

**DRAFT PARISH RATE (ADMINISTRATION) (AMENDMENT  
No. 9) (JERSEY) LAW 199**

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**Lodged au Greffe on 27th April 1999  
by the Legislation Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

## Report

In 1995 the Parish Rate (Administration) (Amendment No. 6) (Jersey) Law 1995 was enacted which, amongst other things, substituted Article 14 of the Parish Rate (Administration) (Jersey) Law 1946 which makes provision as to the constitution of the Parish Rate Appeal Board. Article 14 in its present form provides that -

*“(1) There shall be a Parish Rate Appeal Board for the Island consisting of five members appointed by the States on the recommendation of the Finance and Economics Committee.*

*(2) The members of the Board shall hold office for such period as the States may determine on their appointment and shall be eligible for re-appointment.*

*(3) Any three members of the Board shall constitute a quorum for the hearing of an appeal or other purpose and the members present for a hearing shall select one of their number to preside at the hearing.*

*(4) The members of the Board hearing an appeal shall, after consultation with the supervisory committee, have power to obtain expert advice in cases in which they consider it to be necessary, and the parish in which the land to which the appeal relates is situated shall defray any expenses so incurred, unless the supervisory committee shall otherwise determine.*

*(5) The secretary of the supervisory committee shall ex officio be the clerk to the Board:*

*Provided that the supervisory committee may appoint another person as clerk to the Board and shall fix his salary and determine the conditions of his appointment.”.*

Earlier this year the Chairman of the Parish Rate Appeal Board expressed concern at the increase in the number of appeals with which the Board was having to deal. In the words of the Chairman -

*“The number of appeals has increased tenfold since our appointment, the assessors are struggling to complete their assessments on time and endeavouring to achieve uniformity throughout the Island ... .. In the last two years the Board has had a tremendous amount of work, way beyond its original expectations ... ..”.*

The Chairman went on to express concern as to the ability of the Board to cope with the increasing numbers of appeals and expressed the view that, in order to cope with the level of appeals, the number of Board members should be increased and that the increased number should enable the members to sit (in effect) as two Boards so that several appeals would be able to be determined simultaneously by two bodies sitting (if need be) concurrently. At present the Board is a unitary body dealing with all appeals.

The draft Law is intended to address these concerns by increasing the number of members of the Board from five to nine and enabling the Chairman of the Board to appoint not less than three members to hear an appeal. The Law Draftsman’s Explanatory Note sets out the precise effect not only of the amendments to Article 14 of the 1946 Law, but also of the amendments to Articles 14A and 15 of the 1946 Law in so far as the procedure on parish rate appeals is concerned.

The concerns of the Parish Rate Appeal Board were in the first instance addressed to the President of the Finance and Economics Committee. That Committee has expressed its support for the amendments to the constitution and procedures of the Parish Rate Appeal Board. It follows that both the Legislation Committee and the Finance and Economics Committee are of the view that this amendment is not only desirable, but is in urgent need of implementation.

## **Explanatory Note**

This draft Law further amends the Parish Rate (Administration) (Jersey) Law 1946 (“the principal Law”) so as to revise the constitution of the Parish Rate Appeal Board (“the Board”) and its procedures when hearing an appeal.

*Article 1* amends Article 14 of the principal Law. It increases the number of members of the Board from five to nine and enables the Chairman of the Board to appoint not less than three members to hear an appeal. The quorum for the hearing of an appeal or for any other purpose remains three. The hearing of an appeal is presided over by the Chairman or, in his absence, the Vice-Chairman or, if neither of them is amongst the members hearing the appeal, a person selected by those members from amongst their number. The supervisory committee of Constables is given power to appoint more than one clerk to the Board. The States are given power, by Regulations, to increase or decrease the constitution of the Board, the number of members appointed to hear an appeal and the quorum.

*Article 2* makes a consequential amendment.

*Article 3* amends Article 15 of the principal Law. It remains the case that the decision on an appeal must be unanimous or a majority decision. New provision is made so that, where the members are equally divided in their opinions, the person presiding at the meeting has a casting vote. A person notified of the decision of the Board is allowed 21 days from the giving of such notice in which to request that the Board give reasons for its decision.

*Article 4* is a transitional provision to the effect that an appeal made but not heard before the Law comes into force may be heard by members of the Board appointed in accordance with the amendments made.

*Article 5* is the short title. If adopted, the Law will come into force on registration.

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(JERSEY) LAW 199**

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**A LAW** to amend further the Parish Rate (Administration) (Jersey) Law 1946; sanctioned by Order of Her Majesty in Council of the

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*(Registered on the      day of      199 )*

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**STATES OF JERSEY**

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The      day of      199

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

**ARTICLE 1**

In Article 14 of the Parish Rate (Administration) (Jersey) Law 1946, as amended<sup>1</sup> (hereinafter referred to as “the principal Law”) -

- (a) in paragraph (1), for the word “five” there shall be substituted the word “nine”;
- (b) for paragraph (3) there shall be substituted the following paragraphs -

“(3) The members of the Board shall appoint from amongst their number a Chairman and Vice-Chairman.

<sup>1</sup> Tome VII, page 358 and Volume 1994-1995, page 298.

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(3A) Where notice of appeal is delivered to the Board by the supervisory committee, the Chairman of the Board or, in his absence, the Vice-Chairman of the Board, shall appoint not less than three members of the Board to hear the appeal.

(3B) The quorum for the members of the Board appointed to hear an appeal and the quorum of the Board for any other purpose shall be three.

(3C) Where the members of the Board appointed to hear an appeal include the Chairman or Vice-Chairman of the Board the Chairman or, in his absence, the Vice-Chairman shall preside at the hearing.

(3D) Where the members of the Board appointed to hear an appeal do not include either the Chairman or Vice-Chairman of the Board, the members so appointed shall select one of their number to preside at the hearing.”;

- (c) in the proviso to paragraph (5), for the words beginning “another person” to the end of the proviso there shall be substituted the words “one or more other persons as clerk to the Board and shall fix their salary and determine the conditions of their appointment”;
- (d) after paragraph (5) there shall be added the following paragraph -

“(6) The States may by Regulations amend paragraphs (1), (3A) and (3B) of this Article so as to increase or decrease the number of members to be appointed to the Board, the number of members to be appointed to hear an appeal, the quorum for the members

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of the Board appointed to hear an appeal and the quorum of the Board for any other purpose.”.

ARTICLE 2

In Article 14A of the principal Law, after paragraph (9) there shall be added the following paragraph -

“(10) In the proviso to paragraph (2) and in paragraphs (4) to (9) of this Article and in Article 15 of this Law, in the case of an appeal, any reference to the Board shall be construed as a reference to the members of the Board appointed under paragraph (3A) of Article 14 of this Law to hear the appeal.”.

ARTICLE 3

In Article 15 of the principal Law -

- (a) for paragraph (2) there shall be substituted the following paragraph-

“(2) The decision of the Board on an appeal shall be unanimous or a decision of a majority of the Board save that, where the members of the Board are divided equally in their opinions, the person presiding at the hearing shall have a casting vote.”; and

- (b) for paragraph (5) there shall be substituted the following paragraph -

“(5) If any person referred to in paragraph (4) of this Article, within twenty-one days after being sent notice of the decision of the Board, requests the Board, in writing, to give reasons for its decision the Board shall give such reasons, in writing, which shall be signed by a member of the Board and cause a copy of the reasons to

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be delivered to each of the persons referred to in paragraph (4).”.

ARTICLE 4

This Law shall apply to any appeal made but not yet heard when this Law comes into force.

ARTICLE 5

This Law may be cited as the Parish Rate (Administration) (Amendment No. 9) (Jersey) Law 199 .