



Jersey

OFFICIAL ANALYST (JERSEY) LAW 2022

Official Consolidated Version

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OFFICIAL ANALYST (JERSEY) LAW 2022

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OFFICIAL ANALYST (JERSEY) LAW 2022

A LAW to provide for the establishment and functions of an office of Official Analyst to the States of Jersey; and for connected purposes.

Commencement [[see endnotes](#)]

1 Interpretation

In this Law –

“2005 Law” means the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“2018 Law” means the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#);

“2019 Law” means the [Public Finances \(Jersey\) Law 2019](#);

“functions of the Official Analyst” means the function set out in Article 5 and functions conferred on the Official Analyst by any other enactment;

“Minister” means the Chief Minister;

“office of the Official Analyst” means the staff, services, equipment and accommodation provided to the Official Analyst in accordance with Article 7;

“Official Analyst” means the Official Analyst appointed under Article 2.

2 Appointment of Official Analyst

- (1) The Minister must appoint an officer as the Official Analyst for the discharging of the functions of the Official Analyst.
- (2) Before appointing an Official Analyst the Minister must consult and take into account the views of the Jersey Appointments Commission established under Article 17 of the 2005 Law.
- (3) Article 2 of the 2018 Law (which requires advance notice of the appointment to be given to the States) applies to the appointment of the Official Analyst.
- (4) The Official Analyst must hold and vacate office in accordance with the terms and conditions of the Official Analyst’s appointment.
- (5) The Minister may appoint a person as the Official Analyst only if the person –
 - (a) holds a Mastership in Chemical Analysis awarded by the Royal Society of Chemistry; or
 - (b) both –

- (i) demonstrates the necessary level of knowledge, skill and experience in analytical chemistry and microbiological examination necessary to perform the functions of the Official Analyst under Jersey legislation, and
 - (ii) holds a qualification in analytical chemistry.
- (6) If the Minister appoints a person who does not satisfy paragraph (5)(a), the Minister must –
 - (a) include in the advance notice required under Article 2 of the 2018 Law the qualifications the person has and the reasons the Minister determines that it is reasonable to appoint someone who does not satisfy that paragraph; and
 - (b) set out in writing the reasons why the Minister determines that it is reasonable to appoint someone who does not satisfy that paragraph and publish those reasons.
- (7) The Minister may, by Order, amend paragraph (5)(a).

3 Dismissal from office as Official Analyst

- (1) The Minister may dismiss the Official Analyst only if the Official Analyst –
 - (a) is incapacitated by physical or mental illness;
 - (b) has, without reasonable excuse, failed to discharge the functions of the Official Analyst;
 - (c) has otherwise behaved in a way that is not compatible with the Official Analyst continuing in office; or
 - (d) is otherwise unable or unfit to discharge the functions of the Official Analyst.
- (2) Before dismissing the Official Analyst, the Minister must provide the Official Analyst with an opportunity to respond to the allegations and must take account of any response.
- (3) Where the Minister is considering whether to dismiss the Official Analyst, the Minister may suspend the Official Analyst from office until the Minister has decided whether to dismiss the Official Analyst.
- (4) If the Minister decides not to dismiss the Official Analyst, the Official Analyst must be restored to office without loss of remuneration or any other benefits.
- (5) Article 3 of the 2018 Law (which requires notice of the termination to be presented to the States) applies to the dismissal of the Official Analyst under paragraph (1).
- (6) Within 6 months of the commencement of this Law, or before exercising the powers under this Article if earlier, the Minister must commission an independent evaluation of the procedure for dismissing the Official Analyst under this Article and present it to the States as soon as practicable after receiving it.

4 Termination of office as Official Analyst

The Official Analyst ceases to hold office –

- (a) if the Official Analyst resigns by giving, in writing, such notice as is required under the terms and conditions of appointment;
- (b) if the Minister has dismissed the Official Analyst under Article 3; or

- (c) on the expiry of the term of office, if any, stated in the terms and conditions of appointment.

5 Function of the Official Analyst

- (1) The function of the Official Analyst is to use chemical and microbiological analysis to advise on and investigate matters where it is in the public interest to do so, including in relation to –
 - (a) law and order;
 - (b) public health and safety;
 - (c) environmental protection;
 - (d) consumer interests;
 - (e) government policies and functions.
- (2) Where, in the exercise of the functions of the Official Analyst, the Official Analyst considers that a matter poses a risk to public health, the Official Analyst must inform the Medical Officer of Health appointed under the [Loi \(1934\) sur la Santé Publique](#) of that risk as soon as practicable.

6 Independence of the Official Analyst

The Official Analyst, or a person discharging or performing the functions of the Official Analyst, must not be directed on how any function of the Official Analyst, or the office of the Official Analyst, is to be carried out.

7 Office of the Official Analyst

- (1) The Minister must make an annual assessment of the funding required to ensure that the Official Analyst is provided with the financial and administrative resources, and other support, including staff, services, equipment and accommodation, necessary to enable the Official Analyst to discharge the functions of the Official Analyst economically, effectively and efficiently.
- (2) Before the Council of Ministers includes a statement in a government plan under Article 10(2) of the 2019 Law that relates to an amount submitted by the office of the Official Analyst, the Minister must consult the Official Analyst.
- (3) A States' employee (within the meaning of the 2005 Law) provided under paragraph (1) is a member of the Official Analyst's staff for the purposes of this Article if, under the direction of the Official Analyst, that employee performs, or assists in the performance of, a function of the Official Analyst.
- (4) The Official Analyst may delegate any of the functions of the Official Analyst to a member of the Official Analyst's staff.
- (5) The Official Analyst may designate as a deputy Official Analyst a member of the Official Analyst's staff.

8 Acting Official Analyst

- (1) The Minister may appoint an acting Official Analyst responsible for discharging the functions of the Official Analyst if the Official Analyst –

- (a) dies;
 - (b) is incapacitated;
 - (c) is suspended under Article 3(3);
 - (d) has been dismissed under Article 3(1);
 - (e) has resigned; or
 - (f) is unable for any reason to discharge the functions of the Official Analyst.
- (2) The appointment of an acting Official Analyst ends with the appointment of a new Official Analyst.

9 Annual report

- (1) The Official Analyst must produce an annual report on the performance of the functions of the Official Analyst for each financial year.
- (2) The report must –
 - (a) set out why the work undertaken in the financial year is in the public interest;
 - (b) comply with the Public Finances Manual issued under Article 31 of the 2019 Law as it applies to the annual reports of public bodies listed in Schedule 6 to that Law;
 - (c) include the accounts of the office of the Official Analyst included in the financial statement under Article 37 of the 2019 Law; and
 - (d) set out the fees prescribed under Article 12 (if any) that have been charged in the financial year.
- (3) The Official Analyst must present the report to the Minister as soon as practicable after the end of the financial year to which it relates.
- (4) The Minister must present a copy of the report to the States as soon as is practicable after receiving it.
- (5) The Minister may, by Order, amend the requirements set out in paragraph (2).

10 Other reports

- (1) The Minister may request that the Official Analyst prepare a report upon any aspect of the functions of the Official Analyst or the work undertaken in discharge of those functions.
- (2) Where the Minister requests a report under paragraph (1), the Official Analyst must prepare a report and submit it to the Minister.
- (3) The Official Analyst may prepare and publish reports on any aspect of the functions of the Official Analyst or the work undertaken in discharge of those functions.

11 Limitation of liability

- (1) The Official Analyst or any person working under the Official Analyst's direction is not liable in damages for anything done or omitted in the discharge of any function under this Law unless it is shown that the act or omission was in bad faith.
- (2) Paragraph (1) does not apply so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful as a result of Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).

12 Fees

- (1) The Minister may, by Order, provide that the Official Analyst may charge such fees as the Order prescribes in the discharge of the functions of the Official Analyst.
- (2) Without limiting paragraph (1), the Order may prescribe that the fee is payable in advance.

13 Transitional provisions

- (1) The appointment of the Official Analyst appointed under the [Food Safety \(Jersey\) Law 1966](#) continues under this Law.
- (2) Anything done by the Official Analyst under the [Food Safety \(Jersey\) Law 1966](#) is to be treated as having been done under this Law.

14 ¹**15** ²**16 Consequential amendments**

- (1) ³
- (2) The States may by Regulations make such amendments to any enactment as appear to the States to be expedient –
 - (a) for the general purposes, or any particular purpose, of this Law; or
 - (b) in consequence of any provision made by or under this Law.

17 Citation and commencement

This Law may be cited as the Official Analyst (Jersey) Law 2022 and comes into force 7 days after the day on which it is registered.

SCHEDULE⁴

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Official Analyst (Jersey) Law 2022	L.30/2022	12 August 2022	P.41/2022

◦Projets available at statesassembly.gov.je

Table of Endnote References

¹ Article 14	<i>spent, omitted</i>
² Article 15	<i>spent, omitted</i>
³ Article 16(1)	<i>spent, omitted</i>
⁴ Schedule	<i>spent, omitted</i>