

# STATES OF JERSEY

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## **DRAFT STATES OF JERSEY (AMENDMENTS AND CONSTRUCTION PROVISIONS No. 6)(JERSEY) REGULATIONS 200-**

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**Lodged au Greffe on 22nd March 2005  
by the Policy and Resources Committee**

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**STATES GREFFE**





Jersey

**DRAFT STATES OF JERSEY (AMENDMENTS AND  
CONSTRUCTION PROVISIONS No. 6)(JERSEY) REGULATIONS  
200-**

**REPORT**

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The report relating to this projet is published within P.55/2005.

## **Explanatory Note**

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These Regulations amend enactments which confer functions upon the Education, Sport and Culture Committee. The amendments are consequential upon the transfer of functions from that Committee to the Minister for Education, Sport and Culture. The transfer, and these amendments, will take effect when the first Council of Ministers is appointed to office.

The amendments do no more than substitute a reference to the Minister for Education, Sport and Culture for a reference to the Education, Sport and Culture Committee. Where an enactment for which the Education, Sport and Culture Committee has responsibility includes a reference to another Committee, that reference is simply substituted by a reference to the Minister taking that Committee's responsibilities.

However, the responsibility for employees of the Education, Sport and Culture Committee shall be transferred to the Chief Minister. This is reflected in paragraph 2 of the Schedule, which amends the Public Library (Jersey) Regulations 2003 insofar as those Regulations relate to employment.

The amendments in these Regulations relating to the employment of civil servants may be superseded by the proposed Employment of States of Jersey Employees (Jersey) Law 200-, and consequential amendments relating to it, if that proposed Law is agreed to by the States. However, the amendments in these Regulations are necessary so that if that Law is not agreed to, or not agreed to in time to be in force on the date on which the Committees of the States are revoked under the States of Jersey Law 2005, civil servants continue to have an employer.





Jersey

# DRAFT STATES OF JERSEY (AMENDMENTS AND CONSTRUCTION PROVISIONS No. 6)(JERSEY) REGULATIONS 200-

## Arrangement

### Regulation

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- 1      Education (Jersey) Law 1999– amended
- 2      Public Records (Jersey) Law 2002– amended
- 3      Day Care of Children (Jersey) (Law) 2002
- 4      Subordinate enactments amended
- 5      Citation and commencement

### SCHEDULE

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#### AMENDMENTS TO SUBORDINATE LEGISLATION

- 1      Education (Discretionary Grants) (Jersey) Order 2001– amended
- 2      Public Library (Jersey) Regulations 2003– amendments relating to appointment of staff
- 3      Public Library (Jersey) Regulations 2003– further amendments
- 4      Public Library (Jersey) Rules 2003– amended





Jersey

# DRAFT STATES OF JERSEY (AMENDMENTS AND CONSTRUCTION PROVISIONS No. 6)(JERSEY) REGULATIONS 200-

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 49 of the States of Jersey Law 2005<sup>[1]</sup> have made the following Regulations –

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## **1 Education (Jersey) Law 1999– amended**

- (1) In this Regulation, any reference to a provision is a reference to the provision in the Education (Jersey) Law 1999<sup>[2]</sup>
- (2) In Article 1–
  - (a) in paragraph (1) the definition “Committee” shall be deleted;
  - (b) in paragraph (1) after the definition “medical officer” there shall be inserted the following definition –

“ ‘Minister’ means the Minister for Education, Sport and Culture;”.

- (3) In Article 7(3) for the words “it shall consult” there shall be substituted the words “the Minister shall consult”.
- (4) In Article 8 for the words “established by it” there shall be substituted the words “established by the Minister”.
- (5) In Article 13(2) for the words “if it is” there shall be substituted the words “if the Minister is”.
- (6) In Article 14(1) for the words “officer of the Committee” there shall be substituted the words “officer in an administration of the States for which the Minister is assigned responsibility”.
- (7) In Article 16(1)(b) for the words “they consider” there shall be substituted the words “the Minister considers”.
- (8) In Article 23(1) for the words “as it considers” there shall be substituted the words “as the Minister considers”.
- (9) In Article 24(1) for the words “as it thinks fit” there shall be substituted the words “as the Minister thinks fit”.
- (10) In Article 30 for the words “known by it” there shall be substituted the words “known by the Minister”.
- (11) For Article 31(4) there shall be substituted the following paragraph–

“(4) The Minister may by written direction delegate the power to receive and determine any appeal under paragraph (2)(g) to the Director of Education or to a panel of persons



appointed by the Minister for the purpose, subject to the conditions, exceptions or qualifications that the Minister may specify in the direction.”.

- (12) In Article 40(2) for the words “as the Committee require” there shall be substituted the words “as the Minister requires”.
- (13) In Article 40(3) for the words “if it is satisfied” there shall be substituted the words “if the Minister is satisfied”.
- (14) In Article 40(4) for the words “as it thinks fit” there shall be substituted the words “as the Minister thinks fit”.
- (15) In Article 42 for the words “its functions” there shall be substituted the words “the Minister’s functions”.
- (16) In Article 43(2) for the words “it shall cause” there shall be substituted the words “the Minister shall cause”.
- (17) In Article 48(2) for the words “as appear to it” and “report back to it” there shall be substituted the words “as appears to the Minister” and “report back to the Minister” respectively.
- (18) In Article 49(2) for the words “its control” there shall be substituted the words “the Minister’s control”.
- (19) In Article 50(1) for the words “its duties” there shall be substituted the words “the Minister’s duties”.
- (20) In Article 53 for the words “its duties and exercise its powers under this Part so as to make the most efficient use of the resources available to it” there shall be substituted the words “the Minister’s duties and exercise the Minister’s powers under this Part so as to make the most efficient use of the resources available to him or her”.
- (21) In Article 54(1)(a) and (b) for the words “the Committee’s” there shall be substituted the words “the Minister’s”.
- (22) For Article 55 of the Education (Jersey) Law 1999 there shall be substituted the following Article –

#### **“55 Appointment of Director of Education**

There shall be appointed by the Minister a person, to be known as the Director of Education, who shall carry out the duties that are assigned to him or her by the Minister.”.

- (23) In Article 58(1) for the words “think fit” there shall be substituted the words “thinks fit”.
- (24) In Article 58(4) for the words “Committee under” and “Committee itself” there shall be substituted the words “Minister under” and “Minister himself or herself” respectively.
- (25) In Article 61 for the words “its functions” there shall be substituted the words “the Minister’s functions”.
- (26) In Article 62(3) for the words “The Committee shall not make such arrangements in relation to a child whose parent has given notice to it” there shall be substituted the words “The Minister shall not make such arrangements in relation to a child whose parent has given notice to the Minister”.
- (27) In Articles 65(1) and 66(a) for the words “its duties” there shall be substituted the words “the Minister’s duties”.
- (28) In the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
  - (a) Article 1(1), definitions of “medical officer” and “prescribed”;
  - (b) Article 5(2);
  - (c) the heading to, and paragraphs (2), (3), (4), (5), (6) and (7) of, Article 7;
  - (d) Article 8 and its heading;

- (e) Article 9;
  - (f) the heading to, and paragraphs (1) and (2) of, Article 10;
  - (g) Article 11 and its heading;
  - (h) Article 13(1), (2), (3) and (4);
  - (i) Article 14(3);
  - (j) Article 15(1), (2) and (3);
  - (k) Article 16(1), (4) and (5);
  - (l) Article 18;
  - (m) Article 21;
  - (n) Article 23(1) and (2);
  - (o) Article 24(1) and (2);
  - (p) the heading to, and paragraphs (1), (2) and (3) of, Article 29;
  - (q) Article 30 and its heading;
  - (r) Article 31(3);
  - (s) Article 32;
  - (t) Article 34 and its heading;
  - (u) Article 38(1) and (2)(e);
  - (v) Article 40(1), (3), (4), (5) and (6);
  - (w) Article 41;
  - (x) Article 42;
  - (y) Article 43(1), (2), (3), (4) and (6);
  - (z) Article 45;
  - (aa) Article 46 and its heading;
  - (ab) Article 47 and its heading;
  - (ac) the heading to, and paragraphs (1) and (2) of, Article 48;
  - (ad) the heading to, and paragraphs (1) and (2) of, Article 49;
  - (ae) the heading to, and paragraphs (1), (2) and (3) of, Article 50;
  - (af) Article 51;
  - (ag) Article 52(1) and (2);
  - (ah) Article 53 and its heading;
  - (ai) the heading to, and paragraph (1) of, Article 54;
  - (aj) paragraphs (1) and (2) of, Article 56;
  - (ak) Article 57(6), (7) and (8);
  - (al) the heading to, and paragraphs (1), (2) and (3) of, Article 58;
  - (am) Article 61;
  - (an) Article 62(1) and (2);
  - (ao) the heading to, and paragraphs (1), (2) and (3) of, Article 64;
  - (ap) Article 65(1);
  - (aq) Article 66 and the heading to the Article;
  - (ar) Article 68(1)(b) and (2).
- (29) In Schedule 3, in paragraphs 4(2) and 6(1) and (2), for the word “Committee” in each place where it appears there shall be substituted the word “Minister”.

- (30) In Schedule 4 –
- (a) for paragraph 5(1)(b) there shall be substituted the following sub-paragraph –
    - “(b) one person nominated for the time being by the Minister and referred to in this Schedule as the ‘nominated governor’;”;
  - (b) in paragraph 6(7) for the words “governor, it shall” there shall be substituted the words “governor, the Minister shall”;
  - (c) in the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
    - (i) paragraph 5(6),
    - (ii) paragraph 6(1), (5) and (7),
    - (iii) paragraph 9(1),
    - (iv) paragraph 10(1), (2) and (3),
    - (v) paragraph 11;
    - (vi) paragraph 13(2),
    - (vii) paragraph 19(2),
    - (viii) paragraph 20(3),
    - (ix) paragraph 21(4),
    - (x) paragraph 22(2)(a).
- (31) In Schedule 5 –
- (a) for paragraph 5(2) there shall be substituted the following paragraph–
    - “(2) The Minister shall appoint a person to be the vice-chairman.”;
  - (b) in paragraph 6(1) for the words “officer of the Committee” there shall be substituted the words “officer in an administration of the States for which the Minister is assigned responsibility”;
  - (c) in the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
    - (i) paragraph 2(c),
    - (ii) paragraph 5(3),
    - (iii) paragraph 6(2)(a),
    - (iv) paragraph 9.
- (32) In Schedule 6 –
- (a) for paragraph 3(c) there shall be substituted the following paragraph–
    - “(c) 6 persons nominated by the Minister.”;
  - (b) in paragraph 4(3) for the words “Committee shall invite a body which appears to it” there shall be substituted the words “Minister shall invite a body which appears to him or her”;
  - (c) in the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
    - (i) paragraph 2(a), (b) and (c),
    - (ii) paragraph 4(1) and (2),
    - (iii) paragraph 5(2)(a),
    - (iv) paragraph 7(3),
    - (v) paragraph 8 and 8(a).

- (1) In this Regulation, any reference to a provision is a reference to the provision in the Public Records (Jersey) Law 2002<sup>[3]</sup>
- (2) In Article 1 in paragraph (1)–
  - (a) the definition “Committee” shall be deleted;
  - (b) after the definition “function” there shall be inserted the following definition –
 

“ ‘Minister’ means the Minister for Education, Sport and Culture;”.
- (3) In Article 5(1)(g)(iii) for the words “Committee of the States” there shall be substituted the word “Minister”.
- (4) In Article 31(5)(d) for the words “Education, Sport and Culture Committee” there shall be substituted the word “Minister”.
- (5) For Article 44(2)(b) of the principal Law there shall be substituted the following sub-paragraphs –
  - (b) the Trust, any member of the Trust, and any person who is, or is acting as, an officer, employee or agent of the Trust or performing any duty or exercising any power on behalf of the Trust;
  - (ba) the Minister and an officer in an administration of the States for which the Minister is assigned responsibility;”.
- (6) In the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
  - (a) Article 14(2), (4) and (5);
  - (b) Article 16(c) and (e);
  - (c) Article 42(1);
  - (d) Article 43(1)(a);
  - (e) Article 49(2) and (3)(b);
  - (f) Schedule 2, paragraphs 1(3), (4) and (5).

### **3 Day Care of Children (Jersey) (Law) 2002**

- (1) In this Regulation, any reference to a provision is a reference to the provision in the Day Care of Children (Jersey) Law 2002<sup>[4]</sup>
- (2) In Article 1–
  - (a) in paragraph (1) the definition “Committee” shall be deleted;
  - (b) in paragraph (1) for sub-paragraph (c)(ii) of the definition “day carer” there shall be substituted the following sub-paragraph –
 

“(ii) an appointed foster parent or a person who is fostering them privately, and”;
  - (c) after the definition “day carer” there shall be inserted the following definition –
 

“ ‘Minister’ means the Minister for Education, Sport and Culture;”.
- (3) In Article 2(4) for the words “if it is satisfied” there shall be substituted the words “if he or she is satisfied”.
- (4) In Article 2(5) for the words “in its absolute” there shall be substituted the words “in the Minister’s absolute”.
- (5) In Article 2(5)(b) for the words “as it thinks” there shall be substituted the words “as the Minister thinks”.
- (6) In Article 4(1) for the words “it may impose” there shall be substituted the words “the Minister may

impose”.

- (7) In Article 4(1)(c) for the words “it may specify” there shall be substituted the words “the Minister may specify”.
- (8) In Article 4(1)(f) for the words “it considers appropriate” there shall be substituted the words “the Minister considers appropriate”.
- (9) In Article 5(1) for the words “it shall issue” there shall be substituted the words “the Minister shall issue”.
- (10) In Article 6(1) for the words “it may prescribe” there shall be substituted the words “the Minister may prescribe”.
- (11) In Article 7(a) for the words “appears to it that the circumstances of the case are such that it would” there shall be substituted the words “appears to the Minister that the circumstances of the case are such that the Minister would”.
- (12) In Article 8(1) for the words “its intention to do so and the reasons for its” there shall be substituted the words “the Minister’s intention to do so and the reasons for the Minister’s”.
- (13) In Article 8(3) for the words “it shall give the person concerned written notice of its decision” there shall be substituted the words “the Minister shall give the person concerned written notice of the Minister’s decision”.
- (14) In Article 10(1) for the words “it may apply” there shall be substituted the words “the Minister may apply”.
- (15) In Article 11(1) and 12(f) for the words “officer of the Committee” there shall be substituted the words “officer in an administration of the States for which the Minister is assigned responsibility who is”.
- (16) In the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
  - (a) Article 2(1), (2), (4) and (5);
  - (b) Article 3;
  - (c) Article 4(1) and (2);
  - (d) Article 5(1), (3) and (4);
  - (e) Article 6(1);
  - (f) Article 7 and 7(b);
  - (g) Article 8(1), (2) and (3);
  - (h) Article 9(4);
  - (i) Article 10(1), (2) and (4).

#### **4 Subordinate enactments amended**

The enactments set out in the Schedule shall be amended as set out in that Schedule.

#### **5 Citation and commencement**

These Regulations may be cited as the States of Jersey (Amendments and Construction Provisions No. 6, (Jersey) Regulations 2005 and shall come into force on the date on which Article 42(3) of the States of Jersey Law 2005<sup>[5]</sup> comes into force.



## SCHEDULE

(Article 4)

### AMENDMENTS TO SUBORDINATE LEGISLATION

#### 1 Education (Discretionary Grants) (Jersey) Order 2001– amended

- (1) In this paragraph, any reference to a provision is a reference to the provision in the Education (Discretionary Grants) (Jersey) Order 2001.<sup>[6]</sup>
- (2) In Article 1 in paragraph (1) after the definition “independent student” there shall be inserted the following definition –
  - “ ‘Minister’ means the Minister for Education, Sport and Culture;”.
- (3) In Article 6(3) for the word “Committee’s” there shall be substituted the word “Minister’s”.
- (4) In Article 12(3) for the words “its option” there shall be substituted the words “the Minister’s option”.
- (5) In Article 15(7)(a) for the words “it thinks fit” there shall be substituted the words “the Minister thinks fit”.
- (6) In Article 15(10) for the words “it has” there shall be substituted the words “the Minister has”.
- (7) In Article 17, for paragraphs (1) and (2) there shall be substituted the following paragraphs–
  - “(1) This Article applies where, under Article 27 of the States of Jersey Law 2005, the Minister delegates any of his or her functions under this Order to an officer.
  - (2) A panel shall be established to hear appeals made under this Article, of which the members shall be –
    - (a) subject to paragraph (3), the Director of Education within the meaning of the Education (Jersey) Law 1999 or an officer in an administration of the States for which the Minister is assigned responsibility who is nominated from time to time by the Director of Education;
    - (b) the Minister or a person who is nominated from time to time by the Minister; and
    - (c) a person, independent of an administration of the States for which the Minister has been assigned responsibility, who is nominated from time to time by the Minister.”.
- (8) In Article 17(10) for the year “1966” there shall be substituted the year “2005”.
- (9) In Schedule 1, Article 5(c) for the words “Health and Social Services Committee, made under the Children (Jersey) Law 1969” there shall be substituted the words “Minister for Health and Social Services made under the Children (Jersey) Law 2002”.
- (10) In the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
  - (a) Article 3(1)(a) and (2);
  - (b) Article 5(5);
  - (c) Article 9;
  - (d) Article 10(2)(b) and (4);
  - (e) Article 11(1);
  - (f) Article 12(2), (3) and (4);
  - (g) Article 13(1);

- (h) Article 14(2), (3) and (5);
- (i) Article 15(2), (5), (6), (7), (10) and (11);
- (j) Article 16;
- (k) Schedule 1, Articles 2(4) and 5(b).

## **2 Public Library (Jersey) Regulations 2003– amendments relating to appointment of staff**

- (1) In this paragraph, any reference to a provision is a reference to the provision in the Public Library (Jersey) Regulations 2003<sup>[7]</sup>
- (2) In Regulation 3(1) for the words“Policy and Resources Committee” there shall be substituted the words “Chief Minister”.
- (3) In Regulation 3(2) for the word“Committee” there shall be substituted the word “Minister”.
- (4) In Regulation 4(1) for the words“Policy and Resources Committee” and “as it thinks fit” there shall be substituted the words “Chief Minister” and “as he or she thinks fit” respectively.

## **3 Public Library (Jersey) Regulations 2003– further amendments**

- (1) In this paragraph, any reference to a provision is a reference to the provision in the Public Library (Jersey) Regulations 2003<sup>[8]</sup>
- (2) In Regulation (1) –
  - (a) the definition “Committee” shall be deleted;
  - (b) for the definition “Library Rules” there shall be substituted the following definitions –
    - “ ‘Library Rules’ means rules made by the Minister under Regulation 8;
    - ‘Minister’ means the Minister for Education, Sport and Culture;”.
- (3) In Regulation 2(2) for the words“Education, Sport and Culture Committee” there shall be substituted the word “Minister”.
- (4) In Regulation 5(1) for the words“its disposal” there shall be substituted the words “the Minister’s disposal”.
- (5) In the following provisions for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
  - (a) Regulation 5(1);
  - (b) Regulation 6;
  - (c) Regulation 8(1);
  - (d) Regulation 9(2).

## **4 Public Library (Jersey) Rules 2003– amended**

In Rule 12(4) of the Public Library (Jersey) Rules 2003<sup>[9]</sup> for the word “Committee” there shall be substituted the words “Minister for Education, Sport and Culture”.



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[1] *Recueil des Lois, Volume 2005, page 370.*

[2] *Recueil des Lois, Volume 1999, page 439, Volume 2001, page 300 and Nos. 104/2004 and 130/2004.*

[3] *Recueil des Lois, Volume 2002, page 1221.*

[4] *Recueil des Lois, Volume 2002, page 1493.*

[5] *Recueil des Lois, Volume 2005, page 367.*

[6] *Nos. 121/2001, 61/2003 and 93/2004.*

[7] *No. 87/2003.*

[8] *No. 87/2003.*

[9] *No. 92/2003.*