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# STATES OF JERSEY



**NOTICE IN ACCORDANCE WITH  
ARTICLE 29A(3) OF THE STATES OF  
JERSEY LAW 2005 OF THE INTENTION  
TO MAKE AN ORDER TO TRANSFER  
LEGISLATIVE FUNCTIONS FROM THE  
CHIEF MINISTER TO THE MINISTER  
FOR ECONOMIC DEVELOPMENT,  
TOURISM, SPORT AND CULTURE**

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**Presented to the States on 26th July 2019  
by the Chief Minister**

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**STATES GREFFE**

## REPORT

A number of changes have been announced to ministerial responsibilities since the formation of the new Government in 2018, designed to support the Council of Ministers in delivering on its priorities.

These changes have included the transfer of political responsibility for digital economy, communications, data protection, and related policy responsibilities including our Island's cyber security policy, to the Minister for Economic Development, Tourism, Sport and Culture.

This was done to support a focus on economic growth - recognising the increasing importance of digital technology, including safeguarding the public and organisations in relation to data, and with reference to cyber security. This is a crucial part of the overall delivery of a programme of economic improvements for the future, supporting long term economic sustainability and resilience.

As such, under Article 29A(3) of the [States of Jersey Law 2005](#), the Chief Minister now wishes to present the draft Order so as to provide 2 weeks' notice of the intention to make the Order, and thereby also transferring statutory responsibilities for the legislation listed in the Order to the Minister for Economic Development, Tourism, Sport and Culture.

The Order is therefore attached for the information of Members as the **Appendix** to this Report.



Jersey

## **DRAFT STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (CHIEF MINISTER TO ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE) ORDER 201-**

### **EXPLANATORY NOTE**

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This Order transfers the responsibilities and functions of the Chief Minister under enactments and Orders in Council relating to data protection, digital matters and communications and broadcasting to the Minister for Economic Development, Tourism, Sport and Culture.

*Article 1* contains definitions.

*Article 2* transfers to the Minister for Economic Development, Tourism, Sport and Culture the responsibilities and functions of the Chief Minister under certain enactments and Orders in Council related to data protection, digital matters and communications and broadcasting. It also makes amendments that are consequential to that transfer.

*Article 3* transfers to the receiving Minister any rights enjoyed and liabilities incurred by the transferring Minister in connection with the responsibilities and functions transferred by Article 2.

*Article 4* provides for the continuity of any appointment, approval or other decision made, or authority to do anything given, by the transferring Minister under the enactments covered by this Order and substitutes the receiving Minister for the transferring Minister in any ongoing legal proceedings.

*Article 5* sets out the name by which this Order may be cited and states that the Order comes into force on the day after the day on which it is made.





Jersey

# **DRAFT STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (CHIEF MINISTER TO ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE) ORDER 201-**

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Jersey

## **DRAFT STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (CHIEF MINISTER TO ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE) ORDER 201-**

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE CHIEF MINISTER** makes this Order under Article 29A of the States of Jersey Law 2005 –

### **1 Interpretation**

In this Order –

“receiving Minister” means the Minister for Economic Development, Tourism, Sport and Culture;

“transferring Minister” means the Chief Minister.

### **2 Responsibilities and functions transferred**

(1) There are transferred to the receiving Minister the responsibilities and functions of the transferring Minister under the following enactments and Orders in Council –

- (a) the Data Protection Authority (Jersey) Law 2018;
- (b) the Data Protection (Jersey) Law 2018;
- (c) the Digital Switchover (Disclosure of Information) (Jersey) Law 2010;
- (d) the Electronic Communications (Jersey) Law 2000;
- (e) the Radio Equipment (Jersey) Law 1997;
- (f) the Telecommunications (Jersey) Law 2002;
- (g) the Broadcasting Act 1990 (Jersey) (No. 2) Order 1991;
- (h) the Broadcasting (Jersey) Order 2003;
- (i) the Communications (Jersey) Order 2003;
- (j) the Telecommunications Services (Jersey) Order 1972;
- (k) the Wireless Telegraphy (Jersey) Order 2006.

- (2) In the definition “Minister” in each of the following enactments, for “Chief Minister” there is substituted “Minister for Economic Development, Tourism, Sport and Culture” –
  - (a) Article 1(1) of the Data Protection (Jersey) Law 2018;
  - (b) Article 1 of the Digital Switchover (Disclosure of Information) (Jersey) Law 2010;
  - (c) Article 1(1) of the Electronic Communications (Jersey) Law 2000;
  - (d) Article 1(1) of the Radio Equipment (Jersey) Law 1997;
  - (e) Article 1(1) of the Telecommunications (Jersey) Law 2002.
- (3) In the Orders in Council set out in paragraphs (1)(g) to (k), and in any enactment of the United Kingdom extended by them, references that, before this Order comes into force, were to be construed as referring to the Chief Minister are to be construed as referring to the Minister for Economic Development, Tourism, Sport and Culture.

### **3 Connected rights and liabilities**

- (1) All rights enjoyed and liabilities incurred by the transferring Minister in connection with the responsibilities and functions transferred by Article 2 are transferred to the receiving Minister and become the rights and liabilities of that Minister.
- (2) A provision of a contract or other instrument that specifies that a right or liability of the transferring Minister is incapable of transfer is, to the extent that it applies to a right or liability transferred by paragraph (1), of no effect.
- (3) The operation of paragraph (1) is not to be regarded –
  - (a) as a breach of contract or confidence or otherwise as a civil wrong;
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or
  - (c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.

### **4 Transitional provisions**

- (1) The transfer effected by Article 2 does not prejudice the operation of any appointment, approval, authorisation, consent, delegation, determination, direction, instruction, requirement or other thing that is, before this Order comes into force, made, given or done by the transferring Minister in relation to the responsibilities, functions, rights and liabilities so transferred, but any such matter, if then in force, continues in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the receiving Minister.
- (2) Anything commenced before this Order comes into force by or under the authority of the transferring Minister may, so far as it relates to any of the responsibilities, functions, rights and liabilities transferred by Article 2 be



carried on and completed by or under the authority of the receiving Minister.

- (3) Where, on commencement of this Order, any legal proceeding is pending to which the transferring Minister is a party and the proceeding has reference to any of the responsibilities, functions, rights and liabilities transferred by Article 2, the receiving Minister is substituted in the proceeding for the transferring Minister and the proceeding does not abate by reason of the substitution.

## **5 Citation and commencement**

This Order may be cited as the States of Jersey (Transfer of Responsibilities and Functions) (Chief Minister to Economic Development, Tourism, Sport and Culture) Order 201- and comes into force on the day after the day on which it is made.