

Appointment of Assistant Ministers and Delegation of Functions

Report

The States of Jersey Law 2005 permits a Minister to appoint Assistant Ministers and to delegate, wholly or partly, functions to them.

The Law states, *inter alia* –

“25 Appointment and dismissal of Assistant Ministers

- (1) The Chief Minister and Ministers may each –
 - (a) appoint one or more elected members as his or her Assistant Ministers; and
 - (b) dismiss any of his or her Assistant Ministers.
- (2) A Minister may only appoint or dismiss an Assistant Minister with the prior consent of the Chief Minister.
- (4) An Assistant Minister may resign from his or her office by notice in writing signed by that Assistant Minister and delivered to the Minister that he or she assists.
- (5) An Assistant Minister shall cease to hold office upon the Minister whom he or she assists ceasing, for any reason, to hold office.

“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.

(1A) A Minister shall not delegate to an Assistant Minister any function the delegation of which is wholly prohibited by an enactment.

(1B) Where a Minister delegates to an Assistant Minister a power to make an enactment, paragraphs (4) and (5) of Article 26 shall apply to the making of an enactment by the Assistant Minister, in exercise of the delegated power, as they would apply to the making of the enactment by the Minister.

- (2) A Minister shall not delegate to an officer –
 - (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 wholly, or to an

Appointment of Assistant Ministers and Delegation of Functions

officer, 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).”

“30 Ministerial delegations to be presented to States

(1) A Minister who delegates functions under Article 28 shall present to the States a report specifying the functions delegated and to whom.

(2) A Minister shall not be required to present a report under paragraph (1) where the delegation is so immediate and of such brief duration that it is not practicable to present the report before the delegation ends.

Appointment of Assistant Ministers

Appointment of Assistant Ministers and Delegation of Functions

Accordingly, the Minister for Sustainable Economic Development appointed Connétable Simon Crowcroft of St Helier as an Assistant Minister with responsibility for central markets policy.