

DRAFT TRANSFER OF FUNCTIONS (HOME AFFAIRS COMMITTEE) (JERSEY) ACT 200-

**Lodged au Greffe on 29th October 2002
by the Home Affairs Committee**



STATES OF JERSEY

STATES GREFFE

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Report

In late 1999 the States decided that the Home Affairs Committee should assume from the Finance and Economics Committee “responsibility for the functions of the Customs and Excise Department in relation to administration and Law Enforcement.” Matters relating to revenue collection would remain with the Finance and Economics Committee. Import and Export Licensing were to be regarded as “administration”.

This Act will transfer to the Home Affairs Committee from the Finance and Economics Committee all functions relating to import and export of goods and all customs enforcement matters. The legislation affected is -

- Import and Export (Control) (Jersey) Law 1946, as amended;
- Customs and Excise (Jersey) Law 1999, as amended;
- Drug Trafficking Offences (Jersey) Law 1988, as amended; and
- two sets of Regulations concerned with dual use goods.

When the issues relating to Jersey’s milk import licensing are concluded the 1946 Law will be repealed, with existing orders being automatically transferred and all future Orders being made under Article 19 of the Customs and Excise (Jersey) Law 1999.

This Proposition has no implications for the financial or manpower resources of the States.

Explanatory Note

The purpose of this Act is to transfer to the Home Affairs Committee the functions of the Finance and Economics Committee under legislation relating to import and export and customs matters. The legislation affected is the Import and Export (Control) (Jersey) Law 1946, the Drug Trafficking Offences (Jersey) Law 1988 (power to specify a person other than a police officer to be an enforcement officer in relation to the enforcement powers with respect to ships), the Customs and Excise (Jersey) Law 1999 (except that the functions relating to the charging of, granting relief from and collection of excise duty and the management of customs and excise revenues remain with the Finance and Economics Committee) and two sets of Regulations made under the European Communities (Implementation) (Jersey) Law 1996 concerned with dual-use items.

States of Jersey Law 1956

TRANSFER OF FUNCTIONS (HOME AFFAIRS COMMITTEE) (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] as amended,^[2] and all other powers enabling them in that behalf, have made the following Act -

1. In this Act “1999 Law” means the Customs and Excise (Jersey) Law 1999,^[3] as amended.^[4]

2.-(1) There are transferred to the Home Affairs Committee the functions of the Finance and Economic Committee -

(a) under the Import and Export (Control) (Jersey) Law 1946, as amended;^[5]

(b) under paragraph 1(1)(b) of the Schedule to the Drug Trafficking Offences (Jersey) Law 1988,^[6] as amended;^[7]

(c) under the 1999 Law with the exception of the functions mentioned in Articles 5(a), 39 and 41 of that Law^[8] (which continue to be performed by the Finance and Economics Committee);

(d) under the Community Provisions (Control of Exports of Dual-use Items and Technology) (Application) (Jersey) Regulations 2002,^[9] and

(e) under the Community Provisions Dual Use Items (Export Control) (Jersey) Regulations 2002,^[10] as amended.^[11]

(2) References in the 1999 Law to “Committee” shall be construed as references to the Home Affairs Committee except that -

(a) references to “Committee” in Articles 5(a), 39 and 41⁸ shall be construed as references to the Finance and Economics Committee;

(b) references to “Committee” in Articles 59, 66, 67 and 72^[12] shall be construed as references to the Home Affairs Committee or the Finance and Economics Committee as the case may be; and

(c) references to “Committee” in Article 68^[13] (review of decisions) -

(i) in the case of a decision described in paragraph (5)(a) or (b) shall be construed as references to the Finance and Economics Committee;

(ii) in the case of a decision described in paragraph (5)(c) shall be construed as references to the Home Affairs Committee or the Finance and Economics Committee as the case may be; and

(iii) in the case of a decision described in paragraph (5)(d) shall be construed as references to the Home

Affairs Committee.

3.-(1) In the construction of, and for the purposes of, any enactment, or any judgment, award, contract, certificat 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 the Finance and Economics Committee or its officers shall, so far only as may be necessary for and in consequence of the transfer of functions effected by this Act, be construed as a reference to the Home Affairs Committee or its officers.

(2) The transfer of functions effected by 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 the Finance and Economics Committee in relation to the functions transferred by this Act and before the coming into force thereof, 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 Home Affairs Committee.

(3) Anything commenced before the coming into force of this Act by or under the authority of the Finance and Economics Committee may, so far as it relates to any functions transferred by this Act, be carried on and completed by or under the authority of the Home Affairs Committee.

(4) Where at the coming into force of this Act any legal proceeding is pending to which the Finance and Economics Committee is a party and the proceeding has reference to any of the functions transferred by this Act, the Home Affairs Committee shall be substituted in the proceeding for the Finance and Economics Committee, and the proceeding shall not abate by reason of the substitution.

(5) The foregoing provisions of this Article shall apply to any functions of the Finance and Economics Committee -

- (a) under any provision of an enactment repealed by the 1999 Law that is re-enacted in that Law (with or without modification); and
- (b) transferred by this Act,

as they apply to any functions under the 1999 Law transferred by this Act.

4. This Act may be cited as the Transfer of Functions (Home Affairs Committee) (Jersey) Act 200- and shall come into force on the day after it is made.

[1] Recueil des Lois, Volume 1966-1967, page 16.

[2] Recueil des Lois, Volume 1996-1997, page 803.

[3] Recueil des Lois, Volume 1999, page 537.

[4] Recueil des Lois, Volume 2000, page 11, Volume 2001, page 146 and Volume 2002, page 429.

[5] Recueil des Lois, Tome VII, page 338 and Volume 2001, page 5.

[6] Recueil des Lois, Volume 1988-1989, page 293.

[7] Recueil des Lois, Volume 1996-1997, page 481 and Nos. 8202 and 8345.

[8] Recueil des Lois, Volume 1999, pages 554, 580 and 582.

[9] No. 52/2002.

[10] No. 53/2002.

[11] No. 125/2002.

[12] Recueil des Lois, Volume 1999, pages 596, 603 and 607.

[13] Recueil des Lois, Volume 1999, page 605.