



Jersey

R&O – 154/2003

**TRANSFER OF FUNCTIONS (ECONOMIC
DEVELOPMENT COMMITTEE) (No. 2) (JERSEY)
ACT 2003**

Made

9th December 2003

Coming into force

1st January 2004

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966,¹
have made the following Act –

1 Interpretation

In this Act –

“liabilities” means any liabilities, debts or obligations (whether present or future and whether vested or contingent);

“receiving Committee” means the Economic Development Committee;

“rights” means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent);

“transferring Committee” means the Telecommunications Board.

2 Residual functions transferred

There are transferred to the receiving Committee the functions, if any, of the transferring Committee.

3 Construction and transitional provisions

(1) Subject to paragraph (2), in any enactment, any reference to the transferring Committee in relation to the functions transferred by Article 2 shall be construed as a reference to the receiving Committee.

(2) In the construction of, and for the purposes of, any enactment, judgment, award, contract, certificate or other document passed or made before this Act comes into force, anything that is, or is to be construed as, a reference

to the transferring Committee or its officers shall, so far only as may be necessary for and in consequence of the transfer of functions effected by Article 2, be construed as a reference to the receiving Committee or its officers.

- (3) The transfer of functions effected by Article 2 shall not prejudice the operation of any appointment, determination, direction, instruction, approval, consent, requirement, authorization or other thing made, given or done by the transferring Committee before the time when this Act comes into force in relation to the functions transferred by Article 2, but such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the receiving Committee.
- (4) Any rights, and any liabilities, enjoyed or incurred by the transferring Committee in connection with those functions shall be transferred to the receiving Committee and shall become by virtue of this Act the rights and liabilities of the receiving Committee.
- (5) The operation of paragraph (4) shall not be regarded –
 - (a) as a breach of contract or confidence or otherwise as a civil wrong;
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or
 - (c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.
- (6) For the purposes of paragraph (4), to the extent that a contract, or other instrument, that creates or passes a right or liability of the transferring Committee specifies that it is incapable of transfer or assignment, the contract or instrument shall be of no effect.
- (7) Anything commenced before this Act comes into force by or under the authority of the transferring Committee may, so far as it relates to the functions, rights, or liabilities, transferred by this Act, be carried on and completed by or under the authority of the receiving Committee.
- (8) Where, at the coming into force of this Act, any legal proceeding is pending to which the transferring Committee is a party and the proceeding has reference to any of the functions, rights, or liabilities, transferred by this Act, the receiving Committee shall be substituted in the proceeding for the transferring Committee and the proceeding shall not abate by reason of the substitution.

4 Citation and commencement

This Act may be cited as the Transfer of Functions (Economic Development Committee) (No. 2) (Jersey) Act 2003 and shall come into force on 1st January 2004.

M.N. DE LA HAYE

Greffier of the States.

¹ *Recueil des Lois, Volume 1966-1967, page 16 and Volume 1996-1997, page 803.*