

STATES OF JERSEY

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DRAFT LAW REVISION (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 200

**Lodged au Greffe on 11th October 2005
by the Legislation Committee**

STATES GREFFE



Jersey

DRAFT LAW REVISION (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 200

European Convention on Human Rights

The President of the Legislation Committee has made the following statement –

In the view of the Legislation Committee the provisions of the Draft Law Revision (Miscellaneous Provisions) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Connétable D.F. Gray of St. Clement**

REPORT

In the course of the preparation of the Revised Edition of the Laws of Jersey, the law revisioner came across various Laws which are obsolete or which contain textual errors which, although small, it was beyond the law revisioner's power to correct within the revised edition.

This Law would formally remove certain obsolete laws from the statute book and would amend other Laws, either to update the legislation to reflect current circumstances or to correct the drafting of the text.

This would not be the first occasion on which legislation of this kind has been brought to the States. Between 1963 and 1980, six 'Statute Law Revision' Laws were passed by the States, repealing obsolete Laws and, as required at that time, giving a short title to legislation which had been enacted with a long title only.

In the future, the Law Draftsman's Office would note any obsolete legislation as and when it is identified and, from time to time, prepare further Laws of this kind, as part of the task of keeping the statute book in good order.

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

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 3rd October 2005 the Legislation Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Legislation Committee the provisions of the Draft Law Revision (Miscellaneous Provisions) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law makes miscellaneous minor amendments and repeals of obsolete enactments.

Article 1 gives effect to Schedule 1.

Article 2 gives effect to Schedule 2.

Article 3 is the citation and commencement provision.

Schedule 1 makes miscellaneous minor amendments.

The amendment to the Loi (1864) réglant la procédure criminelle replaces an obsolete reference to the part of the prison reserved for debtors (which does not exist) with a reference to the part of the prison reserved for remand prisoners. The purpose of the reference within that Loi is to specify the part of the prison in which a witness who fails to appear is detained following arrest.

The amendment to the Criminal Justice (Evidence of Children) (Jersey) Law 2002 clarifies the application of the Law to child and other witnesses.

Schedule 2 repeals enactments which are spent or obsolete.



Jersey

DRAFT LAW REVISION (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 200

Arrangement

Article

- 1 Amendments
- 2 Repeals
- 3 Citation and commencement

SCHEDULE 1

AMENDMENTS

- 1 Loi (1864) réglant la procédure criminelle
- 2 Criminal Justice (Evidence of Children) (Jersey) Law 2002

SCHEDULE 2

REPEALS



Jersey

DRAFT LAW REVISION (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 200

A **LAW** to repeal obsolete enactments and to make corrective amendments to enactments.

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 Amendments

The enactments mentioned in Schedule 1 shall have effect with the amendments there specified.

2 Repeals

The enactments mentioned in column 1 of Schedule 2, which include enactments already obsolete or unnecessary, shall be repealed to the extent specified in column 2 of that Schedule.

3 Citation and commencement

This Law may be cited as Law Revision (Miscellaneous Provisions) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

SCHEDULE 1

(Article 1)

AMENDMENTS

1 Loi (1864) réglant la procédure criminelle

In Article 61 of the Loi (1864) réglant la procédure criminelle,^[1] for the words “la partie de la prison destinée pour les prisonniers pour dettes” there shall be substituted the words “la partie de la prison destinée pour les préventiionnaires”.

2 Criminal Justice (Evidence of Children) (Jersey) Law 2002

In the Criminal Justice (Evidence of Children) (Jersey) Law 2002^[2] –

- (a) in Article 1(1), the definition “child witness” shall be deleted;
- (b) in Article 2(2), for sub-paragraph (a) there shall be substituted the following sub-paragraph –
 - “(a) witness who is a child; and”;
- (c) in Article 3(1)(a), for the words “child witness or witness referred to in Article 2(2)(b)” there shall be substituted the words “a witness described in Article 2(2)(a) or (b)”;
- (d) in Article 3(2)(a), for the words “child witness or witness, as the case may be,” there shall be substituted the word “witness”;
- (e) in Article 3(5), for the words “child witness or witness, as the case may be” there shall be substituted the word “witness”;
- (f) in Article 3(6), for the words “child witness or witness, as the case may be,” there shall be substituted the word “witness”;
- (g) in Article 3(7), for the words “child witness or witness, as the case may be,” there shall be substituted the word “witness”; and
- (h) in Article 3(8), for the words “child witness or witness, as the case may be” there shall be substituted the word “witness”.

SCHEDULE 2

(Article 2)

REPEALS

<i>Enactment</i>	<i>Extent of repeal</i>
Loi (1844) sur l'Elargissement de Church Lane et de Mulcaster Street ^[3]	The whole Law
Loi réglant l'application de certains Actes de Parlement dits "Savings Banks Acts" à cette Ile, confirmée par Ordre de Sa Majesté en date du 17 Septembre 1906 ^[4]	The whole Law
Loi (1913) sur les pensions de retraite scolaires ^[5]	The whole Law
Loi (1915) sur les pensions de retraite scolaires ^[6]	The whole Law
Act authorizing the raising of a loan to be designated the States of Jersey £1,500,000 Stg. General Purposes 3% Loan 1965/75	The whole Act
Assembly of the States (Jersey) Law 1948 ^[7]	The whole Law
General Purposes Loans 1975/85 (Jersey) Law 1951 ^[8]	The whole Law
Sewerage Loans 1975/90 (Jersey) Law 1953 ^[9]	The whole Law
Telephone Loans 1970/90 (Jersey) Law 1956 ^[10]	The whole Law
House Construction Loans 1975/95 (Jersey) Law 1960 ^[11]	The whole Law
General Development Loans 1972/77 (Jersey) Law 1962 ^[12]	The whole Law
General Development Loans (No. 2) (Jersey) Law 1964 ^[13]	The whole Law
Social Security (Amendment No. 5) (Jersey) Law 1986 ^[14]	Article 3(2) and (3)
Loi (1991) sur la copropriété des immeubles bâtis ^[15]	Article 16(6)

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- [1] Chapter 08.740.
- [2] L.50/2002.
- [3] L.3/1844.
- [4] L.4/1900.
- [5] L.4/1913.
- [6] L.1/1915.
- [7] L.7/1948.
- [8] L.11/1951.
- [9] L.19/1953.
- [10] L.3/1956.
- [11] L.24/1960.
- [12] L.24/1962.
- [13] L.22/1964.
- [14] Chapter 26.900 (L.18/1986).
- [15] Chapter 18.180 (L.31/1991).