

**DRAFT STATES' REFORM: REORGANIZATION OF COMMITTEES (TRANSITIONAL ARRANGEMENTS)
(JERSEY) ACT 200-**

**Lodged au Greffe on 10th September 2002
by the Privileges and Procedures Committee**



STATES OF JERSEY

STATES GREFFE

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Report

This draft Act, as set out in the Explanatory Note, is intended to give legal effect to the decision of the States of 24th July 2002 and to create a transitional Committee structure when new Committee Presidents are appointed by the States on 12th December 2002.

The Act is similar in content to similar Acts which have been adopted by the States in relation to previous transfers of functions and Committee amalgamations. It will ensure the legal transfer of the functions and responsibilities of the present Committees when the new structure is put in place.

Although this Act will enable the revised Committee structure to be put in place, the Act will not affect the present organisation of departments (which do not have separate legal personalities) which support the various Committees. The extent to which there is an amalgamation of departments under the new Committees will be a matter for these new Committees to assess during the transitional period as arrangements are put in place to prepare for the introduction of ministerial government.

Members will note that, despite the statement in P.70/2002 that any residual functions of the Telecommunications Board remaining after the incorporation of Jersey Telecom as a limited liability company would be transferred to the new Economic Development Committee, this Act does not provide for that transfer. The reason for this is that the PPC has been advised that the incorporation, which had been expected to take place before 12th December 2002 (the proposed coming into force date of this Act), will not now take place by that date. The Committee has been advised that legal difficulties concerning the transfer of the assets, rights, liabilities and property of the Board to the new company, as provided for in the Telecommunications (Jersey) Law 2002, would arise if the Board's functions were transferred to the Economic Development Committee in advance of incorporation. The Committee is therefore proposing that the Telecommunications Board should simply remain in existence until incorporation takes place.

There are no additional financial or manpower implications arising out of the adoption of this draft Act and the Privileges and Procedures Committee is, in fact, hopeful that the reduction in the number of Committees will lead to overall savings in the total expenditure of the States.

Explanatory Note

This Act gives effect to the transitional Committee structure set out in Appendix 3 to P.70/2002 (Machinery of Government Proposed Departmental Structure and Transitional Arrangements), as amended and adopted by the States on 24th July 2002, save that the Act does not include provision for the functions of the Telecommunications Board to be amalgamated as part of the formation of the new Economic Development Committee.

States of Jersey Law 1966

STATES' REFORM: REORGANIZATION OF COMMITTEES
(TRANSITIONAL ARRANGEMENTS)
(JERSEY) ACT 200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966^[1] have made the following Act -

Functions transferred from one Committee to another

- 1.-(1) The functions of the Human Resources Committee shall be transferred to the Policy and Resource Committee.
- (2) The functions of the Special Committee to consider the relationship between Committees and the States shall be transferred to the Privileges and Procedures Committee.
- (3) The functions of the Etat Civil Committee shall be transferred to the Home Affairs Committee.

Committees amalgamated

- 2.-(1) The Planning and Environment Committee and the Public Services Committee shall be amalgamated into one Committee which shall be described as the Environment and Public Services Committee.
- (2) The following Committees shall be amalgamated into one Committee which shall be described as the Economic Development Committee -
 - (a) Industries Committee;
 - (b) Agriculture and Fisheries Committee;
 - (c) Tourism Committee;
 - (d) Gambling Control Committee; and
 - (e) Jersey Transport Authority.
- (3) The Education Committee and the Sport, Leisure and Recreation Committee shall be amalgamated into one Committee which shall be described as the Education, Sport and Culture Committee.

Effect of transfer of functions from one Committee to another

3.-(1) In this Article

“Transferring Committee” means a Committee whose functions are transferred to another Committee by Article 1 of this Act; and

“Receiving Committee” means the Committee to which a Transferring Committee’s functions are so transferred.

- (2) Any reference, or anything which is construed to be a reference, to a Transferring Committee in any enactment, including any enactment of the United Kingdom which extends to the Island, shall be construed as a reference to

the Receiving Committee.

(3) In the construction of, and for the purposes of, any judgment, award, contract, certificate or other document passed or made before the coming into force of this Act, anything which is, or is to be construed as, a reference to a Transferring Committee shall be construed as a reference to the Receiving Committee.

(4) The transfers of functions effected by Article 1 of this Act shall not prejudice the operation of any appointment, determination, direction, instruction, approval, consent, requirement, authorization or other thing made, given or done by a Transferring Committee before this Act comes into force, 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 Committee.

(5) Anything commenced before the coming into force of this Act by or under the authority of a Transferring Committee may be carried on and completed by or under the authority of the Receiving Committee and any recoverable expenses contributed by a Transferring Committee shall be recoverable by the Receiving Committee.

(6) If, at the coming into force of this Act, any legal proceeding is pending to which a Transferring Committee is a party, the Receiving Committee shall be substituted in the proceeding for the Transferring Committee, and the proceeding shall not abate by reason of the substitution.

Effect of amalgamation of Committees

4.-(1) In this Article

“Existing Committee” means a Committee amalgamated by Article 2 of this Act with one or more other Committees;

“New Committee” means the Committee created upon the amalgamation of one or more Existing Committees by Article 2 of this Act.

(2) Any reference, or anything which is construed to be a reference, to an Existing Committee in any enactment, including any enactment of the United Kingdom which extends to the Island, shall be construed as a reference to the New Committee.

(3) In the construction of, and for the purposes of, any judgment, award, contract, certificate or other document passed or made before the coming into force of this Act, anything which is, or is to be construed as, a reference to an Existing Committee shall be construed as a reference to the New Committee.

(4) An amalgamation effected by Article 2 of this Act shall not prejudice the operation of any appointment, determination, direction, instruction, approval, consent, requirement, authorization or other thing made, given or done by an Existing Committee before this Act comes into force, 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 New Committee.

(5) Anything commenced before the coming into force of this Act by or under the authority of an Existing Committee may be carried on and completed by or under the authority of the New Committee and any recoverable expenses contributed by an Existing Committee towards anything so authorized shall be recoverable by the New Committee.

(6) If, at the coming into force of this Act, any legal proceeding is pending to which an Existing Committee is a party, the New Committee shall be substituted in the proceeding for the Existing Committee and the proceeding shall not abate by reason of the substitution.

Citation and commencement

5. This Act may be cited as the States’ Reform: Reorganization of Committees (Transitional Arrangements) (Jersey) Act 200- and shall come into force on 12th December 2002.