
STATES OF JERSEY



STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – ECONOMIC DEVELOPMENT – LIQUOR LICENSING

Presented to the States on 10th February 2015
by the Minister for Economic Development

STATES GREFFE

REPORT

On 4th February 2015, the Minister for Economic Development made a Ministerial Decision delegating, under Article 28 of the States of Jersey Law 2005, responsibility in the area of liquor licensing policy, including the development of a new Liquor Licensing Law and the associated decisions in respect of that legislative development, to his Assistant Minister, Connétable S.W. Pallett of St. Brelade. (For more details, see MD-E-2015-0012, available at www.gov.je.)

The Minister considered it appropriate to present this matter to the Assembly for information, notwithstanding that this Decision delegates no statutory functions.

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.
 - (2) A Minister shall not delegate –
 - (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 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).”
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