
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – CHIEF MINISTER – ASSISTANT MINISTERS

Presented to the States on 16th April 2014
by the Chief Minister

STATES GREFFE

REPORT

On 11th April 2014, the Chief Minister made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-C-2014-0072, available at 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 –

Delegations

The Chief Minister has delegated to his Assistant Ministers, Senator P.F. Routier and Senator P.F.C. Ozouf, functions under Article 18(3)(b) of the States of Jersey Law 2005.

1. Control of Housing and Work (Jersey) Law 2012 and Register of Names and Addresses (Jersey) Law 2012

The Chief Minister has delegated responsibility for the functions conferred upon him under the Control of Housing and Work (Jersey) Law 2012 and the Register of Names and Addresses (Jersey) Law 2012 to his Assistant Minister, Senator P.F. Routier.

In order to enable the Assistant Minister to deal with all matters in relation to the Control of Housing Law and the Register of Names and Addresses Law in the States Assembly, the Chief Minister also agreed to delegate the following functions under Standing Orders in respect of the aforementioned legislation –

- (a) Standing Order 9(3) – answering questions;
- (b) Standing Order 17(1)(a) – making Statements;
- (c) Standing Order 19(c) – lodging Propositions;
- (d) Standing Order 35(1)(b) – presenting Reports or Comments;
- (e) Standing Order 68A(3) – proposing Propositions.

2. Financial Services

The Chief Minister has delegated operational responsibility for Financial Services to Senator P.F.C. Ozouf in order that the Island can continue to move quickly on implementing the recommendations from global advisers regarding the opportunities for Jersey as an international finance centre.