

# STATES OF JERSEY



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

---

Lodged au Greffe on 22nd May 2015  
by the Minister for Treasury and Resources

---

STATES GREFFE





Jersey

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

### **REPORT**

---

The attached Regulations amend the Public Finances (Jersey) Law 2005 (the “Law”) and are a consequence of the States approving that the Chief Minister, as part of the executive branch of government, would have responsibility for justice policy and resources (as agreed under P.92/2013 – Justice policy and resources: responsibility). The Council of Ministers is of the view that this change brings the seniority of the post of Chief Minister to the justice portfolio, placing justice policy and resources at the heart of government.

In order to reflect the above change, a number of minor amendments are required to the Law.

Currently, under the Law the States Departments affected by this matter are defined as non-Ministerial States funded bodies. The draft Regulations propose that the existing non-Ministerial States funded bodies are split into 2 categories – those which remain unchanged and for which there is no Minister responsible to the States for the body’s administration and funding; and those, detailed below, for which the Chief Minister is to be responsible to the States for the body’s funding (but not its administration) –

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

#### **Financial and manpower implications**

There are no additional financial or manpower constraints 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 change splits the existing non-Ministerial States funded bodies into 2 categories – those for which there is no Minister responsible to the States for the body’s administration and funding, and those for which the Chief Minister is to be responsible to the States for the body’s funding (but not for its administration). The former are listed in Part 1 of Schedule 1 as substituted by *Regulation 7* and the latter are listed in Part 2 of that Schedule.

*Regulation 3* amends Article 8 of the Law.

Currently, Article 8 provides that if the Council of Ministers, when preparing a draft medium term financial plan, doesn’t agree the revenue head of expenditure of a non-Ministerial States funded body (other than the States Assembly and the Comptroller and Auditor General), the report that accompanies the draft plan must note the estimate of revenue expenditure provided by that body and an explanation why the revenue head of expenditure proposed by the Council of Ministers for that body is different. The States Assembly and Comptroller and Auditor General are excepted from this process because the Council of Ministers, when preparing a draft medium term financial plan, cannot alter the revenue head of expenditure submitted by either of those non-Ministerial States funded bodies.

The amendment has the effect that this requirement to provide an explanation why the Council of Ministers is proposing a revenue head of expenditure that is different to that sought by a non-Ministerial States funded body will cease to apply to the non-Ministerial States funded bodies listed in Part 2 of Schedule 1, as substituted by *Regulation 7*.

*Regulation 4* makes a similar amendment in Article 10 of the Law.

Currently, Article 10 provides that if the Minister for Treasury and Resources, when preparing a draft budget, doesn’t agree a capital head of expenditure requested by a non-Ministerial States funded body (other than the States Assembly or Comptroller and Auditor General), the report that accompanies the draft budget must note the estimate for the capital head of expenditure provided by the body and an explanation why the Minister has either not proposed the capital head of expenditure at all, or has proposed a lesser amount for it.

The amendment has the effect that this requirement to provide an explanation why a capital head of expenditure sought by a non-Ministerial States funded body has been omitted from or altered in a draft budget will cease to apply to the non-Ministerial States funded bodies listed in Part 2 of Schedule 1, as substituted by *Regulation 7*.

*Regulation 5* amends Article 18 of the Law.

The amendment has the effect that the Chief Minister’s agreement must be obtained to a transfer from a head of expenditure of a non-Ministerial States funded body listed in Part 2 of Schedule 1, as substituted by *Regulation 7*.

*Regulation 6* amends Article 24A of the Law. The effect of the amendment is to make the Chief Minister, on behalf of a non-Ministerial States funded body listed in Part 2 of Schedule 1, responsible for providing estimates of, and information concerning, that body to the Minister for Treasury and Resources, when that information is needed for purposes associated with a medium term financial plan or budget.

*Regulation 7* substitutes Schedule 1 so as to divide the list of non-Ministerial States funded bodies into 2 Parts, as described in *Regulation 2*, above.

*Regulation 8* provides for the citation and commencement of these Regulations.





Jersey

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

### **Arrangement**

---

#### **Regulation**

1	Interpretation .....	9
2	Article 1 amended .....	9
3	Article 8 amended .....	9
4	Article 10 amended .....	10
5	Article 18 amended .....	10
6	Article 24A amended .....	10
7	Schedule 1 substituted.....	10
8	Citation and commencement.....	11







Jersey

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

*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 2005<sup>1</sup>, have made the following Regulations –

### **1 Interpretation**

In these Regulations, a reference to an Article of or Schedule to a Law by number only is a reference to the Article or Schedule of that number in the Public Finances (Jersey) Law 2005<sup>2</sup>.

### **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) a body specified in Part 1 of Schedule 1, being a States funded body for which no Minister is responsible to the States for its administration or funding; or
- (b) a body specified in Part 2 of Schedule 1, being a States funded body for which the Chief Minister is responsible to the States for its funding, but for which no Minister is responsible to the States for its administration;”.

### **3 Article 8 amended**

In Article 8(7) after the words “non-Ministerial States funded body”, in the first place that they appear, there shall be inserted the words “specified in Part 1 of Schedule 1”.

**4 Article 10 amended**

In Article 10(9) after the words “non-Ministerial States funded body”, in the first place that they appear, there shall be inserted the words “specified in Part 1 of Schedule 1”.

**5 Article 18 amended**

In Article 18(2) for sub-paragraph (b) there shall be substituted the following sub-paragraphs –

- “(b) in the case of a transfer from a head of expenditure of a non-Ministerial States funded body specified in Part 1 of Schedule 1 (other than the States Assembly or the Comptroller and Auditor General), the person determined by the Minister for the purposes of Article 24A(1)(b);
- (ba) in the case of a transfer from a head of expenditure of a non-Ministerial States funded body specified in Part 2 of Schedule 1, the Chief Minister; or”.

**6 Article 24A amended**

In Article 24A(1) –

- (a) the word “or” following sub-paragraph (a) shall be deleted;
- (b) for sub-paragraph (b) there shall be substituted the following sub-paragraphs –
  - “(b) in the case of a non-Ministerial States funded body specified in Part 1 of Schedule 1, (other than the States Assembly or the Comptroller and Auditor General), a person determined by the Minister; or
  - (c) in the case of a non-Ministerial States funded body specified in Part 2 of Schedule 1, the Chief Minister.”.

**7 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.”.

**8 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.

---

<sup>1</sup> *chapter 24.900*  
<sup>2</sup> *chapter 24.900*