

STATES OF JERSEY



DRAFT ROYAL COURT (AMENDMENT No. 14) (JERSEY) LAW 201-

Lodged au Greffe on 3rd May 2016
by the Chief Minister

STATES GREFFE



Jersey

DRAFT ROYAL COURT (AMENDMENT No. 14) (JERSEY) LAW 201-

European Convention on Human Rights

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

In the view of the Chief Minister, the provisions of the Draft Royal Court (Amendment No. 14) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Senator I.J. Gorst**

Chief Minister

Dated: 29th April 2016

REPORT

The purpose of this draft Law is to make a small amendment to Article 4(6) of the Royal Court (Jersey) Law 1948 (“Article 4(6)”) concerning the procedure for the election of Jurats.

The Jurats are appointed by the Electoral College, which is presided over by the Bailiff and consists of the Jurats, the Connétables, Senators and Deputies along with the members of the Jersey Bar and the practising solicitors (écrivains) of the Royal Court.¹

Article 4(6) requires the Bailiff, within 14 days after it comes to his notice that a vacancy has occurred among the Jurats, to give notice of the vacancy to the members of the Electoral College. The notice must specify the latest date (between 10 and 14 days hence) by which nominations of candidates for the vacancy are to be received by the Bailiff. Where there is only 1 nomination for 1 vacancy, the nominee is duly appointed to the office of Jurat and the Bailiff must take the necessary steps for him or her to take the oath of office of Jurat. In other words the Viscount must, on the instructions of the Bailiff, warn the nominee to attend before the Royal Court for the purpose of taking oath of office of Jurat. The day appointed for that purpose by the Bailiff must be not be less than 4, nor more than 10, days after the date of appointment.

A problem has been detected with these time constraints in cases where a vacancy occurs one month before Christmas and only one candidate is nominated. The time constraints result, potentially, in the swearing-in having to take place between Christmas and New Year, which is not practicable. The problem can be overcome by enlarging from 14 days to 28 days the maximum period within which the Bailiff must give notice of a vacancy to the members of the Electoral College under Article 4(6).

The draft Law makes that small amendment Article 4(6).

Financial and manpower implications

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

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.

¹ The Lieutenant-Governor, the Dean, the Attorney General and the Solicitor General are also members of the Electoral College but, as such, are not entitled to vote or to propose or second a candidate for appointment as Jurat.

Explanatory Note

This draft Law would amend the Royal Court (Jersey) Law 1948 (“Law”) in relation to the appointment of Jurats.

Article 1 would increase the number of days’ notice that must be given by the Bailiff to the members of the Electoral College of a vacancy among the Jurats. The period of notice would be increased from 14 days to 28 days. The Electoral College is established under the Law for the purpose of appointing Jurats. It comprises the Bailiff acting as President, the Jurats, the Connétables of the 12 parishes of Jersey, elected members of the States, members of the Jersey Bar and Solicitors of the Royal Court. The period of notice runs from the day after the day on which it comes to the notice of the Bailiff that a vacancy has occurred.

Article 2 sets out the title of this Law and provides that it will come into force 7 days after the day on which it is registered by the Royal Court.



Jersey

DRAFT ROYAL COURT (AMENDMENT No. 14) (JERSEY) LAW 201-

A LAW to amend further the Royal Court (Jersey) Law 1948¹

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 Article 4 amended

In Article 4(6) of the Royal Court (Jersey) Law 1948² for the number “14” there shall be substituted the number “28”.

2 Citation and commencement

This Law may be cited as the Royal Court (Amendment No. 14) (Jersey) Law 201- and shall come into force 7 days after the day it is registered.

¹ *chapter 07.770*
² *chapter 07.770*