



Jersey

STATES OF JERSEY (MINISTER FOR CHILDREN AND EDUCATION, MINISTER FOR HOUSING AND COMMUNITIES AND MINISTER FOR EXTERNAL RELATIONS AND FINANCIAL SERVICES) (JERSEY) ORDER 2021

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Made

2nd March 2021

Coming into force

2nd March 2021

THE CHIEF MINISTER makes this Order under Article 29A of the States of Jersey Law 2005¹ –

PART 1

MINISTER FOR CHILDREN AND EDUCATION AND MINISTER FOR HOUSING AND COMMUNITIES

1 Renaming of Ministers

- (1) The Minister for Education is renamed the “Minister for Children and Education”.
- (2) The Minister for Children and Housing is renamed the “Minister for Housing and Communities”.

2 Interpretation of Articles 3 and 4

In Articles 3 and 4 –

- (a) “receiving Minister” means the Minister for Children and Education;
- (b) “transferring Minister” means the Minister for Housing and Communities.

3 Responsibilities and functions transferred to the Minister for Children and Education

- (1) The responsibilities and functions of the transferring Minister under the enactments set out in Part 1 of Schedule 1 are transferred to the receiving Minister.
- (2) The receiving Minister is also responsible for promoting the well-being of children.
- (3) Part 2 of Schedule 1 contains consequential amendments.

4 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 3 are transferred to the receiving Minister and become the rights and liabilities of the receiving 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.

5 Transitional provisions

- (1) The transfers effected by Articles 3 and 4 do 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 Articles 3 and 4, 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 Articles 3 and 4, the receiving Minister is substituted in the

proceeding for the transferring Minister and the proceeding does not abate
by reason of the substitution.

PART 2

MINISTER FOR EXTERNAL RELATIONS AND FINANCIAL SERVICES

6 Renaming of Minister

- (1) The Minister for External Relations is renamed the “Minister for External Relations and Financial Services”.
- (2) Schedule 2 contains consequential amendments.

PART 3

CITATION

7 Citation

This Order may be cited as the States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021.

SENATOR J.A.N. LE FONDRÉ

Chief Minister

SCHEDULE 1

(Article 3)

PART 1

Enactments

Adoption (Jersey) Law 1961²
Child Abduction and Custody (Jersey) Law 2005³
Child Custody (Jurisdiction) (Jersey) Law 2005⁴
Children (Jersey) Law 2002⁵
Children's Benefit Funds (Jersey) Law 1969⁶
Civil Partners Causes Rules 2012⁷
Civil Partnership (Jersey) Law 2012⁸
Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations
2016⁹
Criminal Law (Child Abduction) (Jersey) Law 2005¹⁰
Employment (Jersey) Law 2003¹¹
Marriage and Civil Status (Jersey) Law 2001¹²
Matrimonial Causes Rules 2005¹³

PART 2

Consequential Amendments

1 References to Minister for Children and Housing amended

- (1) In each of the following enactments, for "Minister for Children and Housing" there is substituted "Minister for Children and Education" –
 - (a) the definition "Minister" in Article 1(1) of the Adoption (Jersey) Law 1961¹⁴;
 - (b) the definition "Minister" in Rule 1(1) of, and Note (11) to Form No. 6 in Schedule 1 to, the Adoption Rules 1962¹⁵;
 - (c) Articles 8(1)(a) and 22(1)(a) of the Child Abduction and Custody (Jersey) Law 2005¹⁶;
 - (d) Article 2(a) of the Child Custody (Jurisdiction) (Jersey) Law 2005¹⁷;
 - (e) the definition "Minister" in Article 1(1) of the Children (Jersey) Law 2002¹⁸;
 - (f) Rule 2(c) of the Children (Prescribed Classes of Applicant to vary Directions) Rules 2005¹⁹;
 - (g) Article 2(7), in both places it occurs, and (12) of the Children's Benefit Funds (Jersey) Law 1969²⁰;

- (h) Rule 56(d) of the Civil Partners Causes Rules 2012²¹;
 - (i) paragraph 1(c) of Schedule 3 to the Civil Partnership (Jersey) Law 2012²²;
 - (j) Article 11(3)(a) of the Criminal Justice (Young Offenders) (Jersey) Law 2014²³;
 - (k) Regulation 6(1)(b) of the Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016²⁴;
 - (l) the first entry in the third column (appropriate leave or consent) of the table in the Schedule to the Criminal Law (Child Abduction) (Jersey) Law 2005²⁵;
 - (m) Articles 4(4)(c) and 4A(7)(c) of the Education (Discretionary Grants – General) (Jersey) Order 2008²⁶;
 - (n) Articles 4(5)(c) and 5(7)(b) of the Education (Grants and Allowances) (Jersey) Order 2018²⁷;
 - (o) the definition “official notification” in Article 55A(1) of the Employment (Jersey) Law 2003²⁸;
 - (p) paragraph 1(c) of Schedule 2 to the Marriage and Civil Status (Jersey) Law 2001²⁹;
 - (q) Rule 50(d) of the Matrimonial Causes Rules 2005³⁰;
 - (r) Articles 36, 38(1) and 40(3), and paragraph 4(2)(a) of Schedule 2 to, the Regulation of Care (Jersey) Law 2014³¹;
 - (s) Regulations 16 and 17(1)(k) of the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002³²;
 - (t) Articles 19(4)(a) and (5), and paragraph (a) of the definition “children’s home” in Article 20(2), of the Sexual Offences (Jersey) Law 2018³³;
 - (u) section 1.6(i)(a) of the code of practice on audio recording of interviews set out in the Schedule to the Terrorism (Audio Recording of Interviews) (Jersey) Order 2003³⁴.
- (2) In each of the following enactments, for “Minister for Children and Housing” there is substituted “Minister for Housing and Communities” –
- (a) the definition “Minister” in Article 1 of the Building Loans (Jersey) Law 1950³⁵;
 - (b) Schedule 1, in both places it occurs, and Clause 1.1 of the form of security agreement in Schedule 2 to the Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1961³⁶;
 - (c) Article 48(3) of the Control of Housing and Work (Jersey) Law 2012³⁷;
 - (d) the definition “Minister” in Article 1(1) of the Dwelling-Houses (Rent Control) (Jersey) Law 1946³⁸;
 - (e) sub-paragraph (a) of the definition “social housing” in Regulation 1 of the Income Support (Jersey) Regulations 2007³⁹;
 - (f) the definition “Minister” in Article 1 of the Lodging Houses (Registration) (Jersey) Law 1962⁴⁰;

- (g) the definition “Minister” in Article 1(1) of the Residential Tenancy (Jersey) Law 2011⁴¹;
 - (h) paragraph (b) of the definition “Ministers” in Article 28(1) of the Sex Offenders (Jersey) Law 2010⁴²;
 - (i) Article 6B(2), in both places it occurs, of the Stamp Duties and Fees (Jersey) Law 1998⁴³;
 - (j) Article 8A(2), in both places it occurs, of the Taxation (Land Transactions) (Jersey) Law 2009⁴⁴.
- (3) In each of the following enactments “any road administered by the Minister for Children and Housing,” is deleted –
- (a) the definition “road” in Article 1(1) of the Motor Vehicle Registration (Jersey) Law 1993⁴⁵;
 - (b) the definition “road” in Regulation 1(1) of the Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001⁴⁶;
 - (c) the definition “street” in Article 1(1) of the Statutory Nuisances (Jersey) Law 1999⁴⁷.
- (4) In the definition “road” in Regulation 1 of the Petroleum-Spirit (Storage) (Jersey) Regulations 2001⁴⁸, “a road administered by the Minister for Children and Housing,” is deleted.
- (5) Part 2 of the States of Jersey (Minister for International Development and Minister for Children and Housing) (Jersey) Order 2018⁴⁹ is deleted.

2 References to Minister for Education amended

- (1) In each of the following enactments, for “Minister for Education” there is substituted “Minister for Children and Education” –
- (a) the definition “Minister” in Article 1(1) of the Day Care of Children (Jersey) Law 2002⁵⁰;
 - (b) the definition “Minister” in Article 1(1) of the Education (Jersey) Law 1999⁵¹;
 - (c) paragraph 1(1)(a) of Schedule 1 to the Income Support (Jersey) Regulations 2007⁵²;
 - (d) Articles 92B(1)(a)(ii) and 115(n) of the Income Tax (Jersey) Law 1961⁵³;
 - (e) the definition “Minister” in Article 1(1), and Article 12(4)(a), of the Legal Deposit (Jersey) Law 2007⁵⁴;
 - (f) Article 2(b) of Loi (1930) sur l’emploi de femmes, de jeunes personnes et d’enfants⁵⁵;
 - (g) sub-paragraph (a) of the definition “park authority” in Regulation 1(1) of the Policing of Parks (Jersey) Regulations 2005⁵⁶;
 - (h) the definition “Minister” in Regulation 1(1) of the Public Library (Jersey) Regulations 2007⁵⁷;
 - (i) Rule 12(4) of the Public Library (Jersey) Rules 2003⁵⁸;
 - (j) Article 17(2)(g) of the Rates (Jersey) Law 2005⁵⁹;

- (k) Regulation 17(1)(j) of the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002⁶⁰;
 - (l) Article 8(8) of the Revenue Administration (Jersey) Law 2019⁶¹;
 - (m) Article 70, in both places it occurs, of the Road Traffic (Jersey) Law 1956⁶²;
 - (n) Article 11(4)(c)(i) and (5) of the Road Traffic (Lighting) (Jersey) Order 1998⁶³;
 - (o) paragraph (b) of the definition “controlling body” in Article 1(1) of the Road Traffic (Public Parking Places) (Jersey) Order 2006⁶⁴;
 - (p) paragraph (d) of the definition “Ministers” in Article 28 of the Sex Offenders (Jersey) Law 2010⁶⁵;
 - (q) Article 19(3)(a) of the Sexual Offences (Jersey) Law 2018⁶⁶;
 - (r) Article 3(1)(a)(ii) and (1)(b) of the Teachers’ Superannuation (Administration) (Jersey) Order 2007⁶⁷.
- (2) In the Children (Placement) (Jersey) Regulations 2005⁶⁸, the following provisions are deleted –
- (a) Regulation 4(1)(b);
 - (b) Regulation 10(4)(a).
- (3) In the Children (Secure Accommodation) (Jersey) Order 2005⁶⁹, the following provisions are deleted –
- (a) Article 7(1)(a);
 - (b) Article 7(2).

3 Standing Orders amended

- (1) This paragraph amends the Standing Orders of the States of Jersey⁷⁰.
- (2) In standing order 117(1) (Ministers: selection process) –
 - (a) the following entries are deleted from the list –
 - (i) “Children and Housing”,
 - (ii) “Education”;
 - (b) the following entries are inserted, at the appropriate place, in the list –
 - (i) “Children and Education”,
 - (ii) “Housing and Communities”.
- (3) In standing order 120(1C) (Chair of a scrutiny panel: appointment process) –
 - (a) in paragraph (1C), for “the Minister for Children and Housing, the Minister for Education” there is substituted “the Minister for Children and Education”;
 - (b) in paragraph (1D), for “the Minister for Children and Housing” there is substituted “the Minister for Housing and Communities”.

SCHEDULE 2

(Article 6(2))

1 References to Minister for External Relations amended

In each of the following enactments, for “Minister for External Relations” there is substituted “Minister for External Relations and Financial Services” –

- (a) the definition “Minister” in Article 1(1) of the Air Navigation (Jersey) Law 2014⁷¹;
- (b) the definition “Minister” in Regulation 2 of the Alternative Investment Funds (Jersey) Regulations 2012⁷²;
- (c) the definition “Minister” in Article 1 of the Banking Business (Jersey) Law 1991⁷³;
- (d) the definition “Minister” in Article 1(1) of the Bankruptcy (Désastre) (Jersey) Law 1990⁷⁴;
- (e) the definition “Minister” in Article 1 of the Charities (Jersey) Law 2014⁷⁵;
- (f) the definition “Minister” in Article 1(1) of the Civil Aviation (Jersey) Law 2008⁷⁶;
- (g) the definition “Minister” in Article 1(1) of the Collective Investment Funds (Jersey) Law 1988⁷⁷;
- (h) the definition “Minister” in Article 1(1) of the Companies (Jersey) Law 1991⁷⁸;
- (i) the definition “Minister” in Article 1(1) of the Companies (Takeovers and Mergers Panel) (Jersey) Law 2009⁷⁹;
- (j) the definition “Minister” in Article 1(1) of the Control of Borrowing (Jersey) Law 1947⁸⁰;
- (k) the definition “Minister” in Article 1(1) of the Crime and Security (Jersey) Law 2003⁸¹;
- (l) the definition “Minister” in Article 1(1) of the Dormant Bank Accounts (Jersey) Law 2017⁸²;
- (m) the definition “appropriate Minister” in Regulation 2(6)(b) of the EU Legislation (Customs Union, Import and Export Control) (Jersey) Regulations 2018⁸³;
- (n) the definition “Minister” in Regulation 1(1) of the EU Legislation (Payment Services - SEPA) (Jersey) Regulations 2015⁸⁴;
- (o) Article 4 of the Emergency Powers and Planning (Designation of Competent Authorities) (Jersey) Act 2019⁸⁵;
- (p) the definition “Minister” in Article 1(1) of the European Union Legislation (Implementation) (Jersey) Law 2014⁸⁶;
- (q) the definition “Minister” in Article 1 of the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020⁸⁷;
- (r) the definition “Minister” in Article 1(1) of the Financial Services (Jersey) Law 1998⁸⁸;

- (s) the definition “Minister” in Article 1(1) of the Financial Services Commission (Jersey) Law 1998⁸⁹;
- (t) the definition “Minister” in Article 1(1) of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018⁹⁰;
- (u) paragraphs 5 and 6 of the Schedule to the Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998⁹¹;
- (v) the definition “Minister” in Article 1 of the Incorporated Limited Partnerships (Jersey) Law 2011⁹²;
- (w) the definition “Minister” in Article 1(1) of the Insurance Business (Jersey) Law 1996⁹³;
- (x) the definition “Minister” in Article 1(1) of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011⁹⁴;
- (y) the definition “Minister” in Article 1(1) of the Limited Liability Partnerships (Jersey) Law 2017⁹⁵;
- (z) the definition “Minister” in Regulation 1 of the Limited Partnerships (Continuance) (Jersey) Regulations 2020⁹⁶;
- (za) the definition “Minister” in Article 1 of the Limited Partnerships (Jersey) Law 1994⁹⁷;
- (zb) the definition “Minister” in Article 1 of the Money Laundering and Weapons Development (Directions) (Jersey) Law 2012⁹⁸;
- (zc) the definition “Minister” in Article 3(1) of the Non-Profit Organizations (Jersey) Law 2008⁹⁹;
- (zd) the definition “Minister” in Article 1(1) of the Nuclear Safeguards (Notification) (Jersey) Order 2005¹⁰⁰;
- (ze) the definition “Minister” in Article 1(1) of the Patents (Jersey) Law 1957¹⁰¹;
- (zf) Articles 37(1) and 43(1) of the Proceeds of Crime (Jersey) Law 1999¹⁰²;
- (zg) the definition “Minister” in Article 1(1) of the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008¹⁰³;
- (zh) the definition “Minister” in Article 1(1) of the Registered Designs (Jersey) Law 1957¹⁰⁴;
- (zi) the definition “Minister” in Article 1(1) of the Registration of Business Names (Jersey) Law 1956¹⁰⁵;
- (zj) the definition “Minister” in Article 1(1) of the Sanctions and Asset-Freezing (Jersey) Law 2019¹⁰⁶;
- (zk) the definition “Minister” in Article 1 of the Security Interests (Jersey) Law 2012¹⁰⁷;
- (zl) the definition “Minister” in Article 1 of the Separate Limited Partnerships (Jersey) Law 2011¹⁰⁸;
- (zm) the following places in the States of Jersey (Minister for External Relations) (Jersey) Regulations 2013¹⁰⁹ –
 - (i) the short title,
 - (ii) the heading of Regulations 2 and 3,
 - (iii) Regulation 2,

- (iv) Regulation 3, paragraphs (1) and (2) and both places in paragraph (3),
- (v) Regulation 4,
- (vi) Regulation 5(1) to (4),
- (vii) Regulations 6, 7 and 8;
- (zn) the definition “receiving Minister” in Regulation 1, and Regulation 3, of the States of Jersey (Transfer of Functions No. 7) (Economic Development to External Relations) (Jersey) Regulations 2014¹¹⁰;
- (zo) Regulation 3 of the Taxation (Double Taxation) (Jersey) Regulations 2010¹¹¹;
- (zp) Regulation 16A(3) of the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008¹¹²;
- (zq) the definition “Minister” in Regulation 1(1) of the Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Jersey) Regulations 2015¹¹³;
- (zr) the definition “Minister” in Regulation 1(1) of the Taxation (Implementation) (International Tax Compliance) (United Kingdom) (Jersey) Regulations 2014¹¹⁴;
- (zs) the definition “Minister” in Regulation 1(1) of the Taxation (Implementation) (International Tax Compliance) (United States of America) (Jersey) Regulations 2014¹¹⁵;
- (zt) the definition “Minister” in Article 1(1) of the Trade Marks (Jersey) Law 2000¹¹⁶.

2 Standing Orders amended

- (1) This paragraph amends the Standing Orders of the States of Jersey¹¹⁷.
- (2) In Standing Order 117(1) (Ministers: selection process) for “External Relations” there is substituted “External Relations and Financial Services”.
- (3) In Standing Order 120(1B) (Chair of a scrutiny panel: appointment process) after “External Relations” there is inserted “and Financial Services”.

ENDNOTES

Table of Endnote References

1	<i>chapter 16.800</i>
2	<i>chapter 12.050</i>
3	<i>chapter 12.170</i>
4	<i>chapter 12.180</i>
5	<i>chapter 12.200</i>
6	<i>chapter 24.120</i>
7	<i>chapter 12.260.20</i>
8	<i>chapter 12.260</i>
9	<i>chapter 08.380.70</i>
10	<i>chapter 08.405</i>
11	<i>chapter 05.255</i>
12	<i>chapter 12.600</i>
13	<i>chapter 12.650.50</i>
14	<i>chapter 12.050</i>
15	<i>chapter 12.050.50</i>
16	<i>chapter 12.170</i>
17	<i>chapter 12.180</i>
18	<i>chapter 12.200</i>
19	<i>chapter 12.200.60</i>
20	<i>chapter 24.120</i>
21	<i>chapter 12.260.20</i>
22	<i>chapter 12.260</i>
23	<i>chapter 08.380</i>
24	<i>chapter 08.380.70</i>
25	<i>chapter 08.405</i>
26	<i>chapter 10.800.30</i>
27	<i>chapter 10.800.37</i>
28	<i>chapter 05.255</i>
29	<i>chapter 12.600</i>
30	<i>chapter 12.650.50</i>
31	<i>chapter 20.820</i>
32	<i>chapter 08.840.50</i>
33	<i>chapter 08.860</i>
34	<i>chapter 17.860.15</i>
35	<i>chapter 24.090</i>
36	<i>chapter 24.090.30</i>
37	<i>chapter 18.150</i>
38	<i>chapter 18.270</i>
39	<i>chapter 26.550.30</i>
40	<i>chapter 05.450</i>
41	<i>chapter 18.720</i>
42	<i>chapter 23.815</i>
43	<i>chapter 24.960</i>
44	<i>chapter 24.980</i>
45	<i>chapter 25.350</i>
46	<i>chapter 27.400.50</i>

47	<i>chapter 22.900</i>
48	<i>chapter 27.400.75</i>
49	<i>chapter 16.800.45</i>
50	<i>chapter 10.700</i>
51	<i>chapter 10.800</i>
52	<i>chapter 26.550.30</i>
53	<i>chapter 24.750</i>
54	<i>chapter 10.850</i>
55	<i>chapter 05.200</i>
56	<i>chapter 22.600.50</i>
57	<i>chapter 10.200.30</i>
58	<i>chapter 10.200.60</i>
59	<i>chapter 24.950</i>
60	<i>chapter 08.840.50</i>
61	<i>L.13/2019</i>
62	<i>chapter 25.550</i>
63	<i>chapter 25.550.28</i>
64	<i>chapter 25.550.36</i>
65	<i>chapter 23.815</i>
66	<i>chapter 08.860</i>
67	<i>chapter 16.850.05</i>
68	<i>chapter 12.200.50</i>
69	<i>chapter 12.200.80</i>
70	<i>chapter 16.800.15</i>
71	<i>chapter 03.250</i>
72	<i>chapter 17.245.51</i>
73	<i>chapter 13.075</i>
74	<i>chapter 04.160</i>
75	<i>chapter 15.070</i>
76	<i>chapter 03.530</i>
77	<i>chapter 13.100</i>
78	<i>chapter 13.125</i>
79	<i>chapter 13.145</i>
80	<i>chapter 24.150</i>
81	<i>chapter 08.110</i>
82	<i>chapter 13.150</i>
83	<i>chapter 17.245.02</i>
84	<i>chapter 17.245.54</i>
85	<i>R&O.33/2019</i>
86	<i>chapter 17.245</i>
87	<i>L.7/2020</i>
88	<i>chapter 13.225</i>
89	<i>chapter 13.250</i>
90	<i>chapter 08.490</i>
91	<i>chapter 21.665</i>
92	<i>chapter 13.370</i>
93	<i>chapter 13.425</i>
94	<i>chapter 05.350</i>
95	<i>chapter 13.475</i>
96	<i>R&O.100/2020</i>
97	<i>chapter 13.500</i>
98	<i>chapter 08.685</i>

99	<i>chapter 15.430</i>
100	<i>chapter 17.680.50</i>
101	<i>chapter 05.575</i>
102	<i>chapter 08.780</i>
103	<i>chapter 08.785</i>
104	<i>chapter 05.700</i>
105	<i>chapter 13.650</i>
106	<i>L.2/2019</i>
107	<i>chapter 13.776</i>
108	<i>chapter 13.780</i>
109	<i>chapter 16.800.37</i>
110	<i>chapter 16.800.38</i>
111	<i>chapter 17.850.20</i>
112	<i>chapter 17.850.30</i>
113	<i>chapter 17.850.35</i>
114	<i>chapter 17.850.40</i>
115	<i>chapter 17.850.41</i>
116	<i>chapter 05.900</i>
117	<i>chapter 16.800.15</i>