
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE – DELEGATION OF FINANCIAL AUTHORITIES

**Presented to the States on 6th December 2017
by the Minister for Economic Development, Tourism, Sport and Culture**

STATES GREFFE

REPORT

On 1st December 2017, the Minister for Economic Development, Tourism, Sport and Culture made a Ministerial Decision delegating certain of his functions under Articles 28, 30 and 30A of the States of Jersey Law 2005 (MD-E-2017-0042, available at 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.
- (1A) A Minister shall not delegate to an Assistant Minister any function the delegation of which is wholly prohibited by an enactment.
- (1B) Where a Minister delegates to an Assistant Minister a power to make an enactment, paragraphs (4) and (5) of Article 26 shall apply to the making of an enactment by the Assistant Minister, in exercise of the delegated power, as they would apply to the making of the enactment by the Minister.
- (2) A Minister shall not delegate to an officer –
 - (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 wholly, or to an officer, 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).”

“30 Ministerial delegations to be presented to States

- (1) A Minister who delegates functions under Article 28 shall present to the States a report specifying the functions delegated and to whom.
- (2) A Minister shall not be required to present a report under paragraph (1) where the delegation is so immediate and of such brief duration that it is not practicable to present the report before the delegation ends.

30A List of delegations to be published

- (1) The Chief Minister shall cause to be established, maintained and published a consolidated list of –
 - (a) the functions for the time being discharged by the Chief Minister and by each Minister;
 - (b) the functions for the time being delegated by the Chief Minister and each Minister under Article 28, and to whom.
- (2) The list shall also specify which Minister is discharging, for the time being, the functions of another Minister under Article 27(1) or (2).
- (3) The information described in paragraph (1)(b) or (2) is not required to be incorporated in the list where the period for which the delegation has effect or for which one Minister’s functions are being discharged by another is so immediate and of such brief duration that it is not practicable to amend and publish the list to incorporate the information before the end of the period.
- (4) It shall be sufficient if the list is published on a website.”

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 –

The delegations as detailed in this report are made to enable the efficient and effective management of the finances and operation of the Department.

Contracting with the Department

Legislation:	States of Jersey Law 2005: Article 26(1)(c)
Delegate:	Connétable of St. Brelade, Assistant Minister for Economic Development, Tourism, Sport and Culture
Functions delegated:	The power to – (i) enter into agreements in respect of grants and the funding of arm’s-length organisations; (ii) do anything reasonably necessary or expedient for or incidental to the matters delegated in (i) above.
Limit on scope of delegation:	Such power is exclusively delegated in respect of his specific areas of delegated political responsibility; and subject always to the funding requirements of such agreements being fully funded and in line with agreed budgets for Economic Development, Tourism, Sport and Culture.

Legislation:	States of Jersey Law 2005: Article 26(1)
Delegate:	Deputy M.J. Norton of St. Brelade, Assistant Minister for Economic Development, Tourism, Sport and Culture
Functions delegated:	The power to – (i) enter into agreements in respect of grants and the funding of arm's-length organisations; (ii) do anything reasonably necessary or expedient for or incidental to the matters delegated in (i) above.
Limit on scope of delegation:	Such power is exclusively delegated in respect of his specific areas of delegated political responsibility; and subject always to the funding requirements of such agreements being fully funded and in line with agreed budgets for Economic Development, Tourism, Sport and Culture.

Legislation:	States of Jersey Law 2005: Article 26(1)
Delegate:	Head of Service (Accounting Officer), Department of Economic Development, Tourism, Sport and Culture
Functions delegated:	The power to – (i) accept tenders; (ii) place and accept orders; (iii) appoint consultants; (iv) agree and sign formal contracts and other forms of engagement on behalf of the Minister for Economic Development, Tourism, Sport and Culture; (v) do anything reasonably necessary or expedient for or incidental to the matters delegated above.
Limit on scope of delegation:	Unlimited, but subject always to the obligations and accountabilities of an Accounting Officer.

Legislation:	States of Jersey Law 2005: Article 26(1)
Delegate:	Head of Service (Accounting Officer), Department of Economic Development, Tourism, Sport and Culture
Functions delegated:	The appointment of officers to undertake – (i) acceptance of tenders; (ii) placing and accepting orders; (iii) signing of contracts, formal contracts and other forms of engagement on behalf of the Minister for Economic Development, Tourism, Sport and Culture; (iv) anything reasonably necessary or expedient for or incidental to the matters delegated above.

Limit on scope of delegation:	Individual delegations to be within defined financial limits and not to exceed £100,000.
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Variations to heads of expenditure

Legislation:	Public Finances (Jersey) Law 2005: Article 18
Delegate:	Head of Service (Accounting Officer), Department of Economic Development, Tourism, Sport and Culture
Functions delegated:	Approval of variations of heads of expenditure.
Limit on scope of delegation:	Delegated function limited to amounts not exceeding £100,000.

Legislation:	Public Finances (Jersey) Law 2005: Article 18
Delegate:	Finance Director, Department of Economic Development, Tourism, Sport and Culture
Functions delegated:	Approval of variations of heads of expenditure.
Limit on scope of delegation:	Delegated function limited to amounts not exceeding £100,000, and subject to written confirmation (which may be by e-mail) to the Accounting Officer, of the action taken.

Provision of estimates and information

Legislation:	Public Finances (Jersey) Law 2005: Article 24A
Delegate:	(i) Head of Service (Accounting Officer), and (ii) Finance Director, Department of Economic Development, Tourism, Sport and Culture
Functions delegated:	Provision of financial or budgetary estimates, and such other information as the Minister for Treasury and Resources may require.