
STATES OF JERSEY



JERSEY INNOVATION FUND: REVIEW OF MINISTERIAL RESPONSIBILITY FOLLOWING THE C&AG REPORT OF JANUARY 2017 (R.45/2017) – ADDENDUM

**Presented to the States on 23rd May 2017
by the Chief Minister**

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Dear Chief Minister,

Further to my report of 1 May 2017, which you presented to the States on 2 May 2017, two points have been drawn to my attention.

First, Michael de Haye wrote to me directly by E-mail on 3 May to point out that I had made no reference to Reports from the States Assembly regarding the need for ministerial decisions to be in writing, which were produced prior to that specific requirement being included in the Code from February 2015. These are: R80/2005¹ and supplementary guidelines.² He also pointed out that the issue was dealt with in the Minutes of the Council (24th November 2011): Minute No. A.13 and A.6.³ I am grateful to him for having drawn these to my attention and am sending him a copy of this letter. It does not change my legal analysis as to the existence of a delegation with legal effect even absent a written decision. Nevertheless, it is evidently important that all ministers are aware of this. It should now in any event be absolutely clear to ministers because of Appendix 3 to the 2015 Code of Conduct.

The second issue that was drawn to my attention by the Solicitor General was a correction by Tracey Valois regarding the role of the Economic Affairs Scrutiny Panel in monitoring the operation the efficacy and implementation of the OTRs. At paragraph 136 on page 59 of the Report, I state:

“in supporting the proposal at the debate in the States Assembly on 1 May 2013, Deputy Luce (Chairman of the Scrutiny Panel) said that “we all accept that it is not perfect” and noted that there were still issues “such as the role of the fund’s executive and the thorny subject of due diligence”. However, in relation to those issues, Chairman Luce stated that the “panel will

¹ <http://www.statesassembly.gov.je/AssemblyReports/2005/27718-45445-18102005.pdf>

² <http://www.statesassembly.gov.je/AssemblyReports/2006/46942-48709-4122006.pdf>

³

[https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/Min%20COM%20\(A\)%2020111124%20JN.pdf](https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/Min%20COM%20(A)%2020111124%20JN.pdf)



continue to monitor [them] on an ongoing basis through quarterly hearings.” I asked Senator Maclean about whether such hearings ever took place and he had no recollection that they had or of any continued monitoring. Nor have I found any evidence of such hearings on the Scrutiny Panel web page or anywhere else.”

It has rightly been drawn to my attention that the Scrutiny Panel did in fact carry out some monitoring during its quarterly meetings where the JIF was considered and that ministers were questioned, in particular, at meetings of 4 July 2013, 9 September 2013 (very briefly), 24 April 2014, 11 May 2015 and 16 November 2015. These meetings were not specifically addressed at due diligence or the workings of the executive but nevertheless touched on the monitoring that had been promised.

I hope this is of assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Simor', written in a cursive style.

Jessica Simor QC