



Jersey

R&O – 45/2005

## STATES OF JERSEY (AMENDMENTS AND CONSTRUCTION PROVISIONS No. 5) (JERSEY) REGULATIONS 2005

### Arrangement

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#### Regulation

- 1 Loi (1919) sur le Traitement des Maladies Vénériennes – amended
- 2 Loi (1934) sur la Santé Publique – amended
- 3 Public Health (Vessels and Aircraft) (Jersey) Law 1950 – amended
- 4 Pharmacy and Poisons (Jersey) Law 1952 – amended
- 5 Cremation (Jersey) Law 1953 – amended
- 6 Medical Practitioners (Registration) (Jersey) Law 1960 – amended
- 7 Dentists (Registration) (Jersey) Law 1961 – amended
- 8 Adoption (Jersey) Law 1961 – amended
- 9 Opticians (Registration) (Jersey) Law 1962 – amended
- 10 Food Safety (Jersey) Law 1966 – amended
- 11 Children’s Benefit Funds (Jersey) Law 1969 – amended
- 12 Children’s (Jersey) Law 1969
- 13 Mental Health (Jersey) Law 1969 - amended
- 14 Nursing Agencies (Jersey) Law 1978 – amended
- 15 Misuse of Drugs (Jersey) Law 1978 – amended
- 16 Nursing and Residential Homes (Jersey) Law 1994 – amended
- 17 Medicines (Jersey) Law 1995 – amended
- 18 Health Care (Registration) (Jersey) Law 1995 – amended
- 19 Termination of Pregnancy (Jersey) Law 1997 – amended
- 20 Nursing and Residential Homes (No. 2) (Jersey) Law 1997 – amended
- 21 Hospital Charges (Long-Stay Patients) (Jersey) Law 1999 – amended
- 22 Statutory Nuisances (Jersey) Law 1999 – amended
- 23 Food Safety (Miscellaneous Provisions) (Jersey) Law 2000 – amended
- 24 Piercing and Tattooing (Jersey) Law 2002 – amended
- 25 Adoption (Amendment No. 5) (Jersey) Law 2002 – amended
- 26 Children (Jersey) Law 2002 – amended
- 27 Construction of Orders in Council
- 28 Subordinate legislation amended
- 29 Citation and commencement

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**SCHEDULE 1**

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## SUBORDINATE ENACTMENTS AMENDED

- 1 Cremation (Jersey) Regulations 1961
- 2 Adoption (Jersey) Rules 1962
- 3 Food Hygiene (General Provisions) (Jersey) Order 1967
- 4 Food Safety (Ice-Cream) (Jersey) Order 1967
- 5 Poisons (General Provisions) (Jersey) Order 1968
- 6 Food Safety (Ice-Cream Stalls etc.) (Jersey) Order 1969
- 7 Public Health (Aircraft) (Jersey) Order 1971
- 8 Public Health (Ships) (Jersey) Order 1971
- 9 Mental Health (Jersey) Rules 1971
- 10 Mental Health (General Provisions) (Jersey) Order 1971
- 11 Mental Health (Review Tribunal) (Procedure) (Jersey) Order 1971
- 12 Ancillary Dental Workers (Jersey) Regulations 1974
- 13 Nursing Agencies (General Provisions) (Jersey) Order 1978
- 14 Misuse of Drugs (Addicts) (Jersey) Order 1980
- 15 Misuse of Drugs (Safe Custody) (Jersey) Order 1981
- 16 Poisons List (Jersey) Order 1986
- 17 Misuse of Drugs (General Provisions) (Jersey) Order 1989
- 18 Milk and Dairies (General Provisions) (Jersey) Order 1992
- 19 Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995
- 20 Residential Homes (General Provisions) (Jersey) Order 1995
- 21 Termination of Pregnancy (General Provisions) (Jersey) Order 1997
- 22 Medicines (Applications for Clinical Trial Certificates) (Jersey) Order 1997
- 23 Medicines (Applications for Licences for Products for Human Use) (Jersey) Order 1997
- 24 Medicines (Applications for Manufacturer's and Wholesale Dealer's Licences) (Jersey) Order 1997
- 25 Medicines (Assembly Exemptions) (Jersey) Order 1997
- 26 Medicines (Clinical Trial Exemptions) (Jersey) Order 1997
- 27 Medicines (Clinical Trial Exemptions) (No. 2) (Jersey) Order 1997
- 28 Medicines (General Sale List) (Jersey) Order 1997
- 29 Medicines (Herbal Remedies Exemptions) (Jersey) Order 1997
- 30 Medicines (Prescription Only) (Jersey) Order 1997
- 31 Medicines (Registration of Pharmacies) (Jersey) Order 1997
- 32 Medicines (Standard Provisions for Licences and Certificates) (Jersey) Order 1997.
- 33 Medicines (Sale and Supply) (Miscellaneous Provisions) (Jersey) Order 1997
- 34 Termination of Pregnancy (Fee) (Jersey) Order 1998
- 35 Imported Food (Jersey) Order 1998
- 36 Hospital Charges (Long-Stay Patients) (Jersey) Order 1999
- 37 Medicines (Advertising) (Jersey) Order 2000
- 38 Medicines (Health Professionals - Exemption) (Jersey) Order 2001
- 39 Food (Registration of Premises) (Jersey) Order 2001
- 40 Medicines (Aristolochia, Mu Tong and Fangji) (Jersey) Order 2002



Jersey

## STATES OF JERSEY (AMENDMENTS AND CONSTRUCTION PROVISIONS No. 5) (JERSEY) REGULATIONS 2005

*Made*

*24th May 2005*

*Coming into force*

*in accordance with Regulation 29*

**THE STATES**, in pursuance of Article 49 of the States of Jersey Law 2005,<sup>1</sup>  
have made the following Regulations –

### **1 Loi (1919) sur le Traitement des Maladies Vénériennes – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Loi (1919) sur le Traitement des Maladies Vénériennes.<sup>2</sup>
- (2) In Article 2 –
  - (a) for the words “le Comité D’Assistance Publique” there shall be substituted the following words –

“le Ministre de la Santé et des Services Sociaux”;
  - (b) for the words “Ledit Comité” there shall be substituted the following words –

“Le Ministre”.
- (3) For Article 3 there shall be substituted the following Article –

**“3**

Dans cette Loi –

- (a) les mots ‘maladies vénériennes’ signifient la syphilis, la gonorrhée et le chancre mou;
- (b) les mots ‘le Ministre’ signifient le Ministre de la Santé et Services Sociaux. ”.

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**2 Loi (1934) sur la Santé Publique – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Loi (1934) sur la Santé Publique.<sup>3</sup>
  - (2) In Article 1, for the words “un Comité des Etats, composé de trois membres de chaque corps sous le titre de Health and Social Services (ci-après désigné le Comité)” there shall be substituted the following words –  
“le Ministre de la Santé et Services Sociaux (ci-après désigné le Ministre)”.
  - (3) In Article 9 –
    - (a) for the words “le Comité exercera” there shall be substituted the following words –  
“Le Ministre exercera”;
    - (b) the semicolon in paragraph (e) shall be deleted;
    - (c) all the words after paragraph (e) shall be deleted.
  - (4) In Article 16, for the words “par le Comité et en fera rapport au Président du Comité” there shall be inserted the following words –  
“par le Ministre et en fera rapport au Ministre”.
  - (5) In Article 25 –
    - (a) for the words “du Comité” there shall be substituted the following words –  
“d’une administration des Etats”;
    - (b) for the words “le Comité” there shall be substituted the following words –  
le Ministre”.
  - (6) In the following provisions, for the word “Comité” in each place where the word appears there shall be substituted the word “Ministre” –
    - (a) Article 2;
    - (b) Article 6;
    - (c) Article 7;
    - (d) Article 8;
    - (e) Article 10;
    - (f) Article 11;
    - (g) Article 14;
    - (h) Article 15;
    - (i) Article 17;
    - (j) Article 18;
    - (k) Article 19;
    - (l) Article 20;
    - (m) Article 22;
    - (n) Article 23;
    - (o) Article 24;
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- (p) Article 26;
- (q) Article 28;
- (r) Article 29;
- (s) Article 30.

### 3 Public Health (Vessels and Aircraft) (Jersey) Law 1950 – amended

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Public Health (Vessels and Aircraft) (Jersey) Law 1950.<sup>4</sup>
- (2) In Article 1, for the definition “the Committee” there shall be substituted the following definition –
  - “ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In Article 2 –
  - (a) in the heading, for the word “**Committee**” there shall be substituted the following word –
    - “**Minister**”;
  - (b) in paragraph (1), for the colon there shall be substituted a full stop;
  - (c) for the proviso to paragraph (1) there shall be substituted the following paragraph –
    - “(1A) Before making any order under paragraph (1), the Minister shall consult with the Minister for Economic Development.”.
- (4) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Article 2(1) (as amended by paragraph (3) of this Regulation);
  - (b) Article 3.

### 4 Pharmacy and Poisons (Jersey) Law 1952 – amended

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Pharmacy and Poisons (Jersey) Law 1952.<sup>5</sup>
- (2) In Article 1(1) –
  - (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “dispensing” there shall be inserted the following definition –
    - “ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In Article 14, in the heading, for the word “**Committee**” there shall be substituted the following word –
  - “**Minister**”.
- (4) In Article 17(1), for the words “officer of the Committee” there shall be substituted the following words –
  - “officer in an administration of the States for which the Minister is assigned responsibility”.

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- (5) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
  - (b) Article 8(1);
  - (c) Article 11(1) and (2);
  - (d) Article 13;
  - (e) Article 14(1);
  - (f) Article 16(3).

#### **5 Cremation (Jersey) Law 1953 – amended**

In Article 4(1) of the Cremation (Jersey) Law 1953,<sup>6</sup> for the words “Health and Social Services Committee” there shall be substituted the following words –

“Minister for Health and Social Services”.

#### **6 Medical Practitioners (Registration) (Jersey) Law 1960 – amended**

In Article 11 of the Medical Practitioners (Registration) (Jersey) Law 1960<sup>7</sup> –

- (a) in paragraph (1), for the words “Health and Social Services Committee”, there shall be substituted the following words –  
“Minister for Health and Social Services”;
- (b) in paragraph (2), for the words “Health and Social Services Committee”, there shall be substituted the following word –  
“Minister for Health and Social Services”.

#### **7 Dentists (Registration) (Jersey) Law 1961 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Dentists (Registration) (Jersey) Law 1961.<sup>8</sup>
- (2) In Article 10(8), for the words “Health and Social Services Committee” there shall be substituted the following words –  
“Minister for Health and Social Services”.
- (3) In Article 11 –
  - (a) in paragraph (1)(b), for the words “a Committee of the States” there shall be substituted the following words –  
“an administration of the States for which a Minister is assigned responsibility”;
  - (b) in paragraph (2), for the words “a Committee of the States” there shall be substituted the following words –  
“an administration of the States for which a Minister is assigned responsibility”;
  - (c) in paragraph (2), for the words “the duty of the Committee by which the ancillary dental worker is employed to secure that, so

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long as it thinks it advisable” there shall be substituted the following words –

“the duty of the Minister concerned to secure that, so long as the Minister thinks it desirable”;

- (d) in paragraph (3), for the words “a Committee of the States” there shall be substituted the following words –

“an administration of the States for which a Minister is assigned responsibility”.

## **8 Adoption (Jersey) Law 1961 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Adoption (Jersey) Law 1961.<sup>9</sup>

- (2) In Article 1(1) –

- (a) the definition “Committee” shall be deleted;  
(b) after the definition “mental nursing home” there shall be inserted the following definition –

“ ‘Minister’ means the Minister for Health and Social Services;”.

- (3) For Article 2(1) there shall be substituted the following paragraph –

“(1) The Minister shall continue to maintain in the Island a service designed to meet the needs, in relation to adoption, of –

- (a) infants who have been or may be adopted;  
(b) parents and guardians of such infants; and  
(c) persons who have adopted or may adopt an infant,

and for that purpose shall continue to provide the facilities referred to in paragraph (2) of this Article, or secure that they are provided by approved adoption societies.”.

- (4) In Article 5, for the words “The Committee shall, if it cannot place” there shall be substituted the following words –

“The Minister shall, if he or she cannot place”.

- (5) In Article 7, for paragraphs (2) and (3) there shall be substituted the following paragraph –

“(2) Subject to paragraph (3), the panel shall comprise the Minister or such officers in the employment of an administration of the States for which the Minister is assigned responsibility, and such members of the public, as the Minister shall from time to time think fit.

- (3) Nothing in paragraph (2) shall be construed as a requirement that the Minister shall at all times be a member of the panel.”.

- (6) For Article 8 there shall be substituted the following Article –

**“8 Delegation to the panel**

The Minister may delegate to the panel such of his or her powers and duties in relation to the maintenance of the Adoption Service as the Minister may by Order determine.”.

- (7) In Article 15, in the heading, for the word “Committee” there shall be substituted the following words –

**“Minister”**.

- (8) For Article 34 there shall be substituted the following Article –

**“34 Duty to secure well-being of protected children**

It shall be the duty of the Minister to secure that protected children are visited from time to time by officers employed by an administration of the States for which the Minister is assigned responsibility, who shall satisfy themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.”.

- (9) In Article 35, for the words “officer of the Committee” there shall be substituted the following words –

“officer of an administration of the States for which the Minister is assigned responsibility”.

- (10) In Article 36, in the heading, for the word “Committee” there shall be substituted the following words –

**“Minister”**.

- (11) In Article 37(1), in the proviso, for the words “President of the Committee” there shall be substituted the following word –

“Minister”.

- (12) In Article 38(1), for the words “duly authorized officer of the Committee” there shall be substituted the following words –

“duly authorized officer of an administration of the States for which the Minister is assigned responsibility”.

- (13) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- (a) Article 2(3);
- (b) Article 3;
- (c) Article 4;
- (d) Article 6(1);
- (e) Article 7(1);
- (f) Article 9;
- (g) Article 12(1), (2) and (5);
- (h) Article 15(2);
- (i) Article 30(3) and (4);
- (j) Article 36(1), (2) and (3);



- (k) Article 37(1) (as amended by paragraph (11) of this Regulation) and (2);
- (l) Article 39(4);
- (m) Article 42(1) and (2).

## **9 Opticians (Registration) (Jersey) Law 1962 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Opticians (Registration) (Jersey) Law 1962.<sup>10</sup>
- (2) In Article 1(1) –
  - (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “list” there shall be inserted the following definition –
    - “ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In Article 6(1), for the words “The Committee shall establish and maintain” there shall be substituted the following words –
  - “The Minister shall continue to maintain”.
- (4) In Article 15 (3), for the words “the Committee may, if it thinks fit” there shall be substituted the following words –
  - “the Minister may, if he or she thinks fit”.
- (5) For Article 17 there shall be substituted the following Article –

### **“17 Consultation with registered opticians**

- (1) The Minister shall nominate not less than 2 and not more than 4 registered opticians, with whom he or she shall consult before making any order under Article 18 of this Law, and from whom the Minister may seek advice on the discharge of his or her functions generally under this Law.
- (2) Any such nomination may be terminated at any time by the Minister should he so think fit.”.
- (6) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
  - (b) Article 6(2);
  - (c) Article 7(1);
  - (d) Article 15(1);
  - (e) Article 18(1), (2) and (3).

## **10 Food Safety (Jersey) Law 1966 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Food Safety (Jersey) Law 1966.<sup>11</sup>

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- (2) In Article 1(1) –
- (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “milk” there shall be inserted the following definition –  
“ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In Article 2 –
- (a) in paragraph (3), for the words “Finance and Economics Committee” there shall be substituted the following words –  
“Minister for Treasury and Resources”;
  - (b) in paragraph (4), for the words “Finance and Economics Committee” there shall be substituted the following words –  
“Minister for Treasury and Resources”.
- (4) In Article 6(2), for the words “In the exercise of its functions under this Article the Committee shall” there shall be substituted the following words –  
“In the exercise of his or her functions under this Article the Minister shall”.
- (5) In Article 7 –
- (a) in the heading, for the word “**Committee**” there shall be substituted the following word –  
“**Minister**”;
  - (b) in paragraph (1), for the words “For the purpose of enabling it to exercise its functions under Article 6 of this Law, the Committee may” there shall be substituted the following words –  
“For the purpose of enabling the Minister to exercise his or her functions under Article 6 of this Law, the Minister may”;
  - (c) in paragraph (1), for the words “the Committee, within such time” there shall be substituted the following words –  
“the Minister, within such time”.
- (6) In Article 9 –
- (a) in paragraph (2), for the word “Committee”, in the first place where the word appears, there shall be substituted the following word –  
“Minister”;
  - (b) in paragraph (2), for the words “Environment and Public Services Committee” there shall be substituted the following words –  
“Minister for Environment”.
- (7) In Article 10(2), for the words “Economic Development Committee” there shall be substituted the following words –  
“Minister for Economic Development”.
- (8) In Article 11, in the proviso to paragraph (1), for the words “where the Committee is satisfied that such oysters may be landed without danger to the public health, it may” there shall be substituted the following words –
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“where the Minister is satisfied that such oysters may be landed without danger to the public health, he or she may”.

- (9) In Article 17(7), for the words “The Committee shall from time to time take such steps as it thinks expedient” there shall be substituted the following words –

“The Minister shall from time to time take such steps as he or she thinks expedient”.

- (10) In Article 18 –

- (a) in paragraph (2), for the word “Committee” there shall be substituted the following word –

“Minister”;

- (b) in the proviso to paragraph (2), for the word “Committee” there shall be substituted the following word –

“Minister”;

- (c) in the proviso to paragraph (2), for the words “its intention” there shall be substituted the following words –

“the Minister’s intention”.

- (11) For Article 26(4) there shall be substituted the following paragraph –

“(4) The Minister, before making an order under the provisions of this Article, shall consult with the Minister for Economic Development”.

- (12) In Article 34(7), for the words “Finance and Economics Committee” there shall be substituted the following words –

“Minister for Treasury and Resources”.

- (13) In Article 36(7), for the words “serve on the Committee a notice requesting it to take immediate steps” there shall be substituted following words –

“serve on the Minister a notice requesting the Minister to take immediate steps”.

- (14) For Article 37 there shall be substituted the following Article –

**“37 Analysis and examination of food**

- (1) The Minister for Economic Development may, in relation to any matter appearing to him or her to affect the general interests of agriculture in the Island, direct any person who is –

- (a) an officer of an administration of the States for which that Minister is assigned responsibility; and

- (b) is duly authorized in that behalf by that Minister,

to procure samples of any specified food, and thereupon that officer shall have all the powers of an authorized officer and this Law shall apply as if he or she were an authorized officer.

- (2) An officer to whom paragraph (1) refers who procures a sample of a specified food for the purpose of analysis shall deal with that sample in accordance with the provisions of Article 37 of this Law.
- (3) The Minister for Economic Development shall communicate to the Minister for Health and Social Services the result of the analysis of a sample procured under the provisions of paragraph (1) of this Article and where the result of the analysis shows that proceedings should be taken, it shall be the duty of the Minister for Health and Social Services to cause proceedings to be taken as if the sample had been procured by an authorized officer.”.

(15) For Article 39 there shall be substituted the following Article –

**“39 Power of minister to examine food**

The Minister may –

- (a) at the request of a person who has in his or her possession any food which has not been sold and is not intended for sale; and
- (b) on payment by that person of such fee, if any, as may be fixed by the Minister for Treasury and Resources,

arrange to have the food examined.”.

(16) In Article 41 –

- (a) in paragraph (1)(b), for the words “the performance by the Committee of its functions under this Law” there shall be substituted the following words –

“the performance by the Minister of his or her functions under this Law”;

- (b) in paragraph (6), for the words “Economic Development Committee” there shall be substituted the following words –

“Minister for Economic Development”.

(17) In Article 52(4), for the words “the Committee which shall” there shall be substituted the following words –

“the Minister who shall”.

(18) In Article 59 –

- (a) in the heading, for the word “**Committee**” there shall be substituted the following word –

“**Minister**”;

- (b) for the words “The Committee may, for the purposes of enabling it to perform any of its functions under this Law” there shall be substituted the following words –

“The Minister may, for the purposes of enabling himself or herself to perform any of his or her functions under this Law”.

(19) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- 
- (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
  - (b) Article 6(1);
  - (c) Article 7(3);
  - (d) Article 9(1);
  - (e) Article 11(2) and (3);
  - (f) Article 13(4);
  - (g) Article 17(1) and (3);
  - (h) Article 19(1) and (2);
  - (i) Article 20(1) and (3);
  - (j) Article 21(2);
  - (k) Article 22(2) and (6), and the proviso to Article 22(6);
  - (l) Article 24(4);
  - (m) Article 26(1) and (3);
  - (n) Article 27(3);
  - (o) Article 28(4);
  - (p) Article 30;
  - (q) Article 36(3), (4) and (6), and the proviso to Article 36 (3);
  - (r) Article 40;
  - (s) Article 51(3);
  - (t) Article 55;
  - (u) Article 56(1);
  - (v) Article 58(1);
  - (w) Article 61, in the proviso.

#### **11 Children's Benefit Funds (Jersey) Law 1969 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Children's Benefit Funds (Jersey) Law 1969.<sup>12</sup>
- (2) In Article 2(7) –
  - (a) for the words “Health and Social Services Committee” in each place where the words appear there shall be substituted the following words –
    - “Minister for Health and Social Services”;
  - (b) for the word “that Committee” there shall be substituted the following word –
    - “the Minister”.
- (3) In Article 2(8), for the words “Finance and Economics Committee” there shall be substituted the following words –
  - “Minister for Treasury and Resources”.

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- (4) In Article 2(9) for the words “Finance and Economics Committee” there shall be substituted the following words –  
“Minister for Treasury and Resources”.
- (5) In Article 2(12) for the words “Health and Social Services Committee” there shall be substituted the following words –  
“Minister for Health and Social Services”.

## 12 Children’s (Jersey) Law 1969

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Children (Jersey) Law 1969.<sup>13</sup>
- (2) In Article 1(1) –
- the definition “the Committee” shall be deleted;
  - after the definition “mental nursing home” there shall be inserted the following definition –  
“ ‘Minister’ means the Minister for Health and Social Services;”;
- (3) For Article 3(3) there shall be substituted the following paragraph –  
“(3) The Minister may, by notice in writing served on the parent or employer of any child under the age of 16 years, require the parent or employer to provide the Minister, within such period as may be specified in the notice, with such information as appears to the Minister to be necessary for the purpose of enabling the Minister to ascertain whether the child is being employed in such a manner as to render him or her unfit to obtain the full benefit of the education provided for him or her.”.
- (4) For Article 5(4) there shall be substituted the following paragraph –  
“(4) The Minister shall not grant a licence for a child to take part in a performance or series of performances unless the Minister is satisfied that he or she is fit to do so, that proper provision has been made to secure his or her health and kind treatment and that, having regard to such provision (if any) as has been or will be made therefor, his or her education will not suffer; but if the Minister is so satisfied, in the case of an application duly made for a licence under this Article which the Minister has power to grant, the Minister shall not refuse to grant the licence.”.
- (5) For paragraphs (2), (3) and (4) of Article 6 there shall be substituted the following paragraphs –
- The Minister may vary or revoke the licence if any condition subject to which it was granted is not observed or if the Minister is not satisfied as to the matters mentioned in Article 5(4), but shall, before doing so, give to the holder of the licence such notice (if any) of the Minister’s intention as may be practicable in the circumstances.
  - The holder of such a licence shall keep such records as the Minister may by Order prescribe and shall on request produce them to an
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officer of an administration of the States for which the Minister is assigned responsibility, at any time not later than 6 months after the performance or last performance to which it relates.

- (4) Where the Minister refuses an application for a licence under Article 5 or revokes or, otherwise than on the application of the holder, varies such a licence the Minister shall state his or her grounds for doing so in writing to the applicant or, as the case may be, the holder of the licence; and the applicant or holder may appeal to the Royal Court, against the refusal, revocation or variation, and against any condition subject to which the licence is granted or any approval is given (not being a condition which the Minister is required to impose) on the ground that the refusal, revocation or variation, or the imposition of the condition, as the case may be, is unreasonable having regard to all the circumstances of the case.”.

- (6) In Article 14(9), for the words “Where the Committee represents to the Attorney General that, in its opinion” there shall be substituted the following words –

“Where the Minister represents to the Attorney General that, in the Minister’s opinion,”.

- (7) For Article 16(4) there shall be substituted the following paragraph –

“(4) If –

- (a) a child committed as aforesaid to the care of the Minister has been allowed by the Minister under the provisions of paragraph (1) to be under the charge and control of a parent, guardian, relative or friend of the child;
- (b) the Minister at any time determines under the said paragraph (1) that the child shall no longer be allowed to remain under that charge and control; and
- (c) any instructions of the Minister with respect to the return of the child to the Minister’s care are not complied with,

then for the purposes of Article 74, the child shall be deemed to have run away from the Minister.”.

- (8) For Article 27(5) there shall be substituted the following paragraph –

“(5) In the application of Part 10 under this Article, the exercise by the Minister of his or her powers under Articles 63 and 65 shall be subject to any directions given by the court.”.

- (9) For Article 31 there shall be substituted the following Article –

**“31 Duty of Minister to ensure well-being of foster children**

It shall be the duty of the Minister to secure that all foster children are visited from time to time by officers of an administration of the States for which the Minister is assigned responsibility, who shall satisfy

themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.”.

(10) In Article 32 –

(a) in paragraph (5), for the words “at the request of the Committee give it” there shall be substituted the following words –

“at the request of the Minister give the Minister”;

(b) in paragraph (7), for the words “at the request of the Committee give it” there shall be substituted the following words –

“at the request of the Minister give the Minister”.

(11) For Article 33(6) there shall be substituted the following paragraph –

“(6) Where the Minister imposes a requirement on any person under paragraph (4) as respects any premises, the Minister may prohibit him or her from keeping foster children in the premises after the time specified for compliance with the requirement unless the requirement is complied with.”.

(12) In Article 35 –

(a) in paragraph (e), for the word “Committee” there shall be substituted the following word –

“Minister”;

(b) for the words “unless he or she has disclosed that fact to the Committee and obtained its consent” there shall be substituted the following words –

“unless he or she has disclosed that fact to the Minister and obtained the Minister’s consent”.

(13) For Article 36 there shall be substituted the following Article –

**“36 Removal of foster children kept in unsuitable surroundings**

(1) If the Royal Court is satisfied, on a representation made by the Attorney General, that a foster child is being kept or is about to be received by any person who is unfit to have his or her care, or in contravention of Article 35 or of any prohibition imposed by the Minister under Article 33, or in any premises or any environment detrimental or likely to be detrimental to him or her, the court may make an order for his or her removal to a place of safety until he or she can be restored to a parent, relative or legal guardian or until other arrangements can be made with respect to the child and on proof that there is imminent danger to the health or well-being of the child the power to make an order under this Article may be exercised by the Bailiff acting on the application of an officer of an administration of the States for which the Minister is assigned responsibility.

(2) An order under this Article may be executed by any officer of an administration of the States for which the Minister is assigned responsibility or by any police officer.



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- (3) An order under this Article made on the ground that a prohibition of the Minister under Article 33 has been contravened may require the removal from the premises of all the foster children kept there.
- (4) The Minister may receive into its care any child removed under this Article.
- (5) Where a child is removed under this Article, the Minister shall, if practicable, inform a parent or legal guardian of the child, or any person who acts as his or her guardian.”.
- (14) For paragraphs (4), (5) and (6) of Article 42 there shall be substituted the following paragraphs –
- “(4) The Minister for Education, Sport and Culture may refuse to register any premises if he or she is satisfied that any person employed or proposed to be employed in looking after children at the premises is not a fit person to look after children, or that the premises are not fit (whether because of the condition thereof or of the equipment thereof or for any reason connected with the situation, construction or size thereof or with any persons therein) to be used for the reception of children.
- (5) The Minister for Education, Sport and Culture may refuse to register any person if he or she is satisfied that that person, or any person employed or proposed to be employed by him or her in looking after children, is not a fit person to look after children or that the premises in which the children are received or proposed to be received are not fit (whether because of the condition thereof or of the equipment thereof or for any reason connected with the situation, construction or size thereof or with other persons therein) to be used for the purpose.
- (6) The Minister for Education, Sport and Culture may, in his or her absolute discretion, grant exemptions from the provisions of this Article and may attach to any exemption such conditions as he or she thinks fit and may vary such conditions at any time or withdraw the exemption.”.
- (15) For Articles 46 and 47 there shall be substituted the following Articles –

**“46 Cancellation of registration**

Where –

- (a) there has been a contravention of, or non-compliance with, any determination made or requirement imposed under Article 43 in relation to any premises or person registered under Article 42 thereof; or
- (b) it appears to the Minister for Education, Sport and Culture as respects any premises or person registered under the said Article 42, that circumstances exist which would justify a refusal under paragraph (4) or (5) of that Article to register the premises or person,

the Minister for Education, Sport and Culture may cancel the registration and in any such case the person registered shall forthwith return his or her certificate of registration to that Minister or to an officer of an administration of the States for which that Minister is assigned responsibility and who is authorized in that behalf.

#### 47 Notice of decisions

- (1) The Minister for Education, Sport and Culture shall not refuse an application for registration under Article 42 or make any determination or any requirement under Article 43 or, under Article 46, cancel any registration, unless that Minister has given to the applicant, to the occupier of the premises to which the registration relates or to the person registered, as the case may be, not less than 14 days notice in writing of that Minister's intention to do so and of his or her reasons for so doing, and every such notice shall contain an intimation that if, within 14 days after the receipt of the notice, the said applicant, occupier or person gives to the Minister for Education, Sport and Culture notice in writing that he or she desires so to do, that Minister will, before making a decision in the matter, give him or her an opportunity of being heard in person or by a representative.
  - (2) If the Minister for Education, Sport and Culture, after giving to the said applicant, occupier or person such an opportunity as aforesaid, decides to refuse the application, make the determination or impose the requirement, or cancel the registration, as the case may be, that Minister shall give to the said applicant, occupier or person, notice in writing of its decision and shall, if so requested by him or her, deliver to him or her, within 7 days of the receipt of such request, particulars in writing of the reasons for the decision of the Minister for Education, Sport and Culture.
  - (3) Any notice given under paragraph (2) shall contain a statement informing the person to whom it is given of his or her right of appeal under Article 48 and of the time within which he or she may appeal.”.
- (16) For paragraphs (1) and (2) of Article 49 there shall be substituted the following paragraphs –
- “(1) Any officer of an administration of the States for which the Minister for Education, Sport and Culture is assigned responsibility or the Medical Officer of Health may, subject to the production by the officer of evidence of his or her authority, at all reasonable times enter any premises which are used for the reception of children as mentioned in Article 42(1)(a) or (b), and may inspect the premises and the children so received therein, the arrangements for their welfare, and any records relating to them kept in pursuance of this Part.
  - (2) If it appears to the Bailiff on information on oath that any officer of an administration of the States for which the Minister for Education, Sport and Culture is assigned responsibility has been

refused administration to the home of a person registered under Article 42, or has reasonable cause to believe that children are being received in a person's home or in any other premises in contravention of Article 45, the Bailiff may issue a warrant authorizing –

- (a) any police officer; or
- (b) any officer of an administration of the States for which the Minister for Education, Sport and Culture is assigned responsibility,

named therein to enter the home or other premises and carry out any such inspection as is mentioned in paragraph (1).”.

- (17) For the proviso to Article 52(3) there shall be substituted the following proviso –

“Provided that the Minister may, subject to the provisions of Article 53, refuse the application if the Minister is of the opinion that the applicant is not a fit and proper person to carry on a voluntary home;”.

- (18) For paragraphs (6) and (7) of Article 52 there shall be substituted the following paragraphs –

“(6) Where –

- (a) a voluntary home is carried on in contravention of the provisions of paragraph (1); or
- (b) notice of a proposal to remove a voluntary home from the register is given under paragraph (4) thereof,

the Minister may, notwithstanding that the time for any appeal under Article 53 has not expired or that such an appeal is pending, remove from the home and receive in to the Minister's care all or any of the children for whom accommodation is being provided in the home.

- (7) For the purpose of the exercise of the powers of the Minister under paragraph (6), any officer of an administration of the States for which the Minister is assigned responsibility, who is authorized in that behalf by the Minister, may enter any premises in which the home in question is being carried on.”.

- (19) For Article 53(2) there shall be substituted the following paragraph –

“(2) If the Minister, after giving to the applicant or the person carrying on the voluntary home an opportunity of being heard, decides to refuse the application or remove the voluntary home from the register, the Minister shall, if required by the applicant or that person, deliver to him or her within 7 days of the receipt of such requirement, particulars in writing of the reasons for such refusal or removal.”.

- (20) In the heading to Part 9, for the word “COMMITTEE” there shall be substituted the following word –

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“MINISTER”.

(21) For Article 56 there shall be substituted the following Article –

**“56 Duty of Minister to provide for orphans, deserted children etc.**

(1) Where it appears to the Minister that a child is under the age of 17 years and –

(a)

(i) has neither parent nor legal guardian or has been and remains abandoned by his or her parents or legal guardian or is lost, or

(ii) his or her parents or legal guardian are, for the time being or permanently, prevented by reason of mental or bodily disease or infirmity or other incapacity or any other circumstances from providing for his or her proper accommodation, maintenance and upbringing; and

(b) in either case, the intervention of the Minister under this Article is necessary in the interests of the welfare of the child,

it shall be the duty of the Minister to receive the child in to the Minister’s care under this Article.

(2) Where the Minister has received a child into its care under this Article, it shall, subject to the provisions of this Part, be the duty of the Minister to keep the child in his or her care so long as the welfare of the child appears to require it and the child has not attained the age of majority.

(3) Nothing in this Article shall authorize the Minister to keep a child in his or her care under this Article if any parent or legal guardian of the child desires to take over the care of the child, and the Minister shall, in all cases where it appears consistent with the welfare of the child so to do, endeavour to secure that the care of the child is taken over either –

(a) by a parent or legal guardian of the child; or

(b) by a relative or friend of the child, being, where possible, a person of the same religious persuasion as the child or who gives an undertaking that the child will be brought up in that religious persuasion.

(4) Where the Minister receives a child into his or her care under this Article who is ordinarily resident outside Jersey, the Minister may arrange with the appropriate authority in the place where the child ordinarily resides for that authority to take over the care of the child and, in such case, the Minister may make such arrangements with that authority regarding expenses incurred by the Minister under this Law in respect of the child as the Minister may think fit.”.

(22) For paragraphs (1) and (2) of Article 57 there shall be substituted the following paragraphs –

“(1) Where it appears to the Minister with respect to any child in the Minister’s care under Article 56 –

- (a) that the parents of the child are dead and that he or she has no legal guardian;
- (b) that a parent or legal guardian of the child has abandoned him or her or suffers from some disability of mind or body rendering the parent or legal guardian incapable of caring for him or her, or is of such habits or mode of life as to be unfit to have the care of him or her; or
- (c) that a parent or legal guardian of the child has so persistently failed without reasonable cause to discharge the obligations of a parent or legal guardian as to be unfit to have the care of the child,

the Minister may, subject to the provisions of this Part, apply to the Royal Court for an order (in this Law referred to as a “parental rights order”) vesting in the Minister with respect to the child all the rights and powers which the deceased parents would have if they were still living, or, as the case may be, all the rights and powers of the parent or legal guardian, and the court shall, subject to the provisions of paragraph (4), have power to make such an order.

(2) On any application by the Minister to the Royal Court under paragraph (1) for a parental rights order in respect of any child, any relative or next-of-kin of the child may appear before the court and object to the making of the order, and, where the Minister proposes to apply for a parental rights order by virtue of paragraph (1)(b), the Minister shall, if the whereabouts of the parent or legal guardian are known to it, give to such parent or legal guardian at least 7 days notice in writing of the Minister’s intention to apply for the order, and the said parent or legal guardian may appear before the court and object to the making of the order.”.

(23) For paragraphs (4), (5) and (6) of Article 58 there shall be substituted the following paragraphs –

“(4) Where a parental rights order is in force in respect of a child and the child has ceased to be in the care of the Minister, then (without prejudice to the provisions of Article 56 if those provisions apply) the Minister shall have power to receive the child back in to the Minister’s care in any circumstances in which it appears that the Minister’s intervention is necessary in the interests of the welfare of the child.

(5) Where the Minister receives a child in to the Minister’s care under paragraph (4), the provisions of this Part shall apply as if the child had been received into Minister’s care under Article 56.

(6) A parental rights order shall not relieve any person from any liability to maintain, or contribute to the maintenance of, the child;

and the Minister may recover from any such person, as a civil debt, the amount of any money expended by the Minister on such maintenance.”.

- (24) In the heading to Part 10, for the word “COMMITTEE” there shall be substituted the following word –
- “MINISTER”.
- (25) In Article 60(1), for the words “by the Committee into its care” there shall be substituted the following words –
- “by the Minister into the Minister’s care”.
- (26) For Articles 62, 63 and 64 there shall be substituted the following Articles –

#### **“62 Application of Part 10**

This Part relates to the powers and duties of the Minister in relation to children committed to the Minister’s care as a fit person under an order made by virtue of Article 15 or committed to the Minister’s care under an order made by virtue of Article 27 (subject, however, to any directions given by the Royal Court under Article 27) or received in to the Minister’s care under this Law and the powers of the Minister in relation to young persons previously in the Minister’s care.

#### **63 General duty of Minister**

Where a child is in the care of the Minister, it shall be the duty of the Minister to exercise his or her powers with respect to the child so as to further the child’s best interests, and to afford the child opportunity for the proper development of his or her character and abilities.

#### **64 Mode of provision of accommodation and maintenance**

- (1) Subject to the provisions of this Article, the Minister shall discharge his or her duty to provide accommodation and maintenance for a child in the Minister’s care –
- (a) by boarding the child out on such terms (whether as to payment by the Minister or otherwise) as the Minister may, subject to the provisions of this Law and any Orders made thereunder, determine; or
- (b) where it is not practicable or desirable for the time being to make arrangements for boarding-out, by maintaining him or her in a children’s home or by placing him or her in a voluntary home the managers of which are willing to receive him or her.
- (2) A child who is in the care of the Minister and has attained the upper limit of the compulsory school age may be accommodated and maintained in any hostel (whether provided by the Minister or not) which is wholly or mainly intended for persons who have

attained the upper limit of the compulsory school age but have not attained the age of 20 years.

- (3) Notwithstanding anything in the foregoing provisions of this Article, the Minister may accommodate and maintain a child in his or her care in premises under his or her control or under the control of any other public or parochial authority.
- (4) Where under this Article the Minister provides for a child by maintaining him or her in a home or hostel not provided by the Committee, the terms, whether as to payment by the Minister or as to other matters, on which the child is so maintained shall be such as may be agreed upon between the Minister and the persons providing the home or hostel.”.

(27) For Article 66 there shall be substituted the following Article –

**“66 Power to assist young persons previously in care**

The Minister may provide support and assistance, in such manner as he or she thinks fit, to a young person who, before attaining the age of majority, was committed to or received in to the Minister’s care under this Law where it appears to the Minister to be desirable to do so, in the interests of the welfare of the young person.”.

(28) For Article 68(2) there shall be substituted the following paragraph –

“(2) In any case where the Minister so thinks fit, he or she may require the legal guardian or guardian of any child received in to the Minister’s care to make such contributions in respect of him or her as the Minister may determine.”.

(29) In Article 78(1), for the words “Committee of the States” there shall be substituted the following word –

“Minister”.

(30) For Article 82(1) there shall be substituted the following Article –

“(1) The Subordinate Legislation (Jersey) Law 1960, shall apply to Orders and rules made by the Minister for Health and Social Services or the Minister for Education, Sport and Culture Committee under this Law.”.

(31) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
- (b) Article 3(1) and (2);
- (c) Article 5(1) and (3);
- (d) Article 6(1);
- (e) Article 14(5);
- (f) Article 15, in the heading and in paragraphs (1), (2) and (3);
- (g) Article 16, in the heading and in paragraphs (1), (2) and (3);

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- (h) Article 27, in the heading and in paragraphs (1), (2), (3), (4) and (6);
  - (i) Article 28(1) and (3);
  - (j) Article 30(2);
  - (k) Article 32(1), (3), (4) and (6);
  - (l) Article 33(4) and (5);
  - (m) Article 34 (2) and (3);
  - (n) Article 39(2), (3) and (4);
  - (o) Article 41;
  - (p) Article 52(1), (2) and (4);
  - (q) Article 53(1), (3), (4) and (5);
  - (r) Article 54(1) and (2);
  - (s) Article 57, in the heading;
  - (t) Article 58(1), (2), (3), (7), (9) and (10);
  - (u) Article 59(2);
  - (v) Article 61, in the heading and in paragraphs (1) and (2);
  - (w) Article 65;
  - (x) Article 67;
  - (y) Article 68(3), (4) and (5);
  - (z) Article 69(1), (3), (4) and (6);
  - (aa) Article 72.
- (32) In the following provisions, for the words “Education, Sport and Culture Committee” in each place where the words appear there shall be substituted the words “Minister for Education, Sport and Culture” –
- (a) Article 2(1), (2) and (3);
  - (b) Article 42(1) and (3);
  - (c) Article 43(1), (2), (3) and (4);
  - (d) Article 44(1), (2), (3) and (4);
  - (e) Article 45(4);
  - (f) Article 48(2).
- (33) In the following provisions, for the words “officer of the Committee” in each place where the words appear there shall be substituted the words “officer of an administration of the States for which the Minister is assigned responsibility” –
- (a) Article 8(1), (2) and (3);
  - (b) Article 10(1), (2), (3) and (4);
  - (c) Article 12(1);
  - (d) Article 13(1) and (2);
  - (e) Article 33(1) and (2);
  - (f) Article 55.
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**13 Mental Health (Jersey) Law 1969 - amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Mental Health (Jersey) Law 1969.<sup>14</sup>
- (2) In Article 1(1) –
  - (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “mental nursing home” there shall be inserted the following definition –

“ ‘Minister’ means the Minister for Health and Social Services;”;
  - (c) in the definition “school”, for the words “Education Committee” there shall be substituted the following words –

“the Minister for Education, Sport and Culture”.
- (3) For Article 2(3) there shall be substituted the following paragraphs –
  - “(3) The Minister shall pay to the members of the Tribunal such remuneration as may be prescribed and defray such expenses of the Tribunal as the Minister may determine.
  - (3A) The Minister may provide from any administration of the States for which he or she is assigned responsibility such officers and servants, and such accommodation, as the Tribunal may require.”.
- (4) In the heading to Article 3, for the word “**Committee**” there shall be substituted the following word –

“**Minister**”.
- (5) In Article 8(1), for the words “a member of the Committee” there shall be substituted the following words –

“the Minister”.
- (6) In Article 13 –
  - (a) in the heading, for the words “**probation officers or officers of the Committee**” there shall be substituted the following word –

“**officers**”;
  - (b) in paragraph (1), for the words “the member of the Committee by whom the application was approved or of the Committee” there shall be substituted the following words –

“the Minister”.
- (7) For Article 16(1) there shall be substituted the following paragraph –
  - “(1) A guardianship application under this Part shall be of no effect unless it is delivered to the Minister within 14 days beginning with the day on which the patient was last examined by a registered medical practitioner with a view to the making of a medical recommendation in connection with the application, and unless the Minister, having satisfied himself or herself that the application and the medical recommendations comply with the requirements of this Part, has approved the application, and an application so approved shall be sufficient authority for the taking into the

guardianship of the person named as guardian in the application of the patient to whom the application relates, and a guardianship application so approved shall, subject to the provisions of any order made under Article 52, confer on the Minister or the person so named, to the exclusion of any other person, all such powers as would be exercisable by it or the person in relation to the patient if it or the person were the father of the patient and the patient were a child, and, in a case where the Minister is named as guardian, the Minister may, if in the Minister's opinion the circumstances warrant the taking of such a course, require that the patient –

- (a) shall reside –
  - (i) in a hospital or other institution administered by the Minister, or
  - (ii) with such person as the Minister may think fit;
- (b) shall attend at such training centre as may be specified by the Minister, at such times or for such periods as may be so specified.”.

- (8) For Article 18(2)(a) there shall be substituted the following subparagraph –

“(a) to the Minister;”.

- (9) For Article 23(1) there shall be substituted the following paragraph –

“(1) A guardianship application under this Part of this Law shall be of no effect unless it is delivered to the Minister within fourteen days beginning with the day on which the patient was last examined by a registered medical practitioner with a view to the making of a medical recommendation in connexion with the application, and unless the Minister, having satisfied himself or herself that the application and the medical recommendations comply with the requirements of this Part of this Law, has approved the application, and an application so approved shall be sufficient authority for the taking in to the guardianship of the person named as guardian in the application of the patient to whom the application relates, and a guardianship application so approved shall, subject to the provisions of any order made under Article 59 of this Law, confer on the Minister or the person so named, to the exclusion of any other person, all such powers as would be exercisable by him or her in relation to the patient if he or she were the father of the patient and the patient were a child, and, in a case where the Minister is named as guardian, the Minister may, if in his or her opinion the circumstances warrant the taking of such a course, require that the patient –

- (a) shall reside –
  - (i) in a hospital or other institution administered by the Minister, or
  - (ii) with such person as the Minister may think fit;

- (b) shall attend at such training centre as may be specified by the Minister, at such times or for such periods as may be so specified.”.

(10) For Article 23(3) there shall be substituted the following paragraph –

“(3) Where it appears to the Minister that any person having the guardianship of a patient received into guardianship under the provisions of this Part of this Law has performed his or her functions negligently or in a manner contrary to the interest of the patient, the Minister may transfer the guardianship of the patient to himself or herself or to any other person approved by the Minister for the purpose.”.

(11) In Article 24(6), for the words “the Committee shall, unless it discharges the patient” there shall be substituted the following words –

“the Minister shall, unless he or she discharges the patient”.

(12) For Article 30 there shall be substituted the following Article –

**“30 Infants in care**

In any case where the rights and powers of a parent of a patient, being an infant, are vested in the Minister for Education, Sport and Culture or any other person by virtue of an order of a court, that Minister or person shall be deemed to be the nearest relative of the patient in preference to any person except the patient’s husband or wife (if any).”.

(13) For Article 35 there shall be substituted the following Articles –

**“35 Removal of patient to another place in the British Islands: reciprocal arrangements**

(1) Subject to Article 35C, the Minister may authorize the removal of a patient for the time being liable to be detained under this Law from Jersey to another place in the British Islands if it appears to the Minister –

- (a) that such removal is in the interests of the patient;
- (b) that there is provision in that place corresponding to Article 35D for the reception of the patient from Jersey; and
- (c) that arrangements have been made for the patient’s admission in that place.

(2) When authorizing the removal of a patient under paragraph (1), the Minister may give any necessary directions for the patient’s conveyance to the patient’s destination.

(3) Where a patient is removed from Jersey pursuant to this Article, the application, order or direction by virtue of which he or she is liable to be detained under this Law shall cease to have effect when the patient is duly received in the other place in the British Islands pursuant to the arrangements mentioned in paragraph (1)(c).

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**35A Removal of patient to another place in the British Islands: no reciprocal arrangements**

- (1) Subject to Article 35C, the Minister may authorize the removal of a patient for the time being liable to be detained under this Law from Jersey to another place in the British Islands if it appears to the Minister –
  - (a) that such removal is in the interests of the patient;
  - (b) that there is no provision in that place corresponding to Article 35D for the reception of the patient from Jersey but that the patient is ordinarily resident there; and
  - (c) that proper arrangements have been made for the removal of the patient to that place, and for the patient's care and treatment there.
- (2) When authorizing the removal of a patient under paragraph (1), the Minister may give such directions as the Minister thinks fit for –
  - (a) the conveyance of the patient to the intended destination in the other place in the British Islands; and
  - (b) the detention of the patient in any place or on board any ship or aircraft until arrival at any specified port or place in that other place in the British Islands.

**35B Removal of alien patient**

- (1) Subject to Article 35C, the Minister may authorize the removal from Jersey of a patient liable to be detained under this Law who is an alien if it appears to the Minister –
  - (a) that such removal is in the interests of the patient; and
  - (b) that proper arrangements have been made for the removal of the patient to a country or territory outside the British Islands and for the patient's care and treatment there.
- (2) When authorizing a removal under paragraph (1), the Minister may give such directions as the Minister thinks fit for –
  - (a) the conveyance of the patient to the patient's destination in the country or territory mentioned in that paragraph; and
  - (b) the detention of the patient in any place or on board any ship or aircraft until arrival at any specified port or place in any such country or territory.

**35C Role of Tribunal**

- (1) Where the Minister has authorized the removal of a patient from Jersey pursuant to Article 35, 35A or 35B, the Minister shall forthwith notify the Tribunal and the Tribunal shall review the authorization within 7 working days of receiving such notification.
  - (2) A patient may not be removed from Jersey pursuant to Article 35, 35A or 35B unless the approval of the Tribunal has been obtained.”
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- (14) For Article 42 there shall be substituted the following Article –

**“42 Provision of pocket money for in-patients in hospital**

The Minister may pay to patients (whether liable to be detained or not) who are receiving treatment in hospitals wholly or mainly used for the treatment of persons suffering from mental disorder or addiction such amounts as the Minister thinks fit in respect of their occasional personal expenses where it appears to the Minister that they would otherwise be without resources to meet those expenses.”.

- (15) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
  - (b) Article 3(1) and (2);
  - (c) Article 8(2);
  - (d) Article 11;
  - (e) Article 12(1);
  - (f) Article 13(2);
  - (g) Article 14(3) and (4);
  - (h) Article 15(1), (3), (4) and(5);
  - (i) Article 16(4);
  - (j) Article 17;
  - (k) Article 18(2) and (5);
  - (l) Article 19(2);
  - (m) Article 22 (1) and (3);
  - (n) Article 23(2) and (4);
  - (o) Article 24(3) and (4);
  - (p) Article 27(1);
  - (q) Article 28(1) and (2);
  - (r) Article 32(2);
  - (s) Article 33(2);
  - (t) Article 43(3), (4), (9) and (24);
  - (u) Article 52(1) and (2).
- (15) In Schedule 1, in the following paragraphs, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 1;
  - (b) paragraph 2;
  - (c) paragraph 9;
  - (d) paragraph 10.

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**14 Nursing Agencies (Jersey) Law 1978 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Nursing Agencies (Jersey) Law 1978.<sup>15</sup>
- (2) In Article 1(1) –
  - (a) the definition “Committee” shall be deleted;
  - (b) after the definition “enrolled nurse” there shall be inserted the following definition –

“ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In Article 2(2), for the words “as it may think fit” there shall be substituted the following words –

“as the Minister may think fit”.
- (4) For Article 2(5) there shall be substituted the following paragraph –

“(5) The Minister shall not refuse an application for registration or renewal of registration under this Law, or cancel any such registration, unless he or she has given to the applicant or person registered, as the case may be, not less than 7 days’ notice in writing of its intention to do so and of its reasons for so doing; and every such notice shall contain an intimation that, if within 7 days after the receipt of the notice the applicant or person registered informs the Minister in writing that he or she desires so to do, the Minister, before refusing the application, or cancelling the registration, will afford him or her an opportunity of being heard in person or by a representative, against such refusal or cancellation.”.
- (5) For Article 2(7) there shall be substituted the following paragraph –

“(7) If the Minister, after giving to the applicant or the registered person an opportunity of being heard, decides to refuse the application or to cancel the registration, the Minister shall, if required by the applicant or the registered person, deliver to him or her, within 7 days of the receipt of such requirement, particulars in writing of the reasons for such refusal or cancellation.”.
- (6) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Article 2(1), (2), (3), (8) and (10);
  - (b) Article 4(1);
  - (c) Article 6(1).

**15 Misuse of Drugs (Jersey) Law 1978 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Misuse of Drugs (Jersey) Law 1978.<sup>16</sup>
  - (2) In Article 1(1) –
    - (a) the definition “the Committee” shall be deleted;
    - (b) after the definition “Medical Officer of Health” there shall be inserted the following definition –
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“ ‘Minister’ means the Minister for Health and Social Services;”.

- (3) In Article 12 –
- (a) for paragraph (1) there shall be substituted the following paragraph –
- “ (1) The Minister may by Order –
- (a) exempt from the provisions of Article 4(2)(a) or 8(1) such controlled drugs as may be specified in the Order;
- (b) make such other provision as the Minister thinks fit for the purpose of making it lawful for persons to do things which under Article 5 or 8(1) it would otherwise be unlawful for them to do.”;
- (b) in paragraph (3), for the words “the Committee shall exercise its power” there shall be substituted the following words –
- “the Minister shall exercise his or her power”;
- (c) in paragraph (4), for the words “it may, by Order,” there shall be substituted the following words –
- “the Minister may, by Order.”.
- (4) In Article 13 –
- (a) in the heading, for the word “**Committee**” there shall be substituted the following word –
- “**Minister**”;
- (b) for paragraph (1) there shall be substituted the following paragraph –
- “ (1) Subject to the provisions of this Law, the Minister may by Order make such provision as appears to him or her necessary or expedient for preventing the misuse of controlled drugs.”.
- (5) In Article 15(1), for the words “it may, by notice in writing” there shall be substituted the following words –
- “the Minister may, by notice in writing”.
- (6) For Article 16(3), (4) and (5) there shall be substituted the following paragraphs –
- “ (3) Where the Minister proposes to give a direction under this Article, he shall cause notice to this effect to be served on the person to whom it applies.
- (4) Subject to Article 18(2) –
- (a) a direction given under this Article shall take effect when a copy of it is served on the person to whom it applies; and
- (b) the Minister shall cause notice of any direction given by him or her under this Article to be published in the Jersey Gazette.
- (5) The Minister may at any time, by notice in writing served on the person to whom it applies, cancel a direction given by the Minister

- under this Article, and the provisions of paragraph (4)(b) shall apply in the case of any such cancellation as they apply to a direction.”.
- (7) For Article 17(2) there shall be substituted the following paragraph –
- “(2) Where the Minister considers that there are grounds for giving a direction under this Article, he or she shall forthwith request the Bailiff to constitute a Misuse of Drugs Tribunal (hereinafter referred to as ‘the Tribunal’) and the provisions of Schedule 3 shall have effect with respect to the constitution and procedure of the Tribunal, and with respect to the other matters there mentioned.”.
- (8) For Article 17(5) and (6) there shall be substituted the following paragraphs –
- “(5) Where the Minister, having considered the recommendation of the Tribunal, decides that no further proceedings should be taken in the matter, he or she shall cause to be served on the person concerned a notice to this effect.
- (6) Where the Minister, having considered the recommendation of the Tribunal, decides to give a direction under this Article, he or she shall cause notice to this effect to be served on the person to whom it applies.”.
- (9) In Schedule 1, for paragraph 7 there shall be substituted the following paragraph –
- “(7) The Minister may pay to the members of the Council such remuneration as may be prescribed and defray such expenses of the Council as the Minister may determine, and may provide such accommodation for the Council as the Minister thinks fit.”.
- (10) In Schedule 3, for paragraphs 7 and 8 there shall be substituted the following paragraphs –
- “7. The Minister may pay to the members of the Tribunal such remuneration as may be prescribed and defray such expenses of the Tribunal as the Minister may determine, and may provide such accommodation for the Tribunal as the Minister thinks fit.
8. If the Tribunal recommends to the Minister that the whole or part of the expenses properly incurred by the respondent for the purposes of proceedings before the Tribunal should be defrayed out of public funds, the Minister may, if he or she thinks fit, make to the respondent such payments in respect of those expenses as he or she considers appropriate.”.
- (11) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 2 (2) and (4);
  - (b) Article 3(2);
  - (c) Article 4(2);
  - (d) Article 7(1);
  - (e) Article 12(2) and (4);



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- (f) Article 13(2);
  - (g) Article 14(1);
  - (h) Article 15(1);
  - (i) Article 16(1);
  - (j) Article 17(1) and (3);
  - (k) Article 18(1);
  - (l) Article 19 (1);
  - (m) Article 23;
  - (n) Article 26;
  - (o) Article 27(1);
  - (p) Article 31(3).
- (12) In Schedule 1, in paragraph 1, for the word “Committee” there shall be substituted the following word –
- “Minister”.
- (13) In Schedule 3, in the following paragraphs, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 1;
  - (b) paragraph 2;
  - (c) paragraph 5.

## **16 Nursing and Residential Homes (Jersey) Law 1994 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Nursing and Residential Homes (Jersey) Law 1994.<sup>17</sup>
- (2) In Article 1(1) –
- (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “mental nursing home” there shall be inserted the following definition –
- “ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In Article 3(2), for the words “a Committee of the States” there shall be substituted the following words –
- “a Minister”.
- (4) In Article 7(1), for the words “The Committee may refuse to register an applicant in respect of a home to which this Law applies if it is satisfied” there shall be substituted the following words –
- “The Minister may refuse to register an applicant in respect of a home to which this Law applies if the Minister is satisfied”.
- (5) For Article 8(1)(a) there shall be substituted the following sub-paragraph –

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- “(a) on any ground which would entitle the Minister to refuse an application for the registration of that person in respect of that home;”.
- (6) For Article 9(1) there shall be substituted the following paragraph –
- “(1) Where –
- (a) a person applies for registration in respect of a home to which this Law applies; and
- (b) the Minister proposes to grant the person’s application, the Minister shall give him or her notice of the Minister’s proposal and of the conditions subject to which the Minister proposes to grant his or her application.”.
- (7) In Article 9(4), for sub-paragraph (a) there shall be substituted the following sub-paragraph –
- “(a) give the Minister’s reasons for the Minister’s proposal; and”;
- (8) For the heading to Article 10 there shall be substituted the following heading –
- “10 Decision of Minister”.**
- (9) For Article 10(1) there shall be substituted the following paragraph –
- “(1) If the Minister decides to adopt a proposal mentioned in paragraph (1), (2) or (3) of Article 9, he or she shall serve notice of his or her decision on any person on whom the Minister was required to serve notice of the proposal.”.
- (10) In the Schedule –
- (a) in paragraph 2(3), for the word “Committee’s” there shall be substituted the following word –
- “Minister’s”;
- (b) in paragraph 4(3), for the word “Committee’s” there shall be substituted the following word –
- “Minister’s”;
- (11) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
- (b) Article 3(2), (4) and (6);
- (c) Article 4(1), (5), (6), (7), (8) and (10);
- (d) Article 6(2), (3), (3B) and (4);
- (e) Article 7(1) (as amended by paragraph (4) of this Regulation) and (2);
- (f) Article 8(1);
- (g) Article 9(2), (3), (4) (as amended by paragraph (7) of this Regulation) and (5);
- (h) Article 10(3);
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- (i) Article 11(1), (2), (3), and (6);
  - (j) Article 12(1), (2) and (3);
  - (k) Article 13(1) and (5);
  - (l) Article 14;
  - (m) Article 15(1), (2) and (3);
  - (n) Article 19(1).
- (12) In the Schedule, in the following paragraphs, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 1(2) and (3);
  - (b) paragraph 2(1), (2) and (3);
  - (c) paragraph 3(2) and (3);
  - (d) paragraph 4(2) and (3).

#### **17 Medicines (Jersey) Law 1995 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Medicines (Jersey) Law 1995.<sup>18</sup>
- (2) In Article 1(1) –
  - (a) the definition “Committee” shall be deleted;
  - (b) after the definition “Medicines Act” there shall be inserted the following definition –

“ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) For Article 3(5) there shall be substituted the following paragraph –

“(5) For the purposes of this Article the provision of services by the Minister for Social Security under the Health Insurance (Jersey) Law 1967 shall be treated as the carrying on of a business by that Minister.”.
- (4) For Article 4 there shall be substituted the following Article –

#### **4 Minister to administer this Law**

- (1) Subject to paragraphs (2) and (3), it shall be the duty of the Minister to administer this Law and any Orders made under it.
- (2) Where any function (including the making of Orders) falls to be performed in relation to veterinary drugs or the treatment of diseases of animals, the Minister shall, before performing any such function or making any such Order, consult with the Minister for Economic Development.”.
- (5) In Article 5(2), for the words “the Committee after consultation with such organisations as it considers appropriate” there shall be substituted the following words –

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“the Minister after consultation with such organisations as he or she considers appropriate”.

- (6) For Article 5(7) there shall be substituted the following paragraph –

“(7) The Minister may –

- (a) pay to the members of the Advisory Council such remuneration as the Minister may determine;
- (b) defray such expenses of the Advisory Council as the Minister may determine; and
- (c) provide such accommodation and services for the Advisory Council as the Minister thinks fit.”.

- (7) In Article 20(4), for the words “if it thinks fit” there shall be substituted the following words –

“if the Minister thinks fit”.

- (8) For Article 21(1) there shall be substituted the following paragraph –

“(1) Subject to Article 20, and to the following provisions of this Law, on any application for a licence under this Part of this Law the Minister –

- (a) may grant a licence containing such provisions as the Minister considers appropriate; or
- (b) if, having regard to the provisions of this Law, he or she considers it necessary or expedient to do so, may refuse to grant a licence; or
- (c) may grant a licence otherwise than in accordance with the application.”.

- (9) For Article 22 there shall be substituted the following Article –

**“22 Procedure on refusal of application**

Where in pursuance of this Part the Minister proposes –

- (a) to refuse to grant a licence; or
- (b) to grant a licence otherwise than in accordance with the application,

the Minister shall within 28 days of receipt of the application notify the applicant accordingly and, before determining the application, shall afford the applicant an opportunity of appearing before and being heard by, or of making representations in writing to, the Minister.”.

- (10) In Article 23, for the words “it shall forthwith inform the applicant of its decision” there shall be substituted the following words –

“the Minister shall forthwith inform the applicant of the Minister’s decision”.

- (11) In Article 24(4), for the words “the Committee consider” there shall be substituted the following words –

“the Minister considers”.

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- (12) In Article 25(2) –
- (a) for the words “the Committee subsequently consider” there shall be substituted the following words –  
“the Minister subsequently considers”;
  - (b) for the words “by the Committee” there shall be substituted the following words –  
“by the Minister”.
- (13) In Article 25(4) –
- (a) for the words “the Committee may” there shall be substituted the following words –  
“the Minister may”;
  - (b) in sub-paragraph (b), for the words “the Committee considers” there shall be substituted the words “the Minister considers”;
  - (c) for sub-paragraph (c) there shall be substituted the following sub-paragraph –  
“(c) if, having regard to the provisions of this Law, the Minister considers it necessary or expedient to do so, refuse to renew the licence or to grant a new licence.”.
- (14) For Article 29(1) there shall be substituted the following paragraph –
- “(1) Subject to the following provisions of this Part, the Minister may suspend a licence issued under this Part for such period as the Minister may determine, or may revoke or vary the provisions of, any such licence.”.
- (15) For Article 30(2) and (3) there shall be substituted the following paragraphs –
- “(2) Where the Minister suspends a licence in pursuance of paragraph (1), the Minister shall forthwith notify the holder of the licence and the Advisory Council.
  - (3) Where, on the expiration of the 3 months referred to in paragraph (1) it appears to the Minister that it is not in the interests of safety to lift the suspension, the Minister may either –
    - (a) renew the suspension for further periods not exceeding 3 months; or
    - (b) on giving notice to the holder of the licence of the Minister’s proposal so to do, revoke or vary the licence.”.
- (16) For Article 31 there shall be substituted the following Article –

**31 Variation of licence on application of holder**

Without prejudice to any power exercisable by virtue of Article 29 the Minister may, on the application of the holder of a licence under this Part, vary the provisions of the licence in accordance with any proposals contained in the application, if the Minister is satisfied that the variation

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- will not adversely affect the safety, quality or efficacy of medicinal products of any description to which the licence relates.”.
- (17) For Article 37(2) there shall be substituted the following paragraph –
- “(2) In dealing with any such application, the Minister shall have regard in particular to any evidence available to the Minister as to any risks involved in the proposed clinical trial.”.
- (18) For Article 39(4) there shall be substituted the following paragraph –
- “(4) On an application for the renewal of such a certificate the Minister may –
- (a) renew the certificate, with or without modifications, for such a further period as is mentioned in paragraph (2);
  - (b) issue to the applicant a new clinical trial certificate containing such provisions as the Minister considers appropriate; or
  - (c) if, having regard to the provisions of this Law the Minister considers it necessary or expedient to do so, refuse to renew the certificate or to issue a new certificate.”.
- (19) In Article 40(1), for the words “the Committee may suspend, for such period as it may determine” there shall be substituted the following words –
- “the Minister may suspend, for such period as he or she may determine”.
- (20) In Article 40(4), for the words “if it is satisfied” there shall be substituted the following words –
- “if the Minister is satisfied”.
- (21) In the heading to Article 43, for the word “Committee” there shall be substituted the following word –
- “Minister”.
- (22) For Article 43(1) there shall be substituted the following paragraph –
- “(1) Where an application has been made for a licence under this Part (including a licence of right) or for a clinical trial certificate (including a certificate to which a person is entitled by virtue of Article 38(4)) the Minister, before determining the application, may request the applicant to furnish such information relating to the application as the Minister may consider requisite; and, where any such request has been made, the Minister shall not be required to determine the application until either –
- (a) the information requested has been furnished to the Minister; or
  - (b) it has been shown to the Minister’s reasonable satisfaction that the applicant is unable to furnish the information.”.
- (23) For Article 46(7) there shall be substituted the following paragraph –
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- “(7) Where an application is made under paragraph (6), then, if the Minister proposes to refuse to give a direction in accordance with the application –
- (a) the Minister shall, before determining the application, afford the applicant an opportunity of appearing before, and being heard by, or making written representations to, the Minister with respect to that proposal; and
  - (b) if the Minister then determines to refuse to give a direction in accordance with the application, he or she shall serve on the applicant a notice stating the reasons for the Minister’s decisions.”.
- (24) For Article 47(2) there shall be substituted the following paragraph –
- “(2) The Minister shall not make an Order under paragraph (1) unless it appears to the Minister to be necessary or expedient to do so for the purpose of giving effect to any Community obligation which binds the Island or will bind the Island on the day appointed by the Order.”.
- (25) For Article 48(2) there shall be substituted the following paragraph –
- “(2) No class of medicinal products shall be specified in an Order made under this Article unless it appears to the Minister to be requisite for securing that any exemption conferred by Article 47(1) does not apply to medicinal products consisting wholly or partly of substances the purity or potency of which cannot, in the Minister’s opinion, be adequately tested by chemical means.”.
- (26) For Article 50(1) there shall be substituted the following paragraph –
- “(1) The Minister may by Order specify descriptions or classes of medicinal products as being products which in the Minister’s opinion can with reasonable safety be sold or supplied otherwise than by, or under the supervision of, a pharmacist.”.
- (27) In Article 61(1), for the words “the Committee, where it appears to it to be necessary to do so” there shall be substituted the following words –
- “the Minister, where it appears to him or her to be necessary to do so”.
- (28) In Article 65(1), for the words “The Committee may prescribe such requirements as it considers necessary” there shall be substituted the following words –
- “The Minister may prescribe such requirements as the Minister considers necessary”.
- (29) For Article 67(3) there shall be substituted the following paragraph –
- “(3) No order under this Article shall be made against a person unless the Minister has, not less than 14 days before the date of the hearing, given him or her notice in writing of the Minister’s intention to apply for such an order to be made against him.”.
- (30) For Article 74(3) there shall be substituted the following paragraph –
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- “(3) If it appears to the Minister that in a material respect the premises do not comply with the requirements of any Order made under Article 65, and accordingly the Minister proposes to certify that the premises are unsuitable for registration under this Article, the Minister shall –
- (a) within 60 days of receipt of the application serve on the applicant a notice stating the Minister’s proposals and the reasons for them; and
  - (b) before determining the application, afford the applicant the opportunity of being heard by the Minister or of making representations to the Minister in writing.”.
- (31) In Article 74(6), for the words “the Committee shall not register any premises in pursuance of this Article unless it is shown to its satisfaction” there shall be substituted the following words –
- “the Minister shall not register any premises in pursuance of this Article unless it is shown to the Minister’s satisfaction”.
- (32) In Article 80(5), for the words “Where the Committee gives a direction under this Article, it shall forthwith notify the body corporate” there shall be substituted the following words –
- “Where the Minister gives a direction under this Article, the Minister shall forthwith notify the body corporate”.
- (33) In Article 82(1), for the words “The Committee may make Orders imposing such requirements as, for the purposes specified in paragraph (2), it considers necessary” there shall be substituted the following words –
- “The Minister may make Orders imposing such requirements as, for the purposes specified in paragraph (2), the Minister considers necessary”.
- (34) In Article 83(1), for the words “(1) The Committee may by Order impose such requirements as, for any of the purposes specified in Article 82(2) it considers necessary” there shall be substituted the following words –
- “(1) The Minister may by Order impose such requirements as, for any of the purposes specified in Article 82(2) the Minister considers necessary”.
- (35) In Article 90(3), for the words “the Committee may by Order impose such requirements as, for any of the purposes specified in the next following paragraph, it considers necessary” there shall be substituted the following words –
- “the Minister may by Order impose such requirements as, for any of the purposes specified in the next following paragraph, the Minister considers necessary”.
- (36) In the heading to Article 92, for the word “Committee” there shall be substituted the word “Minister”.
- (37) In Article 93, for the words “The Committee may by Order specify any description or class of articles or substances appearing to it to be articles or substances” there shall be substituted the following words –
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“The Minister may by Order specify any description or class of articles or substances appearing to the Minister to be articles or substances”.

- (38) In Article 94(1), for the words “The Committee may by Order specify any substance appearing to it to be a substance which is not itself a medicinal product” there shall be substituted the following words –

“The Minister may by Order specify any substance appearing to the Minister to be a substance which is not itself a medicinal product”.

- (39) In Article 96(1) –

- (a) for the words “the Committee shall” there shall be substituted the following words –

“the Minister shall”;

- (b) for sub-paragraph (b) there shall be substituted the following sub-paragraph –

“(b) generally for the purposes of the performance by the Minister of his or her functions under this Law or under any such Order.”.

- (40) For Article 110(4) there shall be substituted the following paragraph –

“(4) Before making any Order under this Law (other than an Order which, in pursuance of this Law, in the case of urgency may be made with immediate effect) the Minister shall consult with the Advisory Council and such other organisations as appear to the Minister to be representative of interests likely to be substantially affected by the Order.”.

- (41) In Article 112(1), for the words “An officer of the Committee” there shall be substituted the following words –

“An officer of an administration of the States for which the Minister is assigned responsibility”.

- (42) For Article 112(2) and (3) there shall be substituted the following paragraphs –

“(2) Where an action has been brought against an officer of an administration of the States for which the Minister is assigned responsibility, in respect of an act done by the officer in the execution or purported execution of this Law, and the circumstances are such that the officer is not legally entitled to require the Minister to indemnify him or her, the Minister may nevertheless indemnify the officer against the whole or part of the damages and costs or expenses which he may have been ordered to pay or may have incurred, if the Minister is satisfied that the officer honestly believed that his or her duty under the Law required or entitled the officer to do it.

- (3) In this Article –

- (a) any reference to an officer of an administration of the States for which the Minister is assigned responsibility shall be

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construed as including a reference to any person who, not being such an officer, is authorized to act in pursuance of this Law by the Minister; and

- (b) in relation to any such person, any reference in this Article to the scope of his or her employment shall be construed as a reference to the scope of the authorization under which he or she acts.”.

(43) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- (a) Article 2(4);
- (b) Article 5(3);
- (c) Article 6(1) and (2);
- (d) Article 7(1), (2) and (5);
- (e) Article 16(1) and (3);
- (f) Article 18;
- (g) Article 19(1) and (3);
- (h) Article 20(1), (2), (3), (4), (5), (6) and (7);
- (i) Article 21(2) and (3);
- (j) Article 23(1);
- (k) Article 25(3) and (8);
- (l) Article 26(3);
- (m) Article 27(4);
- (n) Article 28;
- (o) Article 29(3) and (7);
- (p) Article 30(1);
- (q) Article 32(3);
- (r) Article 36(6) and (8);
- (s) Article 37(1);
- (t) Article 38(3) and (4);
- (u) Article 39(2) and (7);
- (v) Article 40(2) and (4);
- (w) Article 41(1) and (4);
- (x) Article 42(4);
- (y) Article 43(2), (3), (4) and (5);
- (z) Article 44(3) and (5);
- (aa) Article 46(1), (6), (8) and (9);
- (ab) Article 47(1), (7), (8) and (9);
- (ac) Article 48(1) and (6);
- (ad) Article 49;
- (ae) Article 54(2);
- (af) Article 55(3);

- (ag) Article 56(1);
  - (ah) Article 57(1);
  - (ai) Article 58(2);
  - (aj) Article 59(1), (3) and (5);
  - (ak) Article 60;
  - (al) Article 61(4);
  - (am) Article 67(1);
  - (an) Article 70(2);
  - (ao) Article 71(2) and (3);
  - (ap) Article 72(1) and (3);
  - (aq) Article 74(1), (4) and (5);
  - (ar) Article 75(3);
  - (as) Article 76;
  - (at) Article 77;
  - (au) Article 79(1);
  - (av) Article 80(1), (2), (3), (7) and (8);
  - (aw) Article 84(1);
  - (ax) Article 90(1);
  - (ay) Article 92(1);
  - (az) Article 94(2);
  - (ba) Article 95(1) and (2);
  - (bb) Article 96(2) and (3);
  - (bc) Article 97(1) and (8);
  - (bd) Article 98(5);
  - (be) Article 100(6);
  - (bf) Article 101(1), (2) and (3);
  - (bg) Article 102(1) and (2);
  - (bh) Article 110(1) and (3).
- (44) In the Schedule, in the following paragraphs, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 15(2);
  - (b) paragraph 16;
  - (c) paragraph 20.

## **18 Health Care (Registration) (Jersey) Law 1995 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Health Care (Registration) (Jersey) Law 1995.<sup>19</sup>
- (2) In Article 1(1) –

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- (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “medical practitioner” there shall be inserted the following definition –
    - “ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In Article 6 –
- (a) in paragraph (1), for the word “Committee” there shall be substituted the following word –
    - “Minister”;
  - (b) for paragraph (2) there shall be substituted the following paragraph –
    - “(2) Where the Minister refuses to grant the application, or grants the application subject to conditions, he or she shall furnish the applicant with a statement in writing of the Minister’s reasons for so doing.”.
- (4) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
  - (b) Article 2(4);
  - (c) Article 3(1);
  - (d) Article 5(1) and (2);
  - (e) Article 8(1) and (4);
  - (f) Article 9(1);
  - (g) Article 12(1);
  - (h) Article 14(1);
  - (i) Article 15(1);
  - (j) Article 17(2) and (3).

### **19 Termination of Pregnancy (Jersey) Law 1997 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Termination of Pregnancy (Jersey) Law 1997.<sup>20</sup>
  - (2) In Article 1(1) –
    - (a) the definition “the Committee” shall be deleted;
    - (b) after the definition “the Medical Officer of Health” there shall be inserted the following definition –
      - “ ‘Minister’ means the Minister for Health and Social Services;”.
  - (3) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
    - (b) Article 3(2);
    - (c) Article 6(1), (2) and (3);
    - (d) Article 10(1) and (3).
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**20 Nursing and Residential Homes (No. 2) (Jersey) Law 1997 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Nursing and Residential Homes (No. 2) (Jersey) Law 1997.<sup>21</sup>
- (2) In Article 4(2) –
  - (a) for the word “Committee” there shall be substituted the following word –  
“Minister”;
  - (b) in sub-paragraph (b), for the words “it proposes” there shall be substituted the following words –  
“the Minister proposes”.
- (3) For Article 7(2) there shall be substituted the following paragraph –  
“(2) The Minister shall, as soon as may be after the commencement of this Law, serve on each person registered or proposed to be registered under this Law in respect of any premises a notice specifying the Minister’s proposals as to the said matters.”.
- (4) In Article 7(3) –
  - (a) for the words “the Committee’s decision on its proposals” there shall be substituted the word “the Minister’s decision on his or her proposals”;
  - (b) for the words “the Committee” there shall be substituted the word “the Minister”.
- (5) In Article 10, for the word “Committee” there shall be substituted the words “Health and Social Services Committee”.
- (6) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Article 1(1);
  - (b) Article 3(2) and (3);
  - (c) Article 5(2) and (3).

**21 Hospital Charges (Long-Stay Patients) (Jersey) Law 1999 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Hospital Charges (Long-Stay Patients) (Jersey) Law 1999.<sup>22</sup>
- (2) In Article 1(1) –
  - (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “long-stay patient” there shall be inserted the following definition –  
“ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- 
- (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
  - (b) Article 2(1) and (3);
  - (c) Article 3.

## 22 Statutory Nuisances (Jersey) Law 1999 – amended

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Statutory Nuisances (Jersey) Law 1999.<sup>23</sup>
- (2) In Article 1(1) –
  - (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “injury to health” there shall be inserted the following definition –
    - “ ‘Minister’ means the Minister for Health and Social Services;”
  - (c) in the definition “street”, for the words “ the Housing Committee” there shall be substituted the following words –
    - “the Minister for Housing”.
- (3) For Article 4 there shall be substituted the following Article –

### “4 Functions of the Minister

- (1) The Minister shall have the powers conferred on him or her by this Law and the duty to take such steps as are reasonably practical to investigate a complaint of statutory nuisance made to the Minister.
- (2) The Minister may cause inspections to be made to detect the presence or existence of any statutory nuisance in respect of which no complaint has been made to him or her.”.
- (4) In Article 5(1), for the words “(1) Where the Committee is satisfied that a statutory nuisance exists, or is likely to occur or recur, it shall serve a notice” there shall be substituted the following words –
  - “(1) Where the Minister is satisfied that a statutory nuisance exists, or is likely to occur or recur, the Minister shall serve a notice”.
- (5) For Article 7(6) there shall be substituted the following paragraph –
  - “(6) If the Minister is of the opinion that proceedings for an offence under Article 5(4) would afford an inadequate remedy in the case of any statutory nuisance, the Minister may take proceedings in the Court for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding that the public has suffered no damage from the nuisance.”.
- (6) In Article 8, in the heading, for the word “**Committee**” there shall be substituted the following word –
  - “**Minister**”.
- (7) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- 
- (a) Article 1(1) (as amended by paragraph (2) of this Regulation);
  - (b) Article 6(2), (3) and (4);
  - (c) Article 7(4) and (5);
  - (d) Article 8(1) and (2);
  - (e) Article 10(3) and (4);
  - (f) Article 11(5), (6) and (7);
  - (g) Article 15(1).
- (8) In the Schedule, in the following paragraphs, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph (3);
  - (b) paragraph (6);
  - (c) paragraph (7).

### **23 Food Safety (Miscellaneous Provisions) (Jersey) Law 2000 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Food Safety (Miscellaneous Provisions) (Jersey) Law 2000.<sup>24</sup>
- (2) In Article 1(1) –
- (a) the definition “the Committee” shall be deleted;
  - (b) after the definition “injury to health” there shall be inserted the following definition –  
“ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) For Article 2 there shall be substituted the following Article –

#### **“2 Functions of the Minister**

- (1) The Minister shall investigate a complaint that the health risk condition is fulfilled with respect to any food business.
- (2) The Minister may cause inspections to be made, to detect whether the health risk condition is fulfilled, in respect of a food business where no complaint has been made to the Minister.”.
- (4) For Article 3(1), (2) and (3) there shall be substituted the following paragraphs –
- “(1) If the Minister is satisfied that the health risk condition is fulfilled with respect to any food business, the Minister may, by a notice served on the proprietor of the business (in this Law referred to as an ‘emergency prohibition notice’), impose the appropriate prohibition.
- (2) If the Court is satisfied, on the application of the Minister, that the health risk condition is fulfilled with respect to any food business,

- the Court shall by an order (in this Law referred to as an ‘emergency prohibition order’), impose the appropriate prohibition.
- (3) The Minister shall not apply for an emergency prohibition order unless, at least one day before the date of the application, the Minister has notified the proprietor of the business of the intention to apply for the order.”.
- (5) For Article 3(10) and (11) there shall be substituted the following paragraphs –
- “(10) An emergency prohibition notice or emergency prohibition order shall cease to have effect on the issue by the Minister of a certificate to the effect that he or she is satisfied that the proprietor has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business.
- (11) The Minister shall issue a certificate under paragraph (10) within three days of his or her being satisfied as mentioned in that paragraph, and on application by the proprietor for such a certificate, the Minister shall –
- (a) determine, as soon as is reasonably practicable and in any event within fourteen days, whether or not the Minister is so satisfied; and
- (b) if Minister determines that he or she is not so satisfied, give notice to the proprietor of the reasons for that determination.”.
- (6) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 3(12);
- (b) Article 4;
- (c) Article 5(3), (5) and (9).

#### **24 Piercing and Tattooing (Jersey) Law 2002 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Piercing and Tattooing (Jersey) Law 2002.<sup>25</sup>
- (2) In Article 1(1) –
- (a) the definition “Committee” shall be deleted;
- (b) after the definition “electrolysis” there shall be inserted the following definition –
- “ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) For Article 4 there shall be substituted the following Article –

#### **“4 Determination of applications and maintenance of register**

- (1) Subject to paragraph (2), the Minister shall register a person or premises under this Law if and only if the Minister is satisfied –



- 
- (a) that the person possesses such qualifications and experience as may be prescribed; and
    - (b) that the premises and any equipment used in connection with the administration of any treatment meet such conditions as may be prescribed.
  - (2) The Minister may refuse to register or renew the registration –
    - (a) of any person the Minister considers not to be a fit and proper person to administer the treatment the person proposes to administer; or
    - (b) of any premises the Minister considers to be unsuitable for the purposes of administering the treatment proposed to be administered from those premises.
  - (3) Where the Minister registers or renews the registration of any person or premises the Minister may impose such conditions on such registration as he thinks fit.
  - (4) The Minister shall maintain a register of registered persons and registered premises, and the register shall –
    - (a) specify the categories of treatment to which the registration relates;
    - (b) contain such other particulars as may be prescribed; and
    - (c) be available for inspection at reasonable times by members of the public.
  - (5) Where a person or premises have been registered and any of the particulars required to be supplied to the Minister under Article 3(1)(c) have changed, the person concerned shall inform the Minister as soon as reasonably practicable.
  - (6) The Minister may make such alterations to the register as are necessary to ensure its accuracy.”.
  - (4) For Article 7(1) there shall be substituted the following paragraph –
    - “(1) The Minister may appoint in writing any person whom the Minister considers to be suitably qualified, to be a designated officer for the purposes of all or any part of this Law.”.
  - (5) For Article 10(2) there shall be substituted the following paragraph –
    - “(2) Where the Minister is satisfied –
      - (a) that a registered person –
        - (i) has contravened or failed to comply with any condition imposed under Article 4(3) with respect to his or her registration or that of registered premises from which he or she administers treatment,
        - (ii) has contravened or failed to comply with any provision of this Law or any Order made or Code of Practice issued thereunder, or
-

- 
- (iii) is otherwise not a fit and proper person to be administering the treatment he or she is administering; or
  - (b) that registered premises are unsuitable for the purposes of administering the treatment proposed to be administered from those premises,  
the Minister may revoke his or her registration and, if he or she is the only registered person administering treatment from registered premises, the registration in respect of those premises.”.
- (6) For Article 11 there shall be substituted the following Article –

**“11 Appeals**

- (1) Where the Minister proposes to refuse registration or to grant such registration subject to conditions under Article 4, or to revoke such registration under Article 10, he or she shall give the person concerned written notice of –
  - (a) the Minister’s intention to do so and the reasons for so doing; and
  - (b) the person’s right to be heard in person or by a representative if he or she informs the Minister in writing of his or her desire to do so within 14 days of the notice.
- (2) If the Minister, after having given the person concerned an opportunity to be heard, decides to refuse the application, imposes conditions or revokes the registration, the Minister shall if the person requires deliver to him or her within 7 days of receiving such request written particulars of the reasons for the Minister’s decision and the person’s right of appeal.
- (3) A person aggrieved by such decision of the Minister may, within 28 days from the date on which the person is notified of it under paragraph (2) appeal to the Inferior Number of the Royal Court.
- (4) Subject to paragraph (5), where the Minister has revoked the registration of any person or premises such revocation shall not take effect until the 28 days after the person concerned receives notification of the revocation or his or her appeal has been dismissed, whichever is the earlier.
- (5) Where the Minister considers that it is necessary in the public interest for the revocation of a registration under this Law to have immediate effect, the Minister may apply to the Bailiff, a Jurat, the Magistrate or Sous-Magistrate, who may make such order.
- (6) On an appeal under this Article the court may confirm, reverse or vary the Minister’s decision.”.
- (7) In Article 13, the words “by the Committee” shall be deleted.
- (8) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Article 1(1) (as amended by paragraph (2) of this Regulation);

- (b) Article 2(1) and (2);
- (c) Article 3;
- (d) Article 9;
- (e) Article 12(1) and (3).

**25 Adoption (Amendment No. 5) (Jersey) Law 2002 – amended**

- (1) In this Regulation –
  - (a) any reference to a provision, without reference to the Law of which it is a provision, is a reference to the provision in the Adoption (Amendment No. 5) (Jersey) Law 2002;<sup>26</sup> and
  - (b) “the principal Law” means the Adoption (Jersey) Law 1961.<sup>27</sup>
- (2) In Article 4, in new Article 1D of the principal Law, for the words “The Committee shall, if it” there shall be substituted the following words –
  - “The Minister shall, if he or she”.
- (3) In Article 6, for new Article 3B(1) of the principal Law there shall be substituted the following paragraph –
  - “(1) The Minister shall discharge the Central Authority’s functions under the Convention but any of its functions under Articles 8, 9 or 15 to 21 of the Convention may be discharged by an accredited body on the Minister’s behalf.”.
- (4) In Article 8 (in new Article 4A(1) of the principal Law), for the words “the Committee , unless it has” there shall be substituted the following words –
  - the Minister, unless he or she has”.
- (5) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the words “Minister” –
  - (a) Article 6 (in new Articles 3A(1) and 3C of the principal Law) ;
  - (b) Article 7 (in new Article 4(5) of the principal Law) ;
  - (c) Article 8 (in new Articles 4A(2) and (3), and 4B(2), (3) and (5), of the principal Law) ;
  - (d) Article 21 ;
  - (e) Article 22;
  - (f) Article 23 (in new Article 23(4) of the principal Law);
  - (g) Article 28 (in new Article 30A(1) of the principal Law);
  - (h) Article 31 (in new Article 32A(1A) of the principal Law).

**26 Children (Jersey) Law 2002 – amended**

- (1) In this Regulation, a reference to a provision is a reference to the provision in the Children (Jersey) Law 2002.<sup>28</sup>
- (2) In Article 1(1) –

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- (a) before the definition “Article 10 order” there shall be inserted the following definition –
- “ ‘appointed foster parent’ means a person, appointed by the Minister, with whom a child in the care of the Minister is placed under Article 20(1)(a) (the person so appointed not being a person described in paragraph (2)(a) or (b) of that Article);”;
- (b) the definitions “Committee” and “Committee foster parent” shall be deleted;
- (c) after the definition “mental nursing home” there shall be inserted the following definition –
- “ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) For Article 1(4) there shall be substituted the following paragraph –
- “(4) References in this Law to a child who is looked after by the Minister are references to a child –
- (a) in the care of the Minister; or
- (b) provided with accommodation by the Minister for a continuous period of more than 24 hours in the exercise of the Minister’s functions under any enactment.”.
- (4) For Article 9(1)(b) there shall be substituted the following subparagraph –
- “(b) the Minister to arrange for –
- (i) an officer of an administration of the States for which the Minister is assigned responsibility, or
- (ii) such other person (other than a probation officer) as the Minister considers appropriate,”.
- (5) In Article 11(3) –
- (a) for the words “Committee foster parent” there shall be substituted the following words –
- “appointed foster parent”;
- (b) for the words “of the Committee” there shall be substituted the following words –
- “of the Minister”.
- (6) For Article 16(1)(b) there shall be substituted the following subparagraph –
- “(b) the Minister to make an officer of an administration of the States for which the Minister is assigned responsibility available,”.
- (7) In the heading to Part 3, for the word “COMMITTEE” there shall be substituted the word “MINISTERIAL”.
- (8) For Article 17 there shall be substituted the following Article –
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**“17 Provision of accommodation for children: general**

- (1) The Minister shall provide accommodation for any child in need who appears to the Minister to require accommodation as a result of –
  - (a) there being no person who has parental responsibility for the child;
  - (b) the child’s being lost or having been abandoned; or
  - (c) the person who has been caring for the child being prevented (whether or not permanently, and for whatever reason) from providing the child with suitable accommodation or care.
- (2) Where the Minister provides accommodation under paragraph (1) for a child who is ordinarily resident outside Jersey, the Minister may arrange with the appropriate authority in the place where the child ordinarily resides for that authority to take over the provision of accommodation for the child.
- (3) The Minister shall provide accommodation for any child in need who has reached the age of 16 and whose welfare the Minister considers is likely to be seriously prejudiced if the Minister does not provide the child with accommodation.
- (4) The Minister may provide accommodation for any child in need regardless of the fact that a person who has parental responsibility for the child is able to provide the child with accommodation, if the Minister considers that to do so would safeguard or promote the child’s welfare.
- (5) The Minister may provide accommodation for any person who has reached the age of 16 but is under 21 in any children’s home which takes children who have reached the age of 16 if the Minister considers that to do so would safeguard or promote the person’s welfare.
- (6) Before providing accommodation under this Article, the Minister shall, so far as is reasonably practicable and consistent with the child’s welfare –
  - (a) ascertain the child’s wishes regarding the provision of accommodation; and
  - (b) give due consideration (having regard to the child’s age and understanding) to such wishes of the child as the Minister has been able to ascertain.
- (7) Notwithstanding the provisions of this Article, the Minister may not provide accommodation for a child under this Article if the Minister receives an objection from any person who has parental responsibility for the child and is willing and able to provide or arrange for the provision of accommodation for the child.
- (8) Any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of the Minister under this Article.

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- (9) Paragraphs (7) and (8) do not apply while any person –
- (a) in whose favour a residence order is in force with respect to the child; or
  - (b) who has care of the child by virtue of an order made in the exercise of the court's inherent jurisdiction with respect to children,
- agrees to the child being looked after in accommodation provided by or on behalf of the Minister.
- (10) Where there is more than one such person as is mentioned in paragraph (9), all of them must agree.
- (11) Paragraphs (7) and (8) do not apply where a child who has reached the age of 16 agrees to being provided with accommodation under this Article.”.

- (9) For Articles 19 and 20 there shall be substituted the following Articles –

**“19 General duty of Minister in relation to children the Minister looks after**

- (1) Where the Minister is looking after any child, the Minister shall –
  - (a) safeguard and promote the child's welfare; and
  - (b) make such use of services available for children cared for by their own parents as appears to the Minister to be reasonable in the case of that child.
- (2) Before making any decision with respect to a child the Minister is looking after or proposes to look after, the Minister shall, so far as is reasonably practicable, ascertain the wishes and feelings of –
  - (a) the child;
  - (b) the child's parents;
  - (c) any person who is not a parent of the child but who has parental responsibility for the child; and
  - (d) any other person whose feelings and wishes the Minister considers to be relevant,regarding the matter to be decided.
- (3) In making any such decision the Minister shall give due consideration –
  - (a) to such wishes and feelings as the Minister has been able to ascertain of –
    - (i) the child, having regard to the child's age and understanding, and
    - (ii) any other person mentioned in paragraph (2); and
  - (b) to the child's religious persuasion, racial origin and cultural and linguistic background.
- (4) The Minister's powers may be exercised, with respect to a child whom the Minister is looking after, in a manner which may not be

consistent with the Minister's duties if the Minister considers it necessary to do so to protect members of the public from serious injury.

**20 Provision of accommodation and maintenance by Minister for children whom Minister is looking after**

- (1) The Minister shall provide accommodation and maintenance for any child the Minister is looking after –
  - (a) subject to paragraph (2) and any Regulations made by the States, by placing the child with a family, a relation of the child or any other suitable person on such terms as to payment by the Minister and otherwise as the Minister may determine;
  - (b) by maintaining the child in a children's home or voluntary home; or
  - (c) by making such other arrangements as seem appropriate to the Minister and which comply with any Regulations made under this Law.
- (2) Save as the States may, by Regulations, otherwise provide, the Minister shall make arrangements with respect to a child the Minister is looking after to enable the child to live with –
  - (a) the child's parent or a person with parental responsibility for the child;
  - (b) where the child is in care and there was a residence order in force with respect to child immediately before the care order was made, a person in whose favour the residence order was made; or
  - (c) a relative, friend or other person connected with the child,unless that would not be reasonably practicable or consistent with the child's welfare.
- (3) Schedule 2 shall have effect for the purposes of –
  - (a) making further provision as to children looked after by the Minister and in particular as to the Regulations that may be made under paragraph (1)(a) and (c); and
  - (b) making provision in connection with contribution towards the maintenance of children who are being looked after by the Minister.
- (4) Where the Minister receives a child into care under this Article who is ordinarily resident outside the Island, the Minister may arrange with the appropriate authority in the place where the child ordinarily resides for that authority to take over the care of the child and, in such case, the Minister may make such arrangements with that authority regarding expenses incurred by the Minister under this Law in respect of the child as the Minister may think fit.”.

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- (10) In Article 21(1) –
- (a) for the word “Committee” in each place where the word appears there shall be substituted the following word –  
“Minister”;
  - (b) for the word “he” in each place where the word appears there shall be substituted the following words –  
“first person”;
  - (c) for the word “him” in each place where the word appears there shall be substituted the following words –  
“first person”;
  - (d) for the word “it” in each place where the word appears there shall be substituted the following word –  
“Minister”.
- (11) For paragraphs (2), (3), (4), (5) and (6) of Article 21 there shall be substituted the following paragraphs –
- “(2) Paragraph (1) applies to a person under the age of 21 who was, at any time between the ages of 16 and 18 –
- (a) looked after by the Minister;
  - (b) accommodated by or on behalf of a voluntary organisation;
  - (c) accommodated in a hospital, nursing home or in any residential care home, nursing home or mental nursing home for a consecutive period of at least three months (whether or not this period began before the person reached the age of 16); or
  - (d) a privately fostered child.
- (3) Where this Article requires or authorizes the Minister to advise and befriend a person, the Minister may also give the person assistance which may be in kind or, in exceptional circumstances, in cash.
- (4) The Minister may give assistance to any person described in paragraph (2)(a) by –
- (a) contributing to expenses incurred by the person in living near the place where the person is or will be –
    - (i) employed or seeking employment, or
    - (ii) receiving education or training; or
  - (b) making a grant to enable the person to meet expenses connected with the person’s education or training.
- (5) Where the Minister is giving assistance to a person under paragraph (4) by making a contribution or grant with respect to a course of education or training, the Minister may –
- (a) continue to do so even though the person reaches the age of 21 before completing the course; and
  - (b) disregard any interruption in the person’s attendance on the course if the person resumes it as soon as is reasonably practicable.
-



- (6) Where a child who is accommodated –
- (a) by a voluntary organisation or in a children’s home; or
  - (b) in any residential care home, nursing home or mental nursing home, for a consecutive period of at least three months,
- ceases to be so accommodated after reaching the age of 16, the organisation, or person carrying on the home, which was accommodating the child shall inform the Committee.”.

- (12) For Article 23 there shall be substituted the following Article –

**“23 Duties of other Ministers not affected**

Nothing in this Part shall affect any duty imposed on any other Minister by or under any other enactment.”.

- (13) For Article 26(1)(a) there shall be substituted the following sub-paragraph –

“(a) receive him and keep him in the Minister’s care;”.

- (14) For Article 26(2) there shall be substituted the following paragraph –

“(2) The Minister may not exercise the power in paragraph (1)(c) unless the Minister is satisfied that it is necessary to do so in order to safeguard or promote the child’s welfare.”.

- (15) For Article 27(1) there shall be substituted the following paragraph –

“(1) Subject to the provisions of this Article, the Minister shall allow a child in the care reasonable contact with –

- (a) the child’s parents;
- (b) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the order was made; and
- (c) where, immediately before the care order was made, a person had care of the child by virtue of an order made by a court of competent jurisdiction with respect to children, that person.”.

- (16) For Article 27(6) there shall be substituted the following paragraph –

“(6) The Minister may, as a matter of urgency, refuse to allow the contact that would otherwise be required by virtue of paragraph (1) or an order under this Article for a period of not more than seven days if the Minister is satisfied that it is necessary to do so in order to safeguard or promote the child’s welfare.”.

- (17) For Article 27(8)(a) there shall be substituted the following sub-paragraph –

“(a) the steps to be taken by the Minister where he has exercised its powers under paragraph (6);”.

- 
- (18) In Article 29(2), for the words “the Committee shall, when undertaking the investigation, consider whether it should” there shall be substituted the following words –
- “the Minister shall, when undertaking the investigation, consider whether the Minister should”.
- (19) For Article 29(3) there shall be substituted the following paragraph –
- “(3) Where the Minister undertakes an investigation under this Article and decides not to apply for a care order or supervision order with respect to the child concerned, the Minister shall inform the court of –
- (a) the Minister’s reasons for so deciding;
- (b) any service or assistance which the Minister has provided, or intends to provide, for the child and the child’s family; and
- (c) any other action which the Minister has taken or proposes to take, with respect to the child.”.
- (20) In Article 37(1) –
- (a) in sub-paragraph (a)(i), for the word “Committee” there shall be substituted the following word –
- “Minister”;
- (b) in sub-paragraph (b), for the words “by the Committee” there shall be substituted the following words –
- “by the Minister”;
- (c) for sub-paragraph (b)(ii) there shall be substituted the following clause –
- “(ii) those enquiries are being frustrated by access to the child being unreasonably refused to an officer of an administration of the States for which the Minister is assigned responsibility, or other person authorized to act on behalf of, the Minister and the Minister has reasonable cause to believe that access to the child is required as a matter of urgency.”.
- (21) In Article 41(2) –
- (a) in sub-paragraph (a), for the word “Committee” there shall be substituted the following word –
- “Minister”;
- (b) for sub-paragraph (d) there shall be substituted the following sub-paragraph –
- “(d) secure that the case is inquired into by a police officer designated for the purposes of this Article by the Chief Officer, or an officer of an administration of the States for which the Minister is assigned responsibility, or both of them acting jointly (an ‘inquiry officer’); and”;
- (c) in sub-paragraph (e), for the word “Committee” there shall be substituted the following word –
- “Minister”.
-

(22) For Article 41(5)(a) there shall be substituted the following sub-paragraph –

“(a) an officer of the administration of the States for which the Minister is assigned responsibility may apply on behalf of the Minister for an emergency protection order;”.

(23) For Article 42 there shall be substituted the following Article –

**“42 Minister’s duty to investigate**

(1) Where the Minister –

- (a) is informed that a child is the subject of an emergency protection order or is in police protection; or
- (b) has reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm,

the Minister shall make, or cause to be made, such enquiries as the Minister considers necessary to enable the Minister to decide whether he should take any action to safeguard or promote the child’s welfare.

(2) Where the Minister has obtained an emergency protection order with respect to a child, the Minister shall make, or cause to be made, such enquiries as he considers necessary to enable the Minister to decide whether he should take any action to safeguard or promote the child’s welfare.

(3) The enquiries shall, in particular, be directed towards establishing –

- (a) whether the Minister should make any application to the court, or exercise any of the Minister’s other powers under this Law, with respect to the child;
- (b) whether, in the case of a child –
  - (i) with respect to whom an emergency protection order has been made, and
  - (ii) who is not in accommodation provided by or on behalf of the Minister,

it would be in the child’s best interests (while an emergency protection order remains in force) for the child to be in such accommodation; and

- (c) whether, in the case of a child who has been taken into police protection, it would be in the child’s best interests for an application to be made under Article 41(5)(a).

(4) Where enquiries are being made under paragraph (1) with respect to a child, the Minister shall (with a view to enabling the Minister to determine what action, if any, to take with respect to the child) take such steps as are reasonably practicable –

- (a) to obtain access to the child; or

- 
- (b) to ensure that access to the child is obtained, on its behalf, by a person authorized by the Minister for the purpose, unless the Minister is satisfied that the Minister already has sufficient information with respect to him.
- (5) Where, in the course of enquiries made under this Article, *an* officer of an administration of the States for which the Minister is assigned responsibility or any other person authorized by the Minister to act on his behalf in connection with those enquiries –
- (a) is refused access to the child concerned; or
- (b) is denied information as to the child’s whereabouts,
- the Minister shall apply for an emergency protection order, a child assessment order, a care order or supervision order with respect to the child unless the Minister is satisfied that the child’s welfare can be satisfactorily safeguarded without the Minister’s doing so.
- (6) If, on conclusion of any enquiries or review made under this Article, the Minister decides not to apply for any of the orders mentioned in paragraph (5) the Minister shall –
- (a) consider whether it would be appropriate to review the case at a later date; and
- (b) if the Minister decides that it would be so appropriate, determine the date on which that review is to begin.
- (7) Where, as a result of complying with this Article, the Minister concludes that he should take action to safeguard or promote the child’s welfare the Minister shall take that action (so far as it is both within the Minister’s power and reasonably practicable for it to do so).
- (8) Where the Minister is conducting enquiries under this Article, it shall be the duty of any administration of the States to assist the Minister with his enquiries (in particular by providing relevant information and advice) if called upon by the Minister to do so, unless it would be unreasonable to do so in all the circumstances of the case.
- (9) Where the Ministry is making enquiries under this Article with respect to a child who appears to the Minister to be ordinarily resident outside the Island, the Minister shall consult the appropriate authority for the place where the child is so resident.”.
- (24) In Article 46(2), for the words “a Committee foster parent” there shall be substituted the following words –
- “an appointed foster parent”.
- (25) In Article 50(4), for the words “The Committee may grant a licence for a child to take part in a performance or series of performances if it is satisfied that” there shall be substituted the following words –
- “The Minister may grant a licence for a child to take part in a performance or series of performances if the Minister is satisfied that”.
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(26) For paragraphs (3) and (4) of Article 51 there shall be substituted the following paragraphs –

“(3) The licence holder shall keep such records as the Minister may prescribe by Order and shall produce them on request to an officer of an administration of the States for which the Minister is assigned responsibility, at any time not later than six months after the performance or last performance to which it relates.

(4) Where the Minister refuses an application for a licence under Article 50 or revokes or, otherwise than on the application of the holder, varies such a licence, the Minister shall give written reasons for doing so to the applicant or licence holder as the case may be.”.

(27) In Article 53(1) –

(a) for the words “ to the Committee” there shall be substituted the following words –

“to the Minister”;

(b) for the words “any officer of the Committee” there shall be substituted the following words –

“any officer of an administration of the States for which the Minister is assigned responsibility”.

(28) In Article 54(2), for the words “disclosed the disqualification to the Committee and obtained its consent” there shall be substituted the following words –

“disclosed the disqualification to the Minister and obtained the Minister’s consent”.

(29) For Article 54(4) there shall be substituted the following paragraph –

“(4) Subject to Article 55, on an application duly made under paragraph (2) the Minister shall –

(a) where the voluntary home to which the application relates is open for the reception of children under the age of 17 years and the Minister is satisfied that the applicant is a fit and proper person to carry on a voluntary home, grant the application; or

(b) in any other case, grant or refuse the application as the Minister thinks fit.”.

(30) For Article 55(1) and (2) there shall be substituted the following paragraphs –

“(1) Where the Minister proposes to refuse an application for the registration of a voluntary home or to remove such a home from the register, the Minister shall give the applicant or the person carrying on the home, as the case may be, written notice of –

(a) the Minister’s intention to do so and the reasons for so doing;

- 
- (b) the person's right to be heard in person or by a representative if he informs the Minister in writing of his desire to do so within 14 days of receipt of the notice.
- (2) If the Minister, after giving the applicant or the person carrying on the voluntary home an opportunity to be heard, decides to refuse the application or remove the voluntary home from the register, the Minister shall, if the person requires, deliver to him within seven days of receiving such request, written particulars of the reasons for such refusal or removal and his right to appeal.”.
- (31) In Article 55(4), for the word “Committee’s” there shall be substituted the following word –  
“Minister’s”.
- (32) In Article 57, in the heading, for the word “**Committee**” there shall be substituted the following word –  
“**Minister**”.
- (33) In Article 57(1), for the words “The Committee shall satisfy itself” there shall be substituted the following words –  
“The Minister shall satisfy himself or herself”.
- (34) For Article 57(2) there shall be substituted the following paragraph –  
“(2) Where the Minister is not satisfied that the welfare of any child who is accommodated in a voluntary home is being satisfactorily safeguarded or promoted, the Minister shall –  
(a) unless the Minister considers that it would not be in the best interests of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child is undertaken by –  
(i) a parent of the child,  
(ii) any person who is not a parent of the child but who has parental responsibility for the child, or  
(iii) a relative of the child’s; and  
(b) consider the extent to which (if at all) the Minister should exercise any of the Minister’s functions with respect to the child.”.
- (35) In Article 57(3), for the words “officer of the Committee” there shall be substituted the following words –  
“officer of an administration of the States for which the Minister is assigned responsibility”.
- (36) For Article 59(1) there shall be substituted the following paragraph –  
“(1) A person who proposes to foster a child privately who is not already in the person’s care shall notify the Minister not less than two weeks before the person receives the child unless the person receives the child in an emergency.”.
- (37) In Article 59(8), for the words “at the request of the Committee supply to it” there shall be substituted the following words –
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“at the request of the Minister supply to the Minister”.

- (38) In Article 60, in the heading, for the word “**Committee**” there shall be substituted the following word –

“**Minister**”.

- (39) For Article 60(4) and (5) there shall be substituted the following paragraphs –

“(4) The Minister may cancel a prohibition imposed under paragraph (3) of his own motion or on the application of the person to whom it is addressed if the Minister is satisfied that it is no longer justified.

(5) Where the Minister imposes a requirement on any person under paragraph (1), the Minister may impose a prohibition on the person under paragraph (3).”.

- (40) For Article 61 there shall be substituted the following Article –

**“61 Functions of Minister in relation to welfare of privately fostered children**

(1) The Minister shall –

- (a) satisfy himself that the welfare of all privately fostered children is being satisfactorily safeguarded and promoted;
- (b) give such advice as to the care and maintenance of such children as the Minister considers necessary; and
- (c) arrange for such children to be visited from time to time in the interests of their welfare.

(2) Where the Minister is not satisfied that the welfare of any privately fostered child is being satisfactorily safeguarded or promoted, the Minister shall –

- (a) unless he considers that it would not be in the best interests of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child is undertaken by –
  - (i) a parent of the child’s,
  - (ii) any person who is not a parent of the child’s but who has parental responsibility for the child, or
  - (iii) a relative of the child’s; and
- (b) consider the extent to which (if at all) the Minister should exercise any of his functions with respect to the child.

(3) Any officer of an administration of the States for which the Minister is assigned responsibility may, subject to the production by the officer if so required of evidence of the officer’s authority, enter and inspect any premises in which privately fostered children are to be or are being accommodated and any children there.”.

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- (41) In Article 62, for the words “disclosed the disqualification to the Committee and obtained its consent” there shall be substituted the following words –
- “disclosed the disqualification to the Minister and obtained the Minister’s consent”.
- (42) In Article 65 –
- (a) for the words “a duly authorized officer of the Committee” there shall be substituted the following words –
- “a duly authorized officer of an administration of the States for which the Minister is assigned responsibility”;
- (b) for the words “by the Committee” there shall be substituted the following words –
- “by the Minister”.
- (43) In Article 77(2) –
- (a) for the words “of the Committee” there shall be substituted the following words –
- “of the Minister”;
- (b) for the words “ to the Committee” there shall be substituted the following words –
- “ to the Minister”;
- (c) for sub-paragraph (c) there shall be substituted the following sub-paragraph –
- “(c) the Minister has notified the court that the Minister agrees to that local authority receiving the child in to the Minister’s care.”.
- (44) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 1(1) (as amended by paragraph (2) of this Regulation) and (5);
- (b) Article 10(4) and (6);
- (c) Article 11(1) and (2);
- (d) Article 18(1) and (2);
- (e) Article 22(1), (2) and (6);
- (f) Article 24(1);
- (g) Article 26(1), (4) and (6);
- (h) Article 27(2), (4), (5), (8) (as amended by paragraph (17) of this Regulation), (9) and (11);
- (i) Article 29(1);
- (j) Article 30(3);
- (k) Article 31(8);
- (l) Article 32(3);
- (m) Article 33(1);
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- (n) Article 36(1) and (8);
  - (o) Article 37(8);
  - (p) Article 45(9);
  - (q) Article 46(1) and (4);
  - (r) Article 48(1), (2) and (3);
  - (s) Article 50(1) and (3);
  - (t) Article 51(1), (2) and (5);
  - (u) Article 54(1), (3) and (5);
  - (v) Article 55(3) and (5);
  - (w) Article 56(1) and (2);
  - (x) Article 58(2);
  - (y) Article 59 (2), (4), (5), (6) and (7);
  - (z) Article 60(1), (2) and (3);
  - (aa) Article 63(2) and (3);
  - (ab) Article 75(1);
  - (ac) Article 76;
  - (ad) Article 77(1);
  - (ae) Article 81(1).
- (45) In Schedule 1 –
- (a) in the heading to paragraph 12, for the word “COMMITTEE” there shall be substituted the following word –  
“MINISTER”;
  - (b) in paragraph 12, for the word “Committee” there shall be substituted the following word –  
“Minister”.
- (46) In Schedule 2 –
- (a) in the heading, for the words “COMMITTEE SUPPORT” there shall be substituted the following words –  
“MINISTERIAL SUPPORT”;
  - (b) in the sub-heading to Part 1, for the words “BY COMMITTEE” there shall be substituted the words “BY MINISTER”;
  - (c) for paragraph 1 there shall be substituted the following paragraph –  
“1.-(1) Regulations under Article 20(1)(a) may, in particular, make provision –
    - (a) with regard to the welfare of children placed with appointed foster parents;
    - (b) as to the arrangements to be made by the Minister in connection with the health and education of such children;
    - (c) as to the records to be kept by the Minister;
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- (d) for securing that a child is not placed with an appointed foster parent unless that person is for the time being approved by the Minister;
  - (e) for securing that where possible the appointed foster parent with whom a child is to be placed is –
    - (i) of the same religious persuasion as the child, or
    - (ii) gives an undertaking that the child will be brought up in that religious persuasion;
  - (f) for securing that children placed with appointed foster parents, and the premises in which they are accommodated, will be supervised and inspected by the Minister and that the children will be removed from those premises if their welfare appears to require it; and
  - (g) as to the circumstances in which the Minister may make arrangements for duties imposed on them by the Regulations to be discharged on their behalf.
- (2) Regulations under Article 20(1)(c) may, in particular, make provision as to –
- (a) the persons to be notified of any proposed arrangements;
  - (b) the opportunities such persons are to have to make representations in relation to the arrangements proposed;
  - (c) the persons to be notified of any proposed changes in arrangements;
  - (d) the records to be kept by the Minister; and
  - (e) the supervision by the Minister of any arrangements made.
- (3) Regulations under Article 20(2) may, in particular, impose requirements on the Committee as to –
- (a) the making of any decision by the Minister to allow a child to live with any person described in Article 20(2)(a) or (c) (including requirements as to those who must be consulted before the decision is made, and those who must be notified when it has been made);
  - (b) the supervision or medical examination of the child concerned;
  - (c) the removal of the child, in such circumstances as the Regulations may prescribe, from the care of the person with whom he has been allowed to live; and
  - (d) the records to be kept by the Minister.”.
- (d) in paragraph 3(1), for the words “Where it appears to the Committee in relation to any child it is looking after” there shall be substituted the following words –
- “Where it appears to the Minister in relation to any child the Minister is looking after”;
- (e) for paragraph 4(1) there shall be substituted the following sub-paragraph –
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- “(1) The Minister may –
- (a) with the approval of the court arrange for, or assist in arranging for, any child in the Minister’s care to live outside the Island; and
  - (b) with the approval of every person who has parental responsibility for the child arrange for, or assist in arranging for, any child not in the care of the Minister but looked after by the Minister to live outside the Island.”;
- (f) in paragraph 5, in the heading, for the word “**Committee**” there shall be substituted the following word –
- “**Minister**”;
- (g) for paragraph 5(2) there shall be substituted the following sub-paragraph –
- “(2) Where the Minister has exercised the Minister’s power under sub-paragraph (1)(b) with respect to a child who was under 16 when the child died, the Minister may recover from any parent of the child any expenses incurred by the Minister and any sums so recoverable shall, without prejudice to any other method of recovery, be recoverable as a civil debt.”;
- (h) for paragraph 6(1) there shall be substituted the following sub-paragraph –
- “(1) Where the Minister is looking after a child (other than under Article 18 or an interim care order), the Minister may recover contributions towards the child’s maintenance –
- (a) where the child is under full age, from each of the child’s parents; and
  - (b) where the child has reached the age of 16, the child himself,
- if the Minister considers it reasonable to do so (having regard to that person’s means and such other circumstances as the Minister considers relevant).”;
- (i) in paragraph 7(1) –
- (i) for the words “the Committee, having made such enquiries as it considers necessary” there shall be substituted the following words –  
“the Minister, having made such enquiries as the Minister considers necessary”;
  - (ii) for the words “the Committee considers” there shall be substituted the following words –  
“the Minister considers”;
  - (iii) for the words “by the Committee” there shall be substituted the following words –  
“by the Minister”;
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- (j) for paragraph 7(2) and (3) there shall be substituted the following sub-paragraphs –
- “(2) The Minister may specify in a contribution notice a weekly sum which is a standard contribution determined by the Minister for all children looked after by the Minister.
  - (3) The Minister may not specify in a contribution notice a weekly sum greater than that which the Minister considers he would normally be prepared to pay if the Minister had placed a similar child with appointed foster parents.”;
- (k) for paragraph 7(5) there shall be substituted the following sub-paragraph –
- “(5) The Minister may at any time withdraw a contribution notice (without prejudice to the Minister’s power to serve another).”;
- (l) for paragraph 8(7) there shall be substituted the following paragraph –
- “(7) In proceedings for the variation of a contribution order, the Minister shall specify –
    - (a) the weekly sum which, having regard to paragraph 7, the Minister proposes that the contributor should contribute under the order as varied; and
    - (b) the proposed arrangements for payment.”;
- (m) in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (i) paragraph 2(1), (2), (3) and (4),
  - (ii) paragraph 3(2), (3), (4) and (5),
  - (iii) paragraph 5(1),
  - (iv) paragraph 6(3),
  - (v) paragraph 7(4), (6) and (7),
  - (vi) paragraph 8(1), (4), (5), (6) and (8), and
  - (vii) paragraph 9(1).
- (47) In Schedule 3 –
- (a) for paragraph 7(1) there shall be substituted the following sub-paragraph –
    - “(1) A supervision order shall not designate the Minister unless the Minister agrees.”;  - (b) in paragraph 7(2), for the word “Committee” there shall be substituted the following word –
    - “Minister”.
- (48) In Schedule 4, in paragraph 1, for the word “Committee” in each place where the word appears there shall be substituted the following word –
- “Minister”.
- (49) In Schedule 5 –
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- (a) in paragraph 5(4), for the words “a Committee foster parent” there shall be substituted the words “an appointed foster parent”;
  - (b) in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (i) paragraph 2(2);
    - (ii) paragraphs 5(1), (2), (3) and (4).
- (50) In Schedule 6 –
- (a) in paragraph 4, in the proposed new Article 115(o) of the Income Tax (Jersey) Law 1961, for the words “Health and Social Services Committee” there shall be substituted the following words –
    - “Minister for Health and Social Services”;
  - (b) in paragraph 5, in the proposed new Article 37 of the Mental Health (Jersey) Law 1969, for the word “Committee” in each place where the word appears there shall be substituted the following word –
    - “Minister”;
  - (c) in paragraph 6, in the proposed new Article 18 of the Family Allowances (Jersey) Law 1972, for the words “Health and Social Services Committee” there shall be substituted the following words –
    - “Minister for Health and Social Services”;
  - (d) for paragraph 7(a)(i) there shall be substituted the following clause –
    - “(i) after the definition of ‘attendance centre order’ there shall be inserted the following definition –
      - ‘ ‘the Minister’ means the Minister for Education, Sport and Culture;’ ”;
  - (e) in paragraph 7, for the proposed new Article 15A of the Criminal Justice (Young Offenders) (Jersey) Law 1994 there shall be substituted the following Article –

**“Article 15A Provision of remand centres**

- (1) The Minister shall provide or arrange for the provision of remand centres.
- (2) The Minister may make arrangements with other bodies or persons for the provision of remand centres if the Minister is satisfied that –
  - (a) the premises are in all respects suitable for the purposes of a remand centre; and
  - (b) the person who will ordinarily have charge of or control over those premises is a fit and proper person to do so.
- (3) The Minister may by Order make provision for –

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- (a) the inspection, regulation and management of remand centres and for the classification, treatment, employment, discipline and control of persons required to be detained in the centres; and
  - (b) the visiting of such persons by persons appointed in accordance with the Order.”;
  - (f) in paragraph 7, for the proposed new Article 18(1A) of the Criminal Justice (Young Offenders) (Jersey) Law 1994 there shall be substituted the following paragraph –
    - “(1A) In relation to a person –
      - (a) for whom the Minister for Health and Social Services has parental responsibility; or
      - (b) whom that Minister is looking after,  
(within the meaning of the Children (Jersey) Law 2002), the reference in paragraph (1) to a person who is a parent or guardian of that person shall be construed as a reference to an officer of an administration of the States for which that Minister is assigned responsibility.”;
    - (g) in paragraph 14, in the proposed new Schedule 2 to the Marriage and Civil Status (Jersey) Law 2001, for the words “Health and Social Services Committee” there shall be substituted the following words –
      - “Minister for Health and Social Services”.

## **27 Construction of Orders in Council**

- (1) In the Wireless Telegraphy Act 1949, as extended to Jersey by the Wireless Telegraphy (Channel Islands) Order 1952,<sup>29</sup> a reference to the Public Health Committee shall be construed as a reference to the Minister for Health and Social Services.
- (2) In Schedule 1 to the Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1997,<sup>30</sup> a reference to an officer of the Health and Social Services Committee shall be construed as a reference to an officer of an administration of the States for which the Minister of Health and Social Services is assigned responsibility.

## **28 Subordinate legislation amended**

The Schedule shall have effect to amend subordinate enactments.

## **29 Citation and commencement**

These Regulations may be cited as the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005 and shall come into force on the same day as Article 42(3) of the States of Jersey Law 2005.<sup>31</sup>

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**M.N. DE LA HAYE**

*Greffier of the States.*

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**SCHEDULE 1**

(Regulation 28)

**SUBORDINATE ENACTMENTS AMENDED****1 Cremation (Jersey) Regulations 1961**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Cremation (Jersey) Regulations 1961.<sup>32</sup>
- (2) In Regulation 1, the definition “Committee” shall be deleted.
- (3) For Regulation 12(2) there shall be substituted the following paragraph –
  - “(2) If no such request is made, the Minister shall cause the ashes to be retained, and, in the absence of any special arrangement for their burial or preservation, they shall either be decently interred in a burial ground or scattered on land reserved for the burial or scattering of ashes.”.
- (4) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) the heading to Regulation 2, and that Regulation;
  - (b) Regulation 3;
  - (c) Regulation 11(1) and (2);
  - (d) Regulation 13(1).

**2 Adoption (Jersey) Rules 1962**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Adoption (Jersey) Rules 1962.<sup>33</sup>
  - (2) In Rule 1 –
    - (a) the definition “Committee” shall be deleted;
    - (b) for the full stop there shall be substituted a semicolon;
    - (c) after the definition “interim order” there shall be added the following definition –
      - “ ‘Minister’ means the Minister for Health and Social Services;”.
  - (3) In Rule 6(2)(a), for the words “Officer of the Committee” there shall be substituted the following words –
    - “officer of an administration for which the Minister is assigned responsibility”.
  - (4) In Rule 8, for the words “the Committee shall, if they consent” there shall be substituted the following words –
    - “the Minister shall, if he or she consents”.
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- (5) In Rule 13(d), for the words “the Committee, if it is not the guardian *ad litem*” there shall be substituted the following words –  
“the Minister, if he or she is not the guardian *ad litem*”.
- (6) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Rule 8, in the proviso;
- (b) Rule 9(1) and (2).
- (7) In Schedule 1 –
- (a) in Form No. 1, in Part 2, for paragraph 13 there shall be substituted the following paragraph –  
“13. The Minister for.....has/have the rights and powers of a parent of the infant.”;
- (b) in Form No. 1, in Part III, in paragraph 17, for the words “Health and Social Services Committee” there shall be substituted the following words –  
“Minister for Health and Social Services”;
- (c) in Form No. 5, in note (12), for the words “an officer of the Health and Social Services Committee” there shall be substituted the following words –  
“an officer of an administration of the States for which the Minister of Health and Social Services is assigned responsibility”.

### **3 Food Hygiene (General Provisions) (Jersey) Order 1967**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Food Hygiene (General Provisions) (Jersey) Order 1967.<sup>34</sup>
- (2) In Article 1(1), for the definition “market” there shall be substituted the following definition –  
“ ‘market’ means a public market under the administration of the Minister for Public Services;”.
- (3) For sub-paragraphs (3) and (4) of Article 33 there shall be substituted the following sub-paragraphs –
- “(3) A certificate of exemption shall be granted by the Minister with respect to any food premises, stall or vehicle only if he or she is satisfied that, by reason of restricted accommodation or other special circumstances affecting the premises, stall or vehicle, it is reasonable that such a certificate should be granted in respect thereof.
- (4) A certificate of exemption granted under this Article may be for a specified period of time and may be withdrawn by the Minister if he or she ceases to be satisfied that the exemption granted is reasonably necessary.”.

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- (4) In Article 33(5), for the words “the Committee’s” in each place where the words appear there shall be substituted the following words –  
the Minister’s”.
  - (5) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) Article 31(1), (2) and (3);
    - (b) Article 32(2);
    - (c) Article 33(2) and (5).

#### **4 Food Safety (Ice-Cream) (Jersey) Order 1967**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Food Safety (Ice-Cream) (Jersey) Order 1967.<sup>35</sup>
- (2) In Article 1(1) –
  - (a) the definition “Committee” shall be deleted;
  - (b) after the definition “the Law” there shall be inserted the following definition –  
“ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In Schedule 2, in paragraph 2, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) sub-paragraph (c);
  - (b) sub-paragraph (f);
  - (c) sub-paragraph (h).

#### **5 Poisons (General Provisions) (Jersey) Order 1968**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Poisons (General Provisions) (Jersey) Order 1968.<sup>36</sup>
  - (2) In Article 16(2), in sub-paragraph (d) of the proviso, for the words “an officer of the Economic Development Committee” there shall be substituted the following words –  
“officer of an administration of the States for which the Minister for Economic Development has responsibility”.
  - (3) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) Article 4;
    - (b) Article 13(1);
    - (c) Article 16(1), in the proviso to paragraph (2) of that Article (as amended by paragraph (2) of this Regulation), and in the provisos to paragraphs (3), (4), (5), (6), (7), (8) and (9) of that Article;
    - (d) Article 31, in the proviso;
    - (e) Article 33(1).
  - (4) In Schedule 10 –
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- (a) for the words “Health and Social Services Committee” there shall be substituted the following words –
    - “Minister for Health and Social Services”;
  - (b) for the words “This space is provided for the use of the Committee” there shall be substituted the following words –
    - “For official use”;
  - (c) for the words “Committee’s list” in each place where those words appear there shall be substituted the following words –
    - “Minister’s list”.
- (5) In Schedule 14, for the words “Health and Social Services Committee” there shall be substituted the following words –
    - “Minister for Health and Social Services”.
  - (6) In Schedule 17, for the words “Medical Officer of Health or Officer of the Economic Development Department” there shall be substituted the following words –
    - “issuing officer”.
  - (7) In Schedule 18, for the words “Health and Social Services Committee” there shall be substituted the following words –
    - “Minister of Health and Social Services”.

## **6 Food Safety (Ice-Cream Stalls etc.) (Jersey) Order 1969**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Food Safety (Ice-Cream Stalls etc) (Jersey) Order 1969.<sup>37</sup>
- (2) For Article 4 there shall be substituted the following Article –

### **“REFUSAL OR CANCELLATION OF LICENCE**

**4.-(1)** If, in relation to any vehicle or stall in respect of which an application is made for a licence or in respect of which a licence is in force, it appears to the Minister that the requirements of any Order in force under Article 17 of the Law are not complied with in connexion with the use of the vehicle or stall, the Minister may serve on the applicant for the licence or, as the case may be, on the person holding the licence in respect of the vehicle or stall, a notice stating the place and time, not being less than 21 days after the date of the service of the notice, at which the Minister proposes to take the matter into consideration and informing the person that the person may attend before the Minister with any witnesses whom the person desires to call, at the place and time mentioned to show cause why the Minister should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the licence, either wholly or in part, in force in respect of the vehicle or stall.

- 
- (2) A person entitled under the provisions of paragraph (1) of this Article to appear before the Minister may appear in person or by an advocate or solicitor or any other representative, or may be accompanied by any person whom the first person may wish to assist himself or herself in the proceedings.
  - (3) If a person on whom a notice is served under the provisions of paragraph (1) fails to show cause to the satisfaction of the Minister, the Minister may refuse the application or, as the case may be, cancel the licence, either wholly or in part, in force in respect of the vehicle or stall, and shall, as soon as may be, cause the person to be given notice of the Minister's decision in the matter, and shall, if so required by the person within 14 days from the day on which such notice was given to the person, furnish to the person within 7 days after receiving the requirement, a statement of the grounds on which the decision was based.
  - (4) A person aggrieved by a decision of the Minister under this Article to refuse to grant a licence, or to cancel a licence, either wholly or in part, may, within 30 days of the day on which notification of the Minister's decision refusing or cancelling the licence was sent to the person, appeal to the Inferior Number of the Royal Court, in term or in vacation, and the Court shall make such order in the matter as it thinks fit."
- (3) In the following provisions, for the word "Committee" in each place where the word appears there shall be substituted the word "Minister" –
    - (a) Article 2;
    - (b) Article 3(1) and (3);
    - (c) Article 5(1);
    - (d) Article 6(1).

## **7 Public Health (Aircraft) (Jersey) Order 1971**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Public Health (Aircraft) (Jersey) Order 1971.<sup>38</sup>
  - (2) In Article 1(1), the definition "Committee" shall be deleted.
  - (3) For Article 27(3) there shall be substituted the following paragraph –
    - (3) Where under this Article the Minister causes any requirement to be complied with at the cost of the commander he or she may require the amount of the charge for the work or a part thereof to be paid or deposited before the work is undertaken."
  - (4) In Article 29, for the words "Committee for Postal Administration" there shall be substituted the following words –
    - "Minister for Economic Development".
  - (5) In the following provisions, for the word "Committee" in each place where the word appears there shall be substituted the word "Minister" –
    - (a) Article 1(1) (as amended by sub-paragraph (2) of this paragraph);
    - (b) Article 4(3);
-

- (c) Article 5(2);
- (d) Article 9(1);
- (e) Article 21;
- (f) Article 23;
- (g) Article 26;
- (h) Article 27(1), (2) and (4).

## **8 Public Health (Ships) (Jersey) Order 1971**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Public Health (Ships) (Jersey) Order 1971.<sup>39</sup>
- (2) In Article 1(1), the definition “Committee” shall be deleted.
- (3) In Article 1(1), for the definition “mooring station” there shall be substituted the following definition –
  - “ ‘mooring station’ means a place specified by the Minister, with the consent of the Minister for Economic Development, for the mooring of ships for medical inspection so that they do not come into contact with other ships or the shore;”.
- (4) For Article 28 there shall be substituted the following Article –

## **“29 Outbreak in Jersey of diseases subject to the International Health Regulations**

Where the Minister has declared Jersey to be infected with a disease subject to the International Health Regulations or with any other disease which in his or her opinion constitutes a menace to other countries by reason of its spread or potential spread, then, until the declaration is withdrawn, the medical officer shall comply with any requirement which may be made by the Minister for preventing the spread of the disease, and in particular (but without prejudice to the generality of the foregoing provisions) the following provisions of this Article shall operate in relation to any ship departing from Jersey for a destination, whether final or intermediate, outside Jersey –

- (a) an authorized officer, if so required by the Minister, shall require a valid vaccination certificate from departing travellers. In the absence of such a certificate the medical officer may offer vaccination to any such traveller and may apply the provisions of Article 27(c);
- (b) the medical officer may, and within 3 hours after receiving a request from the master so to do shall, medically examine any person who proposes to embark on or is on board the ship;
- (c) the medical officer may require any part of the ship which in the medical officer’s opinion may be infected to be cleansed and disinfected to the medical officer’s satisfaction;

- 
- (d) an authorized officer shall inspect any clothing, bedding or other article which is on, or is intended to be taken by any person on the ship and which, in the opinion of the officer, may have been exposed to infection and may require the disinfection or destruction of any such clothing, bedding or article, and the master shall disclose to the authorized officer any relevant circumstances;
- (e) no person shall take or cause to be taken on board the ship any article which, in the opinion of an authorized officer, is capable of carrying infection unless that officer is satisfied that it has been efficiently disinfected and, where necessary disinfected;
- (f) if the disease in respect of which the declaration is made is the plague, and if there is reason to believe that there are rodents on the ship, the medical officer may, and if so required by the Minister shall, take steps to secure the deratting of the ship.”.
- (5) For paragraphs (1), (2), (3) and (4) of Article 32 there shall be substituted the following paragraphs –
- “(1) Where the master of a ship is required by this Order to carry out any measures with a view to reducing the danger or preventing the spread of infection, the Minister may himself or herself, at the request of the master, cause any such requirement to be complied with at the Minister’s cost instead of enforcing the requirement against the master.
- (2) The amount of the charge for any such measures or requirement undertaken by the Minister shall be such reasonable sum as represents the actual or estimated cost to be incurred in undertaking the work excluding any charge or claim on the part of the Minister in respect of profit, but shall not exceed the sum of £200 unless notice of the proposed charge has been given to the master before the work is undertaken.
- (3) Where under this Article the Minister causes any requirement to be complied with at the cost of the master the Minister may require the amount of the charge for the work or a part thereof to be paid to, or deposited with it, before the work is undertaken.
- (4) Where, pursuant to this Order any measures have been taken with regard to a ship, the Minister or the medical officer shall, on the request of the master, furnish the master free of charge with particulars in writing of those measures and the reasons why they were taken.”.
- (6) In Article 34, for the words “Committee for Postal Administration” there shall be substituted the following words –
- “the Minister for Economic Development”.
- (7) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 1(1) (as amended by sub-paragraphs (2) and (3) of this paragraph);
- (b) Article 5(1), (3) and (6);
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- (c) Article 6(1) and (2);
- (d) Article 8(1);
- (e) Article 14(3);
- (f) Article 31.

**9 Mental Health (Jersey) Rules 1971**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Mental Health (Jersey) Rules 1971.<sup>40</sup>
- (2) In Rule 1(1) –
  - (a) the definition “Committee” shall be deleted;
  - (b) after the definition “mental nursing home” there shall be inserted the following definition –  
“ ‘Minister’ has the same meaning as in the Law;”;
  - (c) in the definition “officer”, for the word “Committee” there shall be substituted the following word –  
“Minister”.
- (3) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Rule 4(2)(b);
  - (b) Rule 14(1).
- (4) In the Schedule –
  - (a) in Form 1, for the words “officer of the Health and Social Services Committee of the States” there shall be substituted the following words –  
“officer of an administration of the States for which the Minister is assigned responsibility”;
  - (b) in Form 1, for the words “by the Health and Social Services Committee of the States” there shall be substituted the following words –  
“by the Minister for Health and Social Services”;
  - (c) in Form 2, for the words “Health and Social Services Committee of the States” there shall be substituted the following words –  
“Minister for Health and Social Services”;
  - (d) in Form 3, for the words “officer of the Public Health and Social Services Committee of the States” there shall be substituted the following word –  
“officer of an administration of the States for which the Minister is assigned responsibility”;
  - (e) in Form 3, for the words “the applicant the Health and Social Services Committee of the States” there shall be substituted the following words –

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“the applicant the Minister for Health and Social Services”.

#### **10 Mental Health (General Provisions) (Jersey) Order 1971**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Mental Health (General Provisions) (Jersey) Order 1971.<sup>41</sup>
  - (2) In Article 1(1) –
    - (a) the definition “Committee” shall be deleted;
    - (b) in the definition “guardian”, for the word “Committee” there shall be substituted the following word –

“Minister”;
    - (c) in the definition “Law”, for the full stop there shall be substituted a semicolon;
    - (d) after the definition “the Law” there shall be inserted the following definition –

“ ‘Minister’ has the meaning assigned to it by paragraph (1) of Article 1 of the Law;”.
  - (3) In Article 11(2), for the words “The Committee shall determine an age which accords with such information in that respect as it is able to obtain” there shall be substituted the following words –

“The Minister shall determine an age which accords with such information in that respect as he or she is able to obtain”.
  - (4) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) Article 3(3);
    - (b) Article 4;
    - (c) Article 5;
    - (d) Article 6;
    - (e) Article 7;
    - (f) Article 8;
    - (g) Article 9(1) and (2);
    - (h) Article 10(2);
    - (i) Article 11(1), (3), (4) and (6).
  - (5) In the Schedule –
    - (a) in Form 1, for the words “HEALTH AND SOCIAL SERVICES COMMITTEE” there shall be substituted the following words –

“MINISTER FOR HEALTH AND SOCIAL SERVICES”;
    - (b) in Form 1, in paragraph 2(e), for the words “the duly authorized officer of the Committee” there shall be substituted the following words –

“an officer duly authorized by the Minister”;
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- (c) in Form 1, for the words “Member of the Health and Social Services Committee” there shall be substituted the following words –  
“Minister for Health and Social Services”;
  - (d) in Form 3, for the words “HEALTH AND SOCIAL SERVICES COMMITTEE” there shall be substituted the following words –  
“MINISTER FOR HEALTH AND SOCIAL SERVICES”;
  - (e) in Form 3, in paragraph 2(e), for the words “the duly authorized officer of the Committee” there shall be substituted the following words –  
“an officer duly authorized by the Minister”;
  - (f) in Form 3, in Form 1, for the words “Member of the Health and Social Services Committee” there shall be substituted the following words –  
“Minister for Health and Social Services”;
  - (g) in Form 5, for the words “HEALTH AND SOCIAL SERVICES COMMITTEE” there shall be substituted the following words –  
“MINISTER FOR HEALTH AND SOCIAL SERVICES”;
  - (h) in Form 5, in paragraph 2(e), for the words “the duly authorized officer of the Committee” there shall be substituted the following words –  
“an officer duly authorized by the Minister”;
  - (i) in Form 5, for the words “the Committee” there shall be substituted the following words –  
“the Minister”;
  - (j) in Form 5, for the words “The Health and Social Services Committee” there shall be substituted the following words –  
“The Minister for Health and Social Services”;
  - (k) in Form 5, the words “on behalf of the Health and Social Services Committee” there shall be substituted the following words –  
“on behalf of the Minister for Health and Social Services”;
  - (l) in Form 7A, for the words “HEALTH AND SOCIAL SERVICES COMMITTEE” there shall be substituted the following words –  
“MINISTER FOR HEALTH AND SOCIAL SERVICES”;
  - (m) in Form 7B, for the words “HEALTH AND SOCIAL SERVICES COMMITTEE” there shall be substituted the following words –  
“MINISTER FOR SOCIAL SERVICES”;
  - (n) in Form 7B, for the words “if Committee” there shall be substituted the following words –  
“if Minister”;
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- (o) in Form 8, for the words “HEALTH AND SOCIAL SERVICES COMMITTEE” there shall be substituted the following words –  
“MINISTER FOR HEALTH AND SOCIAL SERVICES”;
  - (p) in Form 9, for the words “HEALTH AND SOCIAL SERVICES COMMITTEE” there shall be substituted the following words –  
“MINISTER FOR HEALTH AND SOCIAL SERVICES”;
  - (q) in Form 9, for the words “on behalf of the Committee” there shall be substituted the following words –  
“on behalf of the Minister”.

## 11 Mental Health (Review Tribunal) (Procedure) (Jersey) Order 1971

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Mental Health (Review Tribunal) (Procedure) (Jersey) Order 1971.<sup>42</sup>
  - (2) In Article 1(1) –
    - (a) the definition “Committee” shall be deleted;
    - (b) after the definition “Law” there shall be inserted the following definition –  
“ ‘Minister’ has the meaning assigned to it by paragraph (1) of Article 1 of the Law;”;
    - (c) in the definition “private guardian”, for the word “Committee” there shall be substituted the following word –  
“Minister”;
    - (d) in the definition “responsible authority”, for the word “Committee” in each place where the word appears there shall be substituted the following word –  
“Minister”.
  - (3) In the heading to Part 4, for the word “COMMITTEE” there shall be substituted the word “MINISTER”.
  - (4) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) Article 6;
    - (b) Article 7;
    - (c) Article 17.
  - (5) In Schedule 3 –
    - (a) in the heading, for the words “ **TO THE COMMITTEE**” there shall be substituted the words “ **TO THE MINISTER**”;
    - (b) in paragraph 2(a), for the word “Committee” there shall be substituted the word “Minister”.
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**12 Ancillary Dental Workers (Jersey) Regulations 1974**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Ancillary Dental Workers (Jersey) Regulations 1974.<sup>43</sup>
- (2) In Regulation 1 –
  - (a) the definition “Committee” shall be deleted;
  - (b) after the definition “Law” there shall be substituted the following definition –

“ ‘Minister’ means the “Minister for Health and Social Services”.
- (3) In Regulation 4(3), for the words “under a Committee of the States” there shall be substituted the following words –

“under an administration of the States”.
- (4) In Regulation 7(2), for the words “under a Committee of the States” there shall be substituted the following words –

“under an administration of the States”.
- (5) In Regulation 12, for the words “Public Health Committee” there shall be substituted the following words –

“Minister for Health and Social Services”.
- (6) In the following provisions, for the word “Health and Social Services Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Regulation 4(1);
  - (b) Regulation 7(1);
  - (c) Regulation 8;
  - (d) Regulation 9;
  - (e) Regulation 10(1), (2) and (3);
  - (f) Regulation 11.

**13 Nursing Agencies (General Provisions) (Jersey) Order 1978**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Nursing Agencies (General Provisions) (Jersey) Order 1978.<sup>44</sup>
  - (2) In Article 1(1) –
    - (a) the definition “Committee” shall be deleted;
    - (b) in the definition “Law”, for the full stop there shall be substituted a semicolon;
    - (c) after the definition “the Law” there shall be inserted the following definition –

“ ‘Minister’ has the meaning assigned to it by paragraph (1) of Article 1 of the Law;”.
  - (3) In Article 2(1), for the word “Committee” in each place where the word appears there shall be substituted the following word –
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“Minister”.

- (4) In Schedule 1, for the words “Health and Social Services Committee” there shall be substituted the following words –

“Minister for Health and Social Services”.

#### **14 Misuse of Drugs (Addicts) (Jersey) Order 1980**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Misuse of Drugs (Addicts) (Jersey) Order 1980.<sup>45</sup>
- (2) In Article 1(1) the definition “Committee” shall be deleted.
- (3) In Article 3(1)(b), for the word “Committee” there shall be substituted the following words –

“Minister for Health and Social Services”.

#### **15 Misuse of Drugs (Safe Custody) (Jersey) Order 1981**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Misuse of Drugs (Safe Custody) (Jersey) Order 1981.<sup>46</sup>
- (2) In Article 1(1) –
- (a) the definition “Committee” shall be deleted;
  - (b) in the definition “controlled drug”, for the full stop there shall be substituted a semicolon;
  - (c) after the definition “controlled drug” there shall be inserted the following definition –

“ ‘Minister’ has the meaning assigned to it by paragraph (1) of Article 1 of the Law;”.

- (3) In Article 2(5)(b), for the words “the Committee for Postal Administration” there shall be substituted the following words –

“the Minister for Economic Development”.

- (4) In paragraphs (2), (3) and (4) of Article 2, for the word “Committee” in each place where the word appears there shall be substituted the following word –

“Minister”.

#### **16 Poisons List (Jersey) Order 1986**

In Part 3 of the Schedule to the Poisons List (Jersey) Order 1986,<sup>47</sup> for the word “Committee” there shall be substituted the following word –

“Minister”.

#### **17 Misuse of Drugs (General Provisions) (Jersey) Order 1989**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Misuse of Drugs (General Provisions) (Jersey) Order 1989.<sup>48</sup>
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- (2) In Article 1(1) –
- (a) the definition “Committee” shall be deleted;
  - (b) after the definition “Merchant Shipping Acts” there shall be inserted the following definition –  
“ ‘Minister’ has the meaning assigned to it by paragraph (1) of Article 1 of the Law;”.
- (3) For Article 21(2) there shall be substituted the following paragraph –
- “(2) Paragraph (1) shall not apply to a doctor or dentist employed in an administration of the States who, in the course of his or her employment, prescribes a specified drug which is to be dispensed at the pharmaceutical department of the general hospital maintained and controlled by the Minister.”.
- (4) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 4;
  - (b) Article 7(3);
  - (c) Article 11;
  - (d) Article 17;
  - (e) Article 18;
  - (f) Article 21(8);
  - (g) Article 24(1);
  - (h) Article 26(1).

## **18 Milk and Dairies (General Provisions) (Jersey) Order 1992**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Milk and Dairies (General Provisions) (Jersey) Order 1992.<sup>49</sup>
- (2) For Article 4 there shall be substituted the following Article –
- “INSPECTION OF DAIRIES AND DAIRY FARMS**
- 4.** The Minister may cause to be made such inspections of –
- (a) dairies and dairy farms; and
  - (b) persons in and about dairies and dairy farms who have access to milk, or to churns or other milk vessels,
- as the Minister may consider necessary and proper for the purposes of the Law and of this Order.”.
- (3) For Article 5(1) there shall be substituted the following paragraph –
- “(1) The Minister may –
- (a) cause to be made such inspections of cattle on dairy farms as the Minister may consider necessary and proper for the purposes of the Law and of this Order; and

- 
- (b) cause the Veterinary Officer to inspect the cattle on any dairy farm for the purpose of this Order.”.
  - (4) In proviso (iii) to Article 16(i), for the words “the Committee has given its approval” there shall be substituted the following words –
    - “the Minister has given his approval”.
  - (5) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) Article 3(1), (2) and (3);
    - (b) Article 7;
    - (c) Article 11(2);
    - (d) proviso (i) to Article 13;
    - (e) Article 16(h) and proviso (i) to Article 16(i);
    - (f) Article 20(4);
    - (g) the proviso to Article 23;
    - (h) Article 27(7).

**19 Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995.<sup>50</sup>
  - (2) In Article 16(3), for the word “Committee’s” in each place where the word appears there shall be substituted the following word –
    - “Minister’s”.
  - (3) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) Article 2(2);
    - (b) Article 5;
    - (c) Article 7(1) and (2);
    - (d) Article 8(1);
    - (e) Article 9(1), (2) and (4);
    - (f) Article 10(1) and (2);
    - (g) Article 11;
    - (h) Article 13(1);
    - (i) Article 14;
    - (j) Article 16(1), (3) and (4).
  - (4) In Schedule 1, in Part 2, in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) paragraph 1;
    - (b) paragraph 2;
-

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(c) paragraph 4.

(5) In Schedule 3, in the heading, for the word “COMMITTEE”, there shall be substituted the word “MINISTER”.

## **20 Residential Homes (General Provisions) (Jersey) Order 1995**

(1) In this paragraph, a reference to a provision is a reference to the provision in the Residential Homes (General Provisions) (Jersey) Order 1995.<sup>51</sup>

(2) For Article 16(1) there shall be substituted the following paragraph –

“(1) The person registered shall, before terminating any arrangements for the accommodation of a child give reasonable notice of his or her intention to terminate those arrangements to –

(a) his or her parent or guardian;

(b) if the child is under the Children (Jersey) Law 1969, in the care of a fit person or of the Minister for Education, Sport and Culture, that person or that Minister as the case may be; and

(c) the Minister for Health and Social Services.”.

(3) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

(a) Article 2(2);

(b) Article 5;

(c) Article 6(1);

(d) Article 7(1) and (2);

(e) Article 10(1);

(f) Article 11(1);

(g) Article 13;

(h) Article 14;

(i) Article 15(1), (2) and (4);

(j) Article 16(2);

(k) Article 18;

(l) Article 20(1) and (3).

(4) In Schedule 1, in Part 2, in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

(a) paragraph 1;

(b) paragraph 2;

(c) paragraph 4.

(5) In Schedule 2 –

(a) in paragraph 1, for the words “which statement has in accordance with paragraph 4(h) of Part 2 of Schedule 1 been supplied to the

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Committee and has been agreed with it” there shall be substituted the following words –

“which statement has in accordance with paragraph 4(h) of Part 2 of Schedule 1 been supplied to the Minister and has been agreed with the Minister”;

- (b) in paragraph 3, for the word “committee” there shall be substituted the following word –

“Minister”.

- (6) In Schedule 3, in the heading, for the word “COMMITTEE”, there shall be substituted the word “MINISTER”.

## **21 Termination of Pregnancy (General Provisions) (Jersey) Order 1997**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Termination of Pregnancy (General Provisions) (Jersey) Order 1997.<sup>52</sup>

- (2) In the Schedule 1 –

- (a) in Part 2, for the words “Health and Social Services Committee” there shall be substituted the following words –

“Minister for Health and Social Services”;

- (b) in Part 2, for the words “the Committee” there shall be substituted the following words –

“the Minister”;

- (c) in Part 3, for the words “the Committee” there shall be substituted the following words –

“Minister for Health and Social Services”;

- (d) in Part 3, for the words “Health and Social Services Committee” there shall be substituted the following word –

“Minister”;

- (e) in Part 3, for the words “the Committee” there shall be substituted the following words –

“the Minister”.

- (3) In Schedule 2, in Part 1, for the words “Health and Social Services Committee” there shall be substituted the following words –

“Minister for Health and Social Services”.

## **22 Medicines (Applications for Clinical Trial Certificates) (Jersey) Order 1997**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Medicines (Applications for Clinical Trial Certificates) (Jersey) Order 1997.<sup>53</sup>

- (2) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- (a) Article 8;



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(b) Article 9.

**23 Medicines (Applications for Licences for Products for Human Use) (Jersey) Order 1997**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Medicines (Applications for Licences for Products for Human Use) (Jersey) Order 1997.<sup>54</sup>
- (2) In Article 7, for the word “Committee” in each place where the word appears there shall be substituted the following word –  
“Minister”.
- (3) In Schedule 1, in paragraph 18, for the word “Committee” there shall be substituted the following word –  
“Minister”.
- (4) In Schedule 2, in paragraph 5(b), for the word “Committee” there shall be substituted the following word –  
“Minister”.
- (5) In Schedule 3, in the following provisions, for the words “the Committee” in each place where the words appear there shall be substituted the word “Minister” –
  - (a) paragraph 1;
  - (b) paragraph 2.

**24 Medicines (Applications for Manufacturer’s and Wholesale Dealer’s Licences) (Jersey) Order 1997**

In Article 8 of the Medicines (Applications for Manufacturer’s and Wholesale Dealer’s Licences) (Jersey) Order 1997,<sup>55</sup> for the words “Health and Social Services Committee” in each place where the words appear there shall be substituted the following words –

“Minister for Health and Social Services”.

**25 Medicines (Assembly Exemptions) (Jersey) Order 1997**

In the following provisions of the Medicines (Assembly Exemptions) (Jersey) Order 1997,<sup>56</sup> for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- (a) Article 3;
- (b) Article 4(1) and (3);
- (c) Article 5.

**26 Medicines (Clinical Trial Exemptions) (Jersey) Order 1997**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Medicines (Clinical Trial Exemptions) (Jersey) Order 1997.<sup>57</sup>
- (2) In Article 1(1), for the definition “specified period” there shall be substituted the following definition –
  - “specified period”, in relation to a supplier who has delivered a notice specified in Article 4(1)(a) of this Order to the Minister, means –
    - (a) the period of 35 days immediately following the date on which the Minister serves a notice on the supplier, under paragraph (4)(a) of that Article, that the Minister has received the supplier’s notice; and
    - (b) any extension of that period under paragraph (4) of that Article;”.
- (3) For Article 4(4) there shall be substituted the following paragraph –
  - “(4) Where the Minister receives from a supplier a notice under Article 4(1)(a) of this Order –
    - (a) the Minister shall serve on the supplier a notice stating that the Minister has received it;
    - (b) the Minister may before the expiry of the specified period of 35 days extend it by not more than 28 days; and
    - (c) if the Minister extends the specified period, he or she shall before the expiry of the initial period of 35 days serve on the supplier a notice stating that he or she has done so, and also stating the duration of the extension.”.
- (4) In Article 5(2), for the words “The Committee” there shall be substituted the words “The Minister”.
- (5) In the following provisions, for the words “the Committee” in each place where the words appear there shall be substituted the words “the Minister” –
  - (a) Article 4(1) and (3);
  - (b) Article 5(2) and (3).
- (6) In Schedule 3, in the heading, for the word “Committee” there shall be substituted the following word –
  - “Minister”.

**27 Medicines (Clinical Trial Exemptions) (No. 2) (Jersey) Order 1997**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Medicines (Clinical Trial Exemptions) (No. 2) (Jersey) Order 1997.<sup>58</sup>
- (2) For Article 2(3)(c) there shall be substituted the following sub-paragraph –

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- “(c) where the clinical trial is to be carried out under arrangements made by or at the request of a person who is not the holder of the product licence, that person –
- (i) informs the Minister of the trial, and
  - (ii) makes arrangements that are in the opinion of the Minister adequate for informing the Minister of any adverse reactions, adverse effects, unexplained absences of effects and unexpected absences of effects that are in any such case associated with the administration of the product.”.
- (3) For Article 6(2) there shall be substituted the following paragraph –
- “(2) An exemption conferred by Article 2 or 4 shall not apply to any vaccine, plasma or serum if –
- (a) the Minister is of the opinion that in the interests of safety the exemption should not apply to that vaccine, plasma or serum;
  - (b) the Minister has so notified the person seeking the benefit of the exemption; and
  - (c) the Minister has not withdrawn its notification.”.
- (4) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 2(1) and (4);
  - (b) Article 4(3);
  - (c) Article 6(1).

## **28 Medicines (General Sale List) (Jersey) Order 1997**

In Article 2 of the Medicines (General Sale List) (Jersey) Order 1997,<sup>59</sup> for the word “Committee” there shall be substituted the following word –

“Minister”.

## **29 Medicines (Herbal Remedies Exemptions) (Jersey) Order 1997**

In the following provisions of the Medicines (Herbal Remedies Exemptions) (Jersey) Order 1997,<sup>60</sup> for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –

- (a) Article 3(2);
- (b) Article 4(3);
- (c) Article 5(1) and (2).

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**30 Medicines (Prescription Only) (Jersey) Order 1997**

In the Medicines (Prescription Only) (Jersey) Order 1997,<sup>61</sup> in the Second Schedule, in Part 1, in item 2(c), for the word “Committee” there shall be substituted the following word –

“Minister”.

**31 Medicines (Registration of Pharmacies) (Jersey) Order 1997**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Medicines (Registration of Pharmacies) (Jersey) Order 1997.<sup>62</sup>
- (2) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Article 2(1);
  - (b) Article 3.
- (3) In Schedule 1, for the words “Health and Social Services Committee” there shall be substituted the following word –

“Minister for Health and Social Services”.
- (4) In Schedule 2, for the words “Health and Social Services Committee” there shall be substituted the following word –

“Minister for Health and Social Services”.

**32 Medicines (Standard Provisions for Licences and Certificates) (Jersey) Order 1997**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Medicines (Standard Provisions for Licences and Certificates) (Jersey) Order 1997.<sup>63</sup>
  - (2) In Schedule 1, in paragraph 9(5) –
    - (a) for the words “the prior written consent of the Committee, if it” there shall be substituted the following words –

“the prior written consent of the Minister, if he or she”;
    - (b) for the words “the Committee in its notice” there shall be substituted the following words –

“the Minister in his or her notice”.
  - (3) In Schedule 1, in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
    - (a) paragraph 1;
    - (b) paragraph 2(1) and (2);
    - (c) paragraph 3;
    - (d) paragraph 4(2) and (3);
    - (e) paragraph 5(1) and (3);
    - (f) paragraph 7;
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- (g) paragraph 8;
  - (h) paragraph 9(2), (4) and (6);
  - (i) paragraph 10(1);
  - (j) paragraph 11;
  - (k) paragraph 12;
  - (l) paragraph 13(1).
- (4) In Schedule 2, in paragraph 5(2), for sub-paragraphs (i) and (ii) there shall be substituted the following sub-paragraphs –
- “(i) shall apply to the Minister for his or her approval of the doctor or dentist who is to administer or to direct the administration of the medicinal product, and
  - (ii) in so applying, shall inform the Minister of the holder’s name, address and qualifications.”.
- (5) In Schedule 2, in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 1;
  - (b) paragraph 2;
  - (c) paragraph 3;
  - (d) paragraph 4;
  - (e) paragraph 5(1) and (3).
- (6) In Schedule 3, in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 2(2);
  - (b) paragraph 7;
  - (c) paragraph 8;
  - (d) paragraph 9(1) and (2);
  - (e) paragraph 10(1) and (4);
  - (f) paragraph 11(1) and (2);
  - (g) paragraph 14(2);
  - (h) paragraph 15;
  - (i) paragraph 16;
  - (j) paragraph 18;
  - (k) paragraph 19;
  - (l) paragraph 20(1) and (2);
  - (m) paragraph 21(3), (5), (6), (7) and (8).
- (5) In Schedule 4, in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 1(2);
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- (b) paragraph 2;
  - (c) paragraph 3;
  - (d) paragraph 6(2) and (3);
  - (e) paragraph 7;
  - (f) paragraph 9(1) and (2);
  - (g) paragraph 10(2), (4), (5), (6) and (7);
  - (h) paragraph 13(3), (6), (7), (8), (9), (10) and (11);
  - (i) paragraph 14.
- (6) In Schedule 5, in the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 1;
  - (b) paragraph 2;
  - (c) paragraph 3.

**33 Medicines (Sale and Supply) (Miscellaneous Provisions) (Jersey) Order 1997**

In Article 2(2) of the Medicines (Sale and Supply) (Miscellaneous Provisions) (Jersey) Order 1997,<sup>64</sup> for the word “Committee” there shall be substituted the following word –

“Minister”.

**34 Termination of Pregnancy (Fee) (Jersey) Order 1998**

For Article 1(4) of the Termination of Pregnancy (Fee) (Jersey) Order 1998<sup>65</sup> there shall be substituted the following paragraph –

“(4) The Minister may direct, in any case, that no fee shall be payable where the Minister is of the opinion that to require such payment would cause hardship to the woman.”.

**35 Imported Food (Jersey) Order 1998**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Imported Food (Jersey) Order 1998.<sup>66</sup>
- (2) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
  - (a) Article 5(1) and (4);
  - (b) Article 6(4).

**36 Hospital Charges (Long-Stay Patients) (Jersey) Order 1999**

- (1) In this paragraph, a reference to a provision is a reference to the provision in the Hospital Charges (Long-Stay Patients) (Jersey) Order 1999.<sup>67</sup>

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- (2) In Article 1(1) –
- (a) the definition “Committee” shall be deleted;
  - (b) after the definition “long-stay patient” there shall be inserted the following definition –
    - “ ‘Minister’ means the Minister for Health and Social Services;”.
- (3) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) paragraph 2;
  - (b) paragraph 3.

**37 Medicines (Advertising) (Jersey) Order 2000**

In Article 8 of the Medicines (Advertising) (Jersey) Order 2000,<sup>68</sup> for the word “Committee” there shall be substituted the following words –

“Minister”.

**38 Medicines (Health Professionals - Exemption) (Jersey) Order 2001**

In Article 1(2) of the Medicines (Health Professionals – Exemption) (Jersey) Order 2001,<sup>69</sup> for the word “Committee” there shall be substituted the following word –

“Minister”.

**39 Food (Registration of Premises) (Jersey) Order 2001**

(1) In this paragraph, a reference to a provision is a reference to the provision in the Food (Registration of Premises) (Jersey) Order 2001.<sup>70</sup>

- (2) In Article 1(1) –
- (a) in the definition “register”, for the word “Committee” there shall be substituted the following word –
    - “Minister”;
  - (b) in the definition “Voluntary organisation”, for the words “Committee of the States” there shall be substituted the following word –
    - “Minister”.
- (3) In the following provisions, for the word “Committee” in each place where the word appears there shall be substituted the word “Minister” –
- (a) Article 2(1) and (3);
  - (b) Article 4(2);
  - (c) Article 5(1), (2), (3) and (4).

**40 Medicines (Aristolochia, Mu Tong and Fangji) (Jersey) Order 2002**

In Article 4(1)(c) of the Medicines (Aristolochia, Mu Tong and Fangji) (Jersey) Order 2002,<sup>71</sup> for the word “Committee” there shall be substituted the following word –

“Minister”.



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- <sup>1</sup> *Recueil des Lois, Volume 2005, page 370.*
  - <sup>2</sup> *Chapter 20.575.*
  - <sup>3</sup> *Chapter 20.875.*
  - <sup>4</sup> *Chapter 20.800.*
  - <sup>5</sup> *Chapter 20.775.*
  - <sup>6</sup> *Chapter 20.075.*
  - <sup>7</sup> *Chapter 20.600.*
  - <sup>8</sup> *Chapter 20.100.*
  - <sup>9</sup> *Chapter 12.050.*
  - <sup>10</sup> *Chapter 20.750.*
  - <sup>11</sup> *Chapter 20.225.*
  - <sup>12</sup> *Chapter 24.120.*
  - <sup>13</sup> *Chapter 12.200.*
  - <sup>14</sup> *Chapter 20.650.*
  - <sup>15</sup> *Chapter 20.700.*
  - <sup>16</sup> *Chapter 08.680.*
  - <sup>17</sup> *Chapter 20.725.*
  - <sup>18</sup> *Chapter 20.625.*
  - <sup>19</sup> *Chapter 20.300.*
  - <sup>20</sup> *Chapter 20.925.*
  - <sup>21</sup> *Recueil des Lois, Volume 1996-1997, page 785.*
  - <sup>22</sup> *Chapter 20.550.*
  - <sup>23</sup> *Chapter 22.900.*
  - <sup>24</sup> *Chapter 20.250.*
  - <sup>25</sup> *Chapter 20.900.*
  - <sup>26</sup> *Recueil des Lois, Volume 2002, page 1269.*
  - <sup>27</sup> *Chapter 12.050.*
  - <sup>28</sup> *Recueil des Lois, Volume 2002, page 1313.*
  - <sup>29</sup> *Recueil des Lois, Tome VIII, page 165, Volume 1990-1991, pages 389 and 844, Volume 1996-1997, page 587 and Volume 2003, pages 11, 339, 621 and 659.*
  - <sup>30</sup> *Recueil des Lois, Volume 1998, page 663.*
  - <sup>31</sup> *Recueil des Lois, Volume 2005, page 367.*
  - <sup>32</sup> *Chapter 20.075.60.*
  - <sup>33</sup> *Chapter 12.050.50.*
  - <sup>34</sup> *Chapter 20.225.22.*
  - <sup>35</sup> *Chapter 20.225.55.*
  - <sup>36</sup> *Chapter 20.775.30.*
  - <sup>37</sup> *Chapter 20.225.44.*
  - <sup>38</sup> *Chapter 20.800.30.*
  - <sup>39</sup> *Chapter 20.800.60.*
  - <sup>40</sup> *Chapter 20.650.50.*
  - <sup>41</sup> *Chapter 20.650.25.*
  - <sup>42</sup> *Chapter 20.650.85.*
  - <sup>43</sup> *Chapter 20.100.30.*
  - <sup>44</sup> *Chapter 20.700.50.*
  - <sup>45</sup> *Chapter 08.680.20.*
  - <sup>46</sup> *Chapter 08.680.80.*
  - <sup>47</sup> *Chapter 20.775.60.*
  - <sup>48</sup> *Chapter 08.680.60.*
  - <sup>49</sup> *Chapter 20.225.88.*
  - <sup>50</sup> *Chapter 20.725.30.*
  - <sup>51</sup> *Chapter 20.725.60.*
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- <sup>52</sup> *Chapter 20.925.60.*
- <sup>53</sup> *Chapter 20.625.15.*
- <sup>54</sup> *Chapter 20.625.20.*
- <sup>55</sup> *Chapter 20.625.25.*
- <sup>56</sup> *Chapter 20.625.32.*
- <sup>57</sup> *Chapter 20.625.40.*
- <sup>58</sup> *Chapter 20.625.45.*
- <sup>59</sup> *Chapter 20.625.90.*
- <sup>60</sup> *Chapter 20.625.60.*
- <sup>61</sup> *Chapter 20.625.95.*
- <sup>62</sup> *Chapter 20.625.75.*
- <sup>63</sup> *Chapter 20.625.85.*
- <sup>64</sup> *Chapter 20.625.80.*
- <sup>65</sup> *Chapter 20.925.30.*
- <sup>66</sup> *Chapter 20.225.77.*
- <sup>67</sup> *Chapter 20.550.50.*
- <sup>68</sup> *Chapter 20.625.10.*
- <sup>69</sup> *Chapter 20.625.55.*
- <sup>70</sup> *Chapter 20.225.11.*
- <sup>71</sup> *Chapter 20.625.30.*