



Jersey

**STATES OF JERSEY (TRANSFER OF
FUNCTIONS – REGULATION OF CARE)
(JERSEY) ORDER 2018¹²**

Official Consolidated Version

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Showing the law from 1 January 2019 to 4 October 2022



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STATES OF JERSEY (TRANSFER OF FUNCTIONS – REGULATION OF CARE) (JERSEY) ORDER 2018

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THE CHIEF MINISTER, in pursuance of Article 29A of the [States of Jersey Law 2005](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

“receiving Minister” means the Chief Minister;

“transferring Minister” means the Minister Health and Social Services.

2 Functions of Minister of Health and Social Services transferred

There are transferred from the transferring Minister to the receiving Minister the functions with respect to the making of Orders under the following enactments (as in the case of that mentioned in sub-paragraph (c) it is amended by Schedule 2 to the Regulation of Care (Regulated Activities) (Jersey) Regulations 2018) with respect to the making of Orders –

- (a) the [Health Care \(Registration\) \(Jersey\) Law 1995](#);
- (b) the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#) other than Article 10C;
- (c) the [Nursing Homes \(Jersey\) Law 1994](#);
- (d) the [Opticians \(Registration\) \(Jersey\) Law 1962](#);
- (e) the [Piercing and Tattooing \(Jersey\) Law 2002](#).

3 Connected rights and liabilities transferred

- (1) All rights enjoyed and liabilities incurred by the transferring Minister in connection with the 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 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, authorization, 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 functions, rights and liabilities so transferred, but 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 functions, rights and liabilities transferred by Regulations 2 and 3, 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 functions, rights and liabilities transferred by Articles 2 and 3, the receiving Minister is substituted in the proceeding for the transferring Minister and the proceeding shall not abate by reason of the substitution.

5 Citation

This Order may be cited as the States of Jersey (Transfer of Functions – Regulation of Care) (Jersey) Order 2018.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
States of Jersey (Transfer of Functions – Regulation of Care) (Jersey) Order 2018	R&O.141/2018	1 January 2019
States of Jersey (Ministerial Offices) Order 2022	R&O.92/2022	4 October 2022

Table of Renumbered Provisions

Original	Current
2(1)	2
2(2)	spent, omitted
Schedule	spent, omitted

Table of Endnote References

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- ¹ *Following the commencement of R&O.92/2022, this Order is to be treated as amended to apply Article 29A(4) to (6) of the States of Jersey Law 2005 to them and to disapply any provision to the extent that it is not compatible with that Article*
- ² *This Order was spent by the States of Jersey (Ministerial Offices) Order 2022 on 4 October 2022*