

**DRAFT SUBORDINATE LEGISLATION (AMENDMENT No. 3) (JERSEY) LAW 200**

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**Lodged au Greffe on 29th October 2002  
by the Legislation Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **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 Subordinate Legislation (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

## **REPORT**

This draft Law would amend the Subordinate Legislation (Jersey) Law 1960 (the “principal Law”). The principal Law enables a member of the States to bring a proposition for annulment of subordinate legislation. Currently, it only applies to subordinate legislation if expressly applied by a provision in the Law under which the subordinate legislation is made. The provision is usually in the following terms -

“The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made under this Law.”

The amendment would have the effect that it would no longer be necessary to include such a provision in a Law in order for the principal Law to apply to subordinate legislation made under it. The principal Law would apply automatically, unless expressly disapplied.

The amendment only applies the principal Law automatically to subordinate legislation which has not been made by the States, such as Orders of a Committee and Rules of Court. It is not thought that the powers of annulment conferred by the principal Law should apply automatically to Regulations and Acts which will have been debated by the whole House when passed.

This draft Law has no implications for the financial or manpower resources of the States.

### **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 9th October 2002 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 Subordinate Legislation (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

### **Explanatory Note**

*Article 1* defines the Subordinate Legislation (Jersey) Law 1960 as the “principal Law”.

*Article 2* inserts Article 1B in the principal Law. The new Article has the effect that the principal Law automatically applies to subordinate legislation, excluding Regulations and Acts of the States, unless express provision is made to the contrary.

*Article 3* is the citation and commencement provision.

**SUBORDINATE LEGISLATION (AMENDMENT No. 3) (JERSEY) LAW 200**

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**A LAW** to amend further the Subordinate Legislation (Jersey) Law 1960; sanctioned by Order of Her Majesty in Council of the

(Registered on the \_\_\_\_\_ day of \_\_\_\_\_ 200-)

**STATES OF JERSEY**

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The \_\_\_\_\_ day of \_\_\_\_\_ 200-

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

ARTICLE 1

In this Law, “principal Law” means the Subordinate Legislation (Jersey) Law 1960, as amended.<sup>[1]</sup>

ARTICLE 2

After Article 1A of the principal Law<sup>1</sup> there shall be inserted the following Article -

“ARTICLE 1B

Unless express provision is made to the contrary, this Law shall apply to all subordinate enactments passed or made other than by the States.”.

ARTICLE 3

**Citation and commencement**

This Law may be cited as the Subordinate Legislation (Amendment No. 3) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

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<sup>[1]</sup> Tome VIII, page 849 and Volume 2001, page 3.