
STATES OF JERSEY



NOTICE IN ACCORDANCE WITH ARTICLE 29A(3) OF THE STATES OF JERSEY LAW 2005 OF THE INTENTION TO MAKE AN ORDER TO TRANSFER LEGISLATIVE FUNCTIONS FROM THE CHIEF MINISTER TO THE MINISTER FOR EXTERNAL RELATIONS

**Presented to the States on 10th May 2019
by the Chief Minister**

STATES GREFFE

REPORT

A number of changes have been announced to ministerial responsibilities since the formation of the new Government, supporting the Council of Ministers to deliver on its priorities.

These changes have included the transfer of responsibilities for financial services to the Minister for External Relations.

This is designed to better protect and promote internationally our financial services industry, especially in a Brexit and post-Brexit environment, recognising the industry's importance as the Island's largest employer and a mainstay of our economy.

The Minister for External Relations will also assume responsibilities for the [Charities \(Jersey\) Law 2014](#) and related policy, noting his expertise in the area.

In accordance with Article 29A(3) of the [States of Jersey Law 2005](#), the Chief Minister now wishes to present the draft Order to the States, so as to provide 2 weeks' notice of the intention to make the Order and thereby transfer statutory responsibilities for the legislation listed within it to the Minister for External Relations.

The Order is therefore attached for the information of Members as the **Appendix** to this Report.



Jersey

**DRAFT STATES OF JERSEY (TRANSFER OF
RESPONSIBILITIES AND FUNCTIONS)
(CHIEF MINISTER TO EXTERNAL RELATIONS)
ORDER 201-**

Explanatory Note

This Order transfers the responsibilities and functions of the Chief Minister under various finance- and business-related enactments to the Minister for External Relations.

Article 1 defines the Chief Minister as the “transferring Minister” and the Minister for External Relations as the “receiving Minister”.

Article 2 effects the transfer to the receiving Minister of the responsibilities and functions under enactments set out in *Schedule 1*, and also refers to the amendments set out in *Schedule 2* which are consequential to that transfer.

Article 3 transfers to the receiving Minister any rights enjoyed and liabilities incurred by the transferring Minister in connection with the responsibilities and functions transferred by Article 2.

Article 4 provides for the continuity of any appointment, approval or other decision made, or authority to do anything given, by the transferring Minister under the enactments covered by this Order and substitutes the receiving Minister for the transferring Minister in any ongoing legal proceedings.

Article 5 sets out the name by which this Order may be cited.

Under Article 1(6) of the Interpretation (Jersey) Law 1954, this Order comes into force on the day it is made.



Jersey

DRAFT STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (CHIEF MINISTER TO EXTERNAL RELATIONS) ORDER 201-

Arrangement

Article

1	Interpretation	5
2	Responsibilities and functions transferred	5
3	Connected rights and liabilities transferred.....	5
4	Transitional provisions.....	6
5	Citation.....	6

SCHEDULE 1 **7**

ENACTMENTS	7
------------	---

SCHEDULE 2 **8**

CONSEQUENTIAL AMENDMENTS	8
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1	Definitions of “Minister” amended	8
2	Various enactments amended.....	9
3	Definition of “Minister” inserted into Limited Liability Partnerships (Jersey) Law 2017	9
4	Proceeds of Crime (Jersey) Law 1999 amended.....	9
5	Money Laundering (Jersey) Order 2008 amended.....	9



Jersey

DRAFT STATES OF JERSEY (TRANSFER OF RESPONSIBILITIES AND FUNCTIONS) (CHIEF MINISTER TO EXTERNAL RELATIONS) ORDER 201-

Made [date to be inserted]
Coming into force [date to be inserted]

THE CHIEF MINISTER, in pursuance of Article 29A of the States of Jersey Law 2005, orders as follows –

1 Interpretation

In this Order –

“receiving Minister” means the Minister for External Relations;
“transferring Minister” means the Chief Minister.

2 Responsibilities and functions transferred

- (1) There are transferred to the receiving Minister the responsibilities and functions of the transferring Minister under the enactments set out in Schedule 1.
- (2) Schedule 2 contains consequential amendments.

3 Connected rights and liabilities transferred

- (1) All rights enjoyed and liabilities incurred by the transferring Minister in connection with the responsibilities and functions transferred by Article 2 are transferred to the receiving Minister and become the rights and liabilities of the receiving Minister.
- (2) A provision of a contract or other instrument that specifies that a right or liability of the transferring 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.

4 Transitional provisions

- (1) The transfers effected by Article 2 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 transferring Minister in relation to the responsibilities, functions, rights and liabilities so transferred, but any such matter, if then in force, continues 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 this Order comes into force by or under the authority of the transferring Minister may, so far as it relates to any of the responsibilities, functions, rights and liabilities transferred by Article 2, be carried on and completed by or under the authority of the receiving Minister.
- (3) Where, on commencement of this Order, any legal proceeding is pending to which the transferring Minister is a party and the proceeding has reference to any of the responsibilities, functions, rights and liabilities transferred by Article 2, the receiving Minister is substituted in the proceeding for the transferring Minister and the proceeding does not abate by reason of the substitution.

5 Citation

This Order may be cited as the States of Jersey (Transfer of Responsibilities and Functions) (Chief Minister to External Relations) Order 201-.

SCHEDULE 1

(Article 2(1))

ENACTMENTS

Alternative Investment Funds (Jersey) Regulations 2012
Bank (Recovery and Resolution) (Jersey) Law 2017
Banking Business (Jersey) Law 1991
Bankruptcy (Désastre) (Jersey) Law 1990
Charities (Jersey) Law 2014
Collective Investment Funds (Jersey) Law 1988
Companies (Jersey) Law 1991
Companies (Takeovers and Mergers Panel) (Jersey) Law 2009
Control of Borrowing (Jersey) Law 1947
Dormant Bank Accounts (Jersey) Law 2017
EU Legislation (Payment Services – SEPA) (Jersey) Regulations 2015
Financial Services (Jersey) Law 1998
Financial Services Commission (Jersey) Law 1998
Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018
Foundations (Jersey) Law 2009
Incorporated Limited Partnerships (Jersey) Law 2011
Insurance Business (Jersey) Law 1996
Limited Liability Companies (Jersey) Law 2018
Limited Liability Partnerships (Jersey) Law 2017
Limited Liability Partnerships (Dissolution and Winding Up) (Jersey) Regulations 2018
Limited Partnerships (Jersey) Law 1994
Non-Profit Organizations (Jersey) Law 2008
Proceeds of Crime (Jersey) Law 1999
Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014
Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008
Registration of Business Names (Jersey) Law 1956
Security Interests (Jersey) Law 2012
Separate Limited Partnerships (Jersey) Law 2011

SCHEDULE 2

(Article 2(2))

CONSEQUENTIAL AMENDMENTS**1 Definitions of “Minister” amended**

In the definition “Minister” in each of the following enactments, for “Chief Minister” there is substituted “Minister for External Relations” –

- (a) Article 2 of the Alternative Investment Funds (Jersey) Regulations 2012;
- (b) Article 1 of the Bank (Recovery and Resolution) (Jersey) Law 2017;
- (c) Article 1 of the Banking Business (Jersey) Law 1991;
- (d) Article 1(1) of the Bankruptcy (Désastre) (Jersey) Law 1990;
- (e) Article 1(1) of the Charities (Jersey) Law 2014;
- (f) Article 1(1) of the Collective Investment Funds (Jersey) Law 1988;
- (g) Article 1(1) of the Companies (Jersey) Law 1991;
- (h) Article 1(1) of the Companies (Takeovers and Mergers Panel) (Jersey) Law 2009;
- (i) Article 1(1) of the Control of Borrowing (Jersey) Law 1947;
- (j) Article 1(1) of the Dormant Bank Accounts (Jersey) Law 2017;
- (k) Article 1(1) of the EU Legislation (Payment Services – SEPA) (Jersey) Regulations 2015;
- (l) Article 1(1) of the Financial Services (Jersey) Law 1998;
- (m) Article 1(1) of the Financial Services Commission (Jersey) Law 1998;
- (n) Article 1(1) of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018;
- (o) Article 1 of the Incorporated Limited Partnerships (Jersey) Law 2011;
- (p) Article 1(1) of the Insurance Business (Jersey) Law 1996;
- (q) Article 1(1) of the Limited Liability Companies (Jersey) Law 2018;
- (r) Article 1 of the Limited Partnerships (Jersey) Law 1994;
- (s) Article 3(1) of the Non-Profit Organizations (Jersey) Law 2008;
- (t) Article 1(1) of the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008;
- (u) Article 1(1) of the Registration of Business Names (Jersey) Law 1956;
- (v) Article 1 of the Security Interests (Jersey) Law 2012;
- (w) Article 1 of the Separate Limited Partnerships (Jersey) Law 2011.

2 Various enactments amended

In the following enactments, “Chief”, wherever it appears, is deleted –

- (a) Article 127GB(3)(a) of the Companies (Jersey) Law 1991;
- (b) Article 53(3)(a) of the Foundations (Jersey) Law 2009;
- (c) in the Limited Liability Partnerships (Jersey) Law 2017 –
 - (i) the definition “prescribed” in Article 1(1),
 - (ii) Article 11(6),
 - (iii) Article 25(2),
 - (iv) Article 37(2)(b),
 - (v) Article 38(8)(a),
 - (vi) Article 39;
- (d) in the Limited Liability Partnerships (Dissolution and Winding Up) (Jersey) Regulations 2018 –
 - (i) Article 41,
 - (ii) Article 42,
 - (iii) Article 44 (including the heading),
 - (iv) Article 45,
 - (v) Article 46.

3 Definition of “Minister” inserted into Limited Liability Partnerships (Jersey) Law 2017

In the Limited Liability Partnerships (Jersey) Law 2017, in Article 1(1), after the definition “loss” there is inserted –

“ “Minister” means the Minister for External Relations;”.

4 Proceeds of Crime (Jersey) Law 1999 amended

In the Proceeds of Crime (Jersey) Law 1999 –

- (a) in Article 34(1)(b)(v), for “by the Chief Minister under” there is substituted “under Article 6 of”;
- (b) in Article 37(1), for “Chief Minister” there is substituted “Minister for External Relations”;
- (c) in Article 43(1), for “Chief Minister” there is substituted “Minister for External Relations”.

5 Money Laundering (Jersey) Order 2008 amended

In the Money Laundering (Jersey) Order 2008, in Article 23(4) –

- (a) in sub-paragraph (f), “by the Chief Minister or the Commission” is deleted;
- (b) in sub-paragraph (j), “by the Chief Minister” is deleted.