

# **The Machinery of Government**

## **(Transfer of Functions) (Guernsey) Ordinance, 2003**

**THE STATES**, in pursuance of their Resolutions of the 16<sup>th</sup> May, 2003<sup>a</sup> and the 31<sup>st</sup> October, 2003<sup>b</sup>, and in exercise of the powers conferred upon them by sections 1, 2 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991<sup>c</sup> and all other powers enabling them in that behalf, hereby order:-

### **Transfer of functions of committees under relevant enactments.**

1. (1) The functions, rights and liabilities of any committee named in column 2 of Schedule 1 and of its President arising under or by virtue of any relevant enactment are transferred to and vested in, respectively, the department named in relation to that committee in column 3 of Schedule 1 and its Minister.

(2) For the purposes of subsection (1), the provisions of Schedule 2 have effect in relation to the relevant enactments specified therein.

### **Amendment of statutory references to committees.**

2. (1) For any reference in any relevant enactment to any committee named in column 2 of Schedule 1 or its President, however expressed, there is substituted a reference to the department named in relation to that committee in column 3 of Schedule 1 or (as the case may be) its Minister.

(2) For the purposes of subsection (1), the provisions of Schedule 2 have effect in relation to the relevant enactments specified therein.

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<sup>a</sup> Article I of Billet d'État No. VII of 2003.

<sup>b</sup> Article XII of Billet d'État No. XXIV of 2003.

<sup>c</sup> Order in Council No. XXI of 1991.

**Amendment of statutory references to States Supervisor.**

3. For any reference in any relevant enactment to the States Supervisor, however expressed, there is substituted a reference to the Chief Executive of the States of Guernsey.

**Savings and transitional provisions.**

4. Anything done before the date of the commencement of this Ordinance or in the process of being done on that date by or in relation to -

(a) any committee named in column 2 of Schedule 1 or its President, or

(b) the States Supervisor,

under or by virtue of any relevant enactment shall have effect as if done or (as the case may be) may be continued by or in relation to the department named in relation to that committee in column 3 of Schedule 1, its Minister or (as the case may be) the Chief Executive of the States of Guernsey.

**Subordinate legislation.**

5. The provisions of sections 1, 2, 3 and 4 also apply in relation to any subordinate legislation made or having effect as if made under a relevant enactment as they apply to a relevant enactment; and the provisions of the relevant enactment under which the subordinate legislation was made are varied insofar as is necessary to give effect to this section.

**Interpretation.**

6. (1) In this Ordinance -

"**department**" includes the Policy Council and a Committee;

**"Minister"** means -

- (a) in relation to the Policy Council, the Chief Minister, and
- (b) in relation to a Committee, its Chairman;

**"relevant enactment"** means -

- (a) any Law;
- (b) any Act of Parliament extended to the Bailiwick; and
- (c) any Ordinance of the States; and

**"subordinate legislation"** means any statutory instrument, regulation, rule, order, byelaw, scheme, code and other subordinate instrument of a legislative nature.

(2) Any reference in this Ordinance to a relevant enactment is a reference thereto as from time to time amended, repealed and re-enacted (with or without modification), extended or applied.

**Citation.**

7. This Ordinance may be cited as the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003.

**Commencement.**

8. This Ordinance shall come into force on the date appointed by Ordinance of the States.



SCHEDULE 1

Section 1

TRANSFER OF FUNCTIONS  
UNDER RELEVANT ENACTMENTS

	COMMITTEE FROM WHICH FUNCTIONS ARE TRANSFERRED	DEPARTMENT TO WHICH FUNCTIONS ARE TRANSFERRED
1.	Advisory and Finance Committee	<p>(a) Policy Council (in relation to those functions specified in paragraph 1(a) of Schedule 2, and in relation to any other function not specified in paragraph 1(b), (c) or (d) of Schedule 2).</p> <p>(b) Treasury and Resources Department (in relation to those functions specified in paragraph 1(b) of Schedule 2).</p> <p>(c) Commerce and Employment Department (in relation to those functions specified in paragraph 1(c) of Schedule 2).</p> <p>(d) Home Department (in relation to those functions specified in paragraph 1(d) of Schedule 2).</p>
2.	Agriculture and Countryside Board	Commerce and Employment Department
3.	Board of Administration	(a) Home Department (in relation to those functions specified in paragraph 2(a) of Schedule 2, and in relation to any other function not specified in paragraph 2(b), (c), (d) or (e) of Schedule 2).

		<p>(b) Public Services Department (in relation to those functions specified in paragraph 2(b) of Schedule 2).</p> <p>(c) Environment Department (in relation to those functions specified in paragraph 2(c) of Schedule 2).</p> <p>(d) Treasury and Resources Department (in relation to those functions specified in paragraph 2(d) of Schedule 2).</p> <p>(e) Health and Social Services Department (in relation to those functions specified in paragraph 2(e) of Schedule 2).</p>
4.	Board of Health	Health and Social Services Department
5.	Board of Industry	Commerce and Employment Department
6.	Broadcasting Committee	Home Department
7.	Cadastre Committee	<p>(a) Housing Department (in relation to those functions specified in paragraph 3(a) of Schedule 2).</p> <p>(b) Treasury and Resources Department (in relation to those functions specified in paragraph 3(b) of Schedule 2, and in relation to any other function not specified in paragraph 3(a) of Schedule 2).</p>

8.	Children Board	Health and Social Services Department
9.	Committee for Home Affairs	Home Department
10.	Committee for Horticulture	Commerce and Employment Department
11.	Civil Defence Committee	Home Department
12.	Civil Service Board	(a) Policy Council (in relation to any function not specified in paragraph 4 of Schedule 2).  (b) Public Sector Remuneration Committee (in relation to any function specified in paragraph 4 of Schedule 2).
13.	Education Council	Education Department
14.	Emergency Council	Policy Council
15.	Gambling Control Committee	(a) Home Department (in relation to those functions specified in paragraph 5(a) of Schedule 2, and in relation to any other function not specified in paragraph 5(b) of Schedule 2).  (b) Culture and Leisure Department (in relation to those functions specified in paragraph 5(b) of Schedule 2).
16.	Heritage Committee	(a) Environment Department (in relation to those functions specified in paragraph 6(a) of Schedule 2, and in

		relation to any other function not specified in paragraph 6(b) of Schedule 2).  (b) Culture and Leisure Department (in relation to those functions specified in paragraph 6(b) of Schedule 2).
17.	Housing Authority	Housing Department
18.	Income Tax Authority	Treasury and Resources Department
19.	Island Development Committee	Environment Department
20.	Legislation Committee	Legislation Select Committee
21.	Probation Service Committee	Home Department
22.	Public Assistance Authority	Social Security Department
23.	Public Thoroughfares Committee	Public Services Department
24.	Recreation Committee	Culture and Leisure Department
25.	Sea Fisheries Committee	Commerce and Employment Department
26.	Social Security Authority	Social Security Department
27.	States Procedures and Constitution Committee	House Committee



28.	Tourist Board	Commerce and Employment Department
29.	Traffic Committee	Environment Department
30.	Transport Board	Commerce and Employment Department
31.	Water Board	Public Services Department

## SCHEDULE 2

Paragraphs 1, 3, 7, 14 & 15  
of Schedule 1

### TRANSFER OF FUNCTIONS UNDER SPECIFIC RELEVANT ENACTMENTS & SUBORDINATE LEGISLATION

#### 1. **ADVISORY AND FINANCE COMMITTEE.**

- (a) Functions of Advisory and Finance Committee transferred to Policy Council.

#### *Laws*

- Borrowing (Control) (Bailiwick of Guernsey) Law, 1946
- Island Development (Guernsey) Law, 1966
- States Supervisor and Treasurer of the States (Transfer of Functions) Law, 1971
- Financial Services Commission (Bailiwick of Guernsey) Law, 1987
- Protection of Investors (Bailiwick of Guernsey) Law, 1987
- Island Development (Amendment) (Guernsey) Law, 1990
- Banking Supervision (Bailiwick of Guernsey) Law, 1994
- Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999
- Human Rights (Bailiwick of Guernsey) Law, 2000
- Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000
- Terrorism and Crime (Bailiwick of Guernsey) Law, 2002
- Insurance Business (Bailiwick of Guernsey) Law, 2002

- Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002.

*Ordinances*

- Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1958
- Health Service (Benefit) Ordinance, 1990
- Census Ordinance, 2000

(b) Functions of Advisory and Finance Committee transferred to Treasury and Resources Department.

*Laws*

- Duty on Matches Law, 1947
- Currency Offences (Guernsey) Law, 1950
- Decimal Currency (Bailiwick of Guernsey) Law, 1970
- Indirect Taxes, Duties and Impôts (Increase of Rates) (Guernsey) Law, 1970
- Impôts (Temporary Increase of Rates (Guernsey) Law, 1971
- Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972
- Social Insurance (Guernsey) Law, 1978
- Feudal Dues (Guernsey) Law, 1980
- Health Service (Benefit) (Guernsey) Law, 1990
- States Audit Commission (Guernsey) Law, 1997
- Long-term Care Insurance (Guernsey) Law, 2002
- Feudal Dues (General Abolition of Congé) (Guernsey) Law, 2002

*Ordinances*

- States Trading Companies (Bailiwick of Guernsey) Ordinance, 2001

*Acts*

- Counterfeit Currency (Convention) Act 1935
- National Debt Act, 1972

*Subordinate legislation*

- Règlements quant à la Constitution et aux Devoirs du Comité de Finance et Règlements au sujet des Comptes des États et des Budgets of 1925
- States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972

- (c) Functions of Advisory and Finance Committee transferred to Commerce and Employment Department.

*Laws*

- Bills of Exchange (Guernsey) Law, 1958
- Companies (Guernsey) Law, 1994
- Limited Partnerships (Guernsey) Law, 1995
- Company Securities (Insider Dealings) (Bailiwick of Guernsey) Law, 1996
- False Documents and Domicile, etc. (Bailiwick of Guernsey) Law, 1998
- Electronic Transactions (Guernsey) Law, 2000
- Public Trustee (Bailiwick of Guernsey) Law, 2002

- (d) Functions of Advisory and Finance Committee transferred to Home Department.

*Laws*

- Drug Trafficking (Bailiwick of Guernsey) Law, 2000.
- Data Protection (Bailiwick of Guernsey) Law, 2001.

2. **BOARD OF ADMINISTRATION.**

(a) Functions of Board of Administration transferred to Home Department.

*Laws*

- Loi autorisant la perception d'Impôts sur les marchandises importées dans le Bailliage de l'Île de Guernesey, 1932
- Import and Export (Control) (Guernsey) Law, 1946
- Duty on Matches Law, 1947
- Alderney (Application of Legislation) Law, 1948
- Duty on Matches (Refund) Law, 1969
- Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972
- European Communities (Bailiwick of Guernsey) Law, 1973
- Indirect Taxes, Duties and Impôts (Miscellaneous Amendments and Repeals) (Guernsey) Law, 1974
- Immature Spirits (Guernsey) Law, 1976
- Money Laundering (Disclosure of Information)(Alderney) Law, 1998
- Drug Trafficking (Bailiwick of Guernsey) Law, 2000
- Money Laundering (Disclosure of Information) (Sark) Law, 2001
- Post Office (Bailiwick of Guernsey) Law, 2001
- Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003

- Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003

#### *Ordinances*

- Ordonnance relative a l'Importation et a la Vente d'Essences Methyliques (Methylated Spirits), 1931
- Ordonnance relative a l'Exportation des Liqueurs Spiritueuses, Vins, Bière, Tabac et Thé aux Îles de Sercq, d'Herm et de Jethou, 1932
- Destructive Insects and Pests Ordinance, 1936
- Spirits etc. (Export to Alderney) Notification Ordinance, 1949
- Bonded Stores (Charges for Storage) Ordinance, 1971
- Post Office (Postal Packets) Ordinance, 1973
- Bees (Importation and Prevention of Disease) Ordinance, 1973
- Immature Spirits (Guernsey) Ordinance, 1976
- Immature Spirits (Rum) (Guernsey) Ordinance, 1983
- Immature Spirits (Guernsey) Ordinance, 1990
- European Communities (Euro: Miscellaneous Provisions) (Guernsey) Ordinance, 1998
- European Communities (Implementation of Council Regulation for Control of Exports of Dual-Use Items) (Guernsey) Ordinance, 2003

#### *Acts*

- Import Duties Act (Bailiwick of Guernsey), 1932
- Immigration Act 1971
- British Nationality Act 1981
- Immigration Act 1988

- Asylum and Immigration Act 1996
- Immigration and Asylum Act 1999

*Subordinate legislation*

- Defence (General) (Guernsey) Regulations 1945 (Strategic Goods (Control) (Guernsey) Order 1967)
- Rabies (Alderney) Order, 1976
- Immigration (Guernsey) Order 1993
- Serbia and Montenegro (United Nations Sanctions) (Channel Islands) Order, 1993
- Immigration (Guernsey) Rules, 1999

(b) Functions of Board of Administration transferred to Public Services Department.

*Laws*

- Loi relative à la Marine Marchande dans le Bailliage de L'Île de Guernesey, 1916
- Alderney (Application of Legislation) Law, 1948
- Merchant Shipping (Guernsey) Law, 1953
- Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957
- Merchant Shipping (Guernsey) Law, 1957
- Pilotage (Guernsey) Law, 1966
- Merchant Shipping (Guernsey) Law, 1970
- Vessels and Speedboats (Compulsory Third Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972
- Harbours, Moorings and Pilotage (Fees and Dues) Law, 1986
- Wreck and Salvage (Vessels and Aircraft) (Bailiwick of

Guernsey) Law, 1986

- Hired Boats and Passenger Boats (Guernsey) Law, 1989
- Detention of Aircraft (Guernsey & Alderney) Law, 1994
- Salvage Convention (Bailiwick of Guernsey) Law, 1997
- Merchant Shipping (Bailiwick of Guernsey) Law, 2002

*Ordinances*

- Airport Ordinance, 1950
- Pilotage Ordinance, 1967
- Boats and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970
- Passenger Vessels (Bailiwick of Guernsey) Ordinance, 1970
- Alderney (Application of Legislation) (Airport) Ordinance, 1981
- Airport Fees Ordinance, 1987
- Pilotage (Dues and Fees) Ordinance, 1987
- Harbours Ordinance, 1988
- Vessels and Speedboats (Variation of Insurance Cover) Ordinance, 1994

*Acts*

- Protection of Aircraft Act 1973
- Civil Aviation Act 1982
- Aviation Security Act 1982

*Subordinate legislation*

- Civil Aviation Act (Channel Islands) Order, 1966
- Protection of Aircraft Act (Guernsey) Order, 1973



- Air Navigation (Guernsey) Order, 1981
- Guernsey Airport (Traffic) Order, 1985
- Civil Aviation Act 1982 (Guernsey) Order, 1992
- Air Navigation (Restriction of Flying) (Guernsey) Regulations, 1985
- Rules of the Air and Air Traffic Control (Guernsey) Regulations, 1985
- Boats (Guernsey) Regulations 1990
- Aviation Security (Guernsey) Order, 1997
- Civil Aviation (Investigation of Accidents and Incidents) (Guernsey) Order, 1998

(c) Functions of Board of Administration transferred to Environment Department.

*Laws*

- Surf-Riding (Longboards) (Compulsory Third-Party Insurance) (Guernsey) Law, 1969

*Ordinances*

- Ordonnance relative a la Coup de Varech, 1931
- Ordonnance relative au dépôt de décombres de carrière, d'immondices et d'autres débris sur les Côtes de Cette Île, 1932
- Protection of Wild Birds Ordinance, 1949
- Coast Protection Ordinance, 1949
- Foreshore (Riding and Driving) Ordinance, 1951
- Refuse Disposal Ordinance, 1959
- Surf-Riding (Control) Ordinance, 1968

- Boats and Vessels (Registration, Speed Limits and Abatement of Noise) Ordinance, 1970
- Places of Recreation Ordinance, 1975
- Control of Dogs Ordinance, 1992

(d) Functions of Board of Administration transferred to Treasury and Resources Department.

*Laws*

- Compulsory Acquisition of Land (Guernsey) Law, 1949

*Ordinances*

- Ordinance relating to Terres mises à l'Amende, 1786
- Ordonnance relative à la Crémation, 1929
- Ordonnance par rapport aux Terres Mises à l'Amende, 1938
- Ordinance Relating to les Terres Mises à l'Amende, 1991

(e) Functions of Board of Administration transferred to the Health and Social Services Department

*Laws*

- Public Health (Vessels and Aircraft) (Guernsey) Law, 1950

**3. CADASTRE COMMITTEE.**

(a) Functions of Cadastre Committee transferred to Housing Department.

*Laws*

- Rent Control (Guernsey) Law, 1976

*Ordinances*

- Rent Control Ordinance, 1976

(b) Functions of Cadastre Committee transferred to Treasury and Resources Department.

*Laws*

- Cadastre Law, 1947
- Tax on Rateable Values (Guernsey) Law, 1976

*Ordinances*

- Provisional Ordinance (1948) enacting the Cadastre Law, 1947 Rules
- Provisional Ordinance (1948) amending the Cadastre Law, 1947 Rules
- Alderney Rateable Values Assessment Ordinance, 1949
- Alderney Rateable Values (Public Utilities) Assessment Ordinance, 1949
- Alderney Rateable Values (Public Utilities) Assessment Ordinance, 1953
- Alderney (Application of Legislation) (Cadastre) Ordinance, 1956
- Tax on Rateable Values (Guernsey) Ordinance, 1976

**4. CIVIL SERVICE BOARD.**

Functions of Civil Service Board transferred to Public Sector Remuneration Committee.

*Subordinate legislation*

- States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972

**5. GAMBLING CONTROL COMMITTEE.**

(a) Functions of Gambling Control Committee transferred to Home

Department.

*Laws*

- Gambling (Guernsey) Law, 1971
- Gambling (Bailiwick of Guernsey) Law, 1974
- Guernsey Gambling Control Commission Law, 2001

*Ordinances*

- Slot Machines Ordinance, 1973
- Gambling (Betting) Ordinance, 1973
- Gambling (Crown and Anchor) (Guernsey) Ordinance, 1983
- Gambling (Cinema Racing) Ordinance, 1988
- Gambling (Gaming and Lotteries) Ordinance, 1991
- Gambling (Casino Gaming) Ordinance, 2001

- (b) Functions of Gambling Control Committee transferred to Culture and Leisure Department.

*Ordinances*

- Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinance, 1975

6. **HERITAGE COMMITTEE.**

- (a) Functions of Heritage Committee transferred to Environment Department.

*Laws*

- Ancient Monuments and Protected Buildings (Guernsey) Law, 1967.

- (b) Functions of Heritage Committee transferred to Culture and Leisure Department.

*Laws*

- Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law, 1986.