



Jersey

## STATES OF JERSEY (DEPUTY CHIEF MINISTER) AMENDMENT LAW 2024

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## STATES OF JERSEY (DEPUTY CHIEF MINISTER) AMENDMENT LAW 2024

A **LAW** to amend further the [States of Jersey Law 2005](#) to provide for the delegation of functions to, and the resignation of, the Deputy Chief Minister, and for connected purposes.

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<i>Adopted by the States</i>	<i>16 July 2024</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>2 October 2024</i>
<i>Registered by the Royal Court</i>	<i>11 October 2024</i>
<i>Coming into force</i>	<i>18 October 2024</i>

**THE STATES**, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

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**1 Amendment of [States of Jersey Law 2005](#)**

This Law amends the [States of Jersey Law 2005](#).

**2 Article 1 (interpretation) amended**

In Article 1(1), in the definition “standing orders”, for “standing orders prepared and adopted under Article 48” there is substituted “the Standing Orders of the States of Jersey”.

**3 Article 5A (transitional provision for the 2022 ordinary election) deleted**

Article 5A is deleted.

**4 Article 21B (transitional provision for the 2022 ordinary election) deleted**

Article 21B is deleted.

**5 Article 24 (appointment and dismissal of Deputy Chief Minister) substituted**

For Article 24, there is substituted –

**“24 Appointment, dismissal and resignation of Deputy Chief Minister**

- (1) The Chief Minister –
  - (a) must appoint one of the Ministers to be Deputy Chief Minister; and
  - (b) may dismiss the person appointed.
- (2) The Deputy Chief Minister may resign from office by notice in writing, signed by the Deputy Chief Minister and delivered to the Chief Minister.
- (3) The Chief Minister must inform the States of the appointment, dismissal or resignation of the Deputy Chief Minister.”.

**6 Article 25 (appointment and dismissal of Assistant Ministers) heading amended**

In Article 25, in the heading, for “Appointment and dismissal” there is substituted “Appointment, dismissal and resignation”.

**7 Article 27 (power for Minister to act in the absence of another Minister) amended**

In Article 27(4) for “shall not affect any delegation made by that other Minister under Article 28” there is substituted “does not affect a delegation made by that other Minister under Article 28 or 28A”.

**8 Article 28 (power of Minister to delegate functions) substituted**

For Article 28 there is substituted –

**“28 Power of Chief Minister to delegate functions**

- (1) The Chief Minister may delegate, wholly or partly, functions conferred upon or vested in the Chief Minister by or under this Law, any other enactment, or any enactment of the United Kingdom having effect in Jersey –
  - (a) to the Deputy Chief Minister;
  - (b) to one of the Chief Minister’s Assistant Ministers;
  - (c) to an officer.
- (2) The Chief Minister must not delegate a function to the Deputy Chief Minister or to an Assistant Minister if the delegation of that function is wholly prohibited by an enactment.
- (3) Article 26(4) and (5) applies to an enactment made by the Deputy Chief Minister or an Assistant Minister, in exercise of a delegated power, in the same way as those provisions would apply if the Chief Minister made the enactment.
- (4) The Chief Minister must 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 that an enactment –
    - (i) wholly prohibits from being delegated, or
    - (ii) prohibits from being delegated to an officer.

- (5) The delegation of functions under this Article by the Chief Minister does not prevent the Chief Minister from exercising those functions personally.
- (6) No criminal proceedings arise in respect of an act by a person if –
  - (a) the person acted in good faith and in accordance with the terms of a licence, permit or authorisation granted in the purported exercise of functions delegated under paragraph (1); and
  - (b) it later transpires that the functions had not been delegated or that any requirement attached to the delegation had not been complied with.
- (7) In this Article and in Article 28A, “officer” means a States’ employee as defined by Article 2 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 2021.
- (8) The States may by Regulations amend the definition “officer” in paragraph (7).

#### **28A 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, any other enactment, or any enactment of the United Kingdom having effect in Jersey –
  - (a) to one of the Minister’s Assistant Ministers;
  - (b) to an officer.
- (2) A Minister must not delegate a function to an Assistant Minister if the delegation of that function is wholly prohibited by an enactment.
- (3) Article 26(4) and (5) applies to an enactment made by an Assistant Minister in exercise of a delegated power in the same way as those provisions would apply if the Minister who delegated the power made the enactment.
- (4) A Minister must 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 that an enactment –
    - (i) wholly prohibits from being delegated, or
    - (ii) prohibits from being delegated to an officer.
- (5) The delegation of functions under this Article by a Minister does not prevent the Minister exercising those functions personally.
- (6) No criminal proceedings arise in respect of an act by a person if –
  - (a) the person acted in good faith and in accordance with the terms of a licence, permit or authorisation granted in the purported exercise of functions delegated under paragraph (1); and
  - (b) it later transpires that the functions had not been delegated or that any requirement attached to the delegation had not been complied with.”.

**9 Article 30 (Ministerial delegations to be presented to States) amended**

In Article 30 –

- (a) in paragraph (1), for “A Minister who delegates functions under Article 28 shall” there is substituted “A Minister who delegates functions under Article 28 or 28A must”;
- (b) in paragraph (2), for “A Minister shall not be required to present a report under paragraph (1) where” there is substituted “A Minister is not required to present a report under paragraph (1) if”.

**10 Article 30A (list of delegations to be published) amended**

In Article 30A –

- (a) in paragraph (1) –
  - (i) for “shall” there is substituted “must”,
  - (ii) in sub-paragraph (b), for “Chief Minister and each Minister under Article 28” there is substituted “Chief Minister under Article 28 and each Minister under Article 28A”;
- (b) in paragraph (2), for “shall” there is substituted “must”;
- (c) in paragraph (4), for “shall be” there is substituted “is”.

**11 Article 44B (transitional provisions relating to initial remuneration review process) deleted**

Article 44B is deleted.

**12 Citation and commencement**

This Law may be cited as the States of Jersey (Deputy Chief Minister) Amendment Law 2024 and comes into force 7 days after it is registered.