

STATES OF JERSEY



DRAFT OFFICIAL PUBLICATIONS (AMENDMENT No. 2) (JERSEY) LAW 201-

Lodged au Greffe on 10th May 2017
by the Chief Minister

STATES GREFFE



Jersey

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European Convention on Human Rights

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

In the view of the Council of Ministers, the provisions of the Draft Official Publications (Amendment No. 2) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Deputy S.M. Wickenden of St. Helier**

Assistant Minister to the Chief Minister

Dated: 5th May 2017

REPORT

Purpose

This Amendment enables the Jersey Gazette to be published online, rather than as currently required by the Official Publications (Jersey) Law 1960 (“the 1960 Law”) – which necessitates it being published in “one English language newspaper circulating in Jersey”¹, with this being prescribed by Order as the Jersey Evening Post.

The aim of this Amendment is to ensure that the arrangements for publishing official notices are cost-effective and efficient as a way of informing Islanders; and that this should be free of charge to the Public.

While this Amendment removes the legal requirement to publish the Gazette in a newspaper, parishes and government departments would still be able to advertise in printed and online publications as they see fit. They could also use other ways of informing Islanders, such as posting notices at the Central Library, parish halls, and government buildings.

This amendment is therefore about removing the obligation to publish the Gazette in one newspaper – creating an online Gazette instead, and choice as to what other ways may be used to promote notices.

Background

The existing Law on official publications, approved in 1960, established a Jersey Gazette ‘for the publication of official notices and other matters requiring to be brought to the attention of the public’. This arrangement has remained in place ever since. While there is some ability in the 1960 Law not to publish certain information in the Jersey Gazette if published elsewhere, this does not cover all official information. As such, the following notices appear in the Gazette, some of which need to be included because of the 1960 Law, and some of which are included as a matter of practice –

- official notices and other matters required to be brought to the attention of the Public
- registration in the Royal Court of any Law adopted by the States and sanctioned by Her Majesty in Council
- the adoption by the States of any enactment that does not require for its validity the sanction of Her Majesty in Council
- the passing of any enactment by any administration of the States
- a notice convening a meeting of a parish assembly, whether civil or ecclesiastical, in French or English
- parish and ecclesiastical assemblies
- parish senior citizens’ Christmas lunches, Christmas receptions and Father Christmas visits, Christmas rubbish collections
- Government enactments – Orders, Acts, Regulations
- Environment Department – weekly planning lists
- Infrastructure Department – tenders

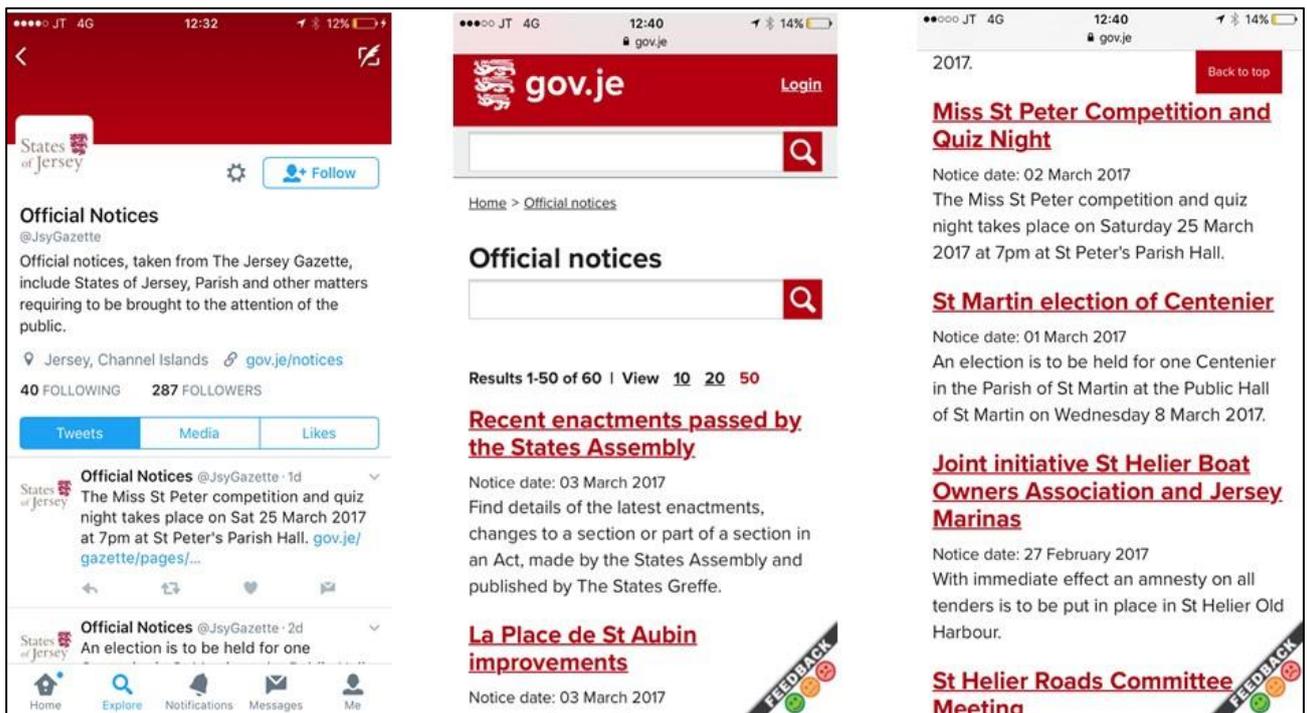
¹ Official Publications (Jersey) Law 1960, <https://www.jerseylaw.je/laws/revised/PDFs/15.440.pdf>

- States Treasury – reminder to apply for renewal of liquor licences
- Privileges and Procedures Committee – inviting applications for the States Members’ Remuneration Review Body
- Jersey Financial Services Commission – public statements on liquidations
- Jersey Homes Trust – Christmas opening hours
- Branchage reminders
- rates demand reminders
- electoral notices.

The overall approach to official information enabled by this draft Law

In February 2016, a trial publication system was established to run parallel with the official Gazette published in the newspaper. Since then, all official notices have appeared on www.gov.je, in the section entitled “official notices”; and a Twitter-feed has been set up called “Official Notices” [“@JsyGazette”].

The following screenshots show the format of these pages. Viewers can click on any notice to find out more information. This provides a much more immediate and comprehensive system of public information than adverts in the newspaper.



Placing the Gazette on www.gov.je in this way also allows Islanders to subscribe to all official notices should they so wish, or to specific categories of notices, such as notices for their parish. They will then receive the selected information via e-mail. At present, 450 people are signed up to this e-mail service for official notices, and this service can be increasingly promoted, including on www.gov.je itself, which is used by 58,000 Islanders, and via the main States of Jersey Twitter account, which has 10,700 followers.

Indeed, online use in Jersey is higher than most places in the United Kingdom. In 2016, 89% of adults in Great Britain had Internet access. The 2014 Jersey Annual Social Survey found that 91% of adults in Jersey had access to the Internet (and of that number, 92% use it to browse for information, news and events, 92% for e-mail, and 65% for social media like Facebook and Twitter). The public sector needs to adapt to the changing behaviour of Islanders.

Governments across the world are rethinking the way they publish information. The UK's official Gazette was established in 1665 and published by Her Majesty's Stationery Office from 1889. It is now published by the Stationery Office on behalf of the National Archives. It went online in 2013 and all past issues have been digitised. It is possible to order and pay for printed or PDF copies of the Gazette, either individually or per year.

Once on the government website, the Jersey Gazette can be used freely by other organisations, who can upload the content. This means it could appear on the websites of media and other organisations that want to provide such a service to their audiences. Since featuring official notices on www.gov.je, one online media organisation has already taken up this opportunity, which is free of charge to the user, and other online and printed publications are free to follow suit.

Nevertheless, while Internet use in Jersey is high, usage does vary according to age. For example, social media is used by 92% of 16–34 year-olds, but only by 19% of people over the age of 65. This is why the online Gazette will be complemented by other means of keeping people informed, which will include continued use of the newspaper where considered necessary; but also by copies of the Gazette being available for display at Parish Halls, States buildings and the Central Library. Other means of communication where appropriate will also be used, such as radio and television, and campaigns which incorporate banners and posters in prominent sites like the Airport, Harbour and government buildings. This can be supported by projects such as the “assisted digital programme”; for example, the States of Jersey providing and paying for computer terminals at parish halls.

This is a sensible way of communicating, tailoring advertising according to the needs of Islanders and the audience, rather than publishing the full range of Gazette notices in the newspaper.

Conclusion

A legally binding arrangement that has been in existence for 56 years to use one newspaper for official publications is overdue for review.

Relying on one printed newspaper in a world where information is increasingly communicated electronically, and where competition legislation requires contracts for services to go out to open, competitive tender, is no longer adequate.

Since the 1960 Law was passed, we have seen the advent of the Internet and its widespread use by people across the generations. It is a medium with significant penetration, and its use for official notices dovetails with the States' e-government programme.

This draft Law establishes the Gazette online and specifies that this is where official notices must be published. This is in line with practice in other jurisdictions, where online usage is lower. As well as promoting this Gazette, decisions can then be made as to whether wider publication by other means is helpful and appropriate.

At the very least, the existence of the [Competition \(Jersey\) Law 2005](#) suggests that such an exclusive financial arrangement should be regularly tendered, as there may be other commercial publications interested in bidding for the work.

Members are asked to agree a change in the Law that allows the Chief Minister to place the Gazette on the government website. This would remove the current position whereby our Law prescribes the use of one printed media outlet, at a cost to the taxpayer, for publishing official information; enable a central online Gazette as the repository of official information; and provide a choice to departments and parishes, rather than compulsion, as to whether they use other means to promote their notices.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers to the Chief Minister, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

The aim of this draft Law is to ensure that the arrangements for publishing official notices are cost-effective and efficient as a way of informing Islanders, with an initial expectation of savings of up to £100,000 per annum as part of the move to an online platform for the Gazette. The draft Law enables fees to be prescribed by Order for items published in the Gazette, and this power may be used in due course to bring forward a small fee for private and publicly-owned companies and bodies. This will generate a small amount of income.

Human Rights

No human rights notes are annexed because 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 Official Publications (Jersey) Law 1960 (defined in *Article 1* as the “1960 Law”).

This amending Law makes 2 changes.

Article 2 substitutes Article 1 of the 1960 Law. Currently, Article 1 requires that the Jersey Gazette is published in an English language newspaper circulating in Jersey. An Act of the States was made in 1960, designating the Jersey Evening Post as the newspaper in which the Gazette must appear.

The substituted Article 1 removes the requirement that the Jersey Gazette must be published in a newspaper designated by Act of the States and replaces it with a power for the Chief Minister, by Order, to prescribe the manner in which the Jersey Gazette is published. The Order-making power does not limit the possible manner of publication, but it must be sufficient to reach the public in general.

If, for any reason, the prescribed manner of publication isn’t available, the Chief Minister must make alternative arrangements for publication of the Jersey Gazette.

The Chief Minister may also, by Order, prescribe fees to be charged for the publication of any matter in the Jersey Gazette.

Article 3 substitutes Article 2 of the 1960 Law. Article 2 contains a rule for the construction of enactments passed before 28th March 2003. If such an enactment requires a notice or other matter to be published in the Jersey Gazette or in a newspaper circulating in Jersey, the requirement is instead to be read as if it required either publication in the Jersey Gazette or reasonable steps to be taken to bring the notice or other matter to the attention of the public.

The substituted Article 2 would apply to all enactments passed before this amending Law comes into force and would provide that, where an enactment provides for a notice or other matter to be published in a newspaper circulating in Jersey, the notice or other matter may, alternatively, be published in the Jersey Gazette.

Article 4 provides for the citation and commencement of this Law.



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Arrangement

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A LAW to amend further the Official Publications (Jersey) Law 1960

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 Interpretation

In this Law, “1960 Law” means the Official Publications (Jersey) Law 1960¹.

2 Article 1 substituted

For Article 1 of the 1960 Law there shall be substituted the following Article –

“1 The Jersey Gazette

- (1) Where an enactment requires the publication of any notice or other information in the Jersey Gazette, the notice or other information shall be published in the Gazette of that name established under this Article.
- (2) There shall be a Jersey Gazette.
- (3) The Jersey Gazette shall be headed with the Arms of the Bailiwick and the words ‘Jersey Gazette’.
- (4) The Jersey Gazette shall be published in such manner as the Chief Minister prescribes by Order, being a manner that is sufficient to bring it to the attention of the public in general.
- (5) Where, for any reason, it is not possible for the Jersey Gazette to be published in the manner prescribed under paragraph (4), the Chief Minister shall make alternative arrangements for its publication.

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- (6) The Chief Minister may, by Order, prescribe fees to be paid for the publication of any matter in the Jersey Gazette.”.

3 Article 2 substituted

For Article 2 of the 1960 Law there shall be substituted the following Article –

“2 Construction of enactments providing for publication in a newspaper

Where an enactment passed before the day the Official Publications (Amendment No. 2) (Jersey) Law 201-² comes into force provides for the publication of any notice or other matter in a newspaper or newspapers circulating in Jersey, the notice or other matter may, instead, be published in the Jersey Gazette.”.

4 Citation and commencement

- (1) This Law may be cited as the Official Publications (Amendment No. 2) (Jersey) Law 201- and shall come into force on such day as the States may by Act appoint.
- (2) An Act made under paragraph (1) may contain transitional arrangements.

¹ *chapter 15.440*
² *P.32/2017*