
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – AUTHORISATION OF ACTIONS IN CONNECTION WITH IRAN SANCTIONS

Presented to the States on 29th September 2014
by the Minister for External Relations

STATES GREFFE

REPORT

On 26th September 2014, the Minister for External Relations made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-ER-2014-0029, 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 –

Article 7 of the Community Provisions (Restrictive Measures – Iran) (Jersey) Order 2012 provides that –

“7 Functions of Minister

- (1) The Minister, with a view to ensuring compliance with Council Regulation No. 359/2011 and Council Regulation No. 267/2012, must perform the functions required to be performed by a competent authority of a Member State under those Council Regulations, as if the Minister were a competent authority.
- (2) The Minister may, to such extent and subject to such restrictions as he or she may think proper, delegate or authorize the delegation of any of his or her functions under this Order to any person, or class or description of person, approved by the Minister.”

Council Regulation EU No. 267/2012, as applied to Jersey, permits or requires authorisation of certain actions by the competent authorities of the territory concerned, subject to the specified requirements, exceptions and conditions.

The Minister for External Relations delegates certain functions in accordance with the following Articles of Council Regulation EU No. 267/2012, as given effect in Jersey, subject to the relevant restrictions and conditions –

Legislation:	Community Provisions (Restrictive Measures – Iran) (Jersey) Order 2012
Delegate:	Director of International Affairs or deputy
Function delegated:	Council Regulation (EU) No. 267/2012 as given effect in Jersey: RESTRICTIONS ON TRANSFERS OF FUNDS AND ON FINANCIAL SERVICES <i>Article 30a</i> The delegate may give prior authorisation of a transfer of or above EUR 400,000 or equivalent amount, to or from an Iranian person, entity or body.
Scope of delegation:	Subject to the requirements of Regulation (EU) No. 267/2012, as given effect in Jersey.