

STATES OF JERSEY

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DRAFT TRANSFER OF FUNCTIONS (ENVIRONMENT AND PUBLIC SERVICES COMMITTEE) (No. 2) (JERSEY) ACT 200-

**Lodged au Greffe on 20th July 2004
by the Environment and Public Services Committee**

STATES GREFFE



Jersey

DRAFT TRANSFER OF FUNCTIONS (ENVIRONMENT AND PUBLIC SERVICES COMMITTEE) (No. 2) (JERSEY) ACT 2004

REPORT

Following an extensive period of consultation and review during 2003 and early 2004, the transfer of some responsibilities of the former Agriculture and Fisheries Department to the Environment and Public Services Committee, together with associated staff and budgets, was agreed by the Economic Development Committee on 3rd March 2004 and the Environment and Public Services Committee on 25th March 2004.

This Act transfers from the Economic Development Committee to the Environment and Public Services Committee the functions imposed by the enactments specified in Article 2, which are those related to the transferred responsibilities.

There are no financial or manpower implications for the States arising from the adoption of this draft Act.

Explanatory Note

This transfers from the Economic Development Committee to the Environment and Public Services Committee the functions imposed by the enactments specified in Article 2.



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Arrangement

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Jersey

DRAFT TRANSFER OF FUNCTIONS (ENVIRONMENT AND PUBLIC SERVICES COMMITTEE) (No. 2) (JERSEY) ACT 200

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966,^[1] have made the following Act –

1 Interpretation

In this Act, unless the context otherwise requires –

“enactment” includes an enactment of the United Kingdom as extended to Jersey;

“liabilities” means –

- (a) any liabilities, whether civil or criminal;
- (b) any debts; and
- (c) any obligations,

whether present or future and whether vested or contingent;

“receiving Committee” means the Environment and Public Services Committee;

“rights” means –

- (a) any rights, including a right of action in respect of a civil matter;
- (b) any powers;
- (c) any privileges; and
- (d) any immunities,

whether present or future and whether vested or contingent;

“transferring Committee” means the Economic Development Committee.

2 Functions transferred

There are transferred to the receiving Committee the functions of the transferring Committee under the following enactments and any subordinate legislation made under them –

- (a) Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974;^[2]
- (b) Artificial Insemination of Domestic Animals (Jersey) Law 1952;^[3]
- (c) Dangerous Wild Animals (Jersey) Law 1999;^[4]

- (d) Destructive Insects and Pests (Jersey) Law 1960;^[5]
- (e) Diseases of Animals (Jersey) Law 1956;^[6]
- (f) Export of Agricultural Produce (Jersey) Order 1972;^[7]
- (g) Export of Flowers (Jersey) Order 1972;^[8]
- (h) Fertilisers and Feeding Stuffs (Jersey) Law 1950;^[9]
- (i) Fish Health (Jersey) Regulations 1999;^[10]
- (j) Pesticides (Jersey) Law 1991;^[11]
- (k) Plant Health (Jersey) Law 2003;^[12]
- (l) Potatoes (Precautions against Blight) (Jersey) Order 1961;^[13]
- (m) Protection of Agricultural Land (Jersey) Law 1964;^[14]
- (n) Sea Fish (Conservation) Act 1967 of the United Kingdom –
 - (i) as extended to Jersey by the Sea Fish (Conservation) (Channel Islands) Order 1981^[15] as that Order is amended by the Sea Fish (Conservation) (Channel Islands) (Amendment) Order 2001,^[16] and
 - (ii) as amended by the Sea Fisheries Act 1968 of the United Kingdom, as extended to Jersey by the Sea Fisheries (Channel Islands) Order 1973^[17]
- (o) Sea Fisheries Act 1968 of the United Kingdom, as extended to Jersey by the Sea Fisheries (Channel Islands) Order 1973;^[18]
- (p) Sea Fisheries (Jersey) Law 1994;^[19]
- (q) Slaughter of Animals (Jersey) Law 1962;^[20]
- (r) Weeds (Jersey) Law 1961.^[21]

3 Construction and transitional provisions

- (1) In the enactments mentioned in Article 2 any reference to the transferring Committee in relation to the functions transferred by Article 2 shall be construed as a reference to the receiving Committee.
- (2) In the construction of, and for the purposes of, any other enactment or any judgment, award, contract, certificate, licence or other document passed or made before this Act comes into force, anything that is, or is to be construed as, a reference to the transferring Committee or its officers shall, so far only as may be necessary for and in consequence of the transfer of functions effected by Article 2, be construed as a reference to the receiving Committee or its officers.
- (3) The transfer of functions effected by Article 2 shall not prejudice the operation of any appointment determination, direction, instruction, approval, consent, requirement, authorization, licence or other thing made, given or done by the transferring Committee before the time when this Act comes into force in relation to the functions transferred by Article 2, but such matter shall, if then in force continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the receiving Committee.

- (4) Any rights, and any liabilities, enjoyed or incurred by the transferring Committee in connection with those functions shall be transferred to the receiving Committee and shall become by virtue of this Act the rights and liabilities of the receiving Committee.
- (5) The operation of paragraph (4) shall not 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.
- (6) For the purposes of paragraph (4), to the extent that a contract, or other instrument, that creates or passes a right or liability of the transferring Committee specifies that it is incapable of transfer or assignment, the contract or instrument shall be of no effect.
- (7) Anything commenced before this Act comes into force by or under the authority of the transferring Committee may, so far as it relates to the functions, rights, or liabilities, transferred by this Act, be carried on and completed by or under the authority of the receiving Committee.
- (8) Where, at the coming into force of this Act, any legal proceeding is pending to which the transferring Committee is a party and the proceeding has reference to any of the functions, rights, or liabilities, transferred by this Act, the receiving Committee shall be substituted in the proceeding for the transferring Committee and the proceeding shall not abate by reason of the substitution.

4 Citation and commencement

This Act may be cited as the Transfer of Functions (Environment and Public Services Committee) (No. 2, (Jersey) Act 200- and shall come into force 7 days after it is made.

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- [1] *Recueil des Lois, Volume 1966-1967, page 16 and Volume 1996-1997, page 803.*
- [2] *Recueil des Lois, Volume 1973-1974, page 249, Volume 1975-1978, page 481, Volume 1984-1985, page 17, Volume 1992-1993, page 67 and Volume 1999, page 419.*
- [3] *Recueil des Lois, Tome VIII, page 39, Volume 1986-1987, page 67 and Volume 2001, page 6.*
- [4] *Recueil des Lois, Volume 1999, page 47.*
- [5] *Recueil des Lois, Tome VIII, page 887 and Volume 2001, page 6.*
- [6] *Recueil des Lois, Tome VIII, page 533, Volume 1994-1995, page 307 and Volume 2000, page 897.*
- [7] *Nos. 5651, 6809, 6900, 7254, 7553, 7590, 7673, 7870, 7906, 8571, 8779, 8942 and 80/2003.*
- [8] *Nos. 5688 and 79/2003.*
- [9] *Recueil des Lois, Tome VII, page 603 and Volume 2001, page 5.*
- [10] *Nos. 9463 and 89/2003.*
- [11] *Recueil des Lois, Volume 1990-1991, page, 443.*
- [12] *Recueil des Lois, Volume 2003, page 379.*
- [13] *Nos. 4226, 4263, 4322, 5073, 5344, 5792, 7039, 9474 and 78/2003.*
- [14] *Recueil des Lois, Volume 1963-1965, page 335.*
- [15] *Recueil des Lois, Volume 1979-1981, page 405.*
- [16] *Recueil des Lois, Volume 2001, page 105.*
- [17] *Recueil des Lois, Volume 1973-1974, page 71.*
- [18] *Recueil des Lois, Volume 1973-1974, page 71.*
- [19] *Recueil des Lois, Volume 1994-1995, page 137 and Volume 2002, page 1171.*
- [20] *Recueil des Lois, Volume 1961-1962, page 491 and Volume 1966-1967, page 212.*
- [21] *Recueil des Lois, Volume 1961-1962, page 317.*