



Jersey

STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (REGULATION OF CARE) (JERSEY) ORDER 2020

Contents

Article

1	Responsibilities and functions transferred to Minister for the Environment	3
2	Connected rights and liabilities.....	4
3	Transitional provisions.....	4
4	Citation and commencement	5

ENDNOTES

6

Table of Endnote References	6
-----------------------------------	---



Jersey

STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (REGULATION OF CARE) (JERSEY) ORDER 2020

Made

9th October 2020

Coming into force

16th October 2020

THE CHIEF MINISTER makes this Order under Article 29A of the States of Jersey Law 2005¹, after having given not less than 2 weeks' notice to the States as required by that Article –

1 Responsibilities and functions transferred to Minister for the Environment

- (1) The responsibilities and functions of the Chief Minister under the Regulation of Care (Jersey) Law 2014² are transferred to the Minister for the Environment.
- (2) In the Regulation of Care (Jersey) Law 2014³ –
 - (a) in Article 1(1) after the definition of “States’ employee” there is inserted –

“the Minister” means the Minister for the Environment;”;
 - (b) in each of the following provisions, “Chief” is deleted –
 - (i) Article 37(4),
 - (ii) Article 38(1),
 - (iii) Article 41(1)(a),
 - (iv) Article 41(2),
 - (v) Article 41(3)(a),
 - (vi) Article 41(5),
 - (vii) Article 43(2)(b),
 - (viii) Article 43(3),
 - (ix) Schedule 2, paragraph 2(2),
 - (x) Schedule 2, paragraph 2(4),
 - (xi) Schedule 2, paragraph 3(4),
 - (xii) Schedule 2, paragraph 6(1),
 - (xiii) Schedule 2, paragraph 6(2),

- (xiv) Schedule 2, paragraph 6(3),
 - (xv) Schedule 2, paragraph 7(1),
 - (xvi) Schedule 2, paragraph 7(2),
 - (xvii) Schedule 2, paragraph 7(3),
 - (xviii) Schedule 2, paragraph 8(1)(a),
 - (xix) Schedule 2, paragraph 10(1),
 - (xx) Schedule 2, paragraph 12(2),
 - (xxi) Schedule 2, paragraph 12(3);
- (c) in each of the following provisions, for “the Minister” there is substituted “that Minister” –
- (i) Article 3(7),
 - (ii) Article 14(9),
 - (iii) Article 49(3);
- (d) in each of the following provisions, for “the Minister” there is substituted “the relevant Minister” –
- (i) Article 22(3),
 - (ii) Article 37(3)(a),
 - (iii) Article 37(3)(b);
- (e) in Article 36 after “independent of” there is inserted “the Minister,”;
- (f) in Article 40(3) after “contrary” there is inserted “the Minister,”.

2 Connected rights and liabilities

- (1) All rights enjoyed and liabilities incurred by the Chief Minister in connection with the responsibilities and functions transferred by Article 1 are transferred to the Minister for the Environment and become the rights and liabilities of that Minister.
- (2) A provision of a contract or other instrument that specifies that a right or liability of the Chief Minister is incapable of transfer is, to the extent that it applies to a right or liability transferred by paragraph (1), of no effect.
- (3) The operation of paragraph (1) is not to be regarded –
- (a) as a breach of contract or confidence or otherwise as a civil wrong;
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or
 - (c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.

3 Transitional provisions

- (1) The transfers effected by Article 1 do not prejudice the operation of any appointment, approval, authorisation, consent, delegation, determination, direction, instruction, requirement or other thing that is, before this Order comes into force, made, given or done by the Chief Minister in relation to

the responsibilities, functions, rights and liabilities transferred, but any such matter, if then in force, continues in force to the same extent and subject to the same provisions as if it had been duly made, given or done by the Minister for the Environment.

- (2) Anything commenced before this Order comes into force by or under the authority of the Chief Minister may, so far as it relates to any of the responsibilities, functions, rights and liabilities transferred by Article 1, be carried on and completed by or under the authority of the Minister for the Environment.
- (3) Where, on commencement of this Order, any legal proceeding is pending to which the Chief Minister is a party and the proceeding has reference to any of the responsibilities, functions, rights and liabilities transferred by Article 1, the Minister for the Environment is substituted in the proceeding for the Chief Minister and the proceeding does not abate by reason of the substitution.

4 Citation and commencement

This Order may be cited as the States of Jersey (Transfer of Responsibilities and Functions) (Regulation of Care) (Jersey) Order 2020 and comes into force 7 days after the day it is made.

SENATOR J.A.N. LE FONDRÉ

Chief Minister

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 16.800</i>
<i>2</i>	<i>chapter 20.820</i>
<i>3</i>	<i>chapter 20.820</i>