

STATES OF JERSEY



DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS No. 9) (HEALTH AND SOCIAL SERVICES TO ENVIRONMENT) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 15th May 2017
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS No. 9) (HEALTH AND SOCIAL SERVICES TO ENVIRONMENT) (JERSEY) REGULATIONS 201-

REPORT

The budget for the environmental health function was transferred from the Department for Health and Social Services to the Department of the Environment by Ministerial Decision dated 18th April, 2016 ([MD-PE-2016-0053](#)).

This included the transfer of £680,200 and 11 full time equivalent staff from 1st January 2016. The relevant staff are now integrated into the line management structures of the Department of the Environment.

These budget transfer took place recognising the natural synergies between the work of the Department of the Environment and the environmental health team.

These synergies include close working between the environmental health and pollution control teams, and the States Veterinary team around food safety, and the ability to bring efficiencies through shared working, including regulatory and enforcement visits, development of shared IT systems, and shared knowledge and experience between the teams. This is important as it aids efficiency and effectiveness in the delivery of services.

In light of the transfer of budgets to the Department of the Environment, it is now proposed that all the relevant legislative functions administered by the environmental health team now transfer from the Minister for Health and Social Services to the Minister for the Environment.

In particular, these Regulations transfer the Food Safety (Jersey) Law 1966 and the Statutory Nuisances (Jersey) Law (Jersey) 1999 to the Minister for the Environment. This will support the delivery of the potential synergies identified at the time of the budget transfer.

Financial and manpower implications

The transfer of ministerial responsibility will not have immediate financial implications, but it does establish a platform for efficiency savings and co-ordinated working.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers for the Chief Minister, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Explanatory Note

These Regulations transfer the functions of the Minister for Health and Social Services under the Food Safety (Jersey) Law 1966 and the Statutory Nuisances (Jersey) Law 1999 to the Minister for the Environment.

Regulation 1 defines the Minister for Health and Social Services as the “transferring Minister” and the Minister for the Environment as the “receiving Minister”.

Regulation 2 effects the transfer of the functions to the Minister for the Environment. If, at the time of the transfer, the Minister for Health and Social Services has acquired any rights or incurred any liabilities in connection with the functions, those rights and liabilities also transfer to the Minister for the Environment, irrespective of any restriction on the transfer imposed by any provision of a contract or other instrument relating to the right or liability, and the transfer does not constitute a breach of any such contract or instrument.

Regulation 3 amends the Food Safety (Jersey) Law 1966 as a consequence of the transfer of the functions to the Minister for the Environment.

Regulation 4 amends the Food Safety (Ice-Cream) (Jersey) Order 1967 to remove an unnecessary definition of “Minister”.

Regulation 5 amends the Statutory Nuisances (Jersey) Law 1999 as a consequence of the transfer of the functions to the Minister for the Environment.

Regulation 6 provides for the continuity of any appointment, approval or other decision made, or authority to do anything given, by the Minister for Health and Social Services in exercise of the functions under the Food Safety (Jersey) Law 1966 and the Statutory Nuisances (Jersey) Law 1999 that are transferred by these Regulations. Where, at the time these Regulations come into force, any legal proceedings are pending to which the Minister for Health and Social Services is a party in his or her capacity as functionary under the Food Safety (Jersey) Law 1966 or the Statutory Nuisances (Jersey) Law 1999, the Minister for the Environment is substituted as a party to the proceedings.

Regulation 7 sets out the title of the Regulations and provides for the Regulations to come into force 7 days after the day they are made.



Jersey

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Arrangement

Regulation

1	Interpretation	7
2	Functions and connected rights and liabilities transferred	7
3	Food Safety (Jersey) Law 1966 amended	8
4	Food Safety (Ice-Cream) (Jersey) Order 1967 amended.....	8
5	Statutory Nuisances (Jersey) Law 1999 amended.....	8
6	Transitional provisions	8
7	Citation and commencement	9



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DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS No. 9) (HEALTH AND SOCIAL SERVICES TO ENVIRONMENT) (JERSEY) REGULATIONS 201-

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 2005¹, have made the following Regulations –

1 Interpretation

In these Regulations –

“receiving Minister” means the Minister for the Environment;

“transferring Minister” means the Minister for Health and Social Services.

2 Functions and connected rights and liabilities transferred

- (1) There shall be transferred to the receiving Minister the functions of the transferring Minister under –
 - (a) the Food Safety (Jersey) Law 1966²; and
 - (b) the Statutory Nuisances (Jersey) Law 1999³.
- (2) All rights enjoyed and liabilities incurred by the transferring Minister in connection with the functions transferred by paragraph (1) shall be transferred to the receiving Minister and become the rights and liabilities of the receiving Minister.
- (3) A provision of a contract or other instrument that specifies that a right or liability of the transferring Minister is incapable of transfer shall, to the extent that it applies to a right or liability transferred by paragraph (2), be of no effect.
- (4) The operation of paragraph (2) 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.

3 Food Safety (Jersey) Law 1966 amended

In Article 1(1) of the Food Safety (Jersey) Law 1966⁴, for the definition “Minister” there shall be substituted the following definition –

“ ‘Minister’ means the Minister for the Environment;”.

4 Food Safety (Ice-Cream) (Jersey) Order 1967 amended

In Article 1(1) of the Food Safety (Ice-Cream) (Jersey) Order 1967⁵ the definition “Minister” shall be deleted.

5 Statutory Nuisances (Jersey) Law 1999 amended

In Article 1(1) of the Statutory Nuisances (Jersey) Law 1999⁶, for the definition “Minister” there shall be substituted the following definition –

“ ‘Minister’ means the Minister for the Environment;”.

6 Transitional provisions

- (1) The transfer effected by Regulation 2 shall not prejudice the operation of any appointment, approval, authorization, consent, delegation, determination, direction, instruction, requirement or other thing that is, before these Regulations come into force, made, given or done by the transferring Minister in relation to the functions, rights and liabilities so transferred, 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 Minister.
- (2) Anything commenced before these Regulations come into force by or under the authority of the transferring Minister may, so far as it relates to any of the functions, rights and liabilities transferred by Regulation 2, be carried on and completed by or under the authority of the receiving Minister.
- (3) Where, at the coming into force of these Regulations, any legal proceeding is pending to which the transferring Minister is a party and the proceeding has reference to any of the functions, rights and liabilities transferred by Regulation 2, the receiving Minister shall be substituted in the proceeding for the transferring Minister and the proceeding shall not abate by reason of the substitution.

7 Citation and commencement

These Regulations may be cited as the States of Jersey (Transfer of Functions No. 9) (Health and Social Services to Environment) (Jersey) Regulations 201- and shall come into force 7 days after the day they are made.

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- 1 *chapter 16.800*
 - 2 *chapter 20.225*
 - 3 *chapter 22.900*
 - 4 *chapter 20.225*
 - 5 *chapter 20.225.55*
 - 6 *chapter 22.900*