

STATES OF JERSEY

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DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS FROM COMMITTEES TO MINISTERS) (AMENDMENT) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 4th October 2005
by the Policy and Resources Committee**

STATES GREFFE



Jersey

DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS FROM COMMITTEES TO MINISTERS) (AMENDMENT) (JERSEY) REGULATIONS 200-

REPORT

On 24th May 2005 the States approved transfer of functions regulations, together with 10 sets of general amendments to legislation that had been prepared as a consequence of the decision to introduce the ministerial system of government.

The general amendments relating to Environment and Public Services were not dealt with at that time as discussions were still taking place about the appropriate division of responsibilities in this area once the ministerial system had come into effect. These discussions resulted in the report and proposition on 'Environment and Public Services: Establishment of Ministers and Departments' (P.120/2005) that was approved by the States on 6th July 2005. In adopting this proposition, the States agreed that there should be a Minister for Planning and Environment and a Minister for Transport and Technical Services.

Transfer of Functions Regulations have accordingly been prepared on the basis of the division of responsibilities agreed in P.120/2005, and these are now being submitted for consideration by the States. These Regulations provide mainly for the transfer of functions of the Environment and Public Services Committee to the Minister for Planning and Environment and the Minister for Transport and Technical Services. The Regulations also provide for the transfer of one or two unrelated functions that were not dealt with earlier this year, e.g. the transfer of responsibility for the Chemical Weapons Order from the Harbours and Airport Committee to the Minister for Home Affairs.

In addition to the Transfer of Functions Regulations, a set of general amendments relating to Environment and Public Services has been prepared for consideration by the States (the 'Draft States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 200'). As with the other general amendments approved by the States in May, the principle behind these amendments is simple: to amend the Island's legislation, where appropriate, so that it will be compatible with the ministerial system. In the majority of cases the amendments are very straightforward, and they may consist, for example, in the substitution of the word 'Minister' for 'Committee'. In other cases the changes may be a little more complicated, e.g. where 2 or more committees are referred to in the legislation. In these cases the name of the Minister has been substituted for the name of the Committee.

The remaining set of general amendments is the 'Draft States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 200, and these are also being submitted for consideration by the States. The purpose of these Regulations is to make consequential amendments to legislation that has come into force (or has at least been passed) since 1st February 2005, and was not therefore be dealt with as part of the main round of general amendments that were approved by the States in May 2005. The draft Regulations also take into account the changes in ministerial titles that were agreed by the States in July 2005 ('Environment and Public Services: Establishment of Ministers and Departments', P.120/2005). As with the amendments relating to Environment and Public Services, the majority of amendments are very straightforward, and in many cases they consist of the substitution of the word 'Minister' for 'Committee'.

There are no additional financial or manpower implications for the States arising from these draft Regulations.

Explanatory Note

These Regulations provide mainly for the transfer of the functions of the Environment and Public Services Committee to the Minister for Planning and Environment and the Minister for Transport and Technical Services. The transfer of the functions of the Environment and Public Services Committee arises from Projet 120/2005, Environment and Public Services: Establishment of Ministers and Departments.

The Regulations also provide for the transfer of functions of the Harbour and Airports Committee under the Chemical Weapons Act 1996 as extended to Jersey by the Chemical Weapons Act 1996 (Jersey) Order 1998 to the Minister for Home Affairs.

The Regulations also provide for the transfer of the functions of the Committee for Postal Administration to the Minister for Economic Development.

Regulation 1 provides a definition for the States of Jersey (Transfer of Functions from Committees to Ministers) Regulations 2005 as the principal Regulations.

Regulation 2 amends Regulation 1 of the principal Regulations to add a defined term to it.

Regulation 3 amends Regulation 2 of the principal Regulations by providing for additional paragraphs in it and adding a transfer of the functions of the Committee of Postal Administration to the Minister for Economic Development.

It also inserts a new paragraph (2) to Regulation 2 of the principal Regulations. Paragraph (2) transfers the functions of the Harbours and Airport Committee under the Chemical Weapons Act 1996 as extended to Jersey under the Chemical Weapons Act 1996 (Jersey) Order 1998 to the Minister for Home Affairs.

Regulation 4 inserts a new Regulation 2A into the principal Regulations. Regulation 2A provides for the transfer of the functions of the Environment and Public Services Committee to either the Minister for Planning and Environment or the Minister for Transport and Technical Services as set out in the Schedule.

Regulations 5, 6 and 7 make consequential amendments so as to apply Regulations 3, 4 and 5 of the principal Regulations to the new Regulation 2A inserted by Regulation 4.

Regulation 8 adds the Schedule to the principal Regulations.

Regulation 9 provides for the name of these Regulations and that they will come into force on the same day as Article 42(3) of the States of Jersey Law 2005.

The *Schedule* sets out the Ministers to whom the functions of the Environment and Public Services Committee are being transferred.



Jersey

DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS FROM COMMITTEES TO MINISTERS) (AMENDMENT) (JERSEY) REGULATIONS 200-

Arrangement

Regulation

- 1 Interpretation
- 2 Regulation 1 amended
- 3 Regulation 2 amended
- 4 Regulation 2A inserted
- 5 Regulation 3 amended
- 6 Regulation 4 amended
- 7 Regulation 5 amended
- 8 Schedule added
- 9 Citation and commencement

SCHEDULE



Jersey

DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS FROM COMMITTEES TO MINISTERS) (AMENDMENT) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005,^[1] have made the following Regulations –

1 Interpretation

In these Regulations, “principal Regulations” means the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005.^[2]

2 Regulation 1 amended

In Regulation 1 of the principal Regulations –

- (a) before the words “In these Regulations any reference to” there shall be inserted the words “(1)”; and
- (b) after paragraph (1) there shall be inserted the following paragraph –

“(2) In these Regulations, ‘States’ Reform Act’ means the States’ Reform: Reorganization of Committees (Transitional Arrangements) (Jersey) Act 2002.^[3]”.

3 Regulation 2 amended

- (1) In Regulation 2 of the principal Regulations, before the words “The functions of a Committee listed in” there shall be inserted the words “(1) Subject to paragraph (2);”.
- (2) In Regulation 2(1) of the principal Regulations, after the words “Legislation Committee” and “Chief Minister” in columns 1 and 2 respectively, there shall be inserted the following words “Committee for Postal Administration” and “Minister for Economic Development” in columns 1 and 2 respectively.
- (3) After Regulation 2(1) of the principal Regulations there shall be inserted the following paragraph–

“(2) The functions of the transferring Committee listed in column 1 below shall be transferred to the receiving Minister listed opposite that Committee in column 2 below.

<i>1</i>	<i>2</i>
<i>transferring Committee</i>	<i>receiving Minister</i>
Harbours and Airport Committee under	Minister for Home Affairs”

the Chemical Weapons Act 1996 as extended to Jersey under the Chemical Weapons Act 1996 (Jersey) Order 1998 [4]	
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4 Regulation 2A inserted

After Regulation 2 of the principal Regulations there shall be inserted the following Regulation—

“2A Transfer of functions of Environment and Public Services Committee

The functions of the transferring Committee listed in column 2 of the Schedule shall be transferred to the receiving Minister listed opposite that Committee in column 3 of the Schedule.”.

5 Regulation 3 amended

In Regulation 3(1) of the principal Regulations, for the words “Regulation 2” there shall be substituted the words “Regulations 2 and 2A”.

6 Regulation 4 amended

In Regulation 4 of the principal Regulations, after the word “2” there shall be inserted the words “, 2A”.

7 Regulation 5 amended

In Regulation 5 of the principal Regulations, in paragraphs (1), (2) and (3), after the word “2”, in each place where it appears, there shall be inserted the words “, 2A”.

8 Schedule added

After Article 6 of the principal Regulations there shall be added the Schedule set out in the Schedule to these Regulations.

9 Citation and commencement

These Regulations may be cited as the States of Jersey (Transfer of Functions from Committees to Ministers) (Amendment) (Jersey) Regulations 200- and shall come into force on the same day as Article 42 (3) of the States of Jersey Law 2005.

SCHEDULE

(Regulation 8)

“SCHEDULE

(Regulation 2A)

FUNCTIONS OF THE TRANSFERRING COMMITTEE

<i>1</i>	<i>2</i> <i>functions of the transferring Committee</i>	<i>3</i> <i>receiving Minister</i>
1	Functions of the Environment and Public Services Committee which, immediately before the States Reform Act came into force, were functions of the Planning and Environment Committee	Minister for Planning and Environment
2	Functions of the Environment and Public Services Committee which, immediately before the States' Reform Act 2002 came into force, were functions of the Public Services Committee	Minister for Transport and Technical Services
3	Notwithstanding paragraph 1, functions of the Environment and Public Services Committee under – (a) the Water (Jersey) Law 1972; ^[5] (b) the Water Pollution (Jersey) Law 2000 ^[6]	Minister for Planning and Environment
4	Functions of the Environment and Public Services Committee under the Loi (1885) touchant l'administration des marches publics ^[7]	Minister for Transport and Technical Services
5	Functions of the Environment and Public Services Committee under – (a) the Animal (Trapping) (Jersey) Law 1961; ^[8] (b) Part II (including Schedules 2 and 3) and Part IV of the Food and Environment Protection Act 1985 of the United Kingdom as extended to Jersey by the Food and Environment Protection Act 1985 (Jersey) Order 1987 ^[9] as amended and extended by the Food and Environment Protection Act 1985 (Jersey) (Amendment)	Minister for Planning and Environment

Order 1997,^[10]

- (c) the Agricultural Land (Control of Sales and Leases (Jersey) Law 1974,^[11]
- (d) the Artificial Insemination of Domestic Animals (Jersey) Law 1952,^[12]
- (e) the Dangerous Wild Animals (Jersey) Law 1999,^[13]
- (f) the Destructive Insects and Pests (Jersey) Law 1960,^[14]
- (g) the Diseases of Animals (Jersey) Law 1956,^[15]
- (h) the Export of Agricultural Produce (Jersey) Order 1972,^[16]
- (i) the Export of Flowers (Jersey) Order 1972,^[17]
- (j) the Fertilisers and Feeding Stuffs (Jersey) Law 1950,^[18]
- (k) the Fish Health (Jersey) Regulations 1999,^[19]
- (l) the Pesticides (Jersey) Law 1991;^[20]
- (n) the Plant Health (Jersey) Law 2003,^[21]
- (o) the Potatoes (Precautions against Blight) (Jersey) Order 1961;^[22]
- (p) the Protection of Agricultural Land (Jersey) Law 1964,^[23]
- (q) the Sea Fish (Conservation Act 1967 of the United Kingdom –
 - (i) as extended to Jersey by the Sea Fish (Conservation) (Channel Islands) Order 1981^[24] as that Order is amended by the Sea Fish (Conservation) (Channel Islands) (Amendment) Order 2001,^[25] and
 - (ii) as amended by the Sea Fisheries Act 1968 of the United Kingdom, as extended to Jersey by the Sea Fisheries

	<p>(Channel Islands) Order 1973;^[26]</p> <p>(r) the Sea Fisheries Act 1968 of the United Kingdom, as extended to Jersey by the Sea Fisheries (Channel Islands) Order 1973;</p> <p>(s) the Sea Fisheries (Jersey) Law 1994;^[27]</p> <p>(t) the Slaughter of Animal (Jersey) Law 1962;^[28]</p> <p>(u) the Weeds (Jersey) Law 1961;^[29]</p> <p>(v) the Plant Health (Jersey) Law 2003;</p> <p>(w) the Animal Welfare (Jersey) Law 2004^[30]</p>	
6	<p>Functions of the Economic Development Committee under –</p> <p>(a) the Diseases of Animals (Rabies) (Jersey) Law 1976;^[31]</p> <p>(b) the Animal Welfare (Jersey) Law 2004</p>	Minister for Planning and Environment
7	<p>Functions of the Environment and Public Services Committee under the Drainage (Jersey) Law 2005^[32]</p>	Minister for Transport and Technical Services
8	<p>Functions of the Environment and Public Services Committee under the Waste Management (Jersey) Law 2005^[33]</p>	Minister for Planning and Environment
9	<p>Function of the Environment and Public Services Committee under Article 9(2) of the Food Safety (Jersey) Law 1966^[34]</p>	Minister for Economic Development
10	<p>Any other function of the Environment and Public Services Committee to which paragraphs 1 to 9 do not apply</p>	Minister for Planning and Environment”

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- [1] L.8/2005.
- [2] R&O.41/2005.
- [3] R&O.120/2002.
- [4] Chapter 17.140.
- [5] Chapter 27.700.
- [6] Chapter 27.800.
- [7] Chapter 05.525.
- [8] Chapter 02.200.
- [9] Chapter 20.150.
- [10] Chapter 20.200.
- [11] Chapter 01.080.
- [12] Chapter 01.480.
- [13] Chapter 02.300.
- [14] Chapter 01.640.
- [15] Chapter 02.400.
- [16] Chapter 01.160.14.
- [17] Chapter 01.160.21.
- [18] Chapter 01.800.
- [19] Chapter 17.245.60.
- [20] Chapter 01.880.
- [21] L.30/2003.
- [22] Chapter 01.160.91.
- [23] Chapter 22.675.
- [24] Chapter 14.600.
- [25] Chapter 14.675.
- [26] Chapter 14.750.
- [27] Chapter 14.825.
- [28] Chapter 02.800.
- [29] Chapter 01.900.
- [30] L.27/2004.
- [31] Chapter 02.500.
- [32] L.3/2005.
- [33] L.7/2005.
- [34] Chapter 20.225.