



Jersey

# STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (CHIEF MINISTER TO EXTERNAL RELATIONS) ORDER 2019

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# STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (CHIEF MINISTER TO EXTERNAL RELATIONS) ORDER 2019

*Made*

*31st May 2019*

*Coming into force*

*31st May 2019*

**THE CHIEF MINISTER**, in pursuance of Article 29A of the States of Jersey Law 2005<sup>1</sup>, orders as follows –

## **1 Interpretation**

In this Order –

“receiving Minister” means the Minister for External Relations;

“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 enactments set out in Schedule 1.
- (2) Schedule 2 contains consequential amendments.

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

- (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 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.

#### **4 Transitional provisions**

- (1) The transfers effected by Article 2 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 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**

This Order may be cited as the States of Jersey (Transfer of Responsibilities and Functions) (Chief Minister to External Relations) Order 2019.

**SENATOR J.A.N. LE FONDRÉ**

*Chief Minister*

## **SCHEDULE 1**

(Article 2(1))

### **ENACTMENTS**

Alternative Investment Funds (Jersey) Regulations 2012<sup>2</sup>  
Bank (Recovery and Resolution) (Jersey) Law 2017<sup>3</sup>  
Banking Business (Jersey) Law 1991<sup>4</sup>  
Bankruptcy (Désastre) (Jersey) Law 1990<sup>5</sup>  
Charities (Jersey) Law 2014<sup>6</sup>  
Collective Investment Funds (Jersey) Law 1988<sup>7</sup>  
Companies (Jersey) Law 1991<sup>8</sup>  
Companies (Takeovers and Mergers Panel) (Jersey) Law 2009<sup>9</sup>  
Control of Borrowing (Jersey) Law 1947<sup>10</sup>  
Dormant Bank Accounts (Jersey) Law 2017<sup>11</sup>  
EU Legislation (Payment Services – SEPA) (Jersey) Regulations 2015<sup>12</sup>  
Financial Services (Jersey) Law 1998<sup>13</sup>  
Financial Services Commission (Jersey) Law 1998<sup>14</sup>  
Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018<sup>15</sup>  
Foundations (Jersey) Law 2009<sup>16</sup>  
Incorporated Limited Partnerships (Jersey) Law 2011<sup>17</sup>  
Insurance Business (Jersey) Law 1996<sup>18</sup>  
Limited Liability Companies (Jersey) Law 2018<sup>19</sup>  
Limited Liability Partnerships (Jersey) Law 2017<sup>20</sup>  
Limited Liability Partnerships (Dissolution and Winding Up) (Jersey) Regulations  
2018<sup>21</sup>  
Limited Partnerships (Jersey) Law 1994<sup>22</sup>  
Non-Profit Organizations (Jersey) Law 2008<sup>23</sup>  
Proceeds of Crime (Jersey) Law 1999<sup>24</sup>  
Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014<sup>25</sup>  
Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008<sup>26</sup>  
Registration of Business Names (Jersey) Law 1956<sup>27</sup>  
Security Interests (Jersey) Law 2012<sup>28</sup>  
Separate Limited Partnerships (Jersey) Law 2011<sup>29</sup>

**SCHEDULE 2**

(Article 2(2))

**CONSEQUENTIAL AMENDMENTS****1 Definitions of “Minister” amended**

In the definition “Minister” in each of the following enactments, for “Chief Minister” there is substituted “Minister for External Relations” –

- (a) Article 2 of the Alternative Investment Funds (Jersey) Regulations 2012<sup>30</sup>;
- (b) Article 1 of the Bank (Recovery and Resolution) (Jersey) Law 2017<sup>31</sup>;
- (c) Article 1 of the Banking Business (Jersey) Law 1991<sup>32</sup>;
- (d) Article 1(1) of the Bankruptcy (Désastre) (Jersey) Law 1990<sup>33</sup>;
- (e) Article 1(1) of the Charities (Jersey) Law 2014<sup>34</sup>;
- (f) Article 1(1) of the Collective Investment Funds (Jersey) Law 1988<sup>35</sup>;
- (g) Article 1(1) of the Companies (Jersey) Law 1991<sup>36</sup>;
- (h) Article 1(1) of the Companies (Takeovers and Mergers Panel) (Jersey) Law 2009<sup>37</sup>;
- (i) Article 1(1) of the Control of Borrowing (Jersey) Law 1947<sup>38</sup>;
- (j) Article 1(1) of the Dormant Bank Accounts (Jersey) Law 2017<sup>39</sup>;
- (k) Article 1(1) of the EU Legislation (Payment Services – SEPA) (Jersey) Regulations 2015<sup>40</sup>;
- (l) Article 1(1) of the Financial Services (Jersey) Law 1998<sup>41</sup>;
- (m) Article 1(1) of the Financial Services Commission (Jersey) Law 1998<sup>42</sup>;
- (n) Article 1(1) of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018<sup>43</sup>;
- (o) Article 1 of the Incorporated Limited Partnerships (Jersey) Law 2011<sup>44</sup>;
- (p) Article 1(1) of the Insurance Business (Jersey) Law 1996<sup>45</sup>;
- (q) Article 1(1) of the Limited Liability Companies (Jersey) Law 2018<sup>46</sup>;
- (r) Article 1 of the Limited Partnerships (Jersey) Law 1994<sup>47</sup>;
- (s) Article 3(1) of the Non-Profit Organizations (Jersey) Law 2008<sup>48</sup>;
- (t) Article 1(1) of the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008<sup>49</sup>;
- (u) Article 1(1) of the Registration of Business Names (Jersey) Law 1956<sup>50</sup>;
- (v) Article 1 of the Security Interests (Jersey) Law 2012<sup>51</sup>;
- (w) Article 1 of the Separate Limited Partnerships (Jersey) Law 2011<sup>52</sup>.

**2 Various enactments amended**

In the following enactments, “Chief”, wherever it appears, is deleted –

- (a) Article 127GB(3)(a) of the Companies (Jersey) Law 1991<sup>53</sup>;
- (b) Article 53(3)(a) of the Foundations (Jersey) Law 2009<sup>54</sup>;

- (c) in the Limited Liability Partnerships (Jersey) Law 2017<sup>55</sup> –
  - (i) the definition “prescribed” in Article 1(1),
  - (ii) Article 11(6),
  - (iii) Article 25(2),
  - (iv) Article 37(2)(b),
  - (v) Article 38(8)(a),
  - (vi) Article 39;
- (d) in the Limited Liability Partnerships (Dissolution and Winding Up) (Jersey) Regulations 2018<sup>56</sup> –
  - (i) Article 41,
  - (ii) Article 42,
  - (iii) Article 44 (including the heading),
  - (iv) Article 45,
  - (v) Article 46.

### **3 Definition of “Minister” inserted into Limited Liability Partnerships (Jersey) Law 2017**

In the Limited Liability Partnerships (Jersey) Law 2017<sup>57</sup>, in Article 1(1), after the definition “loss” there is inserted –

“ “Minister” means the Minister for External Relations;”.

### **4 Proceeds of Crime (Jersey) Law 1999 amended**

In the Proceeds of Crime (Jersey) Law 1999<sup>58</sup> –

- (a) in Article 34(1)(b)(v), for “by the Chief Minister under” there is substituted “under Article 6 of”;
- (b) in Article 37(1), for “Chief Minister” there is substituted “Minister for External Relations”;
- (c) in Article 43(1), for “Chief Minister” there is substituted “Minister for External Relations”.

### **5 Money Laundering (Jersey) Order 2008 amended**

In the Money Laundering (Jersey) Order 2008<sup>59</sup>, in Article 23(4) –

- (a) in sub-paragraph (f), “by the Chief Minister or the Commission” is deleted;
- (b) in sub-paragraph (j), “by the Chief Minister” is deleted.

## ENDNOTES

### Table of Endnote References

- 
- <sup>1</sup> *chapter 16.800*  
<sup>2</sup> *chapter 17.245.51*  
<sup>3</sup> *L.10/2017*  
<sup>4</sup> *chapter 13.075*  
<sup>5</sup> *chapter 04.160*  
<sup>6</sup> *chapter 15.070*  
<sup>7</sup> *chapter 13.100*  
<sup>8</sup> *chapter 13.125*  
<sup>9</sup> *chapter 13.145*  
<sup>10</sup> *chapter 24.150*  
<sup>11</sup> *chapter 13.150*  
<sup>12</sup> *chapter 17.245.54*  
<sup>13</sup> *chapter 13.225*  
<sup>14</sup> *chapter 13.250*  
<sup>15</sup> *chapter 08.490*  
<sup>16</sup> *chapter 13.265*  
<sup>17</sup> *chapter 13.370*  
<sup>18</sup> *chapter 13.425*  
<sup>19</sup> *L.32/2018*  
<sup>20</sup> *chapter 13.475*  
<sup>21</sup> *chapter 13.475.10*  
<sup>22</sup> *chapter 13.500*  
<sup>23</sup> *chapter 15.430*  
<sup>24</sup> *chapter 08.780*  
<sup>25</sup> *chapter 08.768*  
<sup>26</sup> *chapter 08.785*  
<sup>27</sup> *chapter 13.650*  
<sup>28</sup> *chapter 13.776*  
<sup>29</sup> *chapter 13.780*  
<sup>30</sup> *chapter 17.245.51*  
<sup>31</sup> *L.10/2017*  
<sup>32</sup> *chapter 13.075*  
<sup>33</sup> *chapter 04.160*  
<sup>34</sup> *chapter 15.070*  
<sup>35</sup> *chapter 13.100*  
<sup>36</sup> *chapter 13.125*  
<sup>37</sup> *chapter 13.145*  
<sup>38</sup> *chapter 24.150*  
<sup>39</sup> *chapter 13.150*  
<sup>40</sup> *chapter 17.245.54*  
<sup>41</sup> *chapter 13.225*  
<sup>42</sup> *chapter 13.250*  
<sup>43</sup> *chapter 08.490*  
<sup>44</sup> *chapter 13.370*  
<sup>45</sup> *chapter 13.425*



<sup>46</sup> *L.32/2018*

<sup>47</sup> *chapter 13.500*

<sup>48</sup> *chapter 15.430*

<sup>49</sup> *chapter 08.785*

<sup>50</sup> *chapter 13.650*

<sup>51</sup> *chapter 13.776*

<sup>52</sup> *chapter 13.780*

<sup>53</sup> *chapter 13.125*

<sup>54</sup> *chapter 13.265*

<sup>55</sup> *chapter 13.475*

<sup>56</sup> *chapter 13.475.10*

<sup>57</sup> *chapter 13.475*

<sup>58</sup> *chapter 08.780*

<sup>59</sup> *chapter 08.780.30*