
STATES OF JERSEY



NOTICE UNDER ARTICLE 29A(3) OF THE STATES OF JERSEY LAW 2005: TRANSFER OF JUSTICE FUNCTIONS – CHIEF MINISTER TO JUSTICE AND HOME AFFAIRS

**Presented to the States on 21st August 2023
by the Chief Minister**

STATES GREFFE

REPORT

Article 29A(3) of the States of Jersey Law 2005 requires the Chief Minister to present a report to the States for a 14-day period before making an Order to amend the name by which a Minister is described and/or to make provision relating to a Minister's functions (including their transfer from one Minister to another).

[R.10/2023](#) confirms that responsibility for justice policy now sits within the portfolio of the Minister for Home Affairs (and has been transferred from the policy responsibilities of the Chief Minister). R.10 further confirms that the ministerial office will be renamed to become "Minister for Justice and Home Affairs".

The draft Order attached as Appendix 1 would give legal effect to this change and makes the required transfers to legislative functions – from the Chief Minister to the Minister for Justice and Home Affairs – that will allow the Minister to carry out responsibilities for justice.

It is intended that this Order will be finalised and made at the conclusion of the 14-day notice period.

Appendix 1 – Draft States of Jersey (Transfer of Justice Functions – Chief Minister to Justice and Home Affairs) Order 202-



Jersey

DRAFT STATES OF JERSEY (TRANSFER OF JUSTICE FUNCTIONS – CHIEF MINISTER TO JUSTICE AND HOME AFFAIRS) ORDER 202-

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Jersey

DRAFT STATES OF JERSEY (TRANSFER OF JUSTICE FUNCTIONS – CHIEF MINISTER TO JUSTICE AND HOME AFFAIRS) ORDER 202-

Made [date to be inserted]

Coming into force [date to be inserted]

THE CHIEF MINISTER makes this Order under Article 29A of the States of Jersey Law 2005 –

1 Minister for Home Affairs renamed as Minister for Justice and Home Affairs

- (1) The Minister for Home Affairs is renamed as the Minister for Justice and Home Affairs.
- (2) Accordingly, in Article 1 of the States of Jersey (Ministerial Offices) Order 2022 for “Minister for Home Affairs” there is substituted “Minister for Justice and Home Affairs”.
- (3) Schedule 1 makes further amendments that are consequential on, or incidental or supplementary to, that renaming.

2 Amendments to transfer justice functions to Minister for Justice and Home Affairs

Schedule 2 makes amendments to transfer justice functions to the Minister for Justice and Home Affairs.

3 Citation and commencement

This Order may be cited as the States of Jersey (Transfer of Justice Functions – Chief Minister to Justice and Home Affairs) Order 202- and comes into force 7 days after it is made.

SCHEDULE 1

(Article 1(3))

CONSEQUENTIAL, INCIDENTAL AND SUPPLEMENTARY AMENDMENTS ON RENAMING AS MINISTER FOR JUSTICE AND HOME AFFAIRS

1 Substitution of names

- (1) In each provision in the following table for “Minister for Home Affairs” there is substituted “Minister for Justice and Home Affairs” –

Legislative instrument	Provision <small>(references are to Article or Regulation, as appropriate, where a number is given without more)</small>
Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017	1(1) definition “Minister”
Children and Young People (Jersey) Law 2022 (enacted but not yet in force)	1(1) definition “Responsible Ministers”
Civil Defence (Jersey) Law 1952	1 definition “Minister”
Civil Partnership (Jersey) Law 2012	1 definition “Minister”
Court of Appeal (Jersey) Law 1961	40(1)
Criminal Justice (Compensation Orders) (Jersey) Law 1994	2(5)(b)(ii)
Criminal Justice (Life Sentences) (Jersey) Law 2014	1(1) definition “Minister”
Criminal Justice (Young Offenders) (Jersey) Law 2014	1(1) definition “Minister”
Customs and Excise (Jersey) Law 1999	1(1) definition “Minister”, 5(2), 59(3)(b) and 66(3)(b)
Data Protection (Jersey) Law 2018	41(2), (5) and (9) and item 3 of the table in 72
Domestic Abuse (Jersey) Law 2022	15(4)
Emergency Powers and Planning (Competent Authority) (Fuel, Electricity and Gas) (Jersey) Act 1991	1
Emergency Powers and Planning (Designation of Competent Authorities) (Jersey) Act 2019	3
Emergency Powers and Planning (Jersey) Law 1990	1(1)(b)
EU Legislation (Customs Union, Import and Export Control) (Jersey) Regulations 2018	2(6)(c)
Explosives (Jersey) Law 1970	1 definition “Minister”
Explosives (Jersey) Law 2014 (enacted but not yet in force)	1 definition “Minister”

Explosives (Safety Provisions) (Jersey) Regulations 1972	1 definition “magazine”
Export Control (Jersey) Law 2009	1(1) definition “Minister”
Fire and Rescue Service (Jersey) Law 2011	1 definition “Minister” and 2
Fire Precautions (Jersey) Law 1977	1(1) definition “Minister”
Firearms (General Provisions) (Jersey) Order 2011	Schedule 5, Schedule 6, Schedule 9 in both places it occurs and Schedule 11
Firearms (Jersey) Law 2000	1(1) definition “Minister”
Geographical Indications (Jersey) Regulations 2020	1(1) definition “Minister”
Harbours (Jersey) Regulations 1962	34(1) and 37
Honorary Police (Jersey) Law 1974	1 definition “Minister”
Immigration (Hotel Records) (Jersey) Order 1999	4
Intellectual Property (Unregistered Rights) (Jersey) Law 2011	142(1)
Legitimacy and Illegitimacy (Re-Registration of Births) (Jersey) Regulations 1974	5
Marriage and Civil Status (Jersey) Law 2001	1(1) definition “Minister” and 41(1)
Motor Vehicles (Removal from Private Land) (Jersey) Law 2019	1(1) definition “Minister”
Petroleum (Jersey) Law 1984	1(1) definition “Minister”
Police (Complaints and Discipline) (Jersey) Law 1999	1 definition “Minister”
Police (Complaints and Conduct) (Jersey) Law 2022 (enacted but not yet in force)	1 definition “Minister”
Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004	Code A – 3.18 in both places it occurs, 3.19, 6.1 and Notes for guidance 17 Code D – 4.5 and Notes for Guidance 4A Code E – Notes for Guidance 5A Code F – 2.3 Code G – Notes for guidance 5A
Police Procedures and Criminal Evidence (Jersey) Law 2003	1(1) definition “Minister”
Prison (Jersey) Law 1957	1(1) definition “Minister”
Prison (Jersey) Rules 2007	1(1) definition “Minister”

Protection of Employment Opportunities (Designation of Minister) (Jersey) Act 1992	1
Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967	20(1)(d), 20(2)(a) and (d) and 20A(d)
Regulation of Investigatory Powers (Codes of Practice) (Jersey) Order 2006	Schedule 1 – 2.9, 10.6, Schedule 2 – 2.8 in both places it occurs Schedule 3 – 6.5 Schedule 4 – 4.9 Schedule 5 – 4.7 and 4.24
Regulation of Investigatory Powers (Jersey) Law 2005	1(1) definition “Minister”
Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002	10(1)(a)(ii) and 15A(2) definition “immigration decision”
Repatriation of Prisoners (Jersey) Law 2012	1(1) definition “Minister”
Road Traffic (Jersey) Law 1956	1(1) definition “breath test”, 30(1)(a) and 31(2)
Road Traffic (Lighting) (Jersey) Order 1998	1(1) sub-paragraph (f) of the definition “emergency vehicle”
Royal Court Rules 2004	16B/1 definition “the Minister”
Sex Offenders (Jersey) Law 2010	1(1) definition “Minister”, 28(1) definition “Ministers” and (4)
Sexual Offences (Jersey) Law 2018	1(1) definition “Minister”
Shipping (Jersey) Law 2002	23(2)(b)
States of Jersey Police Force Law 2012	1 definition “Minister”
Terrorism (Audio Recording of Interviews) (Jersey) Order 2003	Schedule in the Foreword and 1.3
Terrorism (Jersey) Law 2002	1(1) definition “Minister”

- (2) In the Extradition (Jersey) Law 2004 –
- (a) after the definition “Magistrate” there is inserted –
- “ “Minister” means the Minister for Justice and Home Affairs;”;
- (b) in the following provisions for “Minister for Home Affairs” there is substituted “Minister” –
- (i) Article 92(1),
- (ii) Article 94(1) and (2),
- (iii) Article 113,
- (iv) Article 119,

- (v) Article 120(2).
- (3) In the International Criminal Court (Jersey) Law 2014 –
 - (a) after the definition “Jersey ship” there is inserted –
 - “ “Minister” means the Minister for Justice and Home Affairs;”;
 - (b) in the following provisions for “Minister for Home Affairs” there is substituted “Minister” –
 - (i) Article 5(3),
 - (ii) Article 9(1)(a),
 - (iii) Article 10(3),
 - (iv) Article 13(1) in both places it occurs,
 - (v) Article 18(1)(a) and (b), (2) and (2)(d),
 - (vi) Article 19(2)(b) and (3),
 - (vii) Article 28(2) in both places it occurs,
 - (viii) Article 35(2),
 - (ix) Article 38(2) in both places it occurs and (3),
 - (x) Article 39(1) and (2),
 - (xi) Article 40,
 - (xii) Article 41(2) and (3),
 - (xiii) Article 42(2),
 - (xiv) paragraph 3(4) of Schedule 2.
- (4) In the Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001 –
 - (a) in Article 1(1), in the definition “Minister”, for “Minister for Home Affairs” there is substituted “Minister for Justice and Home Affairs”;
 - (b) in part 6 of Schedule 5 –
 - (i) in the table, for “Home Affairs Committee” there is substituted “Minister”,
 - (ii) in the Note, for “Minister for Home Affairs” there is substituted “Minister”.

SCHEDULE 2

(Article 2)

TRANSFER OF JUSTICE FUNCTIONS TO JUSTICE AND HOME AFFAIRS

1 Transfer of functions from Chief Minister to Minister for Justice and Home Affairs

- (1) In The Law Society of Jersey Law 2005 –
 - (a) in Article (1) after the definition “limited liability partnership” there is inserted –
 - “ “Minister” means the Minister for Justice and Home Affairs;”;
 - (b) in Article 18(1A) and (2) for “Chief Minister” there is substituted “Minister”.
- (2) In each of the following provisions, for “Chief Minister” there is substituted “Minister for Justice and Home Affairs” –
 - (a) the definition “Minister” in Article 1 of the Access to Justice (Jersey) Law 2019;
 - (b) Article 111(4)(h) of the Criminal Procedure (Jersey) Law 2018.

EXPLANATORY NOTE

This Order –

- (a) renames the Minister for Home Affairs as the Minister for Justice and Home Affairs and makes amendments to legislation consequential on that renaming; and
- (b) amends legislation to transfer statutory functions in relation to justice to the Minister for Justice and Home Affairs from the Chief Minister.

Functions under the following legislation are transferred to the Minister for Justice and Home Affairs from the Chief Minister –

- Access to Justice (Jersey) Law 2019;
- Criminal Procedure (Jersey) Law 2018;
- The Law Society of Jersey Law 2005 (although the power to amend by Order the definition of “limited liability partnership” in this Law will remain with the Chief Minister).

This Order comes into force 7 days after it is made.

