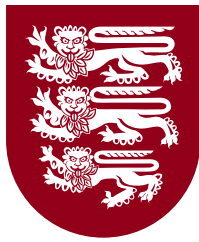


STATES OF JERSEY



Jersey

DRAFT FAMILY DIVISION REGISTRAR (CHANGE OF STATUS AND TITLE) (JERSEY) LAW 202-

**Lodged au Greffe on 22nd August 2024
by the Minister for Justice and Home Affairs
Earliest date for debate: 22nd October 2024**

STATES GREFFE



Jersey

DRAFT FAMILY DIVISION REGISTRAR (CHANGE OF STATUS AND TITLE) (JERSEY) LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Justice and Home Affairs has made the following statement –

In the view of the Minister for Justice and Home Affairs, the provisions of the Draft Family Division Registrar (Change of Status and Title) (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy M.R. Le Hegarat of St. Helier North**
Minister for Justice and Home Affairs

Dated: 21st August 2024

REPORT

Introduction

1. The attached draft legislation, if approved, will:
 - amend the title and status of a Registrar in the Family Division of the Royal Court to become a Family Judge bringing that role in line with the status and title of other similar judicial appointments; and
 - establish the office of Family Judge of the Royal Court in respect of the Family Division, and give a Family Judge the judicial functions previously delegated to a Registrar by the Judicial Greffier.

Background

2. Currently, Registrars in the Family Division of the Royal Court are officers of the Judicial Greffe and are States' employees, who are designated as Greffiers Substitute by the Judicial Greffier. Unlike the Registrars, Family Judges will not be part of the Judicial Greffe and nor will they be States' employees.
3. The Judicial Greffier is authorised to exercise judicial functions in relation to the Family Division, under terms within the [Matrimonial Causes \(Jersey\) Law 1949](#) and the [Matrimonial Causes Rules 2005](#). These judicial functions are delegated by the Judicial Greffier to the Registrars under terms within the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#).
4. Other posts with similar responsibilities within the States of Jersey are roles set in legislation as members of the judiciary, with postholders employed as members of the judiciary. This classification helps to safeguard the independence of these roles and maintains the separation of power between the judiciary, the legislature, and the executive arms of government. This legislation, if approved, will bring the Registrars into line with these roles.

The draft Law

5. Article 1 of this draft law amends the [Royal Court \(Jersey\) Law 1948](#) to establish the role of Family Judge and the office of Family Judge as part of the Royal Court.
6. A Registrar in post immediately before this Law comes into force will become a Family Judge. New Article 12A provides that the Bailiff will take on responsibility for appointing future Family Judges. Although appointment processes are in place for other similar roles there are no statutory provisions which govern how these processes are administered. The States of Jersey has a statutory process for the appointment of senior States' employees, which is set out in the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) and includes oversight of these appointments by the Jersey Appointments Commission. The terms of that legislation do not apply to the appointment of members of the judiciary. The importance of upholding the independence of the judiciary and improving governance surrounding appointment was highlighted in the consultation, "Judicial Independence and the Establishment of a Judicial and Legal Services Commission."¹ Any statutory

¹ Results of the 2017 consultation can be found at <https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/C%20Judicial%20Independence%20Consultation%20Paper%2020170616%20DS.pdf>

amendments to the appointment processes for members of the judiciary will be addressed as a whole to ensure consistency and are outside the scope of these changes.

7. New Article 12A also sets out the qualifications which any Family Judge must hold and provides that a postholder's remuneration is subject to determination by the States Employment Board after consultation with the Bailiff and negotiation with the Family Judge. Involving the States Employment Board in setting the remuneration for a Judge is consistent with the approach taken with other judicial roles. Consultation with the Bailiff ensures that there is consistency within the overall structure of judicial salaries and that the remuneration for each role is proportionate to the demands of that role.
8. Article 12B provides that a Family Judge will be required to take an oath of office on appointment, which is in line with the requirements set for other similar judicial appointments. The form of the oath will be added as Schedule 2 to the [Royal Court \(Jersey\) Law 1948](#).
9. This amending legislation recognises the judicial responsibilities placed upon those in the role presently described as Registrar, and it amends, where necessary, any reference to the role of Registrar in legislation with the title Family Judge. For the sake of good order, where there is legislative imperative for the Judicial Greffier to undertake a function which is, in practice, part of the role of the Family Judge, the draft legislation removes the requirement from the Judicial Greffier and imposes that on the Family Judge.
10. Article 2 of the draft legislation introduces a Schedule which contains details of consequential amendments to various pieces of legislation which in the main replace references to the Judicial Greffier with references to Family Judges and enable rules of court to make provisions about the functions of Family Judges and for the Royal Court to hear appeals from decisions of Family Judges. In order to recognise the judicial nature of the role of Family Judge, and to maintain the actual and perceived independence of the Judiciary at all times, the role of Family Judge is added to the list of appointments under Schedule 1 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) which are not classed as States of Jersey employees. An amendment is also necessary to the [Public Employees \(Pensions\) \(Jersey\) Law 2014](#) to enable those appointed as Family Judges to be members of the Public Employees' Pension scheme.

Financial and staffing implications

The draft Law maintains the same funding and staffing requirements for Family Judges as are currently required under existing legislation and there are therefore no additional financial implications or staffing costs associated with adopting this Law.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT**Human rights notes on the Draft Family Division Registrar (Change of Status and Title) (Jersey) Law 202-**

These notes have been prepared in respect of the Draft Family Division Registrar (Change of Status and Title) (Jersey) Law 202- (the “draft Law”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law, in the form reviewed by them, is compatible with the European Convention on Human Rights (“ECHR”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

1. The draft Law, if passed, would provide for a change in the status and title of the Registrars of the Family Division of the Royal Court (the “Registrars”). It would establish the office of Family Judge of the Royal Court in respect of the Family Division, and would give Family Judges the judicial functions previously delegated to the Registrars.

Judicial functions/decisions of Family Judges

2. As a result of the draft Law, Family Judges would carry out judicial functions in relation to proceedings within the jurisdiction of the Family Division of the Royal Court, an independent and impartial court that is already long established by law and compatible with Article 6 (right to a fair trial) of the ECHR (“Article 6”). Save as set out below, there are no additional Article 6 considerations resulting from the draft Law in respect of the judicial functions of the Family Judges. The draft Law will not affect the way decisions are taken by the Court, which, as before, must be taken in a way that is compatible with the ECHR.

Appointment of Family Judges

3. Article 6 requires that cases be heard by an “independent and impartial tribunal” which must be “established by law”.
4. The draft Law establishes the office of Family Judge of the Royal Court. Article 1 amends the [Royal Court \(Jersey\) Law 1948](#) (the “Royal Court Law”) and Article 1(4) inserts new Part 2A into that Law. The inserted Article 12A provides for the Bailiff to appoint Family Judges to carry out judicial functions in relation to proceedings within the jurisdiction of the Family Division of the Royal Court. The draft Law gives Family Judges the judicial functions previously delegated to the Registrars, who are currently officers of the Judicial Greffe and States’ employees who are designated as Greffiers Substitute by the Judicial Greffier under Article 6 of the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#) (the “Departments of the Judiciary Law”). Article 1(6) amends Article 21A of the Royal Court Law to insert a transitional provision. This provides that an individual who is in post as Registrar immediately before the day that the draft Law comes into force becomes a Family Judge on that day and is treated as if they had been appointed by the Bailiff under new Article 12A and had taken the oath of office under new Article 12B.
5. The Bailiff appoints the Judicial Greffier under Article 2(2) of the Departments of the Judiciary Law. Currently, Registrars are designated as Greffiers Substitute by the Judicial

Greffier with the consent of the Bailiff. The appointment of Family Judges directly by the Bailiff, rather than designated by an officer who has been appointed by the Bailiff, would not be incompatible with Article 6. Further, this manner of appointment is sufficient for the purposes of independence and impartiality. It is not a material change in terms of independence.

Substitute Judges

6. Article 1(5) amends Article 20 of the Royal Court Law to provide that where the office of Family Judge is vacant or a Family Judge is prevented from carrying out their functions, a substitute Family Judge may carry out those functions. There is no incompatibility with Article 6 where a substitute judge would carry out the functions of a Family Judge in appropriate cases and in accordance with the legislation.

Rights of the Family Judges

7. In terms of the rights of the Registrars/Family Judges, the draft Law potentially engages Article 6, and Article 1 of the First Protocol (protection of property) to the ECHR (“A1P1”), alone or in conjunction with Article 14 (prohibition of discrimination) ECHR (“Article 14”).
8. The draft Law would not deprive those individuals of any existing property, i.e. it would not interfere with any rights that have accrued prior to its coming into force. Pursuant to new Article 12A(3) to be inserted into the Royal Court Law, a Family Judge would be entitled to remuneration and a pension. A1P1 does not create a right to acquire property. Future income constitutes a “possession” only if the income has been earned or where an enforceable claim to it exists. There is no right under the ECHR to continue to be paid a salary of a particular amount.
9. A claim is capable of being considered an “asset” falling within the scope of A1P1 only if it has a sufficient basis in law. Such claims might conceivably be argued to arise as a result of the change of status from employee as Registrar to office holder as Family Judge. Article 1(6) of the draft Law in effect confirms that the transition of an individual from the post of Registrar to the office of Family Judge does not of itself give rise to a claim under Part 6 (termination of employment), Part 6A (rights on redundancy), or Part 7 (unfair dismissal) of the [Employment \(Jersey\) Law 2003](#) (the “Employment Law”). However, the transitional provisions at Article 1(6), combined with new Article 12A of the Royal Court Law, make provision for the continuing service of such individuals, albeit with a new status/title. A person would, in practice, continue to undertake essentially the same functions as previously; they will not be deprived of their livelihood. To permit a claim under the specified provisions of the Employment Law on the grounds of such a transition would be contrary to the scheme of the draft Law and against the State’s interest. The exclusion of such rights is permissible under Article 6, because although it may prima facie exclude a person’s access to a court, it is an express exclusion, and justified on objective grounds in the State’s interest.
10. As regards Article 14, it complements the other substantive provisions of the ECHR and its Protocols. It has no independent existence since it has effect solely in relation to the “enjoyment of the rights and freedoms” safeguarded by those provisions. Although the application of Article 14 does not presuppose a breach of those provisions – and to this extent it is autonomous – there can be no room for its application unless the facts at issue fall within the ambit of one or more of them. To the extent, if any, that the provisions could be said to be discriminatory, on the basis of “any other status”, there would be objective and reasonable justification, for the reasons outlined above.

EXPLANATORY NOTE

This Law, if passed, would provide for a change in the status and title of the Registrars of the Family Division of the Royal Court (the “Registrars”).

The Registrars are officers of the Judicial Greffe and States’ employees who are designated as Greffiers Substitute by the Judicial Greffier under Article 6 of the Departments of the Judiciary and the Legislature (Jersey) Law 1965 (the “Departments of the Judiciary Law”).

The Judicial Greffier is authorised to exercise judicial functions in relation to the Family Division, under Article 3(4) of the Matrimonial Causes (Jersey) Law 1949 and Rule 2 of the Matrimonial Causes Rules 2005. Those judicial functions are delegated by the Judicial Greffier to the Registrars under Article 9(6) of the Departments of the Judiciary Law.

This Law establishes the office of Family Judge of the Royal Court in respect of the Family Division, and gives Family Judges the judicial functions previously delegated to the Registrars.

Unlike the Registrars, Family Judges are not part of the Judicial Greffe and are not States’ employees.

A Registrar in post immediately before this Law comes into force becomes a Family Judge when this Law comes into force. Future Family Judges will be appointed by the Bailiff.

Article 1 amends the Royal Court (Jersey) Law 1948 (the “Royal Court Law”).

Article 1(4) inserts new Part 2A “Family Judges” (Articles 12A to 12C) into the Royal Court Law.

Article 12A provides for the Bailiff to appoint Family Judges to carry out judicial functions in relation to proceedings within the jurisdiction of the Family Division of the Royal Court. It sets out the qualifications required for an individual to be appointed as a Family Judge, and provides for their entitlement to remuneration and a pension, and for the termination of their appointment.

Article 12B provides for Family Judges to take an oath of office. *Article 1(7)* amends Schedule 2 to the Royal Court Law to insert the form of the oath for Family Judges.

Article 12C provides that the States may, by Regulations, make incidental, supplementary, consequential and transitional amendments to any enactment as the States consider necessary or expedient as a result of the creation of the office of Family Judge.

Article 1(5) amends Article 20 of the Royal Court Law to provide that, where the office of Family Judge is vacant or a Family Judge is prevented from carrying out their functions, a substitute Family Judge may carry out those functions.

Article 1(6) amends Article 21A of the Royal Court Law to insert a transitional provision. This provides that an individual who is in post as Registrar immediately before the day that this Law comes into force becomes a Family Judge on that day, and is treated as if they had been appointed by the Bailiff under new Article 12A and had taken the oath of office under new Article 12B. It also provides that the transition of an individual from the post of Registrar to the office of Family Judge does not give rise to a claim under Part 6 (termination of employment), Part 6A (rights on redundancy), or Part 7 (unfair dismissal) of the Employment (Jersey) Law 2003.

Article 2 introduces the Schedule, which contains consequential amendments to –

- (a) the Child Custody (Jurisdiction) (Jersey) Law 2005, to replace references to the Judicial Greffier with references to Family Judges;
- (b) the Children (Jersey) Law 2002, to enable rules of court to make provision about the functions of Family Judges under that Law, and to provide that appeals from decisions of Family Judges are heard by the Royal Court;

- (c) the Civil Partnership (Jersey) Law 2012, to enable rules of court to make provision about the functions of Family Judges under that Law, and to provide that appeals from decisions of Family Judges are heard by the Royal Court;
- (d) the Corruption (Jersey) Law 2006, to add Family Judges to the list of individuals who fall within the definition of “public official” for the purposes of that Law;
- (e) the Court of Appeal (Jersey) Law 1961, to provide that appeals from decisions of Family Judges are not heard in the first instance by the Court of Appeal;
- (f) the Employment of States of Jersey Employees (Jersey) Law 2005, to add Family Judges to the list of office holders who are not States’ employees;
- (g) the Matrimonial Causes (Jersey) Law 1949, to provide that rules of court may authorise Family Judges to exercise functions of the court, and to provide that appeals from decisions of Family Judges are heard by the Royal Court; and
- (h) the Public Employees (Pensions) (Jersey) Law 2014, to add Family Judges to the list of individuals who are taken to be employed by the States Employment Board for the purposes of the pension scheme established under that Law.

Article 3 gives the name of the Law and provides for it to come into force on a day to be specified by the Minister for Justice and Home Affairs by Order.



Jersey

DRAFT FAMILY DIVISION REGISTRAR (CHANGE OF STATUS AND TITLE) (JERSEY) LAW 202-

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Jersey

DRAFT FAMILY DIVISION REGISTRAR (CHANGE OF STATUS AND TITLE) (JERSEY) LAW 202-

A **LAW** to change the status and title of the Registrar of the Family Division of the Royal Court and for connected purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

1 **Royal Court (Jersey) Law 1948 amended**

- (1) This Article amends the [Royal Court \(Jersey\) Law 1948](#).
- (2) In Article 7 (oath of Jurat), in paragraph (1) for “in Schedule 2” there is substituted “in Form 1 in Schedule 2”.
- (3) In Article 11 (oath of Commissioner), in paragraph (1) for “in Schedule 2” there is substituted “in Form 2 in Schedule 2”.
- (4) After Article 12 (powers of Commissioners) there is inserted –

“PART 2A

FAMILY JUDGES

12A Appointment of Family Judge

- (1) The Bailiff may appoint qualified people to carry out judicial functions in relation to proceedings within the jurisdiction of the Family Division (see Article 14), and a person so appointed is to be known as a “Family Judge”.
- (2) A person is not qualified to be appointed as a Family Judge unless the person –
 - (a) holds or has held judicial office in the Commonwealth;
 - (b) has been at least 10 years in practice in Jersey, whether as a Law Officer of the Crown or otherwise –

- (i) at the Bar, or
 - (ii) as a solicitor (*écrivain*) of the Royal Court; or
- (c) has been at least 10 years in practice at the Bar, or as a solicitor, in England and Wales, Scotland, Northern Ireland, Guernsey, or the Isle of Man.
- (3) A Family Judge is entitled to –
- (a) the remuneration that is determined by the States Employment Board after consultation with the Bailiff and negotiation with the Family Judge;
 - (b) reimbursement of all travel and other expenses incurred by them in the discharge of their functions; and
 - (c) a pension.
- (4) Monies payable under paragraph (3) must be paid out of the annual income of the States.
- (5) The Bailiff may, if the Bailiff thinks fit, terminate the appointment of a Family Judge.

12B Oath of Family Judge

A Family Judge must, on taking office, take oath of office in the Royal Court in the form set out in Form 3 in Schedule 2.

12C Regulations

The States may by Regulations amend this Law and any other enactment (whenever made) to make incidental, supplementary, consequential or transitional provision as the States think necessary or expedient as a result of the creation of the office of Family Judge.”.

- (5) In Article 20 (temporary substitution of office holders), for sub-paragraphs (e) and (f) there is substituted –
- “(e) Judicial Greffier;
 - (f) Greffier of the States; or
 - (g) Family Judge.”.
- (6) In Article 21A (savings and transitional provision) after paragraph (4) there is inserted –
- “(5) Paragraphs (6) and (7) apply in relation to a person who, immediately before the date on which the Family Division Registrar (Change of Status and Title) (Jersey) Law 202- comes into force (the “relevant date”), was –
- (a) designated by the Judicial Greffier under Article 6 of the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#);
 - (b) authorised by the Judicial Greffier, under Article 9(6) of the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#), to carry out judicial functions that may be undertaken by the Judicial Greffier under Article 3(4) of the [Matrimonial Causes \(Jersey\) Law 1949](#) and Rule 2 of the [Matrimonial Causes Rules 2005](#); and
 - (c) known as a Family Division Registrar.

- (6) The person is treated on and after the relevant date as if they have –
- (a) been appointed under Article 12A(1); and
 - (b) taken the oath of office mentioned in Article 12B.
- (7) For the purposes only of a claim under Part 6, 6A or 7 of the [Employment \(Jersey\) Law 2003](#), the person is not to be treated as having been an employee immediately before the relevant date.”.
- (7) In Schedule 2, after Form 2 there is inserted –

“FORM 3

(Article 12B)

OATH OF OFFICE OF FAMILY JUDGE

You swear and promise before God that well and faithfully you will exercise the office of Family Judge; that you will be faithful and bear true allegiance to His Majesty King Charles the Third, his heirs and successors, according to law; that you will uphold and maintain the laws and usages and the privileges and freedoms of Jersey and that you will vigorously oppose whomsoever may seek to destroy them; and that you will administer justice to all manner of persons without favour or partiality.”.

2 Consequential amendments

The Schedule contains consequential amendments.

3 Citation and commencement

This Law may be cited as the Family Division Registrar (Change of Status and Title) (Jersey) Law 202- and comes into force on a day to be specified by the Minister for Justice and Home Affairs by Order.

SCHEDULE

(Article 2)

CONSEQUENTIAL AMENDMENTS

1 [Child Custody \(Jurisdiction\) \(Jersey\) Law 2005](#)

- (1) This paragraph amends the [Child Custody \(Jurisdiction\) \(Jersey\) Law 2005](#).
- (2) In Article 1(1) (interpretation) –
 - (a) in paragraph (a) of the definition “certified copy”, for “the Greffier” there is substituted “a Family Judge”;
 - (b) after the definition “Court” there is inserted –

“Family Judge” has the meaning given in Article 12A(1) of the [Royal Court \(Jersey\) Law 1948](#)”;
 - (c) the definition “Greffier” is deleted.
- (3) In Article 11(1) (registration of Part I order) –
 - (a) for “the Greffier” in the first place it appears there is substituted “a Family Judge”;
 - (b) for “the Greffier” in the second place it appears there is substituted “the Family Judge”.
- (4) In Article 12(1) (cancellation and variation of registration) –
 - (a) for “the Greffier” in the first place it appears there is substituted “a Family Judge”;
 - (b) for “the Greffier” in the second place it appears there is substituted “the Family Judge”.
- (5) After Article 25 (Rules of Court) there is inserted –

“25A Savings

The amendment of Articles 1(1), 11(1) and 12(1) by the Family Division Registrar (Change of Status and Title) (Jersey) Law 202- (the “amending Law”) does not invalidate any proceedings that have commenced but have not been concluded when the amending Law comes into force, and does not affect anything done before that time in respect of any proceedings.”.

2 [Children \(Jersey\) Law 2002](#)

- (1) This paragraph amends the [Children \(Jersey\) Law 2002](#).
- (2) In Article 1(1) (interpretation), after the definition “family assistance order” there is inserted –

“Family Judge” has the meaning given in Article 12A(1) of the [Royal Court \(Jersey\) Law 1948](#)”.
- (3) In Article 67(2)(g) (Rules of Court), after “Judicial Greffier” there is inserted “or the Family Judge”.

- (4) In Article 68(1)(a) (appeals), for “the Judicial Greffier” there is substituted “a Family Judge”.
- (5) In Schedule 5 (transitional provisions and savings), after paragraph 10 (foster children) there is inserted –

“11 Active proceedings, etc

The amendment of Articles 67(2)(g) and 68(1)(a) by the Family Division Registrar (Change of Status and Title) (Jersey) Law 202- (the “amending Law”) does not invalidate any proceedings that have commenced but have not been concluded when the amending Law comes into force, and does not affect anything done or any right of appeal arising before that time in respect of any proceedings.”.

3 Civil Partnership (Jersey) Law 2012

- (1) This paragraph amends the [Civil Partnership \(Jersey\) Law 2012](#).
- (2) In Article 1 (interpretation), after the definition “Deputy Superintendent Registrar” there is inserted –
 - “Family Judge” has the meaning given in Article 12A(1) of the [Royal Court \(Jersey\) Law 1948](#);
- (3) In Article 27 (jurisdiction) –
 - (a) paragraph (6) is deleted;
 - (b) in paragraph (7) –
 - (i) for “the Judicial Greffier” there is substituted “a Family Judge”,
 - (ii) for “paragraph (6)” there is substituted “Article 69(b)”.
- (4) In Article 69(b) (Rules of Court), after “Judicial Greffier” there is inserted “or the Family Judge”.
- (5) After Article 72A (fees) there is inserted –

“72B Savings

The amendment of Articles 27 and 69(b) by the Family Division Registrar (Change of Status and Title) (Jersey) Law 202- (the “amending Law”) does not invalidate any proceedings that have commenced but have not been concluded when the amending Law comes into force, and does not affect anything done or any right of appeal arising before that time in respect of any proceedings.”.

4 Corruption (Jersey) Law 2006

In Article 4(1) (meaning of “public official”) of the [Corruption \(Jersey\) Law 2006](#), after sub-paragraph (f) there is inserted –

- “(fa) a Family Judge appointed under Article 12A(1) of the [Royal Court \(Jersey\) Law 1948](#);

5 [Court of Appeal \(Jersey\) Law 1961](#)

In Article 12(2) (jurisdiction) of the [Court of Appeal \(Jersey\) Law 1961](#), after “Judicial Greffier” there is inserted “or a Family Judge appointed under Article 12A(1) of the [Royal Court \(Jersey\) Law 1948](#)”.

6 [Employment of States of Jersey Employees \(Jersey\) Law 2005](#)

In the list in Schedule 1 (offices the holders of which are not States’ employees) to the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#), after “Magistrate” there is inserted “Family Judge appointed under Article 12A(1) of the [Royal Court \(Jersey\) Law 1948](#)”.

7 [Matrimonial Causes \(Jersey\) Law 1949](#)

- (1) This paragraph amends the [Matrimonial Causes \(Jersey\) Law 1949](#).
- (2) In Article 1 (general definitions), after the definition “court” there is inserted –
 - “ “Family Judge” has the meaning given in Article 12A(1) of the [Royal Court \(Jersey\) Law 1948](#);
- (3) In Article 3 (jurisdiction of the Royal Court in matrimonial causes) –
 - (a) paragraph (3) is deleted;
 - (b) in paragraph (4), after “Judicial Greffier” there is inserted “or the Family Judge”;
 - (c) for paragraph (5) there is substituted –
 - “(5) An order made or direction given by a Family Judge in pursuance of rules of court made under paragraph (4) is subject to appeal in the first instance to the Royal Court.”.
- (4) Article 4(2) (the Bailiff, Jurats and officers of the court) is deleted.
- (5) In Article 44 (savings), after paragraph (2) there is inserted –
 - “(3) The amendment of Article 3 by the Family Division Registrar (Change of Status and Title) (Jersey) Law 202- (the “amending Law”) does not invalidate any proceedings that have commenced but have not been concluded when the amending Law comes into force, and does not affect anything done or any right of appeal arising before that time in respect of any proceedings.”.

8 [Public Employees \(Pensions\) \(Jersey\) Law 2014](#)

In Article 1 (interpretation) of the [Public Employees \(Pensions\) \(Jersey\) Law 2014](#), after paragraph (2)(e) there is inserted –

- “(ea) a Family Judge appointed under Article 12A(1) of the [Royal Court \(Jersey\) Law 1948](#);