
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – ECONOMIC DEVELOPMENT – FINANCIAL AUTHORITIES FOR JERSEY HARBOURS AND JERSEY AIRPORT

**Presented to the States on 14th January 2015
by the Minister for Economic Development**

STATES GREFFE

REPORT

On 12th January 2015, the Minister for Economic Development made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-E-2014-0122, available at www.gov.je).

Article 28 of the States of Jersey Law 2005 permits a Minister to delegate, wholly or partly, functions to an Assistant Minister or an officer.

The Law states, *inter alia* –

“28 Power of Minister to delegate functions

- (1) A Minister may delegate, wholly or partly, functions conferred upon or vested in the Minister by or under this Law or any other enactment or any enactment of the United Kingdom having effect in Jersey, to –
 - (a) one of his or her Assistant Ministers;
 - (b) an officer.
- (2) A Minister shall not delegate –
 - (a) any power to make an enactment;
 - (b) any power to decide an appeal under an enactment;
 - (c) any function the delegation of which is prohibited by an enactment.
- (3) The delegation of functions by a Minister under this Article shall not prevent the Minister exercising those functions personally.
- (4) Where any licence, permit or authorization is granted in purported exercise of functions delegated under paragraph (1), no criminal proceedings shall lie against any person for any act done, or omitted to be done, in good faith and in accordance with the terms of the licence, permit or authorization, by reason that the functions had not been delegated, or that any requirement attached to the delegation of the functions had not been complied with.
- (5) In this Article –

“Minister” includes the Chief Minister;

“officer” means a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005 and includes a member of the States of Jersey Police Force and an officer appointed under paragraph 1(1) of Part 1 of Schedule 2 to the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 1993.
- (6) The States may by Regulations amend the definition “officer” in paragraph (5).”

The terms of the delegations, and the legislation under which those delegations were made, were recorded in a Report attached to the Ministerial Decision, as shown below –

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| Legislation: | Public Finances (Jersey) Law 2005 |
| Delegate: | Group Chief Executive Officer |
| Function delegated: | To approve the Department's Authorised Signature schedule and approved expenditure limits, conditional on them being within pre-authorised limits specified below. |

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| Legislation: | Public Finances (Jersey) Law 2005 |
| Delegate: | Group Chief Executive Officer |
| Function delegated: | <ul style="list-style-type: none"> • Non-contentious expenditure of all amounts approved by the States Assembly for Jersey Harbours and Jersey Airport • Tender acceptance • Signing formal contracts and forms thereof (this would include Non-Disclosure Agreements) • Place and accept orders, and approve invoices • Appointment of consultants • Writing off of income |
| Scope of delegation: | By any formal documentation. As part of the Department's quarterly reporting mechanism, the Minister will receive a report showing the number of contracts with a value >£25,000, their form, and value. |

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| Legislation: | Public Finances (Jersey) Law 2005 |
| Delegate: | Deputy Chief Executive Officer and Group Business Resources Director Group Commercial Director Group Infrastructure Director Group Operations Director |
| Function delegated: | <ul style="list-style-type: none"> • Accept tenders not exceeding £25,000 • Signing formal contracts and forms of engagement not exceeding £25,000 • Place and accept orders, and approve invoices, not exceeding £25,000 • Appointment of consultants, contract not exceeding £25,000 |