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# STATES OF JERSEY



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – TREASURY AND RESOURCES – SIGNING OF CONTRACTS FOR THE STARTER HOMES DEPOSIT LOAN SCHEME**

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**Presented to the States on 23rd July 2013  
by the Minister for Treasury and Resources**

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**STATES GREFFE**

## REPORT

On 19th July 2013, the Minister for Treasury and Resources made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-TR-2013-0056, available at [www.gov.je](http://www.gov.je)).

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

The Law states, *inter alia* –

### “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.
- (4) Where any licence, permit or authorization is granted in purported exercise of functions delegated under paragraph (1), no criminal proceedings shall lie against any person for any act done, or omitted to be done, in good faith and in accordance with the terms of the licence, permit or authorization, by reason that the functions had not been delegated, or that any requirement attached to the delegation of the functions had not been complied with.
- (5) In this Article –
 

“Minister” includes the Chief Minister;

“officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005 and includes a member of the States of Jersey Police Force and an officer appointed under paragraph 1(1) of Part 1 of Schedule 2 to the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 1993.
- (6) The States may by Regulations amend the definition “officer” in paragraph (5).”

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 –

Unless otherwise stated, any reference to a Regulation in this section is a reference to the Regulation so numbered in the Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005.

**Public Finances (Transitional Provisions) (No. 2) (Jersey) Regulations 2005**

Lend money in the name of and on behalf of the States

<b>Legislation:</b>	Regulation 13(1) to (4) – Minister’s authority to lend money in the name of and on behalf of the States
<b>Delegate:</b>	Treasurer of the States
<b>Function delegated and scope of delegation:</b>	Temporary delegation of powers to enable the approval of each loan for the pilot Starter Home Deposit Loan Scheme until its conclusion.