occurrences, to designate the area of the airport and provide for the calculation of amounts of compensation. The Minister is also liable to compensate a person who is given a direction to demolish a building or works at the airport.

Regulation 20 amends the Civil Aviation (Jersey) Law 2008 so that references to the Minister mean the Minister for External Relations. The functions of the Minister under the Law are to appoint the Director of Civil Aviation and secure resources for that officeholder, to determine the fee for an aerodrome licence, to hear appeals from decisions of the Director of Civil Aviation, to give directions requiring the holder of an aerodrome licence to do things and to make Air Navigation Orders.

Regulation 21 revokes enactments that are superseded by these Regulations.

Regulation 22 provides for the citation of these Regulations and, if adopted, their immediate commencement.

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**DRAFT STATES OF JERSEY (MINISTER FOR
EXTERNAL RELATIONS) (JERSEY)
REGULATIONS 201-**

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**DRAFT STATES OF JERSEY (MINISTER FOR
EXTERNAL RELATIONS) (JERSEY)
REGULATIONS 201-**

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

THE STATES, in pursuance of Article 29(2) and (3) of the States of Jersey Law 2005, have made the following Regulations –

1 Interpretation

In these Regulations "principal Law" means the States of Jersey Law 2005.

2 Minister for External Relations

There is established a Minister for External Relations.

3 Functions of Minister for External Relations

- (1) The Minister for External Relations shall, concurrently with the Chief Minister, discharge the function described in Article 18(3)(b) of the principal Law.
- (2) There shall be transferred from the Chief Minister to the Minister for External Relations the functions of the Chief Minister under the following –
 - (a) the European Communities Legislation (Implementation) (Jersey) Law 1996;
 - (b) the Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2007;
 - (c) the Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005;
 - (d) the Taxation (Double Taxation) (Jersey) Regulations 2010;
 - (e) the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008;

- (f) the Money Laundering and Weapons Development (Directions) (Jersey) Law 2012;
 - (g) the Nuclear Safeguards Act 2000 of the United Kingdom, as extended to Jersey by the Nuclear Safeguards (Jersey) Order 2004;
 - (h) the Nuclear Safeguards (Jersey) Order 2005;
 - (i) the Terrorist Asset-Freezing (Jersey) Law 2011;
 - (j) the Crime and Security (Jersey) Law 2003;
 - (k) the Iraq (United Nations Sanctions) (Channel Islands) Order 2000 of the United Kingdom;
 - (l) the Iraq (United Nations Sanctions) (Channel Islands) Order 2003 of the United Kingdom;
 - (m) the Al Qa'ida and Taliban (United Nations Measures) (Channel Islands) Order 2002 of the United Kingdom;
 - (n) the Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2003 of the United Kingdom;
 - (o) the Democratic Republic of the Congo (United Nations Measures) (Channel Islands) Order 2005 of the United Kingdom;
 - (p) the Lebanon and Syria (United Nations Measures) (Channel Islands) Order 2006 of the United Kingdom;
 - (q) the Liberia (United Nations Sanctions) (Channel Islands) Order 2004 of the United Kingdom;
 - (r) the United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) Order 1996 of the United Kingdom;
 - (s) the Somalia (United Nations Sanctions) (Channel Islands) Order 2002 of the United Kingdom;
 - (t) the Sudan (United Nations Measures) (Channel Islands) Order 2005 of the United Kingdom;
 - (u) the Terrorism (United Nations Measures) (Channel Islands) Order 2001 of the United Kingdom;
 - (v) the Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998;
 - (w) the Air Navigation Order 2005 of the United Kingdom, as extended to Jersey by the Air Navigation (Jersey) Order 2008;
 - (x) the Aviation Security Act 1982 of the United Kingdom, as extended to Jersey by the Aviation Security (Jersey) Order 1993;
 - (y) the Civil Aviation (Jersey) Law 2008.
- (3) All rights enjoyed and liabilities incurred by the Chief Minister in connection with the functions transferred by paragraph (2) shall be transferred to the Minister for External Relations and become the rights and liabilities of the Minister for External Relations.
- (4) A provision of a contract or other instrument that specifies that a right or liability of the Chief Minister is incapable of transfer shall, to the extent that it applies to a right or liability transferred by paragraph (3), be of no effect.
- (5) The operation of paragraph (3) 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.

4 Principal Law amended

In Article 18(1) of the principal Law for the number "9" there shall be substituted the number "10".

5 Standing Orders amended

In standing order 117 of the Standing Orders of the States of Jersey –

- (a) in paragraph (1), after "Education, Sport and Culture" there shall be inserted "External Relations";
- (b) at the end of paragraph (18) there shall be added the words "or the establishment of a Minister".

6 European Communities Legislation (Implementation) (Jersey) Law 1996 amended

In Article 1 of the European Communities Legislation (Implementation) (Jersey) Law 1996 for the definition "Minister" there shall be substituted the following definition –

“ ‘Minister’ means the Minister for External Relations;”.

7 Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2007 amended

In Article 6(2) of the Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2007 for the words "Chief Minister" there shall be substituted the word "Minister".

8 Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005 amended

In Regulation 1 of the Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005 for the definition "Minister" there shall be substituted the following definition –

“ ‘Minister’ means the Minister for External Relations;”.

- 9 Taxation (Double Taxation) (Jersey) Regulations 2010 amended**
In Regulation 3 of the Taxation (Double Taxation) (Jersey) Regulations 2010 for the words “Chief Minister” there shall be substituted the words “Minister for External Relations”.
- 10 Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008 amended**
In Regulation 16A(3) of the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008 for the words “Chief Minister” there shall be substituted the words “Minister for External Relations”.
- 11 Money Laundering and Weapons Development (Directions) (Jersey) Law 2012 amended**
In the Money Laundering and Weapons Development (Directions) (Jersey) Law 2012 –
- (a) in Article 1 for the definition “Minister” there shall be substituted the following definition –
 - “ ‘Minister’ means the Minister for External Relations;”;
 - (b) in the Schedule –
 - (i) for the words “Chief Minister” wherever they appear there shall be substituted the word “Minister”;
 - (ii) for the words “Chief Minister’s” there shall be substituted the word “Minister’s”.
- 12 Nuclear Safeguards Act 2000 construed**
In the Nuclear Safeguards Act 2000 of the United Kingdom, as extended to Jersey with modifications by the Nuclear Safeguards (Jersey) Order 2004, a reference to the Policy and Resources Committee shall be construed as a reference to the Minister for External Relations.
- 13 Nuclear Safeguards (Jersey) Order 2005 amended**
In Article 1(1) of the Nuclear Safeguards (Jersey) Order 2005 for the definition “Minister” there shall be substituted the following definition –
 - “ ‘Minister’ means the Minister for External Relations;”.
- 14 Terrorist Asset-Freezing (Jersey) Law 2011 amended**
In the Terrorist Asset-Freezing (Jersey) Law 2011 –
- (a) for the words “Chief Minister” in each place that they appear there shall be substituted the word “Minister”;
 - (b) for the words “Chief Minister’s” in each place that they appear there shall be substituted the word “Minister’s”;

- (c) in Article 1(1) after the definition "interim designation" there shall be inserted the following definition –

“ ‘Minister’ means the Minister for External Relations;”.

15 Crime and Security (Jersey) Law 2003 amended

- In Article 1(1) of the Crime and Security (Jersey) Law 2003 for the definition "Minister" there shall be substituted the following definition –

“ ‘Minister’ means the Minister for External Relations;”.

16 United Nations Measures and Sanctions – Orders in Council construed

- (1) In the following enactments of the United Kingdom, in the definition "licensing authority", a reference to the Policy and Resources Committee shall be construed as a reference to the Minister for External Relations –
- (a) article 4(1) of the Iraq (United Nations Sanctions) (Channel Islands) Order 2003;
 - (b) article 2(1) of the Al-Qa'ida and Taliban (United Nations Measures) (Channel Islands) Order 2002;
 - (c) article 2(1) of the Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2003;
 - (d) article 2(1) of the Democratic Republic of the Congo (United Nations Measures) (Channel Islands) Order 2005;
 - (e) article 2(1) of the Liberia (United Nations Sanctions) (Channel Islands) Order 2004;
 - (f) article 2(1) of the Somalia (United Nations Sanctions) (Channel Islands) Order 2002;
 - (g) article 2(1) of the Sudan (United Nations Measures) (Channel Islands) Order 2005; and
 - (h) article 2(1) of the Terrorism (United Nations Measures) (Channel Islands) Order 2001.
- (2) In article 2 of the Lebanon and Syria (United Nations Measures) (Channel Islands) Order 2006, in the definition "relevant authority", the reference to the Chief Minister shall be construed as a reference to the Minister for External Relations.
- (3) In article 2(1) of the Iraq (United Nations Sanctions) (Channel Islands) Order 2000 as amended by the Iraq (United Nations Sanctions) (Channel Islands) Order 2003, in the definition "relevant enforcement authority", the reference to the Policy and Resources Committee shall be construed as a reference to the Minister for External Relations.
- (4) In the United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) Order 1996 a reference to the Policy and Resources Committee shall be construed as a reference to the Minister for External Relations.

17 Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998 amended

In paragraphs 5 and 6 of the Schedule to the Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998 for the words "Chief Minister" there shall be substituted the words "Minister for External Relations".

18 Air Navigation Order 2005 construed

In the Air Navigation Order 2005 of the United Kingdom, extended to Jersey with modifications by the Air Navigation (Jersey) Order 2008, a reference to the Chief Minister shall be construed as a reference to the Minister for External Relations.

19 Aviation Security Act 1982 construed

In the Aviation Security Act 1982 of the United Kingdom, extended to Jersey with exceptions, adaptations and modifications by the Aviation Security (Jersey) Order 1993, references to the Committee, other than the references in section 21(6)(a) and in the definition "Airport Director" in section 38(1), shall be construed as references to the Minister for External Relations.

20 Civil Aviation (Jersey) Law 2008 amended

In Article 1(1) of the Civil Aviation (Jersey) Law 2008, for the definition "Minister" there shall be substituted the following definition –

" 'Minister' means the Minister for External Relations;".

21 Revocations

The following enactments are revoked –

- (a) Regulation 10 of the States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005;
- (b) Regulation 3(b) of the States of Jersey (Transfer of Functions No. 5) (Economic Development to Chief Minister) (Jersey) Regulations 2012.

22 Citation and commencement

These Regulations may be cited as the States of Jersey (Minister for External Relations) (Jersey) Regulations 201- and shall come into force forthwith.