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# STATES OF JERSEY



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – TREASURY AND RESOURCES – ASSISTANT MINISTER – AUGUST 2016**

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**Presented to the States on 4th August 2016  
by the Minister for Treasury and Resources**

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**STATES GREFFE**

## REPORT

On 1st August 2016, 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-2016-0065, 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 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.

## **Public Finances (Jersey) Law 2005 delegations**

### **Public Finances Law – General**

<b>Legislation:</b>	Powers under the Public Finances (Jersey) Law 2005.
<b>Delegate:</b>	Assistant Minister for Treasury and Resources, Connétable J.M. Refault of St. Peter.
<b>Functions delegated and scope of delegation:</b>	The Minister delegated all of the functions conferred on or vested in the Minister by or under the Public Finances (Jersey) Law 2005, including those contained in Regulations approved under that Law, and Financial Directions.

### **Standing Orders 17, 19 and 35**

<b>Legislation:</b>	Standing Orders 17, 19 and 35.
<b>Delegate:</b>	Assistant Minister for Treasury and Resources, Connétable J.M. Refault of St. Peter.
<b>Functions delegated and scope of delegation:</b>	All powers and responsibilities arising under Standing Orders 17, 19 and 35.  These Standing Orders apply to the following actions – <ul style="list-style-type: none"> <li>• Standing Order 17 – Notice of intention to make a statement on a matter of official responsibility</li> <li>• Standing Order 19 – Who can lodge a proposition</li> <li>• Standing Order 35 – Who may present a report or comment.</li> </ul>