

STATES OF JERSEY



STATES OF JERSEY LAW 1966, AS AMENDED: DELEGATION OF FUNCTIONS– CONSOLIDATION OF ECONOMIC DEVELOPMENT COMMITTEE ARRANGEMENTS

**Presented to the States on 16th September 2003
by the Economic Development Committee**

STATES GREFFE

REPORT

On 6th August 2003, the Economic Development Committee made an Act consolidating the delegation of certain of its functions.

The terms of the delegation were recorded in an Act of the Committee as follows –

“A5. The Committee received and considered a consolidated version of its proposed delegated arrangements.

Having considered the delegated functions as outlined in respect of the previous Industries, Tourism, and Agriculture and Fisheries Committees, Gambling Control and the Jersey Transport Authority the Committee approved the arrangements as detailed in the consolidated report for publication as a “*Rapport et Correspondences*” to the States.

The Greffier of the States was directed to take the necessary action in this connection.”

Delegated arrangements within Agriculture

Legislation: <i>(as amended)</i>	Agricultural Returns (Jersey) Law 1947.
Delegate:	The Chief Officer.
Function:	The collecting and collating of agriculture and fisheries statistics.

Legislation:	Animal Welfare (Jersey) Law 200- <i>(this Law will replace the Protection of Animals (Jersey) Law 1980 and should be in place by the beginning of 2004).</i>
Delegate:	The States Veterinary Officer.
Function:	To take any action necessary under the provisions of the Law.

Legislation: <i>(as amended)</i>	Artificial Insemination of Domestic Animals (Jersey) Law 1952.
Delegate:	The States Veterinary Officer.
Function:	To approve licences to applicants wishing to perform artificial insemination on any female domestic animal and also to those who wish to collect, store, distribute or sell the semen from any male domestic animal.

Legislation: <i>(as amended)</i>	Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974 <i>and also Loi (1919) sur la location de biens-fonds (periods of notice).</i>
Delegate:	The Chief Executive Officer or in his/her absence the Technical and Development Officer.
Function:	To approve the issuing of permits as prescribed by the Law and to grant permission for certain changes of use in line with Committee policy.

Legislation:	Dangerous Wild Animals (Jersey) Law 1999.
Delegate:	The States Veterinary Officer.

Function:	To approve licences under the Law.
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Legislation: <i>(as amended)</i>	Diseases of Animals (Jersey) Law 1956.
Delegate:	The States Veterinary Officer.
Function:	To issue licences under the Law and to make decisions with regard to contingency planning.

Legislation: <i>(as amended)</i>	Slaughter of Animals (Jersey) Law 1962.
Delegate:	The States Veterinary Officer.
Function:	To issue licences to individuals to carry out the role of slaughtermen.

Delegated arrangements within Fisheries

Legislation: <i>(as amended)</i>	Sea Fisheries (Jersey) Law 1994.
Delegate:	The Sea Fisheries Adviser.
Function:	To approve applications for exemptions for scientific purposes. To approve conditions to be included in licences. Where a licence is suspended or revoked, to decide whether to authorise repayment of the licence fee.

Subordinate Legislation

Legislation: <i>(as amended)</i>	Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998.
Delegate:	The Sea Fisheries Adviser.
Function:	To decide on applications for exemption from restrictions on ormers where the applicant wishes to conduct scientific work or transplanting.

Legislation:	Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 2001.
Delegate:	The Sea Fisheries Adviser.
Function:	To approve exemptions for beach set nets to be set in areas where they would otherwise be prohibited.

Legislation:	Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 1996.
Delegate:	The Sea Fisheries Adviser.
Function:	To authorise the issue of licences.

Legislation:	Shellfish (Underwater Fishing) (Jersey) Regulations 2001 <i>(triennial)</i> .
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Delegate:	The Sea Fisheries Adviser.
Function:	To authorise certain scientific or transplanting activities. To authorise the issuing of permits, fishing periods, and the provision of statistics.

Delegated arrangements within Tourism

Legislation: <i>(as amended)</i>	Tourism (Jersey) Law 1948 <i>and</i> Tourism (General Provisions) (Jersey) Order 1990 Articles 7 and 11 of the Tourism (Jersey) Law 1948; General Provisions Order – Hotels – Article 4(ak) Guest Houses – Article 6(ae) Self-Catering – Article 9(t) Holiday Camps – Article 16(p) Camp Sites – Article 17(k).
Delegate:	The Chief Executive of Tourism or, in her absence, the Quality Development Director.
Function:	To approve management appointments as required under the Law, except where there was knowledge of a criminal background or where, for other reasons, the applicant was not considered fit and proper. To confirm the registration of premises where all registration requirements were met.

Legislation: <i>(as amended)</i>	Places of Refreshment (Jersey) Law 1967: Articles 2 and 8.
Delegate:	The Chief Executive of Tourism or, in her absence, the Quality Development Director.
Function:	To approve managements required under the Law, except where there was knowledge of a criminal background or where, for other reasons, the applicant was not considered fit and proper.

Legislation: <i>(as amended)</i>	Policing of Beaches (Jersey) Regulations 1959: Regulation 3(1)(a)-(f).
Delegate:	The Chief Executive of Tourism or, in her absence, the Quality Development Director.
Function:	To grant permissions for those acts which the Committee can authorise under the legislation, driving, parking, trading, the placing of exhibitions or the holding of any meeting where amplified sound was used. To approve or refuse beach concessionaires.

Legislation: <i>(as amended)</i>	Licensing (Jersey) Law 1974: Article 6(7).
Delegate:	The Chief Executive of Tourism or, in her absence, the Quality Development Director.
Function:	To relay the views of the Economic Development Committee to the Licensing Assembly or to give advice in accordance with Economic Development Committee policy.

Delegated arrangements under gambling legislation

Legislation: <i>(as amended)</i>	Gambling (Gaming and Lotteries) (Jersey) Regulations 1965: Part IIA: Regulation 8J.
Delegate:	The Gambling and Lottery Controller or the Director of Strategic Development.
Function:	The granting, renewal, cancellation and transfer of licences. Applicants must already be in possession of a bookmaker's licence and have undergone a 'fit and proper person' test; the application must be in the correct form and accompanied by the requisite fee.

Legislation: <i>(as amended)</i>	Gambling (Licensing Provisions) (Jersey) Regulations 1965.
Delegate:	The Gambling and Lottery Controller or the Director of Strategic Development.
Function:	In pursuance of paragraph (13) of Regulation 6 of the Regulations, the authority to approve the appointment of a person to act as manager of a licensed betting or credit betting office, on the condition that the person was fit and proper to carry on the licence, subject to appropriate background reports.

Legislation: <i>(as amended)</i>	Gambling (Licensing Provisions) (Jersey) Regulations 1965: Regulation 6.
Delegate:	The Gambling and Lottery Controller or the Director of Strategic Development.
Function:	<p>(a) In accordance with paragraph (15), to approve the appointment of an officer where a body corporate is the holder of a licence.</p> <p>(b) In accordance with paragraph (16), to approve any change to the layout of the premises to which a current amusement premises licence, track licence or betting office licence (other than a credit betting office licence) relates, which affects the means of access thereto.</p>

Delegated arrangements under RU&D legislation

Legislation: <i>(as amended)</i>	Regulation of Undertakings and Development (Jersey) Law 1973: Part II: Article 2.
Delegate:	Finance and Economics sub-Committee, Regulation of Undertakings and Development Law Manager and, in the latter's absence, the Senior Regulation of Undertakings and Development Law Officer.
Function:	<p>(1) To grant subject to condition –</p> <ul style="list-style-type: none"> (a) applications relating to specialist contracts involving a non-local firm where no local firm is available to undertake the work; (b) applications where the Committee has previously granted a consent in principle and where the licence to be issued is in accordance with the terms of the “in principle” consent; (c) applications relating to the carrying out of work by a non-local contractor where the tender received is more than 5% less than the lowest tender received from a local contractor; (d) applications relating to financial services undertakings in respect of the changes in the direct or indirect beneficial ownership of the licence holder or its directorship or control, where approval of any such change was made a condition of the licence granted for the commencement of the undertaking. <p>(2) To grant subject to condition or to refuse –</p> <p style="padding-left: 40px;">applications in accordance with the Committee's statement of policy (attached), with the exception of –</p> <p style="padding-left: 80px;">applications relating to the commencement of an undertaking engaged in the provision of financial services where a decision whether or not to grant a licence requires a view to be taken on how what is envisaged relates to the need to protect the commercial and financial integrity of the Island.</p> <p>(3) To attach conditions to licences granted –</p> <ul style="list-style-type: none"> (a) that the undertaking is carried on in accordance with the information presented; (b) that the member(s) of staff to be engaged shall be restricted to those who have full residential qualifications, or have been ordinarily resident in the Island for at least 5 consecutive years immediately preceding the date of their engagement; (c) that the member(s) of staff to be engaged who do not have full

	<p>residential qualifications and have not been ordinarily resident in the Island for at least 5 consecutive years immediately preceding the date of their engagement shall be restricted to a named individual, or number of staff;</p> <p>(d) that no transaction or arrangement effecting any change in the direct or indirect beneficial ownership of the licence holder or in those responsible for its direction or control shall be entered into without the prior consent of the Finance and Economics Committee.</p>
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Legislation: <i>(as amended)</i>	Regulation of Undertakings and Development (Jersey) Law 1973: Part III: Article 3.
Delegate:	Finance and Economics sub-Committee, Regulation of Undertakings and Development Law Manager and, in the latter's absence, the Senior Regulation of Undertakings and Development Law Officer.
Function:	<p>(1) To grant subject to condition or to refuse – applications in accordance with the Policy Statement of the Finance and Economics Committee (attached).</p> <p>(2) To attach the following conditions to licences granted –</p> <p>(a) that all persons to whom part of the contract is let or sub-let shall be residentially qualified, or firms long established in the Island, unless the agreement of the Finance and Economics Committee has otherwise been obtained;</p> <p>(b) that the development is undertaken in accordance with the information presented.</p>

Delegated arrangements under air transport legislation

Legislation: <i>(as amended)</i>	Air Transport Permits (Jersey) Law 1998.
Delegate:	The Director of Development, or, in his absence, the Chief Executive, Economic Development Department.
Function:	<p>The power to prevent unauthorized flights by either giving a direction to the person appearing to be in command of the aircraft to be used that he shall not permit the aircraft to take off, or by detaining the aircraft until he is satisfied that the aircraft will not be so used.</p> <p>The Authority to grant, vary, suspend or revoke permits.</p> <p style="padding-left: 40px;">To grant or vary a permit upon the terms proposed in the application, upon terms other than those proposed in the application or to refuse to grant a permit.</p> <p style="padding-left: 40px;">To suspend a permit at any time when a suspension of the air transport licence, route licence or permission of the Secretary of State, which also authorizes the flights to which the permit relates is in effect.</p> <p style="padding-left: 40px;">To revoke a permit if a revocation of the air transport licence, route licence or permission of the Secretary of State, which also authorizes the flights to which the permit relates, takes effect.</p> <p>To vary, suspend or revoke a permit other than on application by the permit holder pursuant to Articles 3 or 7, as the case may be.</p>