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# STATES OF JERSEY



## STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – CHIEF MINISTER TO ASSISTANT MINISTER – DIGITAL, COMPETITION AND INNOVATION

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Presented to the States on 19th April 2016  
by the Chief Minister

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STATES GREFFE

## REPORT

On 15th April 2016, the Chief Minister made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MD-C-2016-0047, available at [www.gov.je](http://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 –

## Delegations

The Chief Minister wishes to put the following delegations in place:

Delegate:	Functions delegated and relevant legislation:
Assistant Minister, Senator P.F.C. Ozouf	<p><b>Responsibility for – the digital sector of the economy, promoting competition and innovation, the intellectual property framework and related legislation (the delegated areas).</b></p> <p><b>Legislation:</b></p> <p><b>Competition and Regulation</b>            Competition Regulatory Authority (Jersey) Law 2001            Telecommunications (Jersey) Law 2002            Postal Services (Jersey) Law 2004            Competition (Jersey) Law 2005</p> <p><b>Innovation</b>            Jersey Innovation Fund loan authorisations (arising from the administration of the special fund established by the States under the Public Finances (Jersey) Law 2005 with the adoption of P.124/2012 – <i>Jersey Innovation Fund: establishment, funding and operation</i>).            Responsibility was transferred to the Chief Minister with the adoption by the States of P.46/2015 – <i>Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201-</i>.</p> <p><b>Intellectual Property framework</b>            Intellectual Property (Unregistered Rights) (Jersey) Law 2011            Merchandise Marks (Jersey) Law 1958            Patents (Jersey) Law 1957            Registered Designs (Jersey) Law 1957            Trade Marks (Jersey) Law 2000</p> <p><b>Broadcasting and Electronic Communications</b>            Communications (Jersey) Order 2003            Wireless Telegraphy (Jersey) Order 2006            Electronic Communications (Jersey) Law 2000            Digital Switchover (Disclosure of Information) (Jersey) Law 2010            Radio Equipment (Jersey) Law 1997            Public Health (Ships) (Jersey) Order 1971 (<i>the reference in Article 34 only</i>)            Public Health (Aircraft) (Jersey) Order 1971            Broadcasting Act 1990 (Jersey) (No. 2) Order 1991            Broadcasting (Jersey) Order 2003            Telecommunication Services (Jersey) Order 1972            Data Protection (Jersey) Law 2005</p>

<b>Delegate:</b>	<b>Functions delegated and relevant legislation:</b>
	<p>In order to enable the Assistant Minister to deal with all matters in the delegated areas, the Chief Minister delegates to Senator P.F.C. Ozouf –</p> <ol style="list-style-type: none"> <li>1. All functions in respect of the aforementioned legislation and all related subordinate legislation.</li> <li>2. In relation to the digital sector of the economy, competition, innovation and the intellectual property framework generally – <ul style="list-style-type: none"> <li>Standing Order 17(1)(a) – making statements;</li> <li>Standing Order 19(c) – lodging Propositions; and</li> <li>Standing Order 35(1)(b) – presenting Reports or Comments.</li> </ul> </li> <li>3. All powers and functions given to the Chief Minister, including all powers to make enactments in the delegated areas.</li> </ol>