

STATES OF JERSEY



LAW REVISION BOARD: APPOINTMENT OF MEMBERS

Lodged au Greffe on 31st August 2023
by the Chief Minister
Earliest date for debate: 3rd October 2023

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

in accordance with the provisions of Article 15(2)(a) of the Legislation (Jersey) Law 2021, to appoint Deputy P.M. Bailhache of St. Clement and Connétable R.D. Johnson of St. Mary as members of the Law Revision Board.

CHIEF MINISTER

REPORT

The Law Revision Board as established under the Law Revision (Jersey) Law 2003 was continued by the Legislation (Jersey) Law 2021 (“the 2021 Law”). Article 15(2) of the 2021 Law sets out the membership of the Board, which is to include 2 members of the States, appointed by the States.

The role of the Law Revision Board is to certify as revised legislation, draft revisions of Jersey legislation prepared on behalf of the Principal Legislative Drafter under Article 15 of the 2021 Law. In addition to 2 members of the States, the membership of the Board includes the Attorney General, the Greffier of the States, and the Principal Legislative Drafter.

The role of the 2 States Members on the Board is principally to agree, at a political level, changes to legislation falling short of changing their legal effect. The powers of the Board – continued from before – are now set out in Schedule 1 to the 2021 Law and the Board will be asked to approve (from time-to-time) draft revisions of one or more pieces of legislation prepared by the Law Drafting Office.

The Law Revision Board used to meet annually to approve the annual update to the revised edition – most of the work being a once-a-year consolidation of the statute book to include all amendments made during the previous year. However, under the 2021 Law, the statute book is consolidated continuously so that it is always up to date. This meant that the Board did not need to meet after it approved the final revised edition in 2019 and there was no work for it to do while the Legislative Drafting Office adapted to the new system.

Most importantly, the 2021 Law continued the Board from previous legislation so that it is still able to perform the vital role of enabling improvements to the wording of legislation. It is hoped that in future the Board will meet on a quarterly basis, and the increase in resources at the Legislative Drafting Office should enable candidates for law revision to come forward regularly. The first piece of work for the Board will be to replace all references in Jersey legislation to the Queen with references to the King. Other proposals are also already being drafted.

Previous appointments to the Board were made under the Law Revision (Jersey) Law 2003 and it was felt that fresh appointments should be made under the 2021 Law.

In considering nominees for membership of the Board, the Chief Minister received confirmation from Connétable Johnson and Deputy Bailhache that they would accept a nomination. The Chief Minister considered that Connétable Johnson’s and Deputy Bailhache’s roles as Chair and Vice-Chair of the Legislation Advisory Panel would be complementary to membership of the Law Revision Board.

The Chief Minister subsequently wrote to all States Members setting out her intention to make these nominations by proposition and, recognising that this was ultimately a decision for the Assembly, requested feedback from Members. The feedback received has been entirely positive, and the Chief Minister is therefore pleased to make these nominations, and hopes they will be formally endorsed by Members.

Financial and staffing implications

There are no financial or staffing implications as a result of this proposition.