

STATES OF JERSEY



DRAFT PUBLIC FINANCES (AMENDMENT OF LAW No. 3) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 24th September 2015
by the Minister for Treasury and Resources

STATES GREFFE



Jersey

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REPORT

The attached Regulations amend the Public Finances (Jersey) Law 2005 (“the Law”) and are a consequence of the States approving P.92/2013 – Justice policy and resources: responsibility. The approval of P.92/2013 by the States Assembly on 25th September 2013 means that, within the executive branch of government, the Chief Minister is responsible for justice policy and resources, as clarified in the report which accompanied the proposition.

In order to reflect the above change, a number of amendments are required to the Law. Currently, under the Law, the bodies affected by this matter are defined as non-Ministerial States-funded bodies. The draft Regulations would separate the list of non-Ministerial States-funded bodies into 2 parts in order to reflect the bodies relevant to proposition P.92/2013 as listed below –

- Viscount’s Department
- Judicial Greffe
- Law Officers’ Department
- Probation Department
- Data Protection Commissioner.

The amendment requires that the Minister for Treasury and Resources must consult the Chief Minister before –

- approving a transfer to or from a head of expenditure of a non-Ministerial States-funded body listed above (approval is not needed where the transfer is a transfer between revenue and capital, in order to comply with accounting standards, or a transfer to give effect to Regulations that transfer Ministerial functions); and
- authorising the use of any excess income or before transferring the excess income of one of the non-Ministerial States-funded bodies listed above to contingency expenditure.

Financial and manpower implications

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

Explanatory Note

These Regulations amend the Public Finances (Jersey) Law 2005 (the “Law”).

Regulation 1 provides for the interpretation of references to provisions of the Law.

Regulation 2 substitutes the definition “non-Ministerial States funded body” in Article 1 of the Law. The amendment is consequential upon the amendment in *Regulation 5*, which divides the list of non-Ministerial States funded bodies into 2 parts.

Regulation 3 amends Article 18 of the Law. The amendment has the effect that the Minister for Treasury and Resources must consult the Chief Minister before approving a transfer to or from a head of expenditure of a non-Ministerial States funded body listed in Part 2 of Schedule 1, as substituted by *Regulation 5*. Such approval is not needed where the transfer is a transfer between revenue and capital, in order to comply with accounting standards, or a transfer to give effect to Regulations that transfer Ministerial functions.

Regulation 4 amends Article 19 of the Law. The amendment has the effect that the Minister for Treasury and Resources must consult the Chief Minister before authorizing a non-Ministerial States funded body listed in Part 2 of Schedule 1, as substituted by *Regulation 5*, to spend its excess income or before transferring the excess income of such a body to contingency expenditure.

Regulation 5 substitutes Schedule 1 so as to divide the list of non-Ministerial States funded bodies into 2 Parts.

Regulation 6 provides for the citation and commencement of these Regulations.



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Arrangement

Regulation

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

THE STATES, in pursuance of Articles 1(2) and (4) and 69A of the Public Finances (Jersey) Law 2005¹, have made the following Regulations –

1 Interpretation

In these Regulations, a reference to an Article or Schedule by number only is a reference to the Article or Schedule of that number in the Public Finances (Jersey) Law 2005².

2 Article 1 amended

In Article 1(1), for the definition “non-Ministerial States funded body” there shall be substituted the following definition –

“ ‘non-Ministerial States funded body’ means a States funded body specified in Part 1 or Part 2 of Schedule 1;”.

3 Article 18 amended

After Article 18(2) there shall be inserted the following paragraph –

“(2A) The Minister must consult the Chief Minister before approving a transfer described in paragraph (1)(c) or (1A) that is a transfer from or to a head of expenditure of a non-Ministerial States funded body specified in Part 2 of Schedule 1.”.

4 Article 19 amended

After Article 19(1) there shall be inserted the following paragraph –

“(1A) The Minister must consult the Chief Minister before –

- (a) authorizing a withdrawal under paragraph (1)(a) by a non-Ministerial States funded body specified in Part 2 of Schedule 1; or

- (b) making a transfer under paragraph (1)(b) from the excess income of a non-Ministerial States funded body specified in Part 2 of Schedule 1.”.

5 Schedule 1 substituted

For Schedule 1 there shall be substituted the following Schedule –

“SCHEDULE 1

(Article 1(1))

PART 1

Bailiff’s Department
Office of the Lieutenant Governor
Office of the Dean of Jersey
Comptroller and Auditor General
Official Analyst
States Assembly

PART 2

Viscount’s Department
Judicial Greffe
Law Officers Department
Probation Department
Data Protection Commissioner.”.

6 Citation and commencement

These Regulations may be cited as the Public Finances (Amendment of Law No. 3) (Jersey) Regulations 201- and shall come into force on 1st January 2016 or, if later, 7 days after they are made.

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- ¹ *chapter 24.900*
² *chapter 24.900*