

The Machinery of Government
(Transfer of Functions) (Guernsey) (No. 3)
Ordinance, 2006

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the powers conferred on the States by sections 1, 2 and 3 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^a and all other powers enabling the States in that behalf, and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^b, hereby orders:-

Transfer of functions of departments.

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

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, however expressed, there is substituted a reference to the department named in column 3 of the Schedule.

Savings and transitional provisions.

^a Order in Council No. XXI of 1991.

^b Ordres en Conseil Vol. XIII, p. 288; there are amendments not material to this Ordinance.

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 in column 1 of the Schedule under or by virtue of an 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.

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 -

"**department**" includes the Policy Council,

"**the Law of 2004**" means the Environmental Pollution (Guernsey) Law, 2004^c, and

"**subordinate legislation**" means -

(a) any Ordinance made under a Law, and

^c Order in Council No. XIII of 2004.

(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. 3) Ordinance, 2006.

Commencement.

7. This Ordinance shall come into force on the 24th August, 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
Policy Council	Sections 4(2) and 8 of the Law of 2004	Treasury and Resources Department
Policy Council	Sections 5, 6(1)(a), 10(9) and (13) and 31(1) and (3) of the Law of 2004	Environment Department
Public Services Department	Sections 30(1)(b), (c) and (d) and 31(1), (2) and (3) of the Law of 2004	Environment Department