

Chief Minister of Jersey
Cyril Le Marquand House
St Helier, Jersey, JE4 8QT
Tel: +44 (0)1534 440400

Senator Lyndon Farnham
Chant de la Maer
Mont Rossignol
St Ouen JE3 2LN

30 June 2017

Dear Senator Farnham

Lyndon

Re: Innovation Fund – Review of ministerial responsibility in relation to the Jersey Innovation Fund

I refer to the report of Jessica Simor QC concerning the above and, in particular, paragraphs 8 – 16 and paragraphs 71 to 116.

Ms Simor QC found that you had legal responsibility for the Jersey Innovation Fund from 12th November 2014 until 31st December 2015. You delegated your statutory powers in relation to JIF in December 2014. You did this before the issues of the Code of Conduct and Practice for Ministers and Assistant Ministers in February 2015 which provides that Ministers and Assistant Ministers should record decisions in compliance with the “Ministerial Decision Guidelines” issued by the Chief Minister and included as Appendix 3 to the Code which, amongst other things, required decisions to be taken in writing. However, prior to this, in 2005 and 2006 (R80/2005 and supplementary guidance presented to the States on 4th December 2006), guidelines were issued to the effect that Ministerial Decisions needed to be recorded in writing.

Accordingly, it would have been best practice to record your December 2014 decision in writing. Further, the decision to delegate your powers in respect of the Jersey Innovation Fund under the Public Finances Law should have been reported to the States under Article 30 of the States of Jersey Law 2005. Neither of these events took place. However, neither error gave rise to any legal consequence and the delegation of your statutory powers remained valid in law. Although I appreciate that Ministers rely upon advice received from officers in respect of Ministerial Decision, Ministers are personally responsible for ensuring that their actions are subject to sufficient governance and that there is appropriate recording of decisions.

I noted you co-operated fully with Ms Simor QC’s review. However, the two events referred to above contributed to a period of confusion as regards the extent of Senator Ozouf’s responsibility, as set out in Ms Simor QC’s report.

Why I am disappointed to have to write to you in these terms, I remain confident in your ability to continue to serve as a Minister.

Yours sincerely



Senator Ian Gorst
Chief Minister of Jersey
Direct dial: +44 (0)1534 440546
Email: chiefminister@gov.je