



Jersey

# **STATES OF JERSEY (TRANSFER OF FUNCTIONS FROM COMMITTEES TO MINISTERS) (JERSEY) REGULATIONS 2005<sup>12</sup>**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 January 2019 to 4 October 2022



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# **STATES OF JERSEY (TRANSFER OF FUNCTIONS FROM COMMITTEES TO MINISTERS) (JERSEY) REGULATIONS 2005**

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## STATES OF JERSEY (TRANSFER OF FUNCTIONS FROM COMMITTEES TO MINISTERS) (JERSEY) REGULATIONS 2005

**THE STATES**, in pursuance of Article 49 of the [States of Jersey Law 2005](#), have made the following Regulations –

Commencement [[see endnotes](#)]

### 1 Interpretation

- (1) In these Regulations any reference to “the receiving Minister” means the Minister to whom functions are transferred under these Regulations and any reference to “the transferring Committee” means the Committee from which those functions are transferred.
- (2) In these Regulations, “States’ Reform Act” means the States’ Reform: Reorganization of Committees (Transitional Arrangements) (Jersey) Act 2002.<sup>3</sup>

### 2 Transfer of functions from Committees to Ministers

- (1) Subject to paragraph (2), the functions of a Committee listed in column 1 below shall be transferred to the Minister listed opposite that Committee in column 2 below.

<i>1</i> <i>transferring Committee</i>	<i>2</i> <i>receiving Minister</i>
Policy and Resources Committee	Chief Minister
Finance and Economics Committee	Minister for Treasury and Resources
Economic Development Committee	Minister for Economic Development
Health and Social Services Committee	Minister for Health and Social Services
Education, Sport and Culture Committee	Minister for Education, Sport and Culture

<i><b>1</b></i> <i><b>transferring Committee</b></i>	<i><b>2</b></i> <i><b>receiving Minister</b></i>
Home Affairs Committee	Minister for Home Affairs
Employment and Social Security Committee	Minister for Social Security
Housing Committee	Minister for Housing
Harbours and Airport Committee	Minister for Economic Development
Legislation Committee	Chief Minister
Committee for Postal Administration	Minister for Economic Development <sup>4</sup>

- (2) The functions of the transferring Committee listed in column 1 below shall be transferred to the receiving Minister listed opposite that Committee in column 2 below.

<i><b>1</b></i> <i><b>transferring Committee</b></i>	<i><b>2</b></i> <i><b>receiving Minister</b></i>
Harbours and Airport Committee under the Chemical Weapons Act 1996 as extended to Jersey under the Chemical Weapons Act 1996 (Jersey) Order 1998	Minister for Home Affairs <sup>5</sup>

## **2A Transfer of functions of Environment and Public Services Committee<sup>6</sup>**

The functions of the transferring Committee listed in column 2 of the Schedule shall be transferred to the receiving Minister listed opposite that Committee in column 3 of the Schedule.

## **3 Rights and liabilities transferred**

- (1) All rights enjoyed and liabilities incurred by the transferring Committee in connection with the functions transferred by Regulations 2 and 2A shall be transferred to the receiving Minister and become the rights and liabilities of the receiving Minister.<sup>7</sup>
- (2) A provision of a contract or other instrument that specifies that a right or liability of the transferring Committee is incapable of transfer shall, to the extent that it applies to a right or liability transferred by paragraph (1), be of no effect.
- (3) The operation of paragraph (1) shall not 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 Construction of documents**

In the construction of, and for the purposes of, any judgment, award, contract, certificate or other document passed or made before this Act comes into force, anything that is, or is to be construed as, a reference to the transferring Committee or its officers shall, so far only as may be necessary for and in consequence of the transfers effected by Regulations 2, 2A and 3, be construed as a reference to the receiving Minister or any officer in an administration of the States for which the receiving Minister is responsible.<sup>8</sup>

#### **5 Transitional provisions**

- (1) The transfers effected by Regulation 2, 2A and 3 shall not prejudice the operation of any appointment, delegation, determination, direction, instruction, approval, consent, requirement, authorization or other thing that is, before these Regulations come into force, made, given or done by the transferring Committee in relation to the functions, rights and liabilities so transferred, but such matter shall, if then in force, continue 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.<sup>9</sup>
- (2) Anything commenced before these Regulations come into force by or under the authority of the transferring Committee may, so far as it relates to the functions, rights, or liabilities transferred by Regulations 2, 2A and 3, be carried on and completed by or under the authority of the receiving Minister.<sup>10</sup>
- (3) Where, at the coming into force of these Regulations, any legal proceeding is pending to which the transferring Committee is a party and the proceeding has reference to any of the functions, rights, or liabilities transferred by Regulations 2, 2A and 3, the receiving Minister shall be substituted in the proceeding for the transferring Committee and the proceeding shall not abate by reason of the substitution.<sup>11</sup>

#### **6 Citation**

These Regulations may be cited as the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005.

## SCHEDULE<sup>12</sup>

(Regulation 2A)

### FUNCTIONS OF THE TRANSFERRING COMMITTEE

<b>1</b>	<b>2</b> <b>functions of the transferring</b> <b>Committee</b>	<b>3</b> <b>receiving Minister</b>
1	Functions of the Environment and Public Services Committee which, immediately before the States Reform Act came into force, were functions of the Planning and Environment Committee	Minister for Planning and Environment
2	Functions of the Environment and Public Services Committee which, immediately before the States' Reform Act 2002 came into force, were functions of the Public Services Committee	Minister for Transport and Technical Services
3	Notwithstanding paragraph 1, functions of the Environment and Public Services Committee under – (a) the <a href="#">Water (Jersey) Law 1972</a> ; (b) the <a href="#">Water Pollution (Jersey) Law 2000</a>	Minister for Planning and Environment
4	Functions of the Environment and Public Services Committee under the Loi (1885) touchant l'administration des marches publics	Minister for Transport and Technical Services
5	Functions of the Environment and Public Services Committee under – (a) the Animal (Trapping) (Jersey) Law 1961; (b) Part II (including Schedules 2 and 3) and Part IV of the Food and Environment Protection Act 1985 of the United Kingdom as extended to Jersey by the Food and Environment Protection Act 1985 (Jersey) Order 1987 as amended and extended by the Food and Environment Protection Act 1985 (Jersey)	Minister for Planning and Environment

1	2 functions of the transferring Committee	3 receiving Minister
	<p>(Amendment) Order 1997;</p> <p>(c) the Agricultural Land (Control of Sales and Leases (Jersey) Law 1974;</p> <p>(d) the Artificial Insemination of Domestic Animals (Jersey) Law 1952;</p> <p>(e) the <a href="#">Dangerous Wild Animals (Jersey) Law 1999</a>;</p> <p>(f) <sup>13</sup>;</p> <p>(g) the Diseases of Animals (Jersey) Law 1956;</p> <p>(h) the <a href="#">Export of Agricultural Produce (Jersey) Order 1972</a>;</p> <p>(i) the <a href="#">Export of Flowers (Jersey) Order 1972</a>;</p> <p>(j) the Fertilisers and Feeding Stuffs (Jersey) Law 1950;</p> <p>(k) the Fish Health (Jersey) Regulations 1999;</p> <p>(l) the <a href="#">Pesticides (Jersey) Law 1991</a>;</p> <p>(n) the <a href="#">Plant Health (Jersey) Law 2003</a>;</p> <p>(o) the <a href="#">Potatoes (Precautions against Blight) (Jersey) Order 1961</a>;</p> <p>(p) the <a href="#">Protection of Agricultural Land (Jersey) Law 1964</a>;</p> <p>(q) the Sea Fish (Conservation Act 1967 of the United Kingdom –</p> <p style="padding-left: 40px;">(i) as extended to Jersey by the Sea Fish (Conservation) (Channel Islands) Order 1981 as that Order is amended by the Sea Fish (Conservation) (Channel Islands) (Amendment) Order 2001, and</p> <p style="padding-left: 40px;">(ii) as amended by the Sea</p>	

1	2 functions of the transferring Committee	3 receiving Minister
	<p>Fisheries Act 1968 of the United Kingdom, as extended to Jersey by the Sea Fisheries (Channel Islands) Order 1973;</p> <p>(r) the Sea Fisheries Act 1968 of the United Kingdom, as extended to Jersey by the Sea Fisheries (Channel Islands) Order 1973;</p> <p>(s) the <a href="#">Sea Fisheries (Jersey) Law 1994</a>;</p> <p>(t) the Slaughter of Animal (Jersey) Law 1962;</p> <p>(u) the <a href="#">Weeds (Jersey) Law 1961</a>;</p> <p>(v) the <a href="#">Animal Welfare (Jersey) Law 2004</a></p>	
6	<p>Functions of the Economic Development Committee under –</p> <p>(a) the Diseases of Animals (Rabies) (Jersey) Law 1976;</p> <p>(b) the <a href="#">Animal Welfare (Jersey) Law 2004</a></p>	Minister for Planning and Environment
7	Functions of the Environment and Public Services Committee under the <a href="#">Drainage (Jersey) Law 2005</a>	Minister for Transport and Technical Services
8	Functions of the Environment and Public Services Committee under the <a href="#">Waste Management (Jersey) Law 2005</a>	Minister for Planning and Environment
9	Function of the Environment and Public Services Committee under Article 9(2) of the <a href="#">Food Safety (Jersey) Law 1966</a>	Minister for Economic Development
10	Any other function of the Environment and Public Services Committee to which paragraphs 1 to 9 do not apply	Minister for Planning and Environment



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005	<a href="#">R&amp;O.41/2005</a>	9 December 2005
States of Jersey (Transfer of Functions from Committees to Ministers) (Amendment) (Jersey) Regulations 2005	<a href="#">R&amp;O.131/2005</a>	9 December 2005
<a href="#">States of Jersey (Ministerial Offices) Order 2022</a>	<a href="#">R&amp;O.92/2022</a>	4 October 2022

### Table of Endnote References

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- <sup>1</sup> Following the commencement of R&O.92/2022, these Regulations are 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
- <sup>2</sup> These Regulations were spent by the States of Jersey (Ministerial Offices) Order 2022 on 4 October 2022
- <sup>3</sup> Regulation 2(2) inserted by R&O.131/2005
- <sup>4</sup> Regulation 2(1) amended by R&O.131/2005
- <sup>5</sup> Regulation 2(2) inserted by R&O.131/2005
- <sup>6</sup> Regulation 2A inserted by R&O.131/2005
- <sup>7</sup> Regulation 3(1) amended by R&O.131/2005
- <sup>8</sup> Regulation 4 amended by R&O.131/2005
- <sup>9</sup> Regulation 5(1) amended by R&O.131/2005
- <sup>10</sup> Regulation 5(2) amended by R&O.131/2005
- <sup>11</sup> Regulation 5(3) amended by R&O.131/2005
- <sup>12</sup> Schedule inserted by R&O.131/2005
- <sup>13</sup> Law repealed before commencement of R&O.131/2005