

# STATES OF JERSEY



## **DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS No. 3) (HOME AFFAIRS TO CHIEF MINISTER) (JERSEY) REGULATIONS 201-**

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Lodged au Greffe on 1st February 2010  
by the Chief Minister

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**STATES GREFFE**





Jersey

## **DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS No. 3) (HOME AFFAIRS TO CHIEF MINISTER) (JERSEY) REGULATIONS 201-**

### **REPORT**

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The next Census of the population is scheduled to be run in Jersey in March 2011. Ministerial responsibility for conducting the Census, as specified by the Census (Jersey) Law 1951 as it currently stands, lies with the Minister of Home Affairs.

The Census (Jersey) Regulations 2000 specify that –

*“the Minister shall, for the purposes of taking the census, appoint a Census Officer who shall perform the duties imposed on him or her by the Law and Regulations”.*

Under Section 4.2.1 of P.70/2002 *“Machinery of Government: Proposed departmental structure and transitional arrangements”*, the Chief Minister’s Department was assigned responsibility for *“Jersey’s statistics (including responsibility for the Census)”*.

### **Financial and manpower implications**

There are no manpower or financial implications.

## Explanatory Note

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These Regulations transfer Ministerial functions under the Census (Jersey) Law 1951 from the Minister for Home Affairs to the Chief Minister. The Statistics Unit, which would undertake the work associated with a census, is already part of the Chief Minister's Department.

The Minister's duties under the Census (Jersey) Law 1951 are –

- (a) to make the arrangements, and do everything necessary, for the taking of a census; and
- (b) after a census is taken, present a report on it to the States and transmit a copy of the report to Her Majesty's Government.



Jersey

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### **Arrangement**

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#### **Regulation**

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Jersey

## **DRAFT STATES OF JERSEY (TRANSFER OF FUNCTIONS No. 3) (HOME AFFAIRS TO CHIEF MINISTER) (JERSEY) REGULATIONS 201-**

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 29 of the States of Jersey Law 2005<sup>1</sup>, have made the following Regulations –

### **1 Interpretation**

In these Regulations –

“receiving Minister” means the Chief Minister;

“transferring Minister” means the Minister for Home Affairs.

### **2 Functions and connected rights and liabilities transferred**

- (1) There shall be transferred to the receiving Minister the functions of the transferring Minister under the Census (Jersey) Law 1951<sup>2</sup>.
- (2) All rights enjoyed and liabilities incurred by the transferring Minister in connection with the functions transferred by paragraph (1) shall be transferred to the receiving Minister and become the rights and liabilities of the receiving Minister.
- (3) A provision of a contract or other instrument that specifies that a right or liability of the transferring Minister is incapable of transfer shall, to the extent that it applies to a right or liability transferred by paragraph (2), be of no effect.
- (4) The operation of paragraph (2) shall not be regarded –
  - (a) as a breach of contract or confidence or otherwise as a civil wrong;
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or
  - (c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other

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instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.

### **3 Census (Jersey) Law 1951 amended**

In Article 1 of the Census (Jersey) Law 1951 for the definition “Minister” there shall be substituted the following definition –

“ ‘Minister’ means the Chief Minister;”.

### **4 Transitional provisions**

- (1) The transfer effected by Regulation 2 shall not prejudice the operation of any appointment, approval, authorization, consent, delegation, determination, direction, instruction, requirement or other thing that is, before these Regulations come into force, made, given or done by the transferring Minister in relation to the functions, rights and liabilities so transferred, but such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the receiving Minister.
- (2) Anything commenced before these Regulations comes into force by or under the authority of the transferring Minister may, so far as it relates to any of the functions, rights and liabilities transferred by Regulation 2, be carried on and completed by or under the authority of the receiving Minister.
- (3) Where, at the coming into force of these Regulations, any legal proceeding is pending to which the transferring Minister is a party and the proceeding has reference to any of the functions, rights and liabilities transferred by Regulation 2, the receiving Minister shall be substituted in the proceeding for the transferring Minister and the proceeding shall not abate by reason of the substitution.

### **5 Citation and commencement**

These Regulations may be cited as the States of Jersey (Transfer of Functions No. 3) (Home Affairs to Chief Minister) (Jersey) Regulations 201- and shall come into force on the day after the day they are made.



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- <sup>1</sup> *chapter 16.800*  
<sup>2</sup> *chapter 15.040*