

The Machinery of Government
(Transfer of Functions) (Guernsey) (No. 2)
Ordinance, 2006

THE STATES, in pursuance of their Resolution of the 27th April, 2006^a, and in exercise of the powers conferred on them by sections 1, 2 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^b and all other powers enabling them in that behalf, hereby order:-

Transfer of functions of departments.

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

Amendment of statutory references to departments.

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

Savings and transitional provisions.

3. Anything done before the date of commencement of this Ordinance or in the process of being done on that date by or in relation to a department named

^a Article I of Billet d'État No. VII of 2006.

^b Order in Council No. XXI of 1991.

in column 1 of the Schedule or its Minister under or by virtue of the enactment specified in relation to that department in column 2 of the Schedule shall have effect as if done or (as the case may be) may be continued by or in relation to the department named in column 3 of the Schedule or (as the case may be) its Minister.

Subordinate legislation.

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

Interpretation.

5. (1) In this Ordinance -

"**Minister**" means, in relation to the Emergency Powers Authority, its Chairman,

"**subordinate legislation**" means -

- (a) any Ordinance made under a Law, and
- (b) any statutory instrument, regulation, rule, order, byelaw, scheme, code and other subordinate instrument of a legislative nature.

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

Citation.

6. This Ordinance may be cited as the Machinery of Government (Transfer of Functions) (Guernsey) (No. 2) Ordinance, 2006.

Commencement.

7. This Ordinance shall come into force on the 27th September, 2006.

SCHEDULE

Section 1

TRANSFER OF FUNCTIONS
UNDER ENACTMENTS

1. DEPARTMENT FROM WHICH FUNCTIONS ARE TRANSFERRED	2. ENACTMENT UNDER WHICH FUNCTIONS ARISE	3. DEPARTMENT TO WHICH FUNCTIONS ARE TRANSFERRED
Home Department	Loi relative aux Ventes Publiques à l'encan, 1914 ^c	Commerce and Employment Department
Health and Social Services Department	Article X in Part 5 of the Ordonnance relative à la Santé Publique, 1936 ^d	Emergency Powers Authority
Home Department	Beaucette Quarry (Yacht Marina) (Control of Development and Use) Law, 1968 ^e	Public Services Department
Home Department	Food and Environment Protection Act 1985 ^f	Health and Social Services Department

^c Ordres en Conseil Vol. V, p. 41.

^d Recueil d'Ordonnances Tome VIII, p. 316.

^e Ordres en Conseil Vol. XXI, p. 301.

^f An Act of Parliament (1985 c. 48); extended to the Bailiwick by United Kingdom S.I.'s 1987/665 and 1997/1770.