

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 1ST NOVEMBER 2016**

Question

Will the Chief Minister publish on the internet a document showing on whom summonses may be served in the event of a civil lawsuit being served on a Department, members of the Honorary Police acting in their policing and prosecutor functions, States-owned companies and other government bodies?

Answer

Service on a Department/Minister

A Department as such will not be sued because it does not possess legal personality; the relevant Minister will be the defendant. In this respect the States of Jersey (Proper Addresses for Ministers) (Jersey) Order 2014 exists and is available on the Jersey Legal Information Board website:

<https://www.jerseylaw.je/laws/revised/Pages/16.800.27.aspx>

Service on members of the Honorary Police acting in their policing and prosecutor functions

If it is alleged that a tort has been committed by a member of the Honorary Police in performance or purported performance of their functions as members, then Article 22 of the Honorary Police (Jersey) Law 1974 provides that: *“The Connétable ... shall be liable in respect of torts committed by members of the Honorary Police of the Connétable’s parish in performance or purported performance of their functions in the same manner as a master is liable in respect of torts committed by the master’s servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.”*

Where Article 22 is relied upon, therefore, service of any legal proceedings needs to be effected on the Connétable (or, in the case of a vacancy in that office, against the senior officer of the Honorary Police of the parish).

Service on States-owned companies and other government bodies

Service on any company is effected by serving the document at its proper address *i.e.* its registered or principal office, which is a matter of public record through the companies’ registry.

It is not possible to comment on the position of ‘other government bodies’ without knowing which bodies the Deputy has in mind. They may not be bodies that have the necessary legal personality to be sued/served.