

STATES OF JERSEY



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

**Presented to the States on 16th July 2008
by the Minister for Economic Development**

STATES GREFFE

REPORT

On 11th July 2008, the Minister for Economic Development made a decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 in respect of the Regulation of Undertakings and Development (Jersey) Law 1973.

The terms of the delegation were recorded in a ministerial decision as follows –

Legislation:	Regulation of Undertakings and Development (Jersey) Law 1973.
Delegate:	Director, Population Office or, Senior Manager Business Assessment and Licensing.
Functions delegated:	Article 5– to determine the form of application and contain or be accompanied by such particulars as the Minister may require.

Legislation:	Regulation of Undertakings and Development (Jersey) Law 1973
Delegate:	Chief Officer, Economic Development Department, Director, Population Office, or, other Population Office Officer as instructed by the Director, Population Office, in accordance with internal guidance.
Functions delegated:	<p>Article 6(1)– to grant a licence either unconditionally or subject to such conditions as considered appropriate or, refuse to grant a licence.</p> <p>Article 6(2)– in deciding whether to grant a licence, to impose conditions, or to refuse to grant a licence to have regard to –</p> <ul style="list-style-type: none"> (a) to the need to regulate and manage demand on the resources of Jersey, and to protect the integrity of Jersey in commercial and financial matters; and (b) to the provisions of the Competition (Jersey) Law 2005 and to the decisions and directions of the Jersey Competition Regulatory Authority made or given under that Law. <p>Article 6(4)– to state in writing the reasons for a decision that refused a licence or attached any condition to that licence.</p> <p>Article 6(5)&(6)– to revoke a licence if satisfied that –</p> <ul style="list-style-type: none"> (a) any information furnished in connection with the application for the licence was false or misleading in a material particular; or (b) there has been a failure to comply with any condition subject to which the licence was granted. <p>A licence shall not be revoked unless not less than 14 days' notice has been given in writing of the intention so to do and a statement in writing of the reasons for so doing.</p> <p>The delegations as outlined above will only be exercised where the licence relates to 15 or less permanent locally qualified members of staff, and/or, 5 or less permanent</p>

non-locally qualified staff, as these terms are defined in the published “General Statement of Policy (2008) in relation to: Regulation of Undertakings and Development (Jersey) Law (‘RUDL’”).

Legislation:	Regulation of Undertakings and Development (Jersey) Law 1973.
Delegate:	Director, Population Office or, Senior Manager Business Assessment and Licensing.
Functions delegated:	Article 9(1)– to authorise any persons – at all reasonable times, on the production if so required of evidence of the person’s authority, to enter on any land and make such enquiries, take such measurements and require the production of such documents as the person thinks necessary in order to ensure that the provisions of this Law are being complied with.

Note:

The delegations as outlined above will normally only be exercised in accordance with the published practice note:

“Practice Note: Delegated Decisions – Regulation of Undertakings and Development (Jersey) Law (‘RUDL’”).