
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – MINISTER FOR THE ENVIRONMENT – ADDITIONAL DELEGATIONS DECEMBER 2019

Presented to the States on 29th November 2019
by the Minister for the Environment

STATES GREFFE

REPORT

On 29th November 2019, the Minister for the Environment made a Ministerial Decision delegating certain of his functions under Articles 28, 30 and 30A of the [States of Jersey Law 2005](#) (MD-PE-2019-0106, 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.
- (1A) A Minister shall not delegate to an Assistant Minister any function the delegation of which is wholly prohibited by an enactment.
- (1B) Where a Minister delegates to an Assistant Minister a power to make an enactment, paragraphs (4) and (5) of Article 26 shall apply to the making of an enactment by the Assistant Minister, in exercise of the delegated power, as they would apply to the making of the enactment by the Minister.
- (2) A Minister shall not delegate to an officer –
 - (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 wholly, or to an officer, 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).”

“30 Ministerial delegations to be presented to States

- (1) A Minister who delegates functions under Article 28 shall present to the States a report specifying the functions delegated and to whom.
- (2) A Minister shall not be required to present a report under paragraph (1) where the delegation is so immediate and of such brief duration that it is not practicable to present the report before the delegation ends.

30A List of delegations to be published

- (1) The Chief Minister shall cause to be established, maintained and published a consolidated list of –
- (a) the functions for the time being discharged by the Chief Minister and by each Minister;
- (b) the functions for the time being delegated by the Chief Minister and each Minister under Article 28, and to whom.
- (2) The list shall also specify which Minister is discharging, for the time being, the functions of another Minister under Article 27(1) or (2).
- (3) The information described in paragraph (1)(b) or (2) is not required to be incorporated in the list where the period for which the delegation has effect or for which one Minister’s functions are being discharged by another is so immediate and of such brief duration that it is not practicable to amend and publish the list to incorporate the information before the end of the period.
- (4) It shall be sufficient if the list is published on a website.”

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 follows.

Additions to the Scheme of Delegations for the Minister for the Environment – December 2019		
1. Background		
<p>In pursuance of Article 28(1) of the States of Jersey Law 2005, the Minister delegates the following powers and functions conferred upon or vested in the Minister to officers, subject to the conditions as stated.</p> <p>The Scheme of Delegations ensures that decisions are made at the appropriate level to ensure the efficient administration of the Minister’s duties and responsibilities.</p> <p>No delegations made prevent the Minister from exercising those functions personally.</p> <p>Following the adoption of EU legislation by the States Assembly in 2019, it was identified that the Scheme of Delegations should be updated.</p> <p>The Scheme of Delegations was previously updated by Ministerial Decision on 3rd June 2019 (Scheme of Delegation for the Minister for the Environment – June 2019), and was presented to the States on 6th June 2019 in R.68/2019 (‘States of Jersey Law 2005: delegation of functions – Minister for the Environment – revised delegations June 2019’). This update adds to the Delegations set out in that Report.</p>		
2. Delegations to officers		
Legislation:	Detail:	Delegated to:
<p>1. EU Legislation (Monitoring of Residues in Animals) (Jersey) Regulations 2019 (adopted by the States 8th October 2019)</p>	<p>These Regulations make provision in relation to the application to Jersey of European Union requirements for monitoring residues of veterinary medicines and other substances in farm animals and animal products.</p>	<ul style="list-style-type: none"> • Director – Natural Environment • States Veterinary Officer • States Veterinary Assistant
<p>2. EU Legislation (Wild Aquatic Animals – Food and Feed) (Jersey) Regulations 2019 (adopted by the States 24th September 2019)</p>	<p>These Regulations make provision in relation to the application of European Union food and feed standards to fish, crustaceans and molluscs harvested or caught (rather than farmed) in Jersey and the territorial sea around Jersey.</p>	<ul style="list-style-type: none"> • Acting Director – Environmental Health and Trading Standards • Environmental Health Officers