

STATES OF JERSEY



DRAFT STATES OF JERSEY (AMENDMENT No. 7) LAW 201-

Lodged au Greffe on 18th March 2014
by the Chief Minister

STATES GREFFE



Jersey

DRAFT STATES OF JERSEY (AMENDMENT No. 7) LAW 201-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Chief Minister has made the following statement –

In the view of the Chief Minister, the provisions of the Draft States of Jersey (Amendment No. 7) Law 201- are compatible with the Convention Rights.

Signed: **Senator I.J. Gorst**

Chief Minister

Dated: 14th March 2014

REPORT

This short draft Law is intended to facilitate service of documents on Ministers.

There is no provision in the States of Jersey Law 2005 for a ‘proper address for service’ on a Minister. This has caused uncertainty in some cases where service of documents has had to be effected on a Minister.

Many enactments provide for documents to be served on a person either by delivering them to the person or by leaving them at the person’s ‘proper address’. The usual provision made is that the proper address is the person’s last known address or, for a company, its registered office in Jersey or, for a partnership, its principal office in Jersey. It is not clear what in any given case constitutes the ‘proper address’ of a Minister.

In relation to service of documents in court proceedings, both the Royal Court Rules and the Petty Debts Court Rules provide that personal service of a document on the States, a Minister or an administration of the States may be effected by serving the document personally on the Greffier of the States. This mode of service of service was better suited to the Committee system, however, when the States Greffe secretariat was more the hub of insular administration than it is today. In any event, this provision relates only to personal service and does not assist with identifying the proper address of a Minister for purposes of ordinary service.

The draft Law would therefore require the Chief Minister by Order to specify the proper address in relation to each Minister (including the Chief Minister). The address so specified would then become for all purposes the proper address for service of documents on the relevant Minister.

Financial and manpower implications

There are no financial or manpower implications for the States of Jersey arising from this draft Law.

Human Rights

The Law Officers’ Department has indicated that the draft Law does not give rise to any human rights issues.

Explanatory Note

This Law amends the States of Jersey Law 2005 so as to require the Chief Minister to make an Order specifying a proper address for each Minister.

Where any enactment provides that a document may be served by leaving it at or sending it to the recipient's proper address, the address so specified may then be used for service of the document on the Minister in question.



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Arrangement

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Jersey

DRAFT STATES OF JERSEY (AMENDMENT No. 7) LAW 201-

A **LAW** to amend further the States of Jersey Law 2005

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Article 51A inserted in States of Jersey Law 2005

After Article 51 of the States of Jersey Law 2005¹ there shall be inserted the following Article –

“51A Service of documents on Ministers

- (1) The Chief Minister shall by Order specify –
 - (a) the proper address for the Chief Minister; and
 - (b) in relation to each other Minister, the proper address for that Minister.
- (2) An address specified by Order under paragraph (1) in relation to the Chief Minister or a Minister is, for all purposes (including any enactment, whenever passed or made) the proper address for service of documents on the Chief Minister or that Minister.”.

2 Citation and commencement

This Law may be cited as the States of Jersey (Amendment No. 7) Law 201- and shall come into force on the day after the day it is registered.

¹ *chapter 16.800*