
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – TREASURY AND RESOURCES – REVISED DELEGATIONS NOVEMBER 2014

**Presented to the States on 20th November 2014
by the Minister for Treasury and Resources**

STATES GREFFE

REPORT

On 18th November 2014, 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-2014-0140, 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 –

Treasury and Resources delegated authority for Jersey Property Holdings and States expenditure approvals – November 2014

Unless otherwise stated, any reference to an Article in this section is a reference to the Article so numbered in the Public Finances (Jersey) Law 2005. Likewise, 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.

1. Administrative delegations

1.1 Responsibility for Jersey Property Holdings

Delegate:	Responsibility for all matters relating to Jersey Property Holdings is delegated to Deputy E.J. Noel of St. Lawrence, Assistant Minister for Treasury and Resources.
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2. States Standing Orders – delegations and signature Of Contracts

2.1 Standing Order 168

Legislation:	Standing Order 168.
Delegate:	<p>Authority is delegated to Deputy E.J. Noel of St. Lawrence, Assistant Minister for Treasury and Resources all powers and responsibilities arising under Standing Order 168 with no financial limits; and</p> <p>Authority is delegated to the Accounting Officer or, in their absence, to the Director of Estates or the Assistant Director, Property Holdings the power to approve the following actions –</p> <ul style="list-style-type: none"> • any acquisition or disposal of land or property on behalf of the public for a consideration up to £500,000; • any grant or acceptance on behalf of the public of any servitude or right in, on, over or under land by way of gift or for amounts up to £500,000; • the letting on behalf of the public to any person or body for a term certain of any land or property for a rent payable on commencement of less than £50,000 a year; • the rent on behalf of the public from any person or body for a term certain of any land or property for a rent payable on commencement of less than £50,000 a year; and • the renewal, extension or variation of any lease where the value is less than £50,000 a year.

Function delegated and scope of delegation:	<p>This standing order applies to the following actions –</p> <ul style="list-style-type: none"> (a) the acquisition, disposal, letting or rental of land on behalf of the public of Jersey (other than the agreement of altered boundaries); (b) the agreement of boundaries, or of altered boundaries, on behalf of the public of Jersey; (c) the acquisition, grant, variation or cancellation of rights or servitudes over land on behalf of the public of Jersey; (ca) the renewal, extension, variation or cancellation of any lease of land on behalf of the public of Jersey; (cb) the provision of consent, on behalf of the public of Jersey, to a land transaction that is not included in subparagraph (a) to (ca); (d) the approval of plans for the construction or alterations of buildings where the work is to be funded wholly or partly by money voted by the States.
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2.2 Contract Signing – Land Transactions

Legislation:	Standing Order 168 – Land transactions.
Delegate:	<p>Responsibility for signing the contract is delegated to –</p> <ul style="list-style-type: none"> • Deputy E.J. Noel of St. Lawrence, Assistant Minister for Treasury and Resources for contracts with no financial limit; • The Accounting Officer for contracts up to £1,000,000 or, in their absence, the Director of Estates or the Assistant Director, Property Holdings for contracts with a value up to £1,000,000. • The Director of Estates or, in their absence, the Assistant Director, Property Holdings for contracts with a value up to £500,000. <p>Power to authorise the Attorney General and the Greffier of the States to pass any contracts on behalf of the public of Jersey that may be necessary in regard to land transactions approved by the Minister or their delegates under Standing Order 168 is delegated to Deputy E.J. Noel of St. Lawrence, Assistant Minister for Treasury and Resources or the Accounting Officer or, in their absence, the Director of Estates or the Assistant Director, Property Holdings.</p>

Function delegated and scope of delegation:	Signing of contracts on behalf of the Minister for Treasury and Resources for work commissioned by Jersey Property Holdings.
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3.0 Expenditure of the Treasury and Resources Department

Expenditure of the Treasury and Resources department:	Expenditure of all amounts approval by the States Assembly for the Treasury and Resources Department.
Delegate:	The Minister delegates authority to the Treasurer of the States to spend up to the amounts approval by the States Assembly for the Treasury and Resources Department.