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# STATES OF JERSEY



## LAW REVISION BOARD: SUMMARY OF DECISIONS – NOVEMBER 2023

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Presented to the States on 11th January 2024  
by the Law Revision Board

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STATES GREFFE

## Decisions made by the Law Revision Board

### Introduction

The Law Revision Board (the Board) was established under the Law Revision (Jersey) Law 2003 and continued by the Legislation (Jersey) Law 2021 (the “Legislation Law”). The purpose of the Board is to consider draft revisions submitted by the Principal Legislative Drafter and, if satisfied the revisions are within the powers set out in Article 15 or Schedule 1 of the Legislation Law, to certify the revisions.

Article 15(9) of the Legislation Law states:

“The Minutes or other record of the transactions of the business of the Law Revision Board must be laid before the States within 2 months of the business being transacted.”

Article 15(3) of the Legislation Law allows the Board to regulate its own procedure.

On 16th November 2023, the Board met for the first time since the adoption of the Legislation Law. This paper and the appended documents are laid before the States in compliance with Article 15(9) of the Legislation Law and reflect the decisions made at that meeting.

### Agreed rules of procedure for the Law Revision Board

The Board agreed -

- to appoint H.M. Attorney General as the Chair of the Board;
- that the Board would meet twice a year, in April and October, although it would call additional meetings if required;
- that its quorum for a meeting would be 3, with at least 1 of those being an elected States Member;
- that Board meetings could be attended in person or remotely and decisions could be made over email if required;
- that each member of the Board had 1 vote. A majority vote was required in order for a decision to be adopted. In the event of a tied vote, the matter would be carried over to the next Board meeting (the Chair would not have a deciding vote);
- that the Senior Legislative Drafter responsible for law revision matters and the Legislation Editor would attend meetings of the Board to introduce proposed law revisions;
- that the Legislative Drafting Office’s Legislation Clerk would act as the Secretary to the Board and in that role would prepare the agenda, circulate documents, and take minutes of the Board’s meetings; and
- that the Senior Legislative Drafter would prepare documents recording the decisions made by the Board within 2 weeks of each meeting to ensure compliance with Article 15(9) of the Legislation Law. The Secretary of the Board would email those documents to the Chair. Within 4 weeks of receiving the emailed documents, the Chair would respond on behalf of the Board to approve or amend the documents.

### Record of the business of the Law Revision Board transacted on 16th November 2023

The Board agreed -

- to certify the revised law in item 2023/1, which replaces references to the late Queen with references to the King (document appended).
- to certify the revised law in item 2023/2, which removes uses of “inflammable” (document appended).

# Law Revision Board item 2023/1: updating references to Her late Majesty the Queen

## Overview

This document asks the Law Revision Board to certify a draft revision as revised legislation.

Part 1 (pages 1 and 2) explains the issue giving rise to the draft revision, the types of changes made in the draft revision, and the legislative powers relied on in the preparation of the draft revision.

Part 2 (pages 2 to 13) lists the changes made in the draft revision.

Part 3 (pages 14 onwards) contains the draft revision.

## Part 1: Background

### The issue

There are many references across the statute book to Her late Majesty the Queen. While not legally necessary, updating these references to instead refer to His Majesty the King would be helpful to users of legislation.

### The proposed solution

The Legislative Drafting Office (LDO) has undertaken a comprehensive search of the statute book to identify all references to Her Majesty. LDO has then analysed each reference to identify the best solution.

In most cases, the proposed solution is a simple replacement of words that refer to the late Queen with words that refer to the King. For example, “Her Majesty’s Attorney General” is changed to “His Majesty’s Attorney General” and “Her Majesty Queen Elizabeth the Second” is changed to “His Majesty King Charles the Third”.

In other cases, the proposed solution removes reference to the Sovereign entirely. This type of solution is proposed for two different reasons.

The first reason is to modernise the drafting to align with current drafting practice. An example of a solution proposed for this reason is the replacement of “Her Majesty’s Government in the United Kingdom” with “the Government of the United Kingdom”.

The second reason to remove reference to the Sovereign is to preserve the legal effect of the legislation in cases where the legislation must apply to both past and future actions of the Sovereign. An example of this is the proposed change to Article 35(1)(b) of the Arbitration (Jersey) Law 1998 to replace “Her Majesty may, by Order in Council, have declared” with “have been declared by Order in Council”. In this context, replacing “Her Majesty” with “His Majesty” would change the legal effect of the provision, by excluding Orders made by Her Majesty in Council. The legislation must still apply to those Orders, as well as to Orders made by His Majesty in Council.

Not all references to Her Majesty should be removed. Examples of references that should be retained include references to past actions and references contained in the text of international agreements that are set out in Schedules to legislation.

### Is the proposed solution within the Law Revision Board's powers?

Article 15(7) of the Legislation (Jersey) Law 2021 (the "Legislation Law") allows the Law Revision Board to certify a draft revision as revised legislation only if the Board is satisfied that the changes made by the revision are within the powers set out in Article 14 or Schedule 1 of the Legislation Law.

The changes made by the draft revision fall within the following powers in Schedule 1 of the Legislation Law:

- to change any reference to a person, office, body, place or thing to reflect a change of name, transfer of function or provision for construction of the reference (clause (g));
- to make any adaptations and amendments that may appear necessary or proper as a consequence of constitutional or other changes in Jersey or any other place or territory or in or to any body or organisation outside Jersey (clause (h)); and
- to do all other things that appear to the Board to be necessary to render revised legislation consistent with current drafting practice (clause (q)).

### Part 2: Table of proposed solutions

Enactment	Article, Regulation, etc	No. of instances	Current words	Revised words
Advocates and Solicitors (Jersey) Law 1997	Schedule 1	1	Souveraine Dame Elizabeth Deux	Souverain Seigneur Charles Trois
Advocates and Solicitors (Jersey) Law 1997	Schedule 1	1	Reine du Royaume Uni	Roi du Royaume-Uni
Agricultural Marketing (Jersey) Law 1953	24	1	Her Majesty	His Majesty
Agricultural Marketing (Jersey) Law 1953	24	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Air Navigation (Jersey) Law 2014	1(1), definition "Commonwealth"	1	Her Majesty's dominions	His Majesty's dominions
Air Navigation (Jersey) Law 2014	1(1), definition "Commonwealth"	1	Her Majesty	His Majesty
Air Navigation (Jersey) Law 2014	2(1)(c)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Air Navigation (Jersey) Law 2014	29	1	Her Majesty's	His Majesty's
Air Navigation (Jersey) Law 2014	46(3)	1	Her Majesty's	His Majesty's
Air Navigation (Jersey) Law 2014	113(3)	1	Her Majesty's	His Majesty's
Air Navigation (Jersey) Law 2014	124(6)	1	Her Majesty's	His Majesty's

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Air Navigation (Jersey) Law 2014	169(6)(b)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Air Navigation (Jersey) Law 2014	173(1)	1	Her Majesty	His Majesty
Air Navigation (Jersey) Law 2014	173(2)	3	Her Majesty	His Majesty
Air Navigation (Jersey) Law 2014	173(3)	1	Her Majesty	His Majesty
Air Navigation (Jersey) Law 2014	173(5)	1	Her Majesty	His Majesty
Air Navigation (Jersey) Law 2014	173(7)	1	Her Majesty's	His Majesty's
Arbitration (Jersey) Law 1998	35(1)(b)	1	Her Majesty may, by Order in Council, have declared	have been declared by Order in Council
Arbitration (Jersey) Law 1998	35(1)(c)	1	Her Majesty may, by Order in Council, have declared	have been declared by Order in Council
Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017	17(1)	2	Her Majesty's forces	His Majesty's forces
Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017	17(2)(b)	1	Her Majesty's forces	His Majesty's forces
Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017	17(6)(a)	4	Her Majesty's forces	His Majesty's forces
Bailiff of Jersey (Vacancy in Office) Law 1959	3	1	Her Majesty	His Majesty
Banking and Financial Dealings (Jersey) Law 1973	Long title	1	Her Majesty's Treasury	His Majesty's Treasury
Cheques (Jersey) Law 1957	5(2)(c)	1	Queen's	King's
Child Abduction and Custody Rules 2005	1	1	Her Majesty's	His Majesty's
Child Custody (Jurisdiction) (Jersey) Law 2005	16(5)(a)	1	Her Majesty's	His Majesty's
Child Custody (Jurisdiction) (Jersey) Law 2005	16(5)(c)	1	Her Majesty's	His Majesty's
Child Custody (Jurisdiction) Rules 2005	1, definition "appropriate court"	1	Her Majesty's	His Majesty's
Child Custody (Jurisdiction) Rules 2005	1, definition "appropriate officer"	1	Her Majesty's	His Majesty's
Children's Benefit Funds (Jersey) Law 1969	2(9)(c)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Children's Benefit Funds (Jersey) Law 1969	2(9)(d)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Civil Aviation (Jersey) Law 2008	22(5)	1	Her Majesty in her	His Majesty in his
Civil Evidence (Jersey) Law 2003	11(6), definition "public authority"	1	Her Majesty	His Majesty

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Civil Partners Causes Rules 2012	12(4)	1	Her Majesty	His Majesty
Civil Partners Causes Rules 2012	Form CP2	1	Her Majesty's	His Majesty's
Collective Investment Funds (Recognized Funds) (Permit Conditions for Functionaries) (Jersey) Order 1988	Schedule 4 (Table)	3	Her Majesty's Government	the Government of the United Kingdom
Companies (Jersey) Law 1991	213A(2)(a)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Compulsory Purchase of Land (Procedure) (Jersey) Law 1961	2(1)	1	by a Law confirmed by Order of Her Majesty in Council	by a Law
Consular Conventions (Jersey) Law 1952	Long title	1	Her Majesty	His Majesty
Consular Conventions (Jersey) Law 1952	3	1	by Her Majesty by Order in Council	by Order in Council
Consular Conventions (Jersey) Law 1952	5	1	by Her Majesty under section 6	under section 6
Consumer Protection (Unfair Practices) (Jersey) Law 2018	2(3)	1	Her Majesty	His Majesty
Consumer Protection (Unfair Practices) (Jersey) Law 2018	2(3)	1	her private capacity	his private capacity
Control of Borrowing (Jersey) Law 1947	2(1)(c)(ii)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Control of Borrowing (Jersey) Law 1947	2(1)(f)(ii)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Control of Borrowing (Jersey) Order 1958	7	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Control of Borrowing (Jersey) Order 1958	8(1)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Control of Housing and Work (Jersey) Law 2012	20(1)	1	Her Majesty	His Majesty
Control of Housing and Work (Jersey) Law 2012	20(1)	1	her private capacity	his private capacity
Court of Appeal (Criminal) (Confiscation or Instrumentalities Forfeiture Order Appeals) Rules 2009	Schedule	1	Her Majesty's Attorney General	His Majesty's Attorney General
Court of Appeal (Criminal) (Reference for Review of Sentence) Rules 2009	Schedule	1	Her Majesty's Attorney General	His Majesty's Attorney General
Court of Appeal (Criminal) (Reference of Points of Law) Rules 2009	Schedule	1	Her Majesty's Attorney General	His Majesty's Attorney General
Court of Appeal (Criminal) Rules 1964	Schedule, Form 2	1	Her Majesty's Prison	His Majesty's Prison
Court of Appeal (Jersey) Law 1961	2	1	Her Majesty	His Majesty

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Court of Appeal (Jersey) Law 1961	12(4)	1	enactment passed by the States and confirmed by Order of Her Majesty in Council	Law
Court of Appeal (Jersey) Law 1961	14(1)	1	Her Majesty	His Majesty
Court of Appeal (Jersey) Law 1961	21(3)	1	Her Majesty	His Majesty
Court of Appeal (Jersey) Law 1961	27(3)	1	Her Majesty's pleasure	His Majesty's pleasure
Court of Appeal (Jersey) Law 1961	48	2	Her Majesty	His Majesty
Court of Appeal (Jersey) Law 1961	Schedule 1	1	Souveraine Dame Elizabeth Deux	Souverain Seigneur Charles Trois
Court of Appeal (Jersey) Law 1961	Schedule 1	1	Reine du Royaume-Uni	Roi du Royaume-Uni
Crime and Security (Jersey) Law 2003	10(3)	1	Her Majesty in her	His Majesty in his
Criminal Justice (Life Sentences) (Jersey) Law 2014	1(3)	1	Her Majesty's pleasure	His Majesty's pleasure
Criminal Justice (Young Offenders) (Jersey) Law 2014	5(1)	1	her Majesty's pleasure	His Majesty's pleasure
Criminal Procedure (Jersey) Rules 2021	Schedule 1	1	Her Majesty's Attorney General	His Majesty's Attorney General
Crown Advocates (Jersey) Law 1987	Schedule (Oath)	1	Her Majesty Queen Elizabeth the Second, her heirs and successors	His Majesty King Charles the Third, his heirs and successors
Currency Offences (Jersey) Law 1952	1(1), definition "British coin"	1	Her Majesty's	His Majesty's
Currency Offences (Jersey) Law 1952	1(1), definition "currency"	1	Her Majesty's	His Majesty's
Currency Offences (Jersey) Law 1952	1(2)	2	Her Majesty's	His Majesty's
Currency Offences (Jersey) Law 1952	17	1	Her Majesty's	His Majesty's
Customs and Excise (Customs Transit Procedures) (Jersey) Order 2019	1(1), definition "HMRC"	1	Her Majesty's	His Majesty's
Customs and Excise (Jersey) Law 1999	33B(2)(c)(v)	1	Her Majesty's government in the United Kingdom	the Government of the United Kingdom
Customs and Excise (Jersey) Law 1999	43(1)	1	Her Majesty	His Majesty
Customs and Excise (Jersey) Law 1999	45(4)	1	Her Majesty	His Majesty
Customs and Excise (Jersey) Law 1999	47(2)	1	Her Majesty	His Majesty
Customs and Excise (Jersey) Law 1999	57(1)	1	Her Majesty	His Majesty
Customs and Excise (Safety and Security) (Import) (Jersey) Order 2021	1, definition "HMRC"	1	Her Majesty's	His Majesty's

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Customs and Excise (Safety and Security) (Import) (Jersey) Order 2021	1, definition “UK Border Force”	1	Her Majesty’s Government	the Government of the United Kingdom
Customs and Excise (Safety and Security) (Import) (Jersey) Order 2021	3	8	Her Majesty’s Government	the Government of the United Kingdom
Customs and Excise (Safety and Security) (Import) (Jersey) Order 2021	Schedule	1	Her Majesty’s Government	the Government of the United Kingdom
Data Protection (Jersey) Law 2018	55(a)	1	Her Majesty	His Majesty
Data Protection (Jersey) Law 2018	55(b)	1	Queen’s Counsel	King’s Counsel
Decimal Currency (Jersey) Law 1971	1(1), definition “Mint”	1	Her Majesty’s	His Majesty’s
Departments of the Judiciary and the Legislature (Jersey) Law 1965	2(1)	1	Her Majesty	His Majesty
Departments of the Judiciary and the Legislature (Jersey) Law 1965	3(1)	1	Her Majesty	His Majesty
Departments of the Judiciary and the Legislature (Jersey) Law 1965	Schedule	2	Sovereign Lady Queen Elizabeth the Second in this Her Island of Jersey	Sovereign Lord King Charles the Third in this his Island of Jersey
Departments of the Judiciary and the Legislature (Jersey) Law 1965	Schedule	2	Her Majesty, Her heirs	His Majesty, his heirs
Departments of the Judiciary and the Legislature (Jersey) Law 1965	Schedule	2	Her Majesty Queen Elizabeth the Second, Her heirs	His Majesty King Charles the Third, his heirs
Digital Switchover (Disclosure of Information) (Jersey) Law 2010	1, definition “Secretary of State”	2	Her Majesty’s	His Majesty’s
Drainage (Jersey) Law 2005	1(1), definition “Crown land”	1	Her Majesty or to any Department of Her Majesty’s Government	His Majesty or to any Department of the Government of the United Kingdom
Drainage (Jersey) Law 2005	53(7)	1	Her Majesty in her private capacity	His Majesty in his private capacity
Freedom of Information (Jersey) Law 2011	30	2	Her Majesty	His Majesty
Gambling (Jersey) Law 2012	5(3)(e)(i)	1	Her Majesty’s Government in the United Kingdom	the Government of the United Kingdom
Harbours (Administration) (Jersey) Law 1961	4C(4)(a)	1	the Armed Forces of Her Majesty the Queen	the armed forces of His Majesty the King
Harbours (Administration) (Jersey) Law 1961	4C(4)(b)	1	Her Majesty’s Government of the United Kingdom	the Government of the United Kingdom
Harbours (Inshore Safety) (Jersey) Regulations 2012	7(1)	1	Her Majesty’s Government	the Government of the United Kingdom
Harbours (Inshore Safety) (Jersey) Regulations 2012	8(3)	1	Her Majesty’s Government	the Government of the United Kingdom



<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Harbours (Jersey) Regulations 1962	41(2)	1	Her Majesty	His Majesty
Health Insurance (Jersey) Law 1967	1(1), definition “Her Majesty’s dominions”	2	Her Majesty’s dominions	His Majesty’s dominions
Health Insurance (Jersey) Law 1967	1(1), definition “Her Majesty’s dominions”	1	Her Majesty	His Majesty
Health Insurance (Jersey) Law 1967	34(1)	2	Her Majesty’s dominions	His Majesty’s dominions
Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998	3	1	Her Majesty’s	His Majesty’s
Honorary Police (Jersey) Law 1974	2	1	Her Majesty’s subjects	His Majesty’s subjects
Human Rights (Jersey) Law 2000	1(1), definition “principal legislation”	1	Her Majesty’s Royal Prerogative	Royal prerogative
Income Tax (Jersey) Law 1961	115	3	Her Majesty’s Government	the Government of the United Kingdom
Income Tax (Jersey) Law 1961	115	3	Her Majesty	His Majesty
Income Tax (Jersey) Law 1961	119(1)	2	Her Majesty’s Treasury	His Majesty’s Treasury
Income Tax (Jersey) Law 1961	120(4)	1	Where an Order in Council has been made by Her Majesty	Where an Order in Council has been made
Income Tax (Minimum Retirement Capital) (Jersey) Order 2017	3(7)	1	Her Majesty’s	His Majesty’s
Intellectual Property (Unregistered Rights) (Jersey) Law 2011	184	3	Her Majesty	His Majesty
Intellectual Property (Unregistered Rights) (Jersey) Law 2011	187(1)	1	Her Majesty	His Majesty
Intellectual Property (Unregistered Rights) (Jersey) Law 2011	342(5)	1	Her Majesty	His Majesty
International Criminal Court (Jersey) Law 2014	1(1), definition “Secretary of State”	1	Her Majesty’s	His Majesty’s
International Criminal Court (Jersey) Law 2014	8	5	Her Majesty	His Majesty
International Criminal Court (Jersey) Law 2014	56	1	Her Majesty’s government in the United Kingdom	the Government of the United Kingdom
International Criminal Court (Jersey) Law 2014	Schedule 1, para 1(2)	1	Her Majesty’s government in the United Kingdom	the Government of the United Kingdom
International Criminal Court (Jersey) Law 2014	Schedule 1, para 2(b)	1	Her Majesty’s government in the United Kingdom	the Government of the United Kingdom
Interpretation (Jersey) Law 1954	1(1)	1	confirmed by Her Majesty in Council	confirmed by Order in Council

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Judgments (Reciprocal Enforcement) (Jersey) Act 1973	Schedule	1	Her Majesty's High Court of Justice of the Isle of Man	The High Court of Justice of the Isle of Man
Judgments (Reciprocal Enforcement) (Jersey) Law 1960	1(1)	1	Her Majesty in Council	the Judicial Committee of the Privy Council
Judgments (Reciprocal Enforcement) (Jersey) Law 1960	1(2)	1	Her Majesty's dominions	His Majesty's dominions
Judgments (Reciprocal Enforcement) (Jersey) Law 1960	3(1)	1	Her Majesty's dominions	His Majesty's dominions
Judgments (Reciprocal Enforcement) (Jersey) Law 1960	5(2)	1	Her Majesty	His Majesty
Judgments (Reciprocal Enforcement) Rules 1961	15	1	Her Majesty	His Majesty
Law Reform (Miscellaneous Provisions) (Jersey) Law 1967	1	2	Queen's	King's
Legislation (Jersey) Law 2021	2(1)(b)	1	sanctioned by order of Her Majesty in Council	sanctioned by Order in Council
Legitimacy (Jersey) Law 1973	9(4)	1	Her Majesty or of the Lords of her Privy Council	His Majesty or of the Lords of His Privy Council
Loi (1862) sur les teneures en fidéicommiss et l'incorporation d'associations	3	1	de la Reine	du Roi
Loi (1884) sur les matières explosives	7	2	de la Reine	du Roi
Loi (1891) sur la Cour pour le recouvrement de menues dettes	17	2	de la Reine	du Roi
Matrimonial Causes (Jersey) Law 1949	39(3)	1	Her Majesty or of the Lords of Her Privy Council	His Majesty or of the Lords of His Privy Council
Matrimonial Causes Rules 2005	10(4)	1	Her Majesty	His Majesty
Merchandise Marks (Jersey) Law 1958	7	1	Her Majesty	His Majesty
Merchandise Marks (Jersey) Law 1958	7	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Merchandise Marks (Jersey) Law 1958	8(1), definition "Her Majesty's Dominions"	5	Her Majesty's Dominions	His Majesty's dominions
Merchandise Marks (Jersey) Law 1958	8(1), definition "Her Majesty's Dominions"	1	Her Majesty's protection	His Majesty's protection
Merchandise Marks (Jersey) Law 1958	8(1), definition "Her Majesty's Dominions"	1	Her Majesty	His Majesty
Merchandise Marks (Jersey) Law 1958	8(1), definition "indication of origin"	1	Her Majesty's Dominions	His Majesty's dominions
Misuse of Drugs (Jersey) Law 1978	1(7)	2	Her Majesty's	His Majesty's

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Money Laundering and Weapons Development (Directions) (Jersey) Law 2012	1, definition “HM Treasury”	1	Her Majesty’s Treasury	His Majesty’s Treasury
Motor Traffic (Third-Party Insurance) (Jersey) Law 1948	2(3)	1	Her Majesty’s Government	the Government of the United Kingdom
Official Secrets (Jersey) Law 1952	1	3	Her Majesty	His Majesty
Official Secrets (Jersey) Law 1952	2	7	Her Majesty	His Majesty
Official Secrets (Jersey) Law 1952	4(1)	3	Her Majesty	His Majesty
Official Secrets (Jersey) Law 1952	10(1)	2	Her Majesty	His Majesty
Official Secrets (Jersey) Law 1952	11	2	Her Majesty’s forces	His Majesty’s forces
Opticians (Registration) (Jersey) Law 1962	9(1)	1	Her Majesty’s dominions	His Majesty’s dominions
Opticians (Registration) (Jersey) Law 1962	13(2)(d)	1	Her Majesty’s Government	the Government of the United Kingdom
Patents (Jersey) Law 1957	1(1), definition “Government department”	1	Her Majesty’s Government in the United Kingdom	the Government of the United Kingdom
Patents (Jersey) Law 1957	12(2)	1	Her Majesty’s Government in the United Kingdom	the Government of the United Kingdom
Patents (Jersey) Law 1957	12(3)	1	Her Majesty	His Majesty
Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001	1(1), definition “vehicle owned by the armed forces”	1	Her Majesty’s Forces	His Majesty’s forces
Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001	1(1), definition “vehicle under the control of the armed forces”	1	Her Majesty’s Forces	His Majesty’s forces
Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001	1(1), definition “vehicle under the control of the armed forces”	1	Her Majesty’s forces	His Majesty’s forces
Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001	14(3)	2	Her Majesty’s forces	His Majesty’s forces
Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001	Schedule 1	2	Her Majesty’s forces	His Majesty’s forces
Planning and Building (Jersey) Law 2002	125, definition “Crown interest”	2	Her Majesty	His Majesty
Poisons (General Provisions) (Jersey) Order 1968	10(7)	1	Her Majesty’s Government	the Government of the United Kingdom
Poisons (Jersey) Law 1952	10	1	Her Majesty’s Government	the Government of the United Kingdom
Police (Complaints and Discipline Procedure) (Jersey) Order 2000	Schedule 1 paragraph 13 Notes	1	Queen’s	King’s

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000	Schedule 4 paragraph 13 Notes	1	Queen's	King's
Prison (Jersey) Rules 2007	6(5)	1	Her Majesty's pleasure	His Majesty's pleasure
Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998	13	1	Her Majesty's	His Majesty's
Proceeds of Crime (Jersey) Law 1999	25(1)	1	Her Majesty	His Majesty
Public Finances (Jersey) Law 2019	12	3	confirmed by Her Majesty in Council	confirmed by Order in Council
Public Health (Aircraft) (Jersey) Order 1971	1(3)	2	Her Majesty's armed forces	His Majesty's armed forces
Public Health (Ships) (Jersey) Order 1971	1(3)	2	Her Majesty's armed forces	His Majesty's armed forces
Public Markets (Administration) (Jersey) Regulations 1947	20(3)	1	Her Majesty's Receiver-General	His Majesty's Receiver-General
Rates (Jersey) Law 2005	17(2)(d)	1	Her Majesty	His Majesty
Rates (Jersey) Law 2005	17(2)(e)	1	Her Majesty's Government	the Government of the United Kingdom
Rates (Jersey) Law 2005	17(2)(e)	1	Her Majesty's service	His Majesty's service
Rates (Jersey) Law 2005	18(2)(b)	1	Her Majesty	His Majesty
Rates (Jersey) Law 2005	18(2)(b)	1	Her Majesty's Government	the Government of the United Kingdom
Rates (Jersey) Law 2005	18(2)(b)	1	Her Majesty's service	His Majesty's service
Registered Designs (Jersey) Law 1957	1(1), definition "Government department"	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Registered Designs (Jersey) Law 1957	13(2)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Registered Designs (Jersey) Law 1957	13(3)	1	Her Majesty	His Majesty
Registration of Business Names (Jersey) Law 1956	1(1), definition "foreign firm"	1	Her Majesty's dominions	His Majesty's dominions
Registration of Business Names (Jersey) Law 1956	21(1)	1	Her Majesty's dominions	His Majesty's dominions
Regulation of Investigatory Powers (Jersey) Law 2005	1(1), definition "public authority"	1	Her Majesty's Forces	His Majesty's forces
Regulation of Investigatory Powers (Jersey) Law 2005	29(4)	1	Her Majesty's Forces	His Majesty's forces
Regulation of Investigatory Powers (Jersey) Law 2005	36(4)	1	Her Majesty's Forces	His Majesty's forces
Regulation of Investigatory Powers (Jersey) Law 2005	37	3	Her Majesty's Forces	His Majesty's forces
Regulation of Investigatory Powers (Jersey) Law 2005	44(1)	1	Her Majesty's Forces	His Majesty's forces
Regulation of Investigatory Powers (Jersey) Law 2005	46(7)	1	Her Majesty's Forces	His Majesty's forces

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Rehabilitation of Offenders (Jersey) Law 2001	1(1), definition “official record”	1	Her Majesty’s forces	His Majesty’s forces
Rehabilitation of Offenders (Jersey) Law 2001	1(1), definition “sentence excluded from rehabilitation”	1	Her Majesty’s pleasure	His Majesty’s pleasure
Rehabilitation of Offenders (Jersey) Law 2001	3(1), table	1	Her Majesty’s service	His Majesty’s service
Rehabilitation of Offenders (Jersey) Law 2001	3(1), table	1	Her Majesty’s Service	His Majesty’s service
Rehabilitation of Offenders (Jersey) Law 2001	8(1)	1	Her Majesty, by virtue of Her Royal prerogative	His Majesty, by virtue of his Royal prerogative
Rehabilitation of Offenders (Jersey) Law 2001	Schedule Paragraph 2 Table Section 44A	1	Her Majesty’s aircraft	His Majesty’s aircraft
Rehabilitation of Offenders (Jersey) Law 2001	Schedule Paragraph 5 Table Section 29A	1	Her Majesty’s aircraft	His Majesty’s aircraft
Repatriation of Prisoners (Jersey) Law 2012	1(1), definition “British aircraft”	1	Her Majesty’s	His Majesty’s
Repatriation of Prisoners (Jersey) Law 2012	1(1), definition “British hovercraft”	1	Her Majesty’s	His Majesty’s
Road Traffic (Jersey) Law 1956	90(1)	1	Her Majesty	His Majesty
Road Traffic (Lighting) (Jersey) Order 1998	1(1), definition “home forces”	1	Her Majesty	His Majesty
Royal Court (Jersey) Law 1948	9	3	Her Majesty	His Majesty
Royal Court (Jersey) Law 1948	Schedule 2	1	Souveraine Elizabeth Deux	Souverain Charles Trois
Royal Court (Jersey) Law 1948	Schedule 2	1	Reine de la Grande Bretagne	Roi de la Grande Bretagne
Royal Court (Jersey) Law 1948	Schedule 2	1	Her Majesty Queen Elizabeth the Second, her heirs	His Majesty King Charles the Third, his heirs
Royal Court Rules 2004	Schedule 1A	1	Souveraine Dame Elizabeth Deux	Souverain Seigneur Charles Trois
Royal Court Rules 2004	Schedule 1A	1	Reine de la Grande Bretagne	Roi de la Grande Bretagne
Sanctions and Asset-Freezing (Jersey) Law 2019	37A(3)	1	Her Majesty’s Government in the UK	the Government of the UK
Sea Fisheries (Jersey) Law 1994	7(1)	1	Her Majesty’s Government in the United Kingdom	the Government of the United Kingdom
Sea Fisheries (Jersey) Law 1994	9	2	Her Majesty’s Government in the United Kingdom	the United Kingdom Government
Seigniorial Rights (Abolition) (Jersey) Law 1966	1(2)	1	Her Majesty	His Majesty

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Seigniorial Rights (Abolition) (Jersey) Law 1966	1(2)	1	Her Most Excellent Majesty	His Most Excellent Majesty
Seigniorial Rights (Abolition) (Jersey) Law 1966	2	1	Her Majesty	His Majesty
Service of Process and Taking of Evidence (Jersey) Law 1960	1	1	Her Majesty's dominions	His Majesty's dominions
Service of Process and Taking of Evidence (Jersey) Law 1960	1	1	Her Majesty	His Majesty
Shipping (Fishing Vessels of 24 Metres in Length and Over) (Safety Provisions) (Jersey) Order 2004	Schedule 25	1	Her Majesty's Stationery Office	His Majesty's Stationery Office
Shipping (Fishing Vessels – Safety Training) (Jersey) Order 2004	1(1), definition “Secretary of State”	1	Her Majesty's	His Majesty's
Shipping (Jersey) Law 2002	1(1), definition “commissioned naval officer”	1	Her Majesty's Navy	His Majesty's navy
Shipping (Jersey) Law 2002	1(1), definition “consular officer”	1	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	1(1), definition “proper officer”	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Shipping (Jersey) Law 2002	4(1)(b)(i)	1	by Her Majesty by Order in Council	by Order in Council
Shipping (Jersey) Law 2002	4(1)(c)	1	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	6(1)	2	Her Majesty's ships	His Majesty's ships
Shipping (Jersey) Law 2002	6(1)	2	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	7(1)	1	Her Majesty's ships	His Majesty's ships
Shipping (Jersey) Law 2002	72(2)	1	Her Majesty's service	His Majesty's service
Shipping (Jersey) Law 2002	104(6)	1	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	104(8)	1	Her Majesty's navy	His Majesty's navy
Shipping (Jersey) Law 2002	111(8)	1	Her Majesty's navy	His Majesty's navy
Shipping (Jersey) Law 2002	111(9)	1	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	113(3)	1	Her Majesty's Government in the United Kingdom	the Government of the United Kingdom
Shipping (Jersey) Law 2002	113(3)	1	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	115(1)	2	Her Majesty's navy	His Majesty's navy
Shipping (Jersey) Law 2002	126	2	Her Majesty's ships	His Majesty's ships
Shipping (Jersey) Law 2002	126	4	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	126	2	Her Government in the United Kingdom	the Government of the United Kingdom
Shipping (Jersey) Law 2002	128(1), definition “salvor”	1	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	135	3	Her Majesty's ships	His Majesty's ships
Shipping (Jersey) Law 2002	135	3	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	135	2	Her Government in the United Kingdom	the Government of the United Kingdom

<b>Enactment</b>	<b>Article, Regulation, etc</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Shipping (Jersey) Law 2002	196(1)	2	an Order made by Her Majesty in Council	an Order in Council
Shipping (Jersey) Law 2002	196(1)	1	powers vested in Her Majesty	powers vested in His Majesty
Shipping (Jersey) Law 2002	198(1)	1	Her Majesty's navy	His Majesty's navy
Shipping (Jersey) Law 2002	198(3)	1	Her Majesty's navy	His Majesty's navy
Shipping (Jersey) Law 2002	198(3)	1	Her Majesty	His Majesty
Shipping (Jersey) Law 2002	Schedule 5, Part 2, paragraph 10	1	If Her Majesty in Council declares	If an Order in Council declares
Shipping (Jersey) Law 2002	Schedule 6, Part 2, paragraph 12	1	If Her Majesty in Council declares	If an Order in Council declares
Shipping (Jersey) Law 2002	Schedule 7, Part 2, paragraph 5	1	If Her Majesty in Council declares	If an Order in Council declares
Shipping (MARPOL) (Jersey) Regulations 2012	5(3)	1	Her Majesty's navy	His Majesty's navy
Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015	1(1), definition "relevant British possession"	1	Her Majesty's dominions	His Majesty's dominions
Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015	2	1	Her Majesty	His Majesty
Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015	3	1	If Her Majesty by Order in Council declares	If an Order in Council declares
Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015	33(1)	2	Her Majesty's	His Majesty's
Social Security (Jersey) Law 1974	43(2)	1	Her Majesty's Forces	His Majesty's forces
Social Security (Jersey) Law 1974	48(1)	2	Her Majesty's dominions	His Majesty's dominions
Social Security (Members of the Forces) (Jersey) Order 1974	2	1	Her Majesty's Forces	His Majesty's forces
States of Jersey Law 2005	Schedule 2 Oaths	2	Her Majesty Queen Elizabeth the Second, her heirs	His Majesty King Charles the Third, his heirs
States of Jersey Police Force Law 2012	15	2	Her Majesty Queen Elizabeth the Second, her heirs	His Majesty King Charles the Third, his heirs
Supply of Goods and Services (Jersey) Law 2009	10(5)	1	Her Majesty in her private capacity	His Majesty in his private capacity
Terrorism (Jersey) Law 2002	Schedule 3 paragraph 8	1	Her Majesty	His Majesty
Waste Management (Jersey) Law 2005	111(5)	1	Her Majesty in her private capacity	His Majesty in his private capacity
Water Pollution (Jersey) Law 2000	55(5)	1	Her Majesty in her private capacity	His Majesty in his private capacity
Water Resources (Jersey) Law 2007	52(5)	1	Her Majesty in her private capacity	His Majesty in his private capacity

## Part 3: Draft revision giving effect to proposed solutions

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# Advocates and Solicitors (Jersey) Law 1997

## SCHEDULE 1

(Article 8(6)(b))

### OATH OF OFFICE OF SOLICITORS OF THE ROYAL COURT

Vous jurez et promettez par la foi et serment que vous devez à Dieu, que bien et fidèlement vous exercerez la profession d'écrivain près les Tribunaux de ce pays sous notre [Souverain Seigneur Charles Trois](#)~~Souveraine Dame Elizabeth Deux~~, par la Grâce de Dieu Reine du Royaume Uni de la Grande Bretagne et de l'Irlande du Nord et de Ses autres Royaumes et Territoires, Chef du Commonwealth, Défenseur de la Foi, la Majesté de laquelle vous reconnoissez sous Dieu, suprême Gouverneur en tous ses Royaumes, Provinces et Territoires, quittant et renonçant à toutes autres supériorités foraines et étrangères; vous garderez le droit de Sa Majesté et de ses sujets, et soutiendrez l'honneur et gloire de Dieu et de sa pure parole; vous défendrez et maintiendrez les lois et usages, privilèges, franchises, coutumes et libertés de l'Isle, vous opposant à quiconque les voudroit enfreindre. Vous n'entreprendrez ni ne soutiendrez aucune cause ou affaire qui vous paroîtra dénuée de tout droit, ou proposée avec méchanceté. Vous ne controuverez aucuns faits, si vos clients ne vous les ont affirmés pour vrais. Vous ne proposerez ni alléguerez aucun fait, coutume ni usage, que vous sçaurez être contraires à droit et justice; et si aucune chose touche le droit de Sa Majesté, vous en informerez les Officiers de la Couronne, et le maintiendrez. Vous ne ferez aucun marché ni contrat avec vos clients d'aucune cause ou affaire contentieuse, ni de partie d'icelle. Vous vous contenterez de gages et salaires raisonnables, et assisterez aux veuves, pauvres et orphelins. Et finalement vous vous conformerez selon le bon avis de Monsieur le Bailli, ou de Monsieur le Député-Bailli, ou de Monsieur le Lieutenant-Bailli, ou de Messieurs de Justice.

### Agricultural Marketing (Jersey) Law 1953

#### 24 Treaties etc. to prevail

Where there is any conflict or inconsistency between the provisions of this Law and the provisions of any treaty, convention or agreement applicable to Jersey and for the time being in force between [His Majesty](#) ~~Her Majesty~~ and any foreign power or between [the Government of the United Kingdom](#) ~~Her Majesty's Government in the United Kingdom~~ and the Government of any other country, or with any agreement for the time being in force between the States and the Government of any other country, the provisions of such treaty, convention or agreement shall prevail.

### Air Navigation (Jersey) Law 2014

#### 1 Interpretation

(1) In this Law –

...

“Commonwealth” means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 (c. 61) of

the United Kingdom and all other territories forming part of [His Majesty's dominions](#) ~~Her Majesty's dominions~~ or in which [His Majesty](#) ~~Her Majesty~~ has jurisdiction;

## **2 Aircraft to be registered**

- (1) An aircraft shall not fly in or over Jersey unless it is registered in –
  - (a) a Commonwealth Country;
  - (b) a Contracting State; or
  - (c) any other country with which there is in force an agreement between [the Government of the United Kingdom](#) ~~Her Majesty's Government in the United Kingdom~~ and the Government of that country which makes provision for the flight over Jersey of aircraft registered in that country.
- (2) Any aircraft may fly unregistered on any flight which –
  - (a) begins and ends in Jersey without passing over any other country; and
  - (b) is in accordance with the conditions of a permit to fly issued under Article 9.
- (3) Paragraph (1) shall not apply to any kite or captive balloon.
- (4) If an aircraft flies in or over Jersey in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in Jersey an offence under this Law would have been committed, the same offence is deemed to have been committed in respect of that aircraft.

## **29 Flight crew licence – exception for members of HM Forces**

A person may act as a member of the flight crew of an aircraft registered in Jersey without being the holder of an appropriate licence if, in so doing, the person is acting in the course of his or her duty as a member of any of [His Majesty's](#) ~~Her Majesty's~~ naval, military or air forces.

## **46 Rules of the Air**

- (1) The States may by Regulations make Rules of the Air regarding air traffic services and procedures in air navigation that are compatible with the Chicago Convention and the Standard European Rules of Air.
- (2) It shall be lawful to depart from the Rules of the Air to the extent necessary –
  - (a) for avoiding immediate danger; or
  - (b) for complying with the law of any country other than Jersey within which the aircraft then is.
- (3) It shall be lawful for the Rules of the Air to be departed in relation to an aircraft of which the pilot-in-command is acting in the course of his or her duty as a member of any of [His Majesty's](#) ~~Her Majesty's~~ naval, military or air forces.
- (4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the pilot-in-command of the aircraft shall cause written

particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days of the departure to the competent authority of the country in whose territory the departure was made or, if the departure was made over the high seas, to the Director.

- (5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.
- (6) In this Article “Standard European Rules of the Air” means the Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 (OJ No L 281/1, 13.10.2012).

### **113 Prohibition of unlicensed air traffic controllers and student air traffic controllers**

- (1) A person shall not act as an air traffic controller or offer, whether by use of a radio call sign or in any other way, to act as a person who may so act unless such person is the holder of, and complies with the conditions of –
  - (a) a valid student air traffic controller’s licence granted under Article 114 and under supervision in accordance with Article 114(5);
  - (b) an appropriate valid air traffic controller’s licence granted under Article 114; or
  - (c) a valid air traffic controller’s licence so granted which is not appropriate but under supervision as though the person was the holder of a student air traffic controller’s licence.
- (2) Nothing in this Article prohibits the holder of a valid air traffic controller’s licence from providing at any place, or for any sector for which the licence includes a valid certificate of competence, information to aircraft in flight in the interests of safety.
- (3) A licence is not required by any person who acts in the course of his or her duty as a member of any of [His Majesty’s](#)~~Her Majesty’s~~ naval, military or air forces or as a member of a visiting force.

### **124 Aeronautical telecommunication service records**

- (1) The person in charge of an aeronautical telecommunication service shall provide recording equipment or apparatus under paragraph (2).
- (2) The person in charge of the aeronautical telecommunication service in respect of which recording equipment or apparatus is required to be provided under paragraph (1) shall ensure –
  - (a) that the equipment or apparatus is in operation at all times when the aeronautical telecommunication service is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft; and
  - (b) that the equipment or apparatus and each record made by the equipment or apparatus comply with the specified requirements.

- (3) If any equipment or apparatus required to be provided under paragraph (1) ceases to be capable of recording the matters required to be included in the records, the person required to provide that equipment or apparatus shall ensure that, so far as practicable, a record is kept which complies with the specified requirements and on which the specified particulars are recorded together with, in the case of equipment or apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the air traffic control service and any aircraft.
- (4) The person in charge of any aeronautical telecommunication service shall preserve any record made using the equipment or apparatus provided under paragraph (1) for 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the Director may in a particular case direct.
- (5) A person required by this Article to preserve any record by reason of being the person in charge of the aeronautical telecommunication service shall, if ceasing to be in charge, continue to preserve the record under paragraph (4).
- (6) The provisions of this Article do not apply in respect of any aeronautical telecommunication service that is under the control of ~~His Majesty's~~[Her Majesty's](#) naval, military or air force or of any visiting force.

**169 Revocation, suspension and variation of permissions, etc. granted under Article 105 or Article 107**

- (1) The permits to which this Article applies are permissions granted by the Director as the case may be under Article 105 or 107 and any approvals or authorizations of, or consents to, any matter which the Director has granted, or is deemed to have granted, in pursuance of a permission which either of them has so granted.
- (2) The Director may revoke, suspend or vary any permit to which this Article applies.
- (3) Except as provided by paragraph (4), the Director may exercise the powers under paragraph (2) only after notifying the permit-holder of the intention to do so and after due consideration of the case.
- (4) If, by reason of the urgency of the matter, it appears to the Director to be necessary to do so, the Director may provisionally suspend or vary a permit without complying with the requirements of paragraph (3); but shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then either –
  - (a) revoke the provisional suspension or variation of the permit; or
  - (b) substitute for it a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be on the same or different terms as the provisional variation (if any).
- (5) The powers vested in the Director by paragraph (2) and paragraph (4) may be exercised whenever, in the Director's judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred by a permit to which this

Article applies or should enjoy them subject to such limitations or qualifications as the Director may determine.

- (6) In particular, and without prejudice to the generality of the foregoing, the Director may exercise those powers if it appears to the Director that –
  - (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;
  - (b) any agreement between the Government of the United Kingdom ~~Her Majesty's Government in the United Kingdom~~ and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach of the agreement;
  - (c) the person to whom the permit was granted, or a Government which is a party to an agreement referred to in sub-paragraph (b), or the appropriate aeronautical authorities of the country concerned, have acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement; or
  - (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the Jersey for the purposes of any such agreement, is no longer so designated or that that person has so acted, or that such circumstances have arisen in relation to that person, as to make it necessary or expedient to disregard or qualify the consequences of being so designated.
- (7) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this Article shall surrender it to the Director within a reasonable time of being required by the Director to do so.
- (8) The breach of any condition subject to which any permit to which this Article applies has been granted renders the permit invalid during the continuance of the breach.
- (9) In this Article “permit-holder” means the person to whom any permit to which this Article applies has been granted, or that is deemed to have been granted.

### **173 Application of the Law to the Crown and visiting forces etc.**

- (1) Subject to the following provisions of this Article, the provisions of this Law apply to or in relation to aircraft belonging to or exclusively employed in the service of His Majesty ~~Her Majesty~~ as they apply to or in relation to other aircraft.
- (2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of His Majesty ~~Her Majesty~~ for the management of the aircraft is deemed to be the operator of the aircraft and, in the case of an aircraft belonging to His Majesty ~~Her Majesty~~, to be the owner of the interest of His Majesty ~~Her Majesty~~ in the aircraft.
- (3) Nothing in this Article renders liable to any penalty any department or other authority responsible on behalf of His Majesty ~~Her Majesty~~ for the management of any aircraft.



- (4) Paragraph (5) applies to the naval, military and air force authorities, any members of any visiting force and any international headquarters and their members and property held or used for the purpose of such a force.
- (5) Except as otherwise expressly provided, each body and person and any property to which paragraph (4) applies is exempt from the provisions of this Law to the same extent as if it formed part of the forces of ~~His Majesty~~[Her Majesty](#) raised in the United Kingdom and for the time being serving in Jersey.
- (6) Except as otherwise provided by paragraph (7), Articles 40(3)(a), 48(7), (12) and (13), and 130 and the Rules of the Air, nothing in this Law applies to or in relation to any military aircraft.
- (7) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his or her duty as a member of any of ~~His Majesty's~~[Her Majesty's](#) naval, military or air forces or as a member of a visiting force, Articles 47, 146, 147, and 148 and the Rules of the Air apply unless, in the case of the Rules of the Air, an aircraft is flown in compliance with specific requirements.

## **Arbitration (Jersey) Law 1998**

### **35 Awards to which Part 3 applies**

- (1) Subject to Article 41, this Part applies to any award made –
  - (a) in pursuance of an agreement for arbitration to which the Protocol applies;
  - (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as ~~have been declared by Order in Council~~[Her Majesty may, by Order in Council, have declared](#) to be parties to the Geneva Convention and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and
  - (c) in one of such territories as ~~have been declared by Order in Council~~[Her Majesty may, by Order in Council, have declared](#) to be territories to which the Geneva Convention applies.
- (2) In this Article the expression “Order in Council” means an Order in Council which is in force and which –
  - (a) has been made under section 35 of the Arbitration Act 1950 of the United Kingdom; or
  - (b) has effect, by virtue of section 35(3) thereof, as if it had been so made.

## **Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017**

### **17 Limits on enforcement in civilian courts in matters relating to service**

- (1) In this Article –
 

“~~His Majesty's forces~~[Her Majesty's forces](#)” does not include the forces of a country, other than the United Kingdom, that is a member of the Commonwealth;

“relevant pay or pension” means any pay, pension, benefit, bounty, grant or allowance payable to a person in respect of that person’s, or any other person’s, service in [His Majesty’s forces](#)~~Her Majesty’s forces~~.

- (2) No proceedings, whether under customary law or under any enactment, may be entertained by a civilian court with regard to –
  - (a) any relevant pay or pension, other than by way of proceedings mentioned in paragraph (5);
  - (b) the terms of a person’s service in [His Majesty’s forces](#)~~Her Majesty’s forces~~; or
  - (c) a person’s discharge from such service.
- (3) Each of the following is void –
  - (a) an assignment of any relevant pay or pension;
  - (b) a charge on any relevant pay or pension;
  - (c) an agreement to assign or charge any relevant pay or pension.
- (4) No order may be made, whether under customary law or under any enactment, by a civilian court the effect of which would be –
  - (a) to prevent a person from receiving any relevant pay or pension; and
  - (b) to direct payment of it to another person.
- (5) Nothing in paragraph (3) or (4) –
  - (a) applies to the making or variation of an order for the arrest of wages; or
  - (b) prejudices any enactment providing for the payment of a sum to the Viscount or to a liquidator for distribution among creditors.
- (6) An item is not subject to arrest or distraint in any proceedings in a civilian court, whether under customary law or under any enactment, if the item is a weapon or other instrument, or an item of clothing or other equipment, that –
  - (a) belongs to a member of any of [His Majesty’s forces](#)~~Her Majesty’s forces~~; and
  - (b) is used by that person in the course of his or her service in that force.

### **Bailiff of Jersey (Vacancy in Office) Law 1959**

#### **3 Saving**

Nothing in this Law shall be construed as in any way derogating from the power of [His Majesty](#)~~Her Majesty~~ to make arrangements for the exercise by any person, during a vacancy in the office of Bailiff, of any of the functions normally discharged by the holder of that office.

### **Banking and Financial Dealings (Jersey) Law 1973**

**A LAW** to give effect in Jersey to certain orders made by [His Majesty’s Treasury](#)~~Her Majesty’s Treasury~~ under the Banking and Financial Dealings Act 1971 of the United Kingdom

## Cheques (Jersey) Law 1957

### 5 Protection of bankers collecting payment of cheques, etc.

- (1) Where a banker, in good faith and without negligence, –
- (a) receives payment for a customer of an instrument to which this Article applies; or
  - (b) having credited a customer’s account with the amount of such an instrument, receives payment thereof for himself or herself,
- and the customer has no title, or a defective title, to the instrument, the banker does not incur any liability to the true owner of the instrument by reason only of having received payment thereof.
- (2) This Article applies to the following instruments, namely, –
- (a) cheques (including cheques which under Article 4 or otherwise are not transferable);
  - (b) any document issued by a customer of a banker which though not a bill of exchange, is intended to enable a person to obtain payment from that banker of the sum mentioned in the document;
  - (c) any document issued by a public officer which is intended to enable a person to obtain payment from the Paymaster General or the [King’s/Queen’s](#) and Lord Treasurer’s Remembrancer of the sum mentioned in the document but is not a bill of exchange;
  - (d) any draft payable on demand drawn by a banker upon himself or herself, whether payable at the head office or some other office of the banker’s bank.
- (3) A banker is not to be treated for the purposes of this Article as having been negligent by reason only of the banker’s failure to concern himself or herself with absence of, or irregularity in, indorsement of an instrument.

## Child Abduction and Custody Rules 2005

### 1 Interpretation

In these Rules –

“appropriate court” means –

- (a) in relation to England and Wales, the High Court of Justice in England and Wales;
- (b) in relation to Scotland, the Court of Session;
- (c) in relation to Northern Ireland, [His Majesty’s/Her Majesty’s](#) High Court of Justice in Northern Ireland;

“British jurisdiction” means England and Wales, Scotland or Northern Ireland;

“Greffier” means Judicial Greffier;

“Law” means the [Child Abduction and Custody \(Jersey\) Law 2005](#).

## **Child Custody (Jurisdiction) (Jersey) Law 2005**

### **16 Recognition of Royal Court order in the United Kingdom**

- (1) Any person on whom any rights are conferred by a Jersey order may apply to the Court for the order to be registered in any part of the United Kingdom under any provision corresponding to Article 11 and having effect in that part.
- (2) An application under paragraph (1) shall be made in the prescribed manner, contain the prescribed information and be accompanied by such documents as may be prescribed.
- (3) On receiving an application under this Article, the Court shall, unless it appears to it that the order is no longer in force, cause the following documents to be sent to the appropriate court in the part of the United Kingdom specified in the application, namely –
  - (a) a certified copy of the order; and
  - (b) where the order has been varied, prescribed particulars of any variation which is in force; and
  - (c) a copy of the application and of any accompanying documents.
- (4) Where the Court revokes or varies an order which is registered in any part of the United Kingdom under a provision corresponding to Article 11, the Court shall cause notice of the revocation or variation to be given in the prescribed manner to the court in which it is registered.
- (5) In this Article “appropriate court” means –
  - (a) in relation to England and Wales, [His Majesty’s](#)~~Her Majesty’s~~ High Court of Justice in England;
  - (b) in relation to Scotland, the Court of Session;
  - (c) in relation to Northern Ireland, [His Majesty’s](#)~~Her Majesty’s~~ High Court of Justice in Northern Ireland.

## **Child Custody (Jurisdiction) Rules 2005**

### **1 Interpretation**

In these Rules –

“appropriate court” means –

- (a) in relation to England and Wales, the High Court of Justice in England and Wales;
- (b) in relation to Scotland, the Court of Session;
- (c) in relation to Northern Ireland, [His Majesty’s](#)~~Her Majesty’s~~ High Court of Justice in Northern Ireland;

“appropriate officer” means –

- (a) in relation to England and Wales, the secretary of the principal registry of the Family Division of the High Court of Justice in England and Wales;
- (b) in relation to Scotland, the Deputy Principal Clerk of Session;
- (c) in relation to Northern Ireland, the Master (Care and Protection) of [His Majesty's](#)~~Her Majesty's~~ High Court of Justice in Northern Ireland;

“British jurisdiction” means England and Wales, Scotland or Northern Ireland;

“Court” includes the Greffier;

“Law” means the [Child Custody \(Jurisdiction\) \(Jersey\) Law 2005](#); and

“registration” means registration under the Law and “register” and “registered” shall be construed accordingly (except in relation to the registration of a Jersey order under Part I of the Family Law Act 1986 of the United Kingdom).

## **Children’s Benefit Funds (Jersey) Law 1969**

### **2 Establishment, administration and application of Children’s Benefit Funds**

...

- (9) The Capital Fund shall be invested only in –
  - (a) loans issued by the States;
  - (b) stock issued by a public utility undertaking and guaranteed under the [Public Utilities Undertakings \(Guarantee on Loans\) \(Jersey\) Law 1963](#);
  - (c) securities issued by [the Government of the United Kingdom](#)~~Her Majesty's Government in the United Kingdom~~;
  - (d) securities the payment of interest on which is guaranteed by [the Government of the United Kingdom](#)~~Her Majesty's Government in the United Kingdom~~;
  - (e) fixed interest securities issued by the government of any of the following countries, that is to say, Australia, Burma, Canada, Ceylon, Ghana, India, the Republic of Ireland, Malaysia, New Zealand, Pakistan and the Republic of South Africa;
  - (f) such securities, or securities of such class, as the States, on the recommendation of the Minister for Treasury and Resources, may approve.

## **Civil Aviation (Jersey) Law 2008**

### **22 Application to Crown**

- (1) Except as otherwise provided by this Article, this Law binds the Crown.
- (2) A contravention by the Crown of this Law does not make the Crown criminally liable.
- (3) However –

- (a) the Royal Court may, on the application of the Director of Civil Aviation, declare unlawful an act or omission of the Crown that contravenes this Law;
  - (b) this Law applies in any event to persons in the public service of the Crown as it applies to other persons.
- (4) If the Lieutenant-Governor certifies that it appears to him or her that it is requisite or expedient that, in the interests of national security, a power under this Law that is specified in the certificate should not be exercisable in relation to Crown land specified in the certificate, the power shall not be exercisable in respect of the land.
- (5) This Law does not apply to [His Majesty in his](#) ~~Her Majesty in her~~ private capacity.

## Civil Evidence (Jersey) Law 2003

### 11 Proof of records of business or public authority

- (1) A document which is shown to form part of the records of a business or public authority may be received in evidence without further proof.
- (2) A document shall be taken to form part of the records of a business or public authority if there is produced to the court a certificate to that effect signed by an officer of the business or authority to which the records belong.
- (3) For the purposes of paragraph (2) –
- (a) a document purporting to be a certificate signed by an officer of a business or public authority shall be deemed to have been duly given by such an officer and signed by the officer; and
  - (b) a certificate shall be treated as signed by a person if it purports to bear a facsimile of the person’s signature.
- (4) The absence of an entry in the records of a business or public authority may be proved by affidavit of an officer of the business or authority to which the records belong.
- (5) The court may, having regard to the circumstances of the case, direct that all or any of the provisions of this Article do not apply in relation to a particular document or record, or description of documents or records.
- (6) In this Article –
- “business” includes any activity regularly carried on over a period of time, whether for profit or not, by any body (whether corporate or not) or by an individual;
- “officer” includes any person occupying a responsible position in relation to the relevant activities of the business or public authority or in relation to its records; and
- “public authority” includes any public or parochial authority, statutory undertaking, States department and person holding office under the States or under [His Majesty](#)~~Her Majesty~~;
- “records” means records in whatever form.

## Civil Partners Causes Rules 2012

### 12 Service out of Jersey

- (1) A cause application, originating summons, notice or other document in a cause or matter may be served out of Jersey without leave in the manner provided by this Rule.
- (2) When a cause application is to be served out of Jersey, the time limited for giving notice of intention to defend in the notice accompanying the application or contained in the notice shall be fixed having regard to the place or country where or in which the application or notice is to be served.
- (3) When an originating summons is to be served out of Jersey, the date of the hearing shall be fixed having regard to the place or country where or in which the summons is to be served.
- (4) When it is desired to serve any cause application, originating summons, notice or other document in a foreign country the following procedure may, subject to the provisions of any relevant convention between ~~His Majesty~~[Her Majesty](#) and the Government of a foreign country, be adopted –
  - (a) the party bespeaking such service must lodge with the Greffier a request in Form CP2 (which may be varied as necessary to meet the circumstances of the case);
  - (b) the request must be accompanied by the original document and a translation of it, in the language of the country in which service is to be effected, certified by or on behalf of the person making the request, a copy of each for every person to be served and any further copies that the Greffier may deem necessary;
  - (c) the documents to be served must be sealed with the seal of the Royal Court and shall be forwarded by the Greffier to the Bailiff for transmission through official channels;
  - (d) an official certificate, transmitted through official channels to the Bailiff, establishing the fact and the date of the service of the documents shall, provided that the official certificate in the case of a document to be served personally shows the server's means of knowledge as to the identity of the person served, be deemed to be sufficient proof of such service and shall be filed as, and be equivalent to, a record by the Viscount or an affidavit of service within the requirements of these Rules in that behalf; and
  - (e) where an official certificate, transmitted to the Bailiff through official channels, certifies that efforts to serve a document have been without effect, the Court may, upon a written request made *ex parte* by the person desiring to cause the document to be served, order that such person be at liberty to bespeak from the Greffier a request for substituted service of such document.

Form CP2

### Request for service in a foreign country

*Civil Partners Causes Rules 2012 Rule 12(4)*

**IN THE ROYAL COURT OF JERSEY    File No:**  
**(Family Division)**

BETWEEN

APPLICANT

AND

RESPONDENT

I request that the [cause application] [originating summons] [*or describe the document*] in this cause be sent through the proper channels to [*name of country*] for [service] [substituted service] on the [*name the party*] at [*address*] or elsewhere in [*name of country*].

I personally undertake to be responsible for all expenses incurred by [[His Majesty's Her Majesty's](#) Principal Secretary of State for Foreign Affairs] [the foreign judicial authority] in respect of the service requested and, on receiving due notification of the amount of such expenses, I undertake to pay the same to the Judicial Greffier.

**Collective Investment Funds (Recognized Funds) (Permit Conditions for Functionaries) (Jersey) Order 1988**

**SCHEDULE 4**

**FINANCIAL RESOURCES: INVESTMENT POSITION RISK REQUIREMENT: INVESTMENTS AND ASSETS OTHER THAN UNITS IN RECOGNIZED FUNDS**

**TABLE**

INVESTMENT POSITION RISK FACTORS

	Column 1	Column 2
I	Debt instruments issued by <a href="#">the Government of the United Kingdom</a> <del>Her Majesty's Government</del> or by a local authority in the United Kingdom with less than 12 months to final redemption;	2%
II	Debt instruments issued or accepted by an approved bank with less than 90 days to final redemption;	2%
III	Debt instruments issued by <a href="#">the Government of the United Kingdom</a> <del>Her Majesty's Government</del> or	5%



**TABLE**  
**INVESTMENT POSITION RISK FACTORS**

Column 1	Column 2
by a local authority in the United Kingdom with more than 12 months but less than 5 years to final redemption;	
IV Other debt instruments which are marketable investments with less than 12 months to final redemption;	5%
V Floating Rate Notes which are marketable investments with no more than 20 years to final redemption;	5%
VI Debt instruments issued by <a href="#">the Government of the United Kingdom</a> <del>Her Majesty's Government</del> or by a local authority in the United Kingdom with more than 5 years to final redemption;	10%
VII Other debt instruments which are marketable investments with less than 5 years to final redemption;	10%
VIII Floating Rate Notes which are marketable investments with 20 years or more to final redemption;	10%
IX Other debt instruments which are marketable investments;	15%
X Shares listed on the Official List of The Stock Exchange or on a <b>recognized</b> overseas or designated investment exchange;	25%
XI Single premium unit linked bonds and units in what under the Financial Services Act 1986 of the United Kingdom is an authorized unit trust scheme or a <b>recognized</b> scheme other than units in a Jersey recognized fund;	25%
XII Physical stocks other than those disregarded by virtue of <b>Schedule 2</b> to this Order;	30%
XIII Other shares which are traded on a <b>recognized</b> or designated investment exchange;	35%
XIV Other shares in which there is a market maker;	35%
XV Futures, options and contracts for differences in respect of which exposure to loss is not limited to the purchase price of the investment;	

**TABLE**  
**INVESTMENT POSITION RISK FACTORS**

Column 1	Column 2
	4 times initial margin requirement
XVI Other investments other than shares disregarded by virtue of paragraph 6 of Schedule 2 to these rules.	100% of amount of asset

In the Table “final redemption” means the earliest date on which the manager may receive (either by virtue of the maturity of the investment or the exercise of an option by the manager) repayment of the principal amount of the debt instrument.

**Companies (Jersey) Law 1991**

**213A Recognition of status of foreign corporations**

- (1) If at any time –
- (a) any question arises whether a body which purports to have corporate status under or, as the case may be, which appears to have lost corporate status under the laws of a territory which is not at that time a recognized State should or should not be regarded as having legal personality as a body corporate under the law of Jersey; and
  - (b) it appears that the laws of that territory are at that time applied by a settled court system in that territory,
- that question and any other material question relating to the body shall be determined (and account shall be taken of those laws) as if that territory were a recognized State.
- (2) For the purposes of paragraph (1) –
- (a) “a recognized State” is a territory which is recognized by [the Government of the United Kingdom](#) ~~Her Majesty’s Government in the United Kingdom~~ as a State;
  - (b) the laws of a territory which is so recognized shall be taken to include the laws of any part of the territory which are acknowledged by the federal or other central government of the territory as a whole; and
  - (c) a material question is a question (whether as to capacity, constitution or otherwise) which, in the case of a body corporate, falls to be determined by reference to the laws of the territory under which the body is incorporated.

- (3) Any registration or other thing done at a time before the coming into force of this Article shall be regarded as valid if it would have been valid at that time, had paragraphs (1) and (2) then been in force.

## **Compulsory Purchase of Land (Procedure) (Jersey) Law 1961**

### **2 Application of the provisions of this Law**

- (1) The provisions of this Law shall apply only where, ~~by a Law by a Law confirmed by Order of Her Majesty in Council~~ (in this Law referred to as a “Special Law”), power is conferred on the States to acquire land by compulsory purchase on behalf of the public in accordance with the provisions of this Law but not otherwise, and, in any such case, the provisions of this Law shall apply in relation to the acquisition of the land, save so far as they are expressly varied or excepted by such Special Law.
- (2) Where under the provisions of a Special Law the power to acquire land by compulsory purchase includes the power to –
- (a) acquire a servitude or other right over land by the creation of a new servitude or right; or
  - (b) extinguish or modify a servitude or other right over land,
- references in this Law to the acquisition of land or of an interest in land shall be construed as including references to the exercise of any of the powers referred to in sub-paragraph (a) or (b).

## **Consular Conventions (Jersey) Law 1952**

**A LAW** to confer upon the consular officers of foreign States with which consular conventions are concluded by ~~His Majesty~~~~Her Majesty~~ certain powers relating to the administration of the estates and property of deceased persons; to restrict the powers of officers of police and other persons to enter the consular offices of such States; to restrict the jurisdiction of the courts with respect to matters concerning certain ships or aircraft; and to confer upon consular officers certain powers in relation to wrecks and the property of deceased seamen

### **3 Civil jurisdiction concerning service on board ship or aircraft**

Where provision has been made ~~by Order in Council by Her Majesty~~ ~~by Order in Council~~ made under sections 4 and 16(2) of the Consular Relations Act 1968 of the United Kingdom for excluding or limiting the jurisdiction of any court in the United Kingdom to entertain proceedings relating to the remuneration or any contract of service of the master or commander or a member of the crew of any ship or aircraft belonging to a State specified in the Order, except where a consular officer of that State has been notified of

the intention to invoke the jurisdiction of that court and has not objected within such time as may be specified by or under the Order, and the Order has been registered by the Royal Court, the Order shall apply to proceedings before the courts in Jersey in like manner as it applies to proceedings before courts in the United Kingdom.

## 5 Application of Article 1

Where an Order in Council has been made [under section 6](#) ~~by Her Majesty under section 6~~ of the Consular Conventions Act 1949 of the United Kingdom and has been registered by the Royal Court, then if the Order in Council directs that section 1 of the Act shall apply to a foreign State, Article 1 of this Law shall apply to that foreign State.

# Consumer Protection (Unfair Practices) (Jersey) Law 2018

## 2 Application

- (1) This Law applies to any unfair commercial practice which takes place before, during or after a transaction in which one person deals as a consumer in relation to any product.
- (2) This Law applies without derogation from, and in addition to –
  - (a) the [Consumer Safety \(Jersey\) Law 2006](#);
  - (b) the [Distance Selling \(Jersey\) Law 2007](#); and
  - (c) the [Supply of Goods and Services \(Jersey\) Law 2009](#).
- (3) This Law –
  - (a) applies (subject to paragraph (4)) to a Minister of the States and any public administration; and
  - (b) binds the Crown (subject to paragraph (5)), but does not apply to ~~His Majesty~~ [Her Majesty](#) in [his private capacity](#) ~~her private capacity~~.
- (4) A contravention by a Minister or by a public administration of any provision of this Law shall not impose criminal liability on the Minister or public administration, but –
  - (a) the Royal Court may, on the application of the Attorney General, declare unlawful any act or omission of a Minister or public administration that contravenes a provision of this Law; and
  - (b) this Law applies to States' employees (as defined by Article 2 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#)) as it applies to other persons.
- (5) A contravention by the Crown of any provision of this Law shall not impose criminal liability on the Crown.

- (6) For the purposes of paragraph (1), one party to a contract of sale of goods or for the supply of services, or to a hire-purchase agreement, deals as a consumer in relation to another party to the contract or agreement if –
- (a) the other party enters the contract or agreement in the course of a business; and
  - (b) the one party neither enters the contract or agreement in the course of a business nor holds himself or herself out as doing so,
- and the goods or services under the contract or agreement are of a type ordinarily supplied for private use or consumption.
- (7) However, on a sale by auction or by competitive tender the buyer is not in any circumstances to be regarded as dealing as a consumer for the purposes of this Law.
- (8) Except in the case referred to in paragraph (7), it is for those claiming that a party does not deal as a consumer to show that that party does not so deal.

## **Control of Borrowing (Jersey) Law 1947**

### **2 Control of borrowing, etc.**

- (1) The Minister may, on the recommendation of the Commission, make Orders for regulating, subject to such exemptions as may be specified in the Orders, all or any of the following transactions and acts, that is to say –
- (a) the borrowing of money in Jersey where –
    - (i) the payment is secured by the creation of a simple conventional hypothec on real property in Jersey, or
    - (ii) the aggregate of the amount of money borrowed under the transaction, and of any other amounts so borrowed (including amounts borrowed under transactions to which the foregoing clause refers) by the same person in the previous 12 months, exceeds £10,000;
  - (b) the raising of money in Jersey by the issue, whether in Jersey or elsewhere, by any body corporate, of any shares in that body corporate;
  - (c) the issue for any purposes –
    - (i) by any body corporate of any shares in or debentures or other securities of that body corporate, if either the body corporate is incorporated under the law of Jersey, or the shares, debentures or other securities are or are to be registered in Jersey, or
    - (ii) by any Government, other than [the Government of the United Kingdom](#) ~~Her Majesty's Government in the United Kingdom~~ or the States of any of the Channel Islands, of any securities of that Government which are or are to be registered in Jersey;
  - (d) the admission of any person to membership, otherwise than by reason of the issue or transfer of shares, of a body incorporated in Jersey;

- (e) the issue to a body incorporated outside Jersey of a certificate of continuance under Article 127O of the [Companies \(Jersey\) Law 1991](#);
- (ea) the issue to a limited liability body registered outside Jersey of a certificate of continuance under Regulation 75 of the [Limited Liability Companies \(General Provisions\) \(Jersey\) Regulations 2022](#);
- (f) the circulation in Jersey of any offer for subscription, sale or exchange of –
  - (i) any shares in or debentures or other securities of any body corporate not incorporated under the law of Jersey, or
  - (ii) any securities of any Government other than [the Government of the United Kingdom](#) ~~Her Majesty's Government in the United Kingdom~~ or the States of any of the Channel Islands:

Provided that sub-paragraph (a) shall not apply to the borrowing of money by any person in the ordinary course of his or her business from a person carrying on a banking undertaking.

...

## Control of Borrowing (Jersey) Order 1958

### 7 Government securities

No securities of any Government, other than [the Government of the United Kingdom](#) ~~Her Majesty's Government in the United Kingdom~~ or the States of Jersey or Guernsey, which are or are to be registered in Jersey shall be issued for any purpose without the consent of the Commission.

### 8 Prospectuses, etc.

- (1) A person shall not, without the consent of the Commission, circulate in Jersey any offer for subscription, sale or exchange of any securities of any government, other than [the Government of the United Kingdom](#) ~~Her Majesty's Government in the United Kingdom~~ or the States of any of the Channel Islands, unless such offer –
  - (a) does not for the purposes of this Article constitute an offer to the public; or
  - (b) is for the purposes of this Article valid in the United Kingdom or in the Bailiwick of Guernsey.

...

## Control of Housing and Work (Jersey) Law 2012

### 20 Specified transactions concerning companies etc

- (1) In this Article “legal person” includes –
  - (a) any body of persons, corporate or unincorporated;

- (b) the Crown; and
  - (c) a corporation sole,
- but excludes ~~His Majesty Her Majesty~~ in his private capacity ~~her private capacity~~ and any other individual.
- (2) A legal person shall not acquire land as a party to a specified transaction except with the prior consent in writing of the Minister.
  - (3) A legal person may make an application to the Minister for consent under paragraph (2) in such form and accompanied by such documents as the Minister may determine and accompanied by such fee as the Minister may prescribe.
  - (4) In deciding whether to grant consent under paragraph (2), the Minister shall take into account whether consent, can, in the best interests of the community, be justified, with particular regard to the supply and demand of property and, where relevant, to promoting ownership of residential property by persons with Entitled status.
  - (5) Subject to paragraph (7), the Minister may grant consent under paragraph (2) subject to such conditions as he or she thinks fit.
  - (6) If the Minister refuses to grant consent under paragraph (2), or grants consent subject to conditions, he or she shall notify the applicant in writing with reasons and, at the same time, inform the applicant of his or her right of appeal under Article 41.
  - (7) The Minister’s powers under paragraph (5) shall not apply to –
    - (a) any condition (including any variation of a condition) attached to a grant of planning permission (including permission given by a Development Order) under the Planning and Building (Jersey) Law 2002; or
    - (b) any condition attached to a planning permission granted under an enactment repealed by that Law,and nothing in this Article shall affect the operation of any such condition.
  - (8) Paragraph (2) shall not apply to any specified transaction described in Article 18(1)(b), where the party acquiring land is a public utility undertaking and the land is for the purposes of accommodating any apparatus necessary for the supply or control of gas, electricity, water, or telecommunications.
  - (9) In paragraph (8), “public utility undertaking” means any legal person authorized by or under any enactment to carry on a gas, electricity, water or telecommunications undertaking.

**Court of Appeal (Criminal) (Confiscation or Instrumentalities Forfeiture  
Order Appeals) Rules 2009**

**SCHEDULE**

(Rule 4(1)(b))

**The Court of Appeal of Jersey**

**RESPONDENT'S NOTICE**

In re an application by ~~His Majesty's Attorney General~~ Her Majesty's Attorney General for leave to appeal to the Court of Appeal under Article 45D of the Court of Appeal (Jersey) Law 1961 in respect of a confiscation order or an instrumentalities forfeiture order

**A. THE RESPONDENT:**<sup>1</sup>

Surname: .....

Forenames: .....

.....

Address:<sup>2</sup> .....

.....

.....

.....

Post Code: .....

Date of Birth: .....

**B. HEARING BEFORE THE ROYAL COURT**

Bailiff/Deputy Bailiff/Commissioner.....

Date(s) of hearing(s): .....

Date of receipt of Attorney General's application: .....

---

<sup>1</sup> Give your full name.

<sup>2</sup> If in custody give address where you are detained.



**C. THE RESPONDENT –**

- (i) [wants] [does not want]<sup>3</sup> to oppose the Attorney General’s application
  
- (ii) [wants] [does not want]<sup>3</sup> to apply for an extension of time in which to serve the respondent’s notice<sup>4</sup>
  
- (iii) [wants] [does not want]<sup>3</sup> to apply for permission to attend a hearing that the respondent does not have a right to attend<sup>5</sup>

**D. THE REASONS** for any application(s) for extension of time and/or permission to attend a hearing are:

.....  
.....  
.....  
.....  
.....

**Signature**

Signature of respondent

[OR: Details of any person signing on behalf of the respondent:

.....  
.....  
..... ]

---

<sup>3</sup> Delete as appropriate.

<sup>4</sup> If you do want an extension of time, state reasons in section **D**.

<sup>5</sup> If you do wish to apply for such permission, state reasons in section **D**.

**Court of Appeal (Criminal) (Reference for Review of Sentence) Rules  
2009**

**SCHEDULE**

(Rule 4(1)(b))

**The Court of Appeal of Jersey**

**RESPONDENT'S NOTICE**

In re an application by ~~His Majesty's Attorney General~~ [Her Majesty's Attorney General](#) for leave to make a reference to the Court of Appeal under Article 45A of the [Court of Appeal \(Jersey\) Law 1961](#) for review of sentence

**A. THE RESPONDENT:** <sup>1</sup>

Surname: .....

Forenames: .....

.....

Address:<sup>2</sup> .....

.....

.....

.....

Post Code: .....

Date of Birth: .....

**B. HEARING BEFORE THE ROYAL COURT**

Bailiff/Deputy Bailiff/Commissioner.....

Date(s) of hearing(s): .....

Date of receipt of Attorney General's application: .....

---

<sup>1</sup> Give your full name.

<sup>2</sup> If in custody give address where you are detained.

**C. THE RESPONDENT –**

(i) [wants] [does not want]<sup>3</sup> to make representations at the hearing of the application

(ii) [wants] [does not want]<sup>3</sup> to apply for an extension of time in which to serve the respondent's notice<sup>4</sup>

(iii) [wants] [does not want]<sup>3</sup> to apply for permission to attend a hearing that the respondent does not have a right to attend<sup>5</sup>

**D. THE REASONS** for any application(s) for extension of time and/or permission to attend a hearing are:

.....  
.....  
.....  
.....  
.....

**Signature**

Signature of respondent

[OR: Details of any person signing on behalf of the respondent:

.....  
.....  
..... ]

---

<sup>3</sup> Delete as appropriate.  
<sup>4</sup> If you do want an extension of time, state reasons in section **D**.  
<sup>5</sup> If you do wish to apply for such permission, state reasons in section **D**.

**Court of Appeal (Criminal) (Reference of Points of Law) Rules 2009**

**SCHEDULE**

(Rule 4(1)(b))

**The Court of Appeal of Jersey**

**RESPONDENT’S NOTICE**

In re a Reference by ~~His Majesty's Attorney General~~Her Majesty's Attorney General of a point of law to the Court of Appeal under Article 45 of the Court of Appeal (Jersey) Law 1961 following acquittal

**A. THE RESPONDENT:<sup>1</sup>**

Surname: .....

Forenames: .....

.....

Address:<sup>2</sup> .....

.....

.....

.....

Post Code: .....

Date of

Birth: .....

**B. HEARING BEFORE THE ROYAL COURT**

Bailiff/Deputy

Bailiff/Commissioner.....

Date(s) of

hearing(s): .....

Date of receipt of Attorney General's

application: .....

---

<sup>1</sup> **PLEASE NOTE:** If you wish to serve a Respondent's Notice, your full name must be given on this Form, but the Court must not allow anyone to identify you during the proceedings unless you give permission.

<sup>2</sup> If in custody give address where you are detained.

**C. THE RESPONDENT –**

(i) [wants] [does not want]<sup>3</sup> to make representations at the hearing of the application

(ii) [wants] [does not want]<sup>3</sup> to apply for an extension of time in which to serve the respondent’s notice<sup>4</sup>

**D. THE REASONS** for any application(s) for extension of time and/or permission to attend a hearing are:

.....  
.....  
.....  
.....  
.....

**Signature**

Signature of respondent

[OR: Details of any person signing on behalf of the respondent:

.....  
.....  
..... ]

---

<sup>3</sup> Delete as appropriate.

<sup>4</sup> If you do want an extension of time, state reasons in section **D**.

**Court of Appeal (Criminal) Rules 1964**

**SCHEDULE**

**FORMS**

...

**FORM 2**

(Rule 3)

\_\_\_\_\_

[Court of Appeal \(Jersey\) Law 1961](#)

\_\_\_\_\_

**NOTICE OF APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO APPEAL**

*To the JUDICIAL GREFFIER*

I, ....., having on the            day of,            20    , been convicted by the Royal Court of the offence of<sup>1</sup> .....and being now in [His Majesty's Prison Her Majesty's Prison](#)<sup>2</sup> .....

<sup>(1)</sup> Here state offence – e.g. Larceny, Forgery, etc.

*Give you Notice* that I hereby apply to the Court of Appeal for an extension of the time within which I may give notice of appeal (or notice of application for leave to appeal), on the grounds following –<sup>3</sup>

<sup>(3)</sup> Here set out clearly and concisely the reasons for the delay in giving such notice, on the grounds on which you submit that the court should extend the time.

.....  
.....  
.....

(Signed) .....

(Appellant).

Dated this ..... day of ....., 20 .....

**Note.** – Form 1 must be filled up and sent with this notice to the Judicial Greffier.

## **Court of Appeal (Jersey) Law 1961**

### **2 Judges of Court of Appeal**

The Judges of the Court of Appeal shall be the Bailiff, the Deputy Bailiff and such persons as may be appointed by ~~His Majesty Her Majesty~~ to be ordinary judges of the Court of Appeal, being persons who –

- (a) hold or have held judicial office in the Commonwealth;
- (b) have been at least 10 years in practice at the Bar in Jersey, whether as a Law Officer of the Crown or otherwise; or
- (c) have been at least 10 years in practice at the Bar in England and Wales, Scotland, Northern Ireland, Guernsey or the Isle of Man.

### **12 Jurisdiction**

- (1)
- (2) Subject as otherwise provided in this Law or in any other enactment, the Court of Appeal shall have jurisdiction to hear and determine appeals from any judgment or order of the Royal Court (not being an order or decision of the Judicial Greffier) when exercising jurisdiction in any civil cause or matter.
- (3) For all purposes of and incidental to the hearing and determination of any appeal, and the amendment, execution and enforcement of any judgment or order made thereon, the Court of Appeal shall have all the power, authority and jurisdiction of the Royal Court, and shall have power, if it appears to the Court that a new trial or hearing ought to be had, to order that the verdict and judgment be set aside and that a new trial or hearing be had.
- (4) The Court of Appeal shall exercise such additional appellate jurisdiction as may be conferred upon the Court by any ~~Law enactment passed by the States and confirmed by Order of Her Majesty in Council.~~
- (5) This Part shall apply to *causes mixtes* as it applies to civil causes and matters.

### **14 Appeals from the decisions of Court of Appeal**

- (1) No appeal shall lie from a decision of the Court of Appeal under this Part without the leave of the Court or the special leave of ~~His Majesty Her Majesty~~ in Council.



- (2) No appeal shall lie from a decision of the Court of Appeal to grant, or to refuse to grant, leave to appeal.

## **21 Shorthand note and transcript of proceedings in court of first instance**

- (1) In any proceedings in which an appeal lies to the Court of Appeal under this Part, a shorthand note of the proceedings shall be taken, and on any appeal or application to the Court of Appeal a transcript of the note, or of so much thereof as the Court of Appeal or the court whose decision is appealed from or sought to be appealed from shall direct, shall be made for the use of the Court of Appeal.
- (2) The cost of the transcript of such shorthand note, in accordance with the scales of payment fixed for the time being by rules of court, shall be included in the recoverable costs of the proceedings.
- (3) In any case in which an appeal lies to [His Majesty](#)~~Her Majesty~~ in Council, the evidence of the witness in the original proceedings shall be transcribed from the shorthand note of those proceedings taken in pursuance of this Article.
- (4) A transcript of the shorthand note taken in pursuance of this Article shall be furnished to any party to the proceedings upon payment of such charges as are fixed for the time being by rules of court.
- (5) Rules of court for the purposes of this Article shall be made by the Superior Number of the Royal Court.

## **27 Powers of court in special cases**

- (1) If it appears to the Court of Appeal that an appellant, though not properly convicted on some count or part of the indictment, has been properly convicted on some other count or part of the indictment, the Court may either affirm the sentence passed on the appellant as a result of the trial, or pass such sentence in substitution therefor as it thinks proper and as may be warranted in law by the verdict on the count or part of the indictment on which the Court considers that the appellant has been properly convicted.
- (2) Where an appellant could, on the indictment, have been found guilty of an offence other than that of which the appellant was convicted and it appears to the Court of Appeal that the jury must have been satisfied of facts which proved the appellant guilty of that other offence, the Court may, instead of allowing or dismissing the appeal, substitute for the verdict appealed from a verdict of guilty of that other offence and pass such sentence in substitution for the sentence passed as the result of the trial as may be warranted in law for that other offence, not being a sentence of greater severity.
- (3) If on any appeal it appears that, although the appellant was guilty of the act or omission charged against the appellant, at the time the act was done or the omission made, he or she suffered from a mental disorder (within the meaning given by Article 1 of the [Mental Health \(Jersey\) Law 2016](#)), so as not to be responsible according to law for the appellant's actions, the Court of Appeal may quash the

sentence passed as a result of the trial and order the appellant to be detained during ~~His Majesty's pleasure~~Her Majesty's pleasure.

#### 48 Saving

Save as provided by Article 14, nothing in this Law shall affect the prerogative of ~~His Majesty~~Her Majesty or the jurisdiction of ~~Her Majesty~~His Majesty in Council.

### SCHEDULE 1

(Article 5)

#### FORM OF OATH TO BE TAKEN BY JUDGES OF COURT OF APPEAL

“Vous jurez et promettez par la foi et serment que vous devez à Dieu que bien et fidèlement vous exercerez la charge de Juge de la Cour d’Appel du Bailliage de Jersey; que vous soutiendrez et maintiendrez l’honneur et gloire de Dieu, et de sa pure parole; que vous conserverez et garderez les droits de Sa Majesté notre ~~Souverain Seigneur Charles Trois~~Souveraine Dame Elizabeth Deux, par la Grâce de Dieu ~~Roi du Royaume-Uni~~Reine du Royaume-Uni de la Grande Bretagne et de l’Irlande du Nord et de ses autres Royaumes et Territoires, Chef du Commonwealth, Défenseur de la Foi, et qu’à Sa dite Majesté vous serez vrai et loyal sujet; que vous maintiendrez, soutiendrez et défendrez tous les lois, libertés, usages et anciennes coutumes dudit Bailliage, vous opposant à quiconque les voudrait enfreindre; et que vous administrerez bonne et briève justice à un chacun, sans acception de personne”.

### Crime and Security (Jersey) Law 2003

#### 10 The Crown

- (1) A freezing order binds the Crown, subject to the following provisions of this Article.
- (2) No contravention by the Crown of a provision of a freezing order makes the Crown criminally liable but the Royal Court may, on the application of a person appearing to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Nothing in this Article affects ~~His Majesty in his~~ Her Majesty in her private capacity.

### Criminal Justice (Life Sentences) (Jersey) Law 2014

#### 1 Interpretation

- (1) In this Law, unless the context otherwise requires –  
“child” means a person who has not attained the age of 18 years;

“discretionary life sentence” means a sentence of life imprisonment which is not a mandatory life sentence;

“licence”, in relation to the release of a life prisoner from prison, shall be construed in accordance with Article 18;

“life prisoner” means a person serving in Jersey a sentence in respect of which an order for a minimum period of imprisonment has been made;

“mandatory life sentence” means a sentence of life imprisonment which is fixed by law as described in paragraph (2);

“minimum period of imprisonment” means the period specified by a court in an order under Article 10 or Article 14;

“Minister” means the Minister for Home Affairs;

“murder which is aggravated by sexual orientation or disability” shall be construed in accordance with Article 3;

“murder which is racially or religiously aggravated” shall be construed in accordance with Article 2;

“prison” includes any form of custody or detention in which a person is lawfully placed under a sentence of life imprisonment;

“starting point”, in relation to an offender, means a period calculated under Article 5, 6, 7 or 8, as the case may be, in relation to the offender.

- (2) In this Law, a sentence of life imprisonment is taken to be fixed by law if a court that finds a person guilty of the offence to which the sentence relates must, by law, impose that sentence.
- (3) In this Law, a reference to a sentence of life imprisonment includes a sentence of custody for life or detention during His Majesty’s pleasure~~Her Majesty’s pleasure~~.

## **Criminal Justice (Young Offenders) (Jersey) Law 2014**

### **5 Youth detention for offences where life sentence fixed by law and for other serious offences**

- (1) Where a child, young person or young adult is convicted of murder or any other offence for which the sentence is fixed by law as imprisonment for life, the court shall sentence the person –
  - (a) to custody for life if it appears to the court that, at the time the offence was committed, the person was a young adult; or
  - (b) to be detained during His Majesty’s pleasure~~Her Majesty’s pleasure~~ if it appears to the court that, at the time the offence was committed, the person was a child or young person.
- (2)
- (3) Where –
  - (a) a child or young person is convicted of any offence that is punishable, in the case of a person aged 21 years or over, with imprisonment for 14 years or more;

- (b) the offence is not an offence for which the sentence is fixed by law; and
- (c) the court is of the opinion that none of the other methods in which the case may legally be dealt with is suitable,

the court may sentence the offender to be detained for such period, not exceeding the maximum term of imprisonment for which the offence is punishable in the case of a person aged 21 years or over, as may be specified in the sentence.

(4)

## **Criminal Procedure (Jersey) Rules 2021**

### **SCHEDULE 1**

(Rule 8)

#### **FORM OF INDICTMENT**

Before the Royal Court of Jersey

[His Majesty's Attorney General](#)~~Her Majesty's Attorney General~~

-v-

A.B.

A.B. is charged with the following offences –

Count 1 [if more than one count].

Statement of offence

Particulars of offence

## **Crown Advocates (Jersey) Law 1987**

### **SCHEDULE**

(Article 1)

#### **OATH**

You swear and promise before God that well and faithfully you will exercise the duties of Crown Advocate; that you will be faithful and bear true allegiance to [His Majesty King Charles the Third, his heirs and successors](#)~~Her Majesty Queen Elizabeth the Second, her heirs and successors~~ according to law; that you will uphold and maintain the laws and usages of Jersey and that you will ensure, so far as you are able during the period of your appointment, that all transgressors of the law meet their just deserts.

## Currency Offences (Jersey) Law 1952

### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“British coin” means any coin lawfully current by virtue of any Proclamation or otherwise in any part of [His Majesty’s](#)~~Her Majesty’s~~ dominions, whether within the United Kingdom or elsewhere and “British money” means money expressed in the terms of any British coin;

“copper coin” includes any coin of any metal or mixed metal not being a gold or silver coin;

“currency” means any money, whether paper money or metallic money, lawfully current in any part of [His Majesty’s](#)~~Her Majesty’s~~ dominions or in any foreign country;

“current notes” means any notes (by whatever name called) which are legal tender in the country in which they are issued;

“die” includes any plate, type, tool, or implement whatsoever, and also any part of any die, plate, type, tool or implement, and any stamp or impression thereof or any part of such stamp or impression;

“foreign coin” means any coin lawfully current in any foreign country, and “foreign money” means money expressed in the terms of any foreign coin;

“paper money” includes bank notes and currency notes;

“silver coin” includes any coin which in any country is legal tender as silver coin.

(2) For the purposes of this Law –

(a) a coin shall be deemed to be current if it has been coined in or for any of [His Majesty’s](#)~~Her Majesty’s~~ Mints, or has been lawfully coined in or for any foreign country, or is lawfully current by virtue of the Royal Prerogative or of enacted or customary law or of any Proclamation or otherwise in any part of [His Majesty’s](#)~~Her Majesty’s~~ dominions or is lawfully current in any foreign country;

(b) a coin apparently intended to resemble or pass for any current coin shall be deemed to resemble that current coin;

(c) a current coin which has been gilt, silvered, washed, coloured or cased over or in any manner altered so as to resemble any current coin of a higher denomination shall be deemed to be a false or counterfeit coin resembling a current gold or silver coin;

- (d) a thing shall be deemed to be in the possession of any person, if the person himself or herself has it in his or her personal custody or possession, and also if the person knowingly and wilfully has it in the actual custody or possession of some other person, or in some building or place, whether open or enclosed, or in some ship, boat or other vessel, or aircraft, (whether belonging to or occupied by himself or herself or not) and whether the person has it for his or her own use or benefit or for that of any other person;
- (e) forgery includes the making of any false paper money in order that it may be used as genuine, or with intent to defraud or deceive, and also includes the fraudulent alteration of any paper money.

## 17 Offences with regard to foreign coin

Acts which would be offences against this Law if committed with regard to any currency of any part of ~~His Majesty's~~[Her Majesty's](#) dominions shall, if committed with regard to the currency of any foreign country, be offences against this Law.

## Customs and Excise (Customs Transit Procedures) (Jersey) Order 2019

### 1 Interpretation

- (1) In this Order –  
...

“HMRC” means the office of ~~His Majesty's~~[Her Majesty's](#) Revenue and Customs of the United Kingdom;

## Customs and Excise (Jersey) Law 1999

### 33B Regulations as to import duty

- (1) The States may by Regulations make further provision relating to import duty, including provision for all or any of the purposes described in paragraph (2).
- (2) Regulations made under paragraph (1) may –
  - (a) make provision as to the transaction value of goods for the purposes of import duty, including provision dealing with transaction value, including provision as to –
    - (i) transactions between persons who are related to, or connected with, each other in a specified way,
    - (ii) cases where a transaction value cannot, or cannot readily, be determined, and
    - (iii) cases where goods were paid for in a currency other than sterling;
  - (b) provision for the purpose of determining the place of origin of goods, including provision –

- (i) for determining what constitutes, or does not constitute, processing that is economically justified, or an important stage of manufacture,
  - (ii) as to cases in which goods are, or are not, to be regarded as being wholly obtained in, or originating from, a country or territory, and
  - (iii) as to the evidence which is to be required, or is to be sufficient, for the purpose of showing that goods originate from a country or territory;
- (c) provide that the amount of import duty applicable to goods must or may be amended or adjusted in particular circumstances or cases, and by reference to such factors as –
- (i) specified goods or specified descriptions of goods,
  - (ii) the country or territory from which goods originate,
  - (iii) the amount of import duty applicable to any goods which are subject to a quota,
  - (iv) the temporary lowering of the rate of import duty applicable to specified goods or descriptions of goods,
  - (v) arrangements made by Jersey, with [the Government of the United Kingdom](#) ~~Her Majesty's government in the United Kingdom~~ or with the government of a country or territory outside the United Kingdom or with both (including arrangements of a type mentioned in Article 6);
- (d) without derogation from sub-paragraph (a), may make provision for an additional amount of import duty to be applicable to specified agricultural goods or a specified description of such goods, if –
- (i) the volume of imports of such goods during a specified period exceeds a specified trigger level, or
  - (ii) the import price of such goods falls below a specified trigger price;
- (e) make provision for full or partial relief from a liability to import duty, by reference to any factor, including –
- (i) the nature or origin of goods or anything else by reference to which goods are classified in the customs tariff,
  - (ii) anything in the customs tariff by reference to which the amount of import duty applicable to goods is determined,
  - (iii) the purposes for which, the person by whom or for whose benefit, or the circumstances in which goods are imported;
- (f) make provision for matters incidental to import duty or the customs tariff and for purposes related to the implementation of the customs tariff or of external tariff regulations, including in particular such matters as approval or authorization of persons as economic operators;
- (g) provide that rulings and determinations given or made by officers of HMRC or by or on behalf of the customs authority of any specified country or territory other than the United Kingdom, and relevant to determining –
- (i) any issue as to the applicability of the customs tariff to specified goods or goods of a specified classification or description, or

- (ii) the country or territory of origin of goods, are to have effect in Jersey;
- (h) for the purposes of valuation of goods for import duty, make provision –
  - (i) treating a matter to be of a specified amount or value, or
  - (ii) for the value of goods to be a value other than the transaction value (and in this clause, “transaction value” has the meaning given by Article 6(2) of the [Customs and Excise \(Customs Tariff and Import Duty\) \(Jersey\) Order 2019](#));
- (i) where a dispute or other issue has arisen between the Government of Jersey and the government of a country or territory, make provision, if and to the extent that the Government of Jersey is authorized under international law to do so, varying the amount of import duty in the case of goods or a description or goods;
- (j) authorize the charging of fees in respect of any specified function of the Agent for the purposes of, or otherwise in connection with, import duty.

#### 43 **Access for the prevention of smuggling**

- (1) The person in command of any ship in the service of ~~His Majesty~~[Her Majesty](#) or the States which is engaged in the prevention of smuggling may –
  - (a) haul up and leave that ship on any part of the coast; and
  - (b) moor that ship at any place below high water mark on any part of the coast.
- (2) Any officer and any person acting in aid of any officer or otherwise duly engaged in the prevention of smuggling may for that purpose have access to, patrol and pass freely along or over any part of the coast and any aerodrome or land adjoining any aerodrome.

#### 45 **Activities in connection with smuggling**

- (1) Any person who by any means makes any signal or transmits any message from any part of Jersey or from any ship or aircraft, being a signal or message connected with the smuggling or intended smuggling of goods into or out of Jersey, shall be liable to a fine or to imprisonment for a term not exceeding 2 years, or to both, and any equipment or apparatus used for sending the signal or message shall be liable to forfeiture.
- (2) If any officer or police officer has reasonable grounds for suspecting that any signal or message described in paragraph (1) is being or is about to be made or transmitted, he or she may enter any ship, aircraft, vehicle, house or other place from where the signal or message is or is about to be sent and take such steps as are reasonably necessary to stop or prevent the sending of the signal or message.
- (3) Any person who without due cause interferes in any way with any ship, aircraft, vehicle, buoy, anchor, chain, rope or mark which is being used for the purposes of the functions of the Minister or the Agent of the Impôts under this Law shall be liable to a fine not exceeding level 3 on the standard scale.



- (4) Any person who rams, fires on or does anything which may obstruct or endanger any ship, aircraft or vehicle in the service of ~~His Majesty~~ or of the States while that ship, aircraft or vehicle is engaged in the prevention of smuggling shall be liable to a fine or to imprisonment for a term not exceeding 7 years, or to both.

#### **47 Forfeiture of ship, aircraft or vehicle designed for smuggling**

- (1) Where –
- (a) a ship is or has been in the territorial sea adjacent to Jersey;
  - (b) an aircraft is or has been at any place, whether on land or on water, in Jersey; or
  - (c) a vehicle is or has been within the limits of any port or aerodrome, while constructed, adapted, altered or fitted in any manner for the purpose of concealing goods, that ship, aircraft or vehicle shall be liable to forfeiture.
- (2) If any part of the cargo of a ship is thrown overboard, or is staved or destroyed to prevent seizure –
- (a) while the ship is within the territorial sea adjacent to Jersey; or
  - (b) where the ship, having been properly summoned to bring to by any ship in the service of ~~His Majesty~~ or of the States, fails so to do and chase is given, at any time during the chase, the ship shall be liable to forfeiture.
- (3) Where a ship has been within the limits of any port, or an aircraft has been in Jersey, with a cargo on board and a substantial part of that cargo is afterwards found to be missing, then, if the master of the ship or the commander of the aircraft fails to account therefor to the satisfaction of the Agent of the Impôts, the ship or aircraft shall be liable to forfeiture.

#### **57 Exemption from forfeiture of ships and aircraft where owner not involved in offence**

- (1) A ship or aircraft shall not be liable to forfeiture under Article 56 where the owner of such ship or aircraft shows that the owner did not know and had no reason to suspect that the offence in respect of or in connection with which the forfeiture is claimed was, was being or was likely to be committed unless –
- (a) the offence was substantially the object of the voyage or flight during which the offence was committed;
  - (b) the owner failed to take such steps as were reasonable in the circumstances for him or her to take to prevent the likelihood of such an offence being committed; or
  - (c) in relation to a ship, where the offence was committed while that ship was under chase by a ship in the service of ~~His Majesty~~ or the States after failing to bring to when properly summoned to do so.
- (2) The exemption from forfeiture of any ship or aircraft under this Article shall not affect any liability to forfeiture of goods carried therein.

# Customs and Excise (Safety and Security) (Import) (Jersey) Order 2021

## 1 Interpretation

In this Order –

“Agent” means the Agent of the Impôts or any proper officer of the Impôts;

“Arrangement” means the Arrangement set out in Part 2 of the Schedule to the Crown Dependencies Customs Union (Jersey) (EU Exit) Order 2019 of the United Kingdom;

“Customs Law” means the [Customs and Excise \(Jersey\) Law 1999](#);

“customs territory” means the territory of the customs union between the United Kingdom, Jersey, the Bailiwick of Guernsey and the Isle of Man established by the Arrangement;

“declarant” means the person submitting an entry summary declaration or the person in whose name such a declaration is submitted;

“economic operator” means a person who, in the course of his or her business, is involved in activities covered by the Customs Law (including any legislation made under it) and the Agreement;

“entry summary declaration” or “ENS” means such a declaration as must be submitted under Article 3;

“HMRC” means [His Majesty Her Majesty’s](#) Revenue and Customs;

“Import Control System” includes any replacement or successor system;

“UK Border Force” means the Border Force law command within the Home Office of [the Government of the United Kingdom Her Majesty’s Government](#).

## 3 Requirement to submit entry summary declaration

(1) Except in a situation described in Article 2(2), where goods to which this Order applies are to be imported into Jersey from a place outside the customs territory, an entry summary declaration (“ENS”) must be prepared in respect of the goods, and submitted to [the Government of the United Kingdom Her Majesty’s Government](#) through the United Kingdom’s Import Control System, in such manner as determined by [the Government of the United Kingdom Her Majesty’s Government](#) and in accordance with this Order.

(2) Despite paragraph (1) –

- (a) the ENS may be submitted through the commercial, port or transport information systems, provided that –
  - (i) the system contains the necessary particulars contained in the ENS,
  - (ii) those particulars are available to [the Government of the United Kingdom Her Majesty’s Government](#) within the time limits specified for the ENS, and

- (iii) [the Government of the United Kingdom Her Majesty's Government](#) has indicated that it will accept the ENS submitted through such a system; and
  - (b) where the particulars of the ENS are accessible to [the Government of the United Kingdom Her Majesty's Government](#) in the economic operator's computer, instead of submitting the ENS, the economic operator may notify [the Government of the United Kingdom Her Majesty's Government](#) of those particulars if [the Government of the United Kingdom Her Majesty's Government](#) indicates that this is permissible.
- (3) Despite paragraph (1), where [the Government of the United Kingdom Her Majesty's Government](#) has indicated that the particulars contained within the ENS may be notified in a different manner or form, the economic operator may, in accordance with any specified time limits, provide those particulars in that manner or form.
  - (4) In any particular case the Agent, UK Border Force or HMRC may require such additional information to be provided, whether by means of the form or otherwise, as the Agent, UK Border Force or HMRC (as the case may be) thinks necessary for the purpose set out in paragraph (5).
  - (5) The purpose mentioned in paragraph (4) is the purpose of ensuring that sufficient information is provided in respect of the goods to enable a safety and security risk analysis to be carried out in relation to the importation of the goods.
  - (6) In this Article, "specified time limit" is the time limit that applies in relation to the goods under Article 7, 8, or 10.

## SCHEDULE

(Article 2(1))

### TYPES OF GOODS TO WHICH THIS ORDER DOES NOT APPLY

The types of goods to which this Order does not apply are –

- (a) electrical energy;
- (b) goods entering Jersey by pipeline;
- (c) items of correspondence;
- (d) personal effects, household linen, furnishings and equipment intended for the personal use of the persons concerned or for meeting their household needs, provided that the goods are not carried under a transport contract;
- (e) goods in respect of which a verbal customs declaration is permitted under Article 18 of the Customs Law, provided that they are not carried under a transport contract;
- (f) goods contained in travellers' personal baggage other than goods which –
  - (i) are not within Article 1(21)(b) of Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No. 952/3013 of the European Parliament and of the Council as regards

- detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1),
- (ii) have a value in excess of £1500, and
  - (iii) are carried in a goods vehicle as defined in Article 2(1) of the [Road Traffic \(Jersey\) Law 1956](#);
- (g) goods moved or used under cover of the form 302 provided for in the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done in London on 19th June 1951;
  - (h) weapons and military equipment brought into the customs territory by the authorities in charge of the military defence of the United Kingdom, in military transport or transport operated for the sole use of the military authorities;
  - (i) goods brought into the customs territory directly from offshore installations operated by persons established in the customs territory which were –
    - (i) incorporated in the offshore installations for the purposes of their construction, repair, maintenance or conversion,
    - (ii) used to fit or equip the offshore installations,
    - (iii) provisions used or consumed on the offshore installations,
    - (iv) non-hazardous waste from the offshore installations;
  - (j) goods entitled to relief pursuant to the Vienna Convention on diplomatic relations of 18th April 1961, the Vienna Convention on consular relations of 24th April 1963, other consular conventions or the New York Convention of 16th December 1969 on special missions;
  - (k) goods on board a vessel or aircraft –
    - (i) which have been supplied for incorporation as parts of or accessories in those vessels and aircraft,
    - (ii) for the operation of the engines, machines and other equipment of those vessels or aircrafts,
    - (iii) which are foodstuffs and other items to be consumed or sold on board;
  - (l) goods brought into Jersey directly from the United Kingdom, Guernsey or the Isle of Man;
  - (m) products of sea-fishing and other products taken from the sea outside the customs territory by customs territory fishing vessels;
  - (n) vessels, and the goods carried upon them, entering the territorial waters of Jersey with the sole purpose of taking on board supplies without connecting to any of the Jersey port facilities;
  - (o) goods covered by –
    - (i) an ATA carnet issued in accordance with the Customs Convention on the ATA carnet for the temporary admission of goods done at Brussels on 6th December 1961, or

- (ii) a CPD carnet issued in accordance with the Convention on temporary admission done at Istanbul on 26th June 1990, provided they are not carried under a transport contract;
- (p) goods which are in transit through, and are not unloaded in, Jersey;
- (q) goods which are unloaded in Jersey as a result of an unscheduled stop of a vessel or aircraft in which they are being carried arising from circumstances of force majeure;
- (r) goods, other than items of correspondence, contained in a postal parcel or package and conveyed under the responsibility of or by a postal operator in accordance with the provisions of the Universal Postal Convention concluded at Hamburg on 27th July 1984;
- (s) goods in a consignment, the intrinsic value of which does not exceed £19, provided that the Agent, with the agreement of the economic operator, can carry out a risk analysis in respect of the goods using the information contained in, or provided by, the system used by the economic operator;
- (t) any other goods in respect of which the Agent is satisfied that, if they were to be imported into the United Kingdom from outside the customs territory, an entry declaration would not be required to be submitted to [the Government of the United Kingdom Her Majesty's Government](#);
- (u) any other goods as may be specified by a direction of the Agent for this purpose.

## **Data Protection (Jersey) Law 2018**

### **55 Crown or judicial appointments and honours**

Personal data are exempt from the transparency and subject rights provisions if processed for the purposes of assessing a person's suitability for –

- (a) employment by or under the Crown or any office to which appointments are made by [His MajestyHer Majesty](#);
- (b) any judicial office or the office of [King's CounselQueen's Counsel](#); or
- (c) the conferring by the Crown of any honour or dignity.

## **Decimal Currency (Jersey) Law 1971**

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –
  - “appointed day” means 15th February 1971;
  - “enactment” includes an enactment of the United Kingdom;
  - “Minister” means the Minister for Treasury and Resources;
  - “Mint” means [His Majesty'sHer Majesty's](#) Royal Mint in the United Kingdom;
  - “new currency” means the new currency provided for by this Law;

“old currency” means the currency in force before the appointed day;

“transitional period” means the period beginning with the appointed day and ending with such day as the States shall by Act appoint.

- (2) Any reference in this Law to any other enactment shall be construed as including a reference to that enactment as amended by any subsequent enactment.

## **Departments of the Judiciary and the Legislature (Jersey) Law 1965**

### **2 Appointment of principal officers**

- (1) The Bailiff, the Deputy Bailiff, the Attorney General and the Solicitor General are appointed by ~~His Majesty~~[Her Majesty](#).
- (2) The Judicial Greffier is appointed by the Bailiff, and the Deputy Judicial Greffier is appointed by the Judicial Greffier with the consent of the Bailiff.
- (3)
- (4) The Viscount is appointed by the Bailiff and the Deputy Viscount is appointed by the Viscount with the consent of the Bailiff.
- (5) It is an essential qualification for the appointment of a person to the office of Attorney General or Solicitor General that the person be an advocate or a solicitor.

### **3 Suspensions and dismissals**

- (1) The Judicial Greffier may be suspended from office by the Superior Number of the Royal Court and may be dismissed from office by ~~His Majesty~~[Her Majesty](#) in Council on a petition from the Superior Number of the Royal Court.
- (2) The Viscount may be suspended from office by the Bailiff who shall refer the matter to the States at their next sitting and may be dismissed from office by the States.
- (3) The Deputy Viscount may be suspended or dismissed from office by the Viscount with the consent of the Bailiff.
- (4) The Deputy Judicial Greffier may be suspended or dismissed from office by the Judicial Greffier with the consent of the Bailiff.
- (5)
- (6)

## **SCHEDULE**

(Article 7)

### **FORMS OF OATH**

OATH OF OFFICE OF BAILIFF, DEPUTY BAILIFF OR LIEUTENANT BAILIFF

You swear and promise before God that well and faithfully you will exercise the office of Bailiff (Deputy Bailiff or Lieutenant Bailiff) under our [Sovereign Lord King Charles the Third in this his Island of Jersey](#) ~~Sovereign Lady Queen Elizabeth the Second in this Her Island of Jersey~~; that you will be faithful and bear true allegiance to [His Majesty, his heirs](#) ~~Her Majesty, Her heirs~~ and successors, according to law; that you will uphold and maintain the honour and glory of God; that you will uphold and maintain the laws and usages and the privileges and freedoms of this Island and that you will vigorously oppose whomsoever may seek to destroy them; that you will administer justice to all manner of persons without favour or partiality; and that you will take heed of the good advice and counsel of the Jurats as the case may require; all of which you promise on your conscience.

OATH OF OFFICE OF ATTORNEY GENERAL, SOLICITOR GENERAL OR ACTING ATTORNEY  
GENERAL

You swear and promise before God that well and faithfully you will exercise the office of Attorney General (Solicitor General or Acting Attorney General) under our [Sovereign Lord King Charles the Third in this his Island of Jersey](#) ~~Sovereign Lady Queen Elizabeth the Second in this Her Island of Jersey~~; that you will be faithful and bear true allegiance to [His Majesty, his heirs](#) ~~Her Majesty, Her heirs~~ and successors, according to law; that you will uphold and maintain the honour and glory of God; that you will uphold and maintain the laws and usages of this Island; and that you will ensure, so far as you are able, that all transgressors of the law meet their just deserts; all of which you promise on your conscience.

OATH OF OFFICE OF VISCOUNT, DEPUTY VISCOUNT OR VISCOUNT SUBSTITUTE

You swear and promise before God that well and faithfully you will exercise the office of Viscount, Deputy Viscount (Viscount Substitute); that you will be faithful and bear true allegiance to [His Majesty King Charles the Third, his heirs](#) ~~Her Majesty Queen Elizabeth the Second, Her heirs~~ and successors, according to law; and that you will uphold and maintain the laws and usages of this Island.

OATH OF OFFICE OF JUDICIAL GREFFIER, DEPUTY OR ACTING JUDICIAL GREFFIER, OR  
GREFFIER SUBSTITUTE

You swear and promise before God that well and faithfully you will exercise the office of Judicial Greffier (Deputy Judicial Greffier or Acting Judicial Greffier or Greffier Substitute); that you will be faithful and bear true allegiance to [His Majesty King Charles the Third, his heirs](#) ~~Her Majesty Queen Elizabeth the Second, Her heirs~~ and successors, according to law; and that you will uphold and maintain the laws and usages of this Island.

## **Digital Switchover (Disclosure of Information) (Jersey) Law 2010**

### **1 Interpretation**

In this Law, unless the context otherwise requires –

...

“Secretary of State” means –

- (a) ~~His Majesty’s~~Her Majesty’s Secretary of State for Culture, Media and Sport; or
- (b) ~~His Majesty’s~~ ~~Her Majesty’s~~ Secretary of State for any government department (or any other Minister of the Crown) to whom the functions of the Secretary of State for Culture, Media and Sport are transferred;

## **Drainage (Jersey) Law 2005**

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –  
“Crown land” means any land belonging to His Majesty or to any Department of the Government of the United Kingdom ~~Her Majesty or to any Department of Her Majesty’s Government~~ or to any other instrument or agency of the Crown;

### **53 Application to the Crown**

- (1) Subject to this Article, this Law (other than the provisions of Article 33 relating to the compulsory purchase of land) shall bind the Crown.
- (2) No contravention by the Crown of any provision of this Law shall make the Crown criminally liable.
- (3) However, –
  - (a) the Royal Court may, on the application of the Minister, declare unlawful any act or omission of the Crown that contravenes a provision of this Law; and
  - (b) the provisions of this Law apply in any event to persons in the public service of the Crown as they apply to other persons.
- (4) The powers of the Minister or of an authorized person under this Law shall not be exercised in respect of any Crown land unless the Lieutenant-Governor consents or they are so exercised in a case of emergency.
- (5) If the Minister considers it necessary or desirable to carry out any work under Part 4 on any Crown land to protect the coast of Jersey against erosion or encroachment by the sea, the Lieutenant-Governor shall not withhold his or her consent under paragraph (4) unreasonably.
- (6) Notwithstanding paragraph (4) or paragraph (5), if the Lieutenant-Governor certifies that it appears to him or her that in the interests of national security any powers in or under this Law that are specified in the certificate should not be exercisable in relation to any Crown land specified in the certificate, those powers shall not be exercisable in respect of that land.
- (7) This Law does not apply to His Majesty in his private capacity ~~Her Majesty in her private capacity~~.



## Freedom of Information (Jersey) Law 2011

### 30 Communications with [His Majesty](#)~~Her Majesty~~ etc. and honours

Information is qualified exempt information if it is or relates to –

- (a) a communication with [His Majesty](#)~~Her Majesty~~, with any other member of the Royal Family or with the Royal Household; or
- (b) the conferring of an honour or dignity by the Crown.

## Gambling (Jersey) Law 2012

### 5 Application of Law

- (1) Nothing in or under Parts 2, 3 or 4 of this Law is to be construed as applying to private gambling unless it expressly so provides.
- (2) Nothing in this Law applies to an act that constitutes exempt finance business, irrespective of whether that act also constitutes gambling or the facilitation or conduct of gambling.
- (3) In paragraph (2) “exempt finance business” means –
  - (a) deposit-taking business within the meaning of the [Banking Business \(Jersey\) Law 1991](#);
  - (b) the business of –
    - (i) a collective investment fund within the meaning of the [Collective Investment Funds \(Jersey\) Law 1988](#), or
    - (ii) a scheme or arrangement that, but for the operation of an Order under Article 3(7) of that Law, would constitute such a fund;
  - (c) financial service business within the meaning of the [Financial Services \(Jersey\) Law 1998](#) or any act that would be such financial service business but for an exclusion or exemption conferred by any provision of that Law or by Regulations or an Order made under that Law;
  - (d) insurance business for the purposes of the [Insurance Business \(Jersey\) Law 1996](#);
  - (e) the use or proposed use of chance to select particular securities for special benefits, if –
    - (i) the securities are issued by the States or by or under the Authority of ~~the Government of the United Kingdom~~[Her Majesty's Government in the United Kingdom](#), and
    - (ii) the terms of the issue provide that the amount subscribed is to be repayable in full in the case of all the securities.
- (4) The Minister may by Order, after consulting the Commission and the Jersey Financial Services Commission, amend any sub-paragraph of paragraph (3).

- (5) Nothing in this Law applies to the disposal by lot of any land, goods or other thing whatsoever under and in accordance with the law, whether customary or enacted, of Jersey.

## Harbours (Administration) (Jersey) Law 1961

### 4C Power to charge harbour dues, etc.

- (1) A harbour authority may make such charges as it considers reasonable, including (in particular, but not by way of limitation) charges for –
- (a) ship, passenger and freight dues;
  - (b) use of freight facilities;
  - (c) use of weighbridges;
  - (d) quay rental;
  - (e) use of quays and harbour facilities by fishermen; and
  - (f) parking permits,
- in or in relation to a harbour in respect of which it is appointed and which is listed in the Schedule.
- (2) The harbour authority shall publish a list showing all charges for the time being made under paragraph (1), and the authority –
- (a) shall not enforce payment of any charge unless it is so published; and
  - (b) may, for the purposes of publication under this paragraph, provide copies of the list for sale at a reasonable price.
- (3) Any charges of a type specified in paragraph (1) which are in force immediately before the commencement of this Article by virtue of any other enactment shall continue in effect as though made, and be deemed to have been made, by virtue of this Article.
- (4) Charges made under paragraph (1) shall not be enforced in relation to –
- (a) ships belonging to or employed in the service of ~~the Armed Forces of the armed forces of His Majesty the King~~Her Majesty the Queen;
  - (b) ships belonging to or used by the general lighthouse authority or by any department of ~~the Government of the United Kingdom~~Her Majesty's Government of the United Kingdom;
  - (c) ships of war belonging to or employed in the service of any foreign government; and
  - (d) fishing vessels belonging to countries with which treaties exist for the time being exempting such vessels from duties and port charges when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, when such vessels are forced by stress of weather to make use of any of the harbours of Jersey and do not break bulk while so doing.

- (5) The harbour authority may grant exemption from charges made under paragraph (1) –
- (a) to different classes or descriptions of ships, passengers and freight;
  - (b) to the same class or description of ships, passengers and freight in different circumstances; and
  - (c) to any ship which, having departed from Jersey, is compelled to return by reason of accident, stress of weather, or other unavoidable cause.

## **Harbours (Inshore Safety) (Jersey) Regulations 2012**

### **7 Local registration**

- (1) This Regulation applies to –
- (a) a ship designed for or capable of a speed in excess of 12 knots; or
  - (b) a ship with a length of 3 metres or more,  
that operates in or from territorial waters, other than such a ship that –
    - (i) is owned by a department of [the Government of the United Kingdom Her Majesty's Government](#);
    - (ii) is visiting Jersey for a total of less than 3 months in any unbroken period of 12 months; or
    - (iii) satisfies all of the following conditions –
      - (A) the ship is manually propelled,
      - (B) the ship has no mechanical or wind-assisted propulsion fitted to it,
      - (C) the ship has its owner's telephone number, or its owner's name and address, clearly displayed on it.
- ...

### **8 Insurance requirements**

- (1) A person, being the owner, charterer, operator, or master, of any ship to which this paragraph applies who –
- (a) uses or retains the ship in territorial waters; or
  - (b) causes or permits another person (being the owner, charterer, operator, or master, of the ship) to use the ship in territorial waters,
- is guilty of an offence and is liable to a fine of level 3 on the standard scale if insurance in accordance with this Regulation is not in force in respect of the ship.
- (2) Paragraph (1) applies to any of the following ships –
- (a) a ship that is designed for or capable of a speed in excess of 12 knots and operates in or from territorial waters;
  - (b) a ship that has a length of 3 metres or more and operates in or from territorial waters;
  - (c) a ship to which Regulation 4 or 5 applies.

- (3) Paragraph (1) does not apply to –
- (a) a ship referred to in sub-paragraph (a), (b) or (c) of Article 127(2) of the [Shipping \(Jersey\) Law 2002](#);
  - (b) a ship if an obligation to maintain insurance or security in respect of the ship is imposed, as referred to in Article 127(3) of that Law, against a reasonable measure of liability, being the measure, and the liability, referred to in paragraph (6) of this Regulation;
  - (c) a ship that is owned by a department of [the Government of the United Kingdom Her Majesty's Government](#); or
  - (d) a ship that satisfies all of the following conditions –
    - (i) the ship is manually propelled,
    - (ii) the ship has no mechanical or wind-assisted propulsion fitted to it,
    - (iii) the ship has its owner's telephone number, or its owner's name and address, clearly displayed on it.
- (4) A person, being the owner, charterer, operator, or master, of a ship, other than a small surf rider, who –
- (a) uses the ship in territorial waters to ride the surf; or
  - (b) causes or permits another person to use the ship in territorial waters to ride the surf,
- is guilty of an offence and is liable to a fine of level 3 on the standard scale if insurance in accordance with this Regulation is not in force in respect of the ship.
- (5) A person, being the owner, charterer, operator, or master, of a ship, is guilty of an offence and is liable to a fine of level 2 on the standard scale if –
- (a) under paragraph (1) or (4), insurance in accordance with this Regulation is required to be in force in respect of the ship; and
  - (b) the person, when requested by an authorized person to produce evidence of compliance with that paragraph, fails to do so within a reasonable time.
- (6) Insurance is in accordance with this Regulation in respect of a ship if it is insurance by an approved insurer that insures the owner of the ship, and every person (other than a passenger in the ship who has no control of it) using the ship, against a reasonable measure of liability that may be incurred by the owner or person in respect of –
- (a) the death of another person;
  - (b) bodily injury to another person; and
  - (c) damage to the property of another person,
- caused by, or arising out of, the use of the ship, including use under tuition or for towing a person or another ship, or a person and another ship.
- (7) In this Regulation –
- “approved insurer” means an insurance company authorized to carry on insurance business –
- (a) by virtue of a permit under the [Insurance Business \(Jersey\) Law 1996](#); or

- (b) by a body performing, in the British Islands (other than Jersey), or in a member state of the European Union, functions analogous to those performed by the Jersey Financial Services Commission under the [Insurance Business \(Jersey\) Law 1996](#);

“authorized person” means a police officer, the Harbour Master or a person authorized by the Harbour Master.

## Harbours (Jersey) Regulations 1962

### 41 Application

- (1) Subject to paragraph (2), this Part applies to all tankers (whether or not registered in Jersey) which –
- (a) are carrying a cargo of chemicals, gas or oil in bulk; or
  - (b) having previously carried such a cargo, have discharged that cargo but whose tanks are not free of vapours given off by residues of such cargo, and have an atmosphere which has not been rendered non-flammable.
- (2) This Part shall not apply to any ship belonging to [His Majesty](#)~~Her Majesty~~ or owned or operated by any State and used, for the time being only on the non-commercial service of that State.

## Health Insurance (Jersey) Law 1967

### 1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “appointed day” means 4th December 1967;
  - “approved dentist” means a dentist for the time being approved under Article 26;
  - “approved medical practitioner” means a medical practitioner for the time being approved under Article 26;
  - “approved optician” means an optician for the time being approved under Article 26;
  - “approved prescribing practitioner” means a prescribing practitioner for the time being approved under Article 26;
  - “approved supplier” means a person lawfully conducting a retail pharmacy business or other person for the time being approved under Article 26 as a supplier of pharmaceutical benefit;
  - “benefit” means benefit under this Law;
  - “child” means a person below the upper limit of compulsory school age;
  - “child of the household” means, in relation to an insured person, any child who lives with the insured person as part of his or her household;

“compulsory insurance age” means a person’s pensionable age, determined in accordance with Article 1A of and Schedule 1AA to the Social Security Law;

“dental services” has the meaning assigned thereto by Article 12;

“dentist” has the same meaning as “registered dentist” in the [Dentistry \(Jersey\) Law 2015](#);

“determining officer” means the determining officer appointed in accordance with the provisions of Article 28(1);

“employee” means –

- (a) a person who works for another person under a contract of service; or
- (b) a person who performs personally work for another person under a contract for services, either between the first-mentioned person and the other person, or between a third person and the other person;

“entry into insurance” means, in relation to any person, the date on which the person becomes an insured person;

“general medical practice” shall be construed in accordance with paragraph (4);

“health care professional” means a person registered under the Health Care (Registration) (Jersey) Law 1995;

“Health Insurance Fund” means the fund established and so called by virtue of Article 21;

“Health Services Disciplinary Tribunal” means the tribunal constituted and so called by virtue of Article 27AA;

“~~His Majesty’s dominions~~~~Her Majesty’s dominions~~” includes British protectorates and protected states and any territory in respect of which a mandate has been accepted by ~~His Majesty~~~~Her Majesty~~ and is being exercised by the Government of any part of ~~His Majesty’s dominions~~~~Her Majesty’s dominions~~;

“insured person” means a person insured under this Law;

“insured person in Class A” and “insured person in Class B” have the meanings assigned thereto by Article 3;

“medical practitioner” has the same meaning as “registered medical practitioner” in the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);

“medical services” has the meaning assigned thereto by Article 10;

“Minister” means the Minister for Social Security;

“money benefit” means medical benefit, dental benefit or ophthalmic benefit;

“officer” means a States’ employee within the meaning of Article 2 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“ophthalmic services” has the meaning assigned thereto by Article 14;

“optician” has the same meaning as “registered optician” in the [Opticians \(Registration\) \(Jersey\) Law 1962](#);

“Order” means an Order made by the Minister under this Law;

“performers list” means the list for medical practitioners practising as general practitioners, established by Regulations made under Article 27A;

“person lawfully conducting a retail pharmacy business” shall be construed in accordance with Article 68(3) of the [Medicines \(Jersey\) Law 1995](#);

“personal data” has the same meaning as in the [Data Protection \(Jersey\) Law 2018](#);

“pharmaceutical benefit” has the meaning assigned thereto by Article 15;

“Pharmaceutical Benefit Advisory Committee” means the committee constituted and so called by virtue of Article 15A;

“pharmacist” means a person registered as a pharmacist under the [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#);

“prescribed” means prescribed by Order;

“prescribing practitioner” means a person of a class specified by Order made under Article 57(1) of the [Medicines \(Jersey\) Law 1995](#), but does not include a veterinary surgeon;

“processing” has the same meaning as in the [Data Protection \(Jersey\) Law 2018](#);

“registrable occupation” has the same meaning as in the [Health Care \(Registration\) \(Jersey\) Law 1995](#);

“responsible officer” means the person appointed pursuant to an Order made under Article 10C of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#), to direct the arrangements described in paragraph (1) of that Article in relation to general medical practitioners;

“Social Security Law” means the [Social Security \(Jersey\) Law 1974](#);

“Social Security Tribunal” means the Tribunal constituted by Order under Article 33A of the [Social Security \(Jersey\) Law 1974](#);

“special category data” has the same meaning as in the [Data Protection \(Jersey\) Law 2018](#).

...

### 34 Reciprocal agreements with other countries

- (1) For the purpose of giving effect to any agreement with the government of the United Kingdom or of any part of [His Majesty’s dominions](#)~~Her Majesty’s dominions~~ or the government of any other country (including any agreement between the government of the United Kingdom and the government of any part of [His Majesty’s dominions](#)~~Her Majesty’s dominions~~ or of any other country which has been extended or applies to Jersey) providing for reciprocity in matters relating to the treatment of sickness and bodily defects, the States may, by Act, provide for this Law to be read as modified or adapted, in its application to cases affected by the agreement, to the extent required by the agreement.
- (2) Where the States have made an Act under paragraph (1), this Law shall be read as modified so as to include provision –

- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Law (but not so as to confer a right to double benefit);
- (b) for making any provisions as to administration and enforcement contained in this Law, or in any enactment thereunder, applicable also for the purposes of the law of the said country;
- (c) for making any financial adjustments by payments into or out of the Health Insurance Fund.

### **Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998**

#### **3 Evidence**

If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Law, a certificate issued by or under the authority of one of ~~His Majesty's~~[Her Majesty's](#) principal Secretaries of State or the Lieutenant-Governor, as the case may be, stating any fact relating to that question shall be conclusive evidence of that fact.

### **Honorary Police (Jersey) Law 1974**

#### **2 Duty of police officer**

It shall be the duty of a police officer to the best of his or her power to cause the peace to be kept and preserved and prevent offences, whether under customary law or statutory law, against the person and property of ~~His Majesty's subjects~~[Her Majesty's subjects](#) and to take all such lawful measures as may be necessary for the purposes of bringing offenders with all due speed to justice.

### **Human Rights (Jersey) Law 2000**

#### **1 Interpretation**

(1) In this Law –

...

“principal legislation” means any –

...

- (f) Order in Council made in exercise of ~~Royal prerogative~~ [Her Majesty's Royal Prerogative](#) which applies to Jersey,



## Income Tax (Jersey) Law 1961

### 115 Miscellaneous exemptions

Exemption from income tax shall be granted in respect of –

- (a) any income derived from the property of a charity registered under the [Charities \(Jersey\) Law 2014](#), in so far as such income is applied in accordance with that Law;
- (aa) any income derived from the property of an excepted foreign charity within the meaning of Article 22 of the [Charities \(Jersey\) Law 2014](#);
- (ab)
- (ac) any income derived from the property of a foundation within the meaning of the [Foundations \(Jersey\) Law 2009](#) or of a trust, if –
  - (i) the income does not fall within sub-paragraph (a), but all of the purposes of foundation or trust are charitable purposes, or purposes that are purely ancillary or incidental to any of its charitable purposes, within the meaning of the [Charities \(Jersey\) Law 2014](#),
  - (ii) the foundation or trust does not solicit donations, within the meaning of that Law, from the general public, and
  - (iii) before the income is derived, the foundation or trust notifies the Comptroller in writing that it qualifies for and intends to rely on this exemption,in so far as such income is applied to the making of donations to charities registered under the [Charities \(Jersey\) Law 2014](#), or to excepted foreign charities within the meaning of Article 22 of that Law;
- (ad) any income derived from the property of a foundation within the meaning of the [Foundations \(Jersey\) Law 2009](#) or of a trust, if –
  - (i) the foundation or trust was established in Jersey, before the date on which Article 41 of the [Charities \(Jersey\) Law 2014](#) comes into force (“the relevant date”), for any of the following purposes –
    - (A) the advancement of education,
    - (B) the relief of poverty,
    - (C) the furtherance of religion,
    - (D) a purpose beneficial to the whole community,
    - (E) the service of any church or chapel or any building used solely for the purpose of divine worship,
  - (ii) the income does not fall within paragraph (a) or (ac), but the foundation or trust was entitled immediately before the relevant date to exemption from income tax under paragraph (a) of this Article as then in force on the income derived from its property, and
  - (iii) the foundation or trust does not (at any time on or after the relevant date) solicit donations within the meaning of the [Charities \(Jersey\) Law 2014](#),in so far as such income is applied to a purpose mentioned in sub-paragraph (i);

- (ae) any income derived from the property of a trust listed in clauses (i) to (iv), in so far as such income is applied by the trust to the purpose of providing social housing –
  - (i) Jersey Homes Trust,
  - (ii) Les Vaux Housing Trust,
  - (iii) CTJ Housing Trust,
  - (iv) FB Cottages Housing Trust,
  - (v) Clos de Paradis Housing Trust;
- (b) any income derived by [His MajestyHer Majesty](#) or by any Department of [the Government of the United Kingdom Her Majesty's Government](#) from property in Jersey;
- (c) any income derived by the States or any of the parishes from their own property;
- (d) the official emoluments of the Lieutenant-Governor;
- (e) the official emoluments of any servant of [His MajestyHer Majesty](#) or of [the Government of the United Kingdom Her Majesty's Government](#) paid by [His MajestyHer Majesty](#) or [the Government of the United Kingdom Her Majesty's Government](#) in respect of any office or employment carried on by the servant in Jersey and in respect of which the servant is liable to pay income tax imposed by the law of the United Kingdom;
- (f)
- (fa)
- (faa)
- (fab)
- (fb)
- (g)
- (ga)
- (h) the remuneration, as prescribed under Article 6 of the [Court of Appeal \(Jersey\) Law 1961](#), of an ordinary Judge of the Court of Appeal, so long as the Judge is not ordinarily resident in Jersey;
- (j) income support or any special payment payable under the [Income Support \(Jersey\) Law 2007](#);
- (l) any sums payable under any Act or enactment of the States which declares that such sums are to be exempt from income tax;
- (n) all payments of training grants made to employers by the Minister for Children and Education on the recommendation of the Jersey Training Agency;
- (o) payments made for the maintenance of a child being looked after by the Minister for Health and Social Services under the [Children \(Jersey\) Law 2002](#).
- (p) any income derived by the Jersey Bank Depositors Compensation Board established by the [Banking Business \(Depositors Compensation\) \(Jersey\) Regulations 2009](#);

- (q) any compensation paid under the [Banking Business \(Depositors Compensation\) \(Jersey\) Regulations 2009](#) to a depositor with a bank.
- (r) dividends paid by The Channel Islands Co-operative Society Limited.

#### **119 Exemption in respect of United Kingdom savings certificates**

- (1) The accumulated interest payable in respect of any national or war savings certificate issued by ~~His Majesty's Treasury~~[Her Majesty's Treasury](#) through the Post Office, under which the purchaser, by virtue of an immediate payment, becomes entitled after the expiration of a specified period to receive some greater sum, shall not be liable to income tax so long as the amount of the certificates held by the person who is for the time being the holder of the certificate does not exceed the amount which an individual is for the time being authorized to hold under regulations made by ~~His Majesty's Treasury~~[Her Majesty's Treasury](#).
- (2) Where the currency of any national or war savings certificate has been extended under any Act of Parliament of the United Kingdom, the provisions of paragraph (1) shall apply with respect to any interest payable in respect of the certificate for the period after the expiration of the period referred to in the said paragraph (1) up to the date on which it is repaid or redeemed as it applies to the said accumulated interest.

#### **120 Exemption of consular officers and employees**

- (1) Exemption from income tax shall be granted in respect of income arising from a person's office or employment in Jersey as a consular officer or employee in the service of any foreign State to which this Article applies:  
Provided that no such exemption shall be granted to a consular employee who, not being a national of that State, is a citizen of the United Kingdom, Islands and Colonies.
- (2) Exemption from income tax shall be granted in respect of income arising from securities or possessions outside Jersey, or from a pension paid by or on behalf of a person outside Jersey, to a consular officer or employee in Jersey, in the service of any foreign State to which this Article applies:  
Provided that such exemption shall be granted only, to a consular officer or employee who –
  - (i) is not a citizen of the United Kingdom Islands and Colonies;
  - (ii) is not engaged in any trade, profession, vocation or employment in Jersey, otherwise than as such a consular officer or employee; and
  - (iii) either is a permanent employee of that State, or was not ordinarily resident in Jersey immediately before the consular officer or employee became a consular officer or employee in Jersey of that State.
- (3) In this Article, "consular employee" includes any person employed for the purposes of the official business of a consular officer at any consulate or consular establishment or at any other premises used for those purposes.

- (4) ~~Where an Order in Council has been made by Her Majesty~~ Where an Order in Council has been made under section 24 of the Finance Act 1954 of the United Kingdom directing that that section shall apply to any foreign State, and the Order in Council has been registered by the Royal Court, this Article shall apply to that foreign State subject to any limitations contained in the Order in Council.

### **Income Tax (Minimum Retirement Capital) (Jersey) Order 2017**

#### **3 Relevant capital**

- (1) For the purposes of Article 131FA of the Law, the amount and nature of relevant capital in respect of an individual shall be calculated as follows and in accordance with this Article –
- Relevant capital = the open market value of assets directly owned by the individual that are not excluded assets less the value of the individual’s liabilities (using the values on the day for which the entitlement is to be determined).
- (2) In paragraph (1) “excluded assets” means –
- (a) any tangible movable property;
  - (b) an individual’s only or main residence;
  - (c) the capital value of any life assurance policies taken out on an individual’s life.
- (3) In paragraph (1), assets directly owned by the individual do not include assets held on trust for the benefit of the individual (other than a bare trust) except where the asset held on trust is the individual’s pension savings.
- (4) For the purposes of paragraph (3) “pension savings” means savings –
- (a) under an approved Jersey scheme (within the meaning given by Article 130(1) of the Law); or
  - (b) under an overseas scheme (within the meaning given by Article 131OA of the Law).
- (5) Where an asset is jointly owned by an individual and another person, only the proportion of the asset owned by the individual shall be included when calculating relevant capital in respect of the individual under paragraph (1).
- (6) For the purposes of paragraph (1), liabilities include a loan, borrowing or similar obligation or, a part thereof, entered into by an individual, including, where the individual is a guarantor or equivalent for a loan, borrowing or similar obligation entered into by another person but does not include a loan, borrowing or similar obligation that is taken out for the purpose of –
- (a) acquiring a dwelling-house that is the individual’s only or main residence;
  - (b) extending a dwelling-house described in sub-paragraph (a); or
  - (c) paying off another loan, borrowing or similar obligation which would have been deductible under paragraph (1) if it had not been paid off.
- (7) For the purposes of paragraph (1) –
- (a) the open market value of an asset must be determined in sterling and where an asset is valued in foreign currency, the conversion into sterling shall be

carried out in accordance with exchange rates published by [His Majesty's Her Majesty's](#) Revenue and Customs for VAT purposes;

- (b) where an asset is traded on a recognized stock exchange, the open market value of the asset is determined by reference to the closing bidding price on the trading day immediately before the day for which the entitlement is to be determined;
- (c) where an asset is not traded on a recognized stock exchange, the individual must obtain an independent professional valuation of the asset which must be made not more than 3 months prior to the day for which the entitlement is to be determined;
- (d) where the asset to be valued is pension savings, the fund value must be calculated in accordance with Article 130B of the Law and the open market value shall be the fund value less 20%.

## Intellectual Property (Unregistered Rights) (Jersey) Law 2011

### 184 Crown copyright

- (1) This Article does not apply to a work if, or to the extent that, States Assembly copyright or States copyright subsists in the work.
- (2) Subject to paragraph (1), where a work is made by [His Majesty Her Majesty](#) or by an officer or servant of the Crown in the course of his or her duties –
  - (a) the work qualifies for copyright protection notwithstanding Article 20(1); and
  - (b) [His Majesty Her Majesty](#) shall be the first owner of any copyright in the work.
- (3) Copyright in a work that, by virtue of paragraph (2), is first owned by [His Majesty Her Majesty](#), is referred to in this Part as “Crown copyright”, notwithstanding that it may be, or have been, assigned to another person.
- (4) Crown copyright in a literary, dramatic, musical or artistic work continues to subsist –
  - (a) until the end of the period of 125 years from the end of the calendar year in which the work was made; or
  - (b) if the work is published commercially before the end of the period of 75 years from the end of the calendar year in which it was made, until the end of the period of 50 years from the end of the calendar year in which it was first so published.
- (5) Crown copyright in a film continues to subsist –
  - (a) until the end of the period of 125 years from the end of the calendar year in which the film was made; or
  - (b) if, before the end of the period of 75 years from the end of the calendar year in which it was made, the film is made available to the public, until the end of the period of 50 years from the end of the calendar year in which it is first made so available.
- (6) Paragraph (6) of Article 27 shall apply for the purposes of paragraph (5) of this Article as it applies for the purposes of paragraph (4) of Article 27.

- (7) In the case of a work of joint authorship where one or more but not all of the authors are persons falling or deemed to fall within paragraph (2), this Article applies only in relation to those authors and the copyright subsisting by virtue of their contribution to the work.
- (8) Except as mentioned in paragraphs (2) to (7), and subject to any express exclusion elsewhere in this Part, this Part applies in relation to Crown copyright as to other copyright.

### **187 Copyright in Acts and Measures**

- (1) ~~His Majesty~~~~Her Majesty~~ is entitled to copyright in every Act of Parliament, Order in Council or Measure of the General Synod of the Church of England.
- (2) Copyright under paragraph (1) subsists from Royal Assent, or, as the case may be, from when the Order or Measure was made, until the end of the period of 50 years from the end of the calendar year in which Royal Assent was given or the Order or Measure was made.
- (3) References in this Part to Crown copyright (except in Article 184) include copyright under this Article and, except as mentioned in paragraphs (1) and (2), this Part applies in relation to copyright under this Article as to other Crown copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in an Act of Parliament, Order in Council or Measure of the General Synod of the Church of England.

### **342 “Crown use”, “States use” and related expressions**

- (1) In this Part –
  - “Crown use” or “States use”, in relation to a design, means the doing of anything by virtue of Article 365 which would otherwise be an infringement of design right in the design;
  - “competent authority” means –
    - (a) in relation to Crown use, the government department of the United Kingdom by whom or on whose authority the act was done;
    - (b) in relation to States use, the Minister by whom or on whose authority the act was done.
- (2) In this Part, references to “the services of the States” or “the services of the Crown” are to –
  - (a) the defence of the British Islands;
  - (b) foreign defence purposes;
  - (c) health service purposes; and
  - (d) during a period of emergency, emergency purposes.
- (3) In this Part, any reference to the supply of articles for “foreign defence purposes” is to their supply for –

- (a) the defence of a country outside the British Islands in pursuance of an agreement or arrangement to which the government of that country and the government of the United Kingdom are parties; or
  - (b) use by armed forces operating in pursuance of a resolution of the United Nations or one of its organs.
- (4) In this Part, any reference to the supply of articles for “health service purposes” are to their supply for the purpose of providing the following services under the [Health Insurance \(Jersey\) Law 1967](#) or under the health services of the States or, as the case requires, under the health services of the United Kingdom –
- (a) pharmaceutical services;
  - (b) general medical services;
  - (c) general dental services.
- (5) In this Part, any reference to “emergency purposes” is a reference to any purpose which appears to the competent authority necessary or expedient –
- (a) for the efficient prosecution of any war in which ~~His Majesty~~[Her Majesty](#) may be engaged;
  - (b) for the maintenance of supplies and services essential to the life of the community;
  - (c) for securing a sufficiency of supplies and services essential to the well-being of the community;
  - (d) for promoting the productivity of industry, commerce and agriculture;
  - (e) for fostering and directing exports and reducing imports, or imports of any classes, from all or any countries and for redressing the balance of trade;
  - (f) generally for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community; or
  - (g) for assisting the relief of suffering and the restoration and distribution of essential supplies and services in any country outside Jersey which is in grave distress as the result of war.
- (6) For the purposes of this Part, a “period of emergency” begins with such date as the Lieutenant Governor declares a State of Emergency to exist under Article 11 of the [Emergency Powers and Planning \(Jersey\) Law 1990](#) and ends with such date as the Lieutenant Governor declares to be the end of a period of emergency for the purposes of this Article.

## **International Criminal Court (Jersey) Law 2014**

### **1 Interpretation and supplementary provisions**

- (1) In this Law, except where the context otherwise requires –

...

“Secretary of State” means one of [His Majesty’s](#)~~Her Majesty’s~~ Principal Secretaries of State;

## **8 Appeal against refusal of delivery order**

- (1) If the Magistrate refuses to make a delivery order, the Attorney General may appeal against the decision to the Royal Court.
- (2) No leave is required for such an appeal, which shall be by way of re- hearing.
- (3) If the Royal Court allows the appeal it may –
  - (a) make a delivery order; or
  - (b) remit the case to the Magistrate to make a delivery order in accordance with the decision of the Royal Court.
- (4) If the Royal Court dismisses the appeal, the Attorney General may, with the permission of the Royal Court or [His Majesty](#)~~Her Majesty~~ in Council appeal to [His Majesty](#)~~Her Majesty~~ in Council.
- (5) [His Majesty](#)~~Her Majesty~~ in Council may exercise any of the powers conferred on the Royal Court by paragraph (3).
- (6) Where a delivery order is made by the Royal Court or [His Majesty](#)~~Her Majesty~~ in Council, the provisions of Articles 9(1)(a) and (c) and 9(2) apply to that court as they apply to the Magistrate.
- (7) An order for the remand of a person which continues in force under Article 7(2) shall cease to have effect if the Royal Court dismisses the appeal and the Attorney General does not without delay –
  - (a) apply for permission to appeal to [His Majesty](#)~~Her Majesty~~ in Council; or
  - (b) inform the Royal Court that he intends to apply for such permission.
- (8) Subject to that, any such order shall have effect so long as the case is pending.
- (9) For this purpose, unless proceedings are discontinued, a case is pending until there is no step that the Attorney General can take (disregarding any power of a court to allow a step to be taken out of time).

## **56 References to United Kingdom Ministers**

The States may by Regulations provide that any reference in this Law to the Secretary of State shall be read as, or as including, a reference to the holder of any other office in [the Government of the United Kingdom](#)~~Her Majesty’s government in the United Kingdom~~.

## **SCHEDULE 1**

(Article 1(3))

### **SUPPLEMENTARY PROVISIONS RELATING TO THE ICC**



## **1 Legal capacity, privileges and immunities**

- (1) The States may by Regulations confer on the ICC the legal capacities of a body corporate.
- (2) The States may by Regulations provide that –
  - (a) the ICC;
  - (b) the judges, the Prosecutor, the Deputy Prosecutors and the Registrar;
  - (c) the Deputy Registrar, the staff of the Office of the Prosecutor and the staff of the Registry; and
  - (d) counsel, experts, witnesses and other persons involved in proceedings of the ICC,

shall have such privileges and immunities as the States decide are or will be required for giving effect to the ICC Statute or any related agreement to which the United Kingdom, or [the Government of the United Kingdom](#) ~~Her Majesty's government in the United Kingdom~~, is or will be a party and which extends or will extend to Jersey.

## **2 Power to give effect to Rules of Procedure and Evidence etc.**

The States may by Regulations make such provision as appears to the States to be necessary or expedient for giving effect to –

- (a) any Rules of Procedure and Evidence having effect under article 51 of the ICC Statute; and
- (b) any related agreement to which the United Kingdom, or [His Majesty's government](#) ~~Her Majesty's government~~ in the United Kingdom, is a party and which extends to Jersey.

## **3 Proof of orders, etc. of the ICC**

- (1) An order, judgment, warrant or request of the ICC which purports –
  - (a) to bear the seal of the ICC; or
  - (b) to be signed by a person in his capacity as a judge or officer of the ICC,shall, for the purposes of this Law, be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person.
- (2) A document, duly authenticated, which purports to be a copy of an order, judgment, warrant or request of the ICC shall, for the purposes of this Law, be deemed without further proof to be a true copy.
- (3) A document is duly authenticated for this purpose if it purports to be certified by any person in that person's capacity as a judge or officer of the ICC.

#### **4 Evidence about ICC proceedings and orders**

- (1) For the purposes of this Law a certificate purporting to be issued by or on behalf of the ICC stating –
  - (a) that an investigation has been initiated by the Court, or that proceedings before the Court have been instituted and have not been concluded;
  - (b) that an order of the Court is in force and is not subject to appeal;
  - (c) that property recoverable under a forfeiture order made by the Court remains unrecovered; or
  - (d) that any person has been notified of any proceedings in accordance with the ICC Statute,

is admissible in proceedings under this Law as evidence of the facts stated.

- (2) In proceedings under Part 2, 3 or 4 of this Law a statement contained in a document, duly authenticated, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarise evidence given, in proceedings before the ICC is admissible as evidence of any fact stated in it.
- (3) A document is duly authenticated for this purpose if it purports to be certified by any person in that person's capacity as a judge or officer of the ICC, to have been received in evidence or to be a copy of a document so received or, as the case may be, to be the original document setting out or summarising the evidence or a true copy of that document.
- (4) Nothing in this paragraph affects the admissibility of any evidence, whether contained in a document or otherwise, which is admissible apart from this paragraph.

#### **5 Certified copies of documents**

For the purposes of this Schedule a copy of an order, judgment, warrant, request, certificate or other document referred to in paragraph 3 or 4 which is certified by or on behalf of the Secretary of State as a true copy shall be treated as if it were the original document.

### **Interpretation (Jersey) Law 1954**

#### **1 Definitions with regard to enactments**

- (1) In this Law and in every other enactment (as hereby defined) whether passed before or after the commencement of this Law, the expression “enactment”, unless a contrary intention appears, shall mean any provision of any Law passed by the States and [confirmed by Order in Council](#) ~~confirmed by Her Majesty in Council~~ and any provision of any regulations, Order, rules, bye-laws, scheme or other instrument passed or made in Jersey under the authority of any Order in Council or under any such Law as aforesaid.
- (2)

- (3) In this Law and in every other enactment, whether passed before or after the commencement of this Law, references to the passing or repeal of an enactment shall be construed, where appropriate, as references to the making or rescission of that enactment.
- (4) In this Law and in every other enactment, whether passed before or after the commencement of this Law, the expression “commencement”, when used with reference to an enactment, shall mean the time at which the enactment comes into operation.
- (5)
- (6)
- (7) Where the time at which an enactment, whenever passed or made, is to come into operation is expressed or calculated by reference to its promulgation, and the date of promulgation is unknown, that date shall be deemed to be the day the enactment was passed or made.

## **Judgments (Reciprocal Enforcement) (Jersey) Act 1973**

### **SCHEDULE**

<b>Reciprocating countries</b>	<b>Superior Courts</b>
England and Wales	The Supreme Court of the United Kingdom, the House of Lords, the Court of Appeal and the High Court of Justice.
Scotland	The Supreme Court of the United Kingdom, the Court of Session and the Sheriff Court.
Northern Ireland	The Supreme Court of the United Kingdom and the Court of Judicature of Northern Ireland.
Isle of Man	<a href="#">The High Court of Justice of the Isle of Man</a> <del>Her Majesty’s High Court of Justice of the Isle of Man</del> (including the Staff of Government Division).
Guernsey	The Royal Court of Guernsey and the Court of Appeal of Guernsey.

## **Judgments (Reciprocal Enforcement) (Jersey) Law 1960**

### **1 Limitation on application**

- (1) For the purposes of this Law, a judgment given by [the Judicial Committee of the Privy Council](#) ~~Her Majesty in Council~~ on any matter originating in the courts of Jersey shall not be deemed to be a judgment given in a court of a country outside Jersey, and nothing in this Law shall affect the procedure applicable before the coming into force of this Law to the registration in, and the enforcement by, the Royal Court of any such judgment.

- (2) Nothing in this Law shall enable a judgment creditor to register in Jersey any judgment given by a court of any country outside Jersey, whether within or without [His Majesty's dominions](#)~~Her Majesty's dominions~~, in any thing, suit, matter or cause whatsoever arising within Jersey save in a case where, by virtue of Article 6(2) of this Law, the courts of the country of the original court are deemed to have jurisdiction.

### **3 Power to extend Part 2 to countries giving reciprocal treatment**

- (1) The States, if satisfied that, in the event of the benefits conferred by this Part of this Law being extended to judgments given in the superior courts of any country outside Jersey, whether within or without [His Majesty's dominions](#)~~Her Majesty's dominions~~, substantial reciprocity of treatment will be assured as respects the enforcement in that country of judgments given in the Royal Court, may by Act direct –
- (a) that this Part of this Law shall extend to that country; and
  - (b) that such courts of that country as are specified in the Act shall be deemed superior courts of that country for the purposes of this Part of this Law.
- (2) Any judgment of a superior court of a country to which this Part of this Law extends, other than a judgment of such a court given on appeal from a court which is not a superior court, shall be a judgment to which this Part of this Law applies, if –
- (a) it is final and conclusive as between the parties thereto;
  - (b) there is payable thereunder a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and
  - (c) it is given after the coming into operation of the Act directing that this Part of this Law shall extend to that country.
- (3) For the purposes of this Article, a judgment shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it, or that it may still be subject to appeal, in the courts of the country of the original court.
- (4) The States may by a subsequent Act vary or revoke any Act previously made under this Article.

### **5 Rules of court**

- (1) The power to make rules of court under the [Royal Court \(Jersey\) Law 1948](#), shall, subject to the provisions of this Article, include power to make rules of court for the following purposes –
- (a) for making provision with respect to the giving of security for costs by persons applying for the registration of judgments;
  - (b) for prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters;
  - (c) for providing for the service on the judgment debtor of notice of the registration of a judgment;

- (d) for making provision with respect to the fixing of the period within which an application may be made to have the registration of the judgment set aside with respect to the extension of the period so fixed;
  - (e) for prescribing the method by which any question arising under this Law whether a foreign judgment can be enforced by execution in the country of the original court is to be determined;
  - (f) for providing that the sum for which a judgment is registered shall carry interest from the date of the registration at such rate, not exceeding 4% per annum, as may be prescribed;
  - (g) for prescribing any matter which under this Part of this Law is to be prescribed.
- (2) Rules of court for the purposes of this Part of this Law shall be expressed to have, and shall have, effect subject to any such provisions contained in Acts made under Article 3 of this Law as are declared by the said Acts to be necessary for giving effect to agreements made between [His Majesty](#)~~Her Majesty~~ and foreign countries in relation to matters with respect to which there is power to make rules of court for the purposes of this Part of this Law.

## **Judgments (Reciprocal Enforcement) Rules 1961**

### **15 Rules to have effect subject to Acts of the States**

These Rules shall, in relation to any judgment, have effect subject to any such provisions contained in the Act of the States extending the Law to the country of the original court as are declared by the said Act to be necessary for giving effect to the agreement made between [His Majesty](#)~~Her Majesty~~ and that country in relation to matters for which provision is made by these Rules.

## **Law Reform (Miscellaneous Provisions) (Jersey) Law 1967**

### **1 Interpretation**

In this Law, “prévôt” and “sergent” mean respectively a Queen’s prévôt and a [King’s](#)~~Queen’s~~ sergent.

## **Legislation (Jersey) Law 2021**

### **2 Making of Jersey Legislation**

- (1) A Law is made –
  - (a) by being adopted by the States Assembly;
  - (b) by being [sanctioned by Order in Council](#)~~sanctioned by order of Her Majesty in Council~~; and
  - (c) by being registered in the Royal Court.

- (2) A taxation draft declared by Act of the States to have effect under Article 12(1) of the [Public Finances \(Jersey\) Law 2019](#) is to be treated as having been made as a Law even though it has not yet completed the steps referred to in paragraph (1)(b) and (c).
- (3) Jersey subordinate legislation is made –
  - (a) in the case of Regulations (including Triennial Regulations) or an Act that is Jersey legislation, by the proposition containing the Regulations or Act being adopted by the States Assembly; or
  - (b) in the case of any other Jersey subordinate legislation, by being signed by –
    - (i) the person responsible for making it, or
    - (ii) if made by a body, a person acting in accordance with any procedural requirements of the body.
- (4) Subject to paragraph (2), Jersey legislation has been made once it has been registered, adopted or signed as the case may be.
- (5) The States may by Regulations amend paragraph (3)(b) to make different provision about the procedural requirements for making Jersey subordinate legislation, including making consequential amendments to the [States of Jersey Law 2005](#) or any other Jersey legislation.

### **Legitimacy (Jersey) Law 1973**

#### **9 Regulation of reports**

- (1) It shall not be lawful to print or publish or cause or procure to be printed or published, in relation to any proceedings in which it is sought to prove that a child is illegitimate, any particulars other than the following –
  - (a) a concise statement of the charges, defences and countercharges in support of which evidence has been given;
  - (b) submissions on any point of law arising in the course of the proceedings and the decision of the Court thereon;
  - (c) the judgment of the Court and observations made by members of the Court in giving judgment:

Provided that nothing in this paragraph shall be held to permit the publication of any details or other matter likely to injure public morals.

- (2) If any person acts in contravention of the provisions of this Article, the person shall be liable in respect of each offence to imprisonment for a term of 4 months and to a fine:

Provided that no person, other than a proprietor, editor, master printer or publisher of the newspaper or other vehicle of publication of the matter in respect of which a prosecution is instituted shall be liable to be convicted under this Article.

- (3) No prosecution for an offence under this Article shall be instituted without the consent of the Attorney General.

- (4) Nothing in this Article shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the Court or of the Court of Appeal or of [His Majesty or of the Lords of His Privy Council](#) ~~Her Majesty or of the Lords of Her Privy Council~~, or to the printing or publication of any matter in any separate volume or part of any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character bona fide intended for circulation among members of the legal or medical professions.

### **Loi (1862) sur les teneures en fidéicomis et l'incorporation d'associations**

3

Les parties qui voudront créer un fidéicomis, en vertu du 1er Article, seront tenues de présenter une requête à cet effet à la Cour Royale et d'obtenir son autorisation. Les requérants annexeront à la requête la minute du Contrat, et autres documents au moyen desquels il sera proposé d'établir le fidéicomis.

Ces pièces devront être au préalable communiquées au Procureur-Général [du Roi de la Reine](#) en temps utile; lequel sera tenu de donner en Cour Séante ses conclusions sur les objections qu'il pourrait y avoir à l'objet du fidéicomis, ou à la forme ou aux effets du contrat.

Après l'approbation de la Cour, nul changement ne pourra être fait au contenu ou aux conditions du contrat; et l'Acte d'approbation devra être inséré avec le Contrat au Registre Public.

Dans le cas de la nomination d'un nouveau fidéicommissaire, déclaration en sera faite à la Cour Royale et enregistrée au Registre Public. La déclaration faite et enregistrée, le nouveau fidéicommissaire prendra rang avec les autres fidéicommissaires.

### **Loi (1884) sur les matières explosives**

7

Toutes les fois que le Procureur Général [du Roi de la Reine](#) ou, en son absence, l'Avocat Général [du Roi de la Reine](#), croira qu'un crime, visé par la présente Loi, aura été commis, il pourra en informer le Juge d'Instruction, lequel sera tenu d'ouvrir une enquête en vertu du présent Article, et sans même qu'aucune personne soit actuellement présentée devant lui sous prévention d'avoir commis ce crime.

Le Juge, dans cette enquête, pourra, s'il croit que le cas le requiert, se transporter dans les différentes Paroisses de l'île et faire convenir par la Police, et, au besoin, faire présenter devant lui, toute personne qu'il croira devoir être entendue et examinée, aux fins de l'exécution de la présente Loi.

## Loi (1891) sur la Cour pour le recouvrement de menues dettes

### Article 17

Nul ne sera tenu d'employer un Avocat pour plaider devant cette Cour.

Nul ne pourra plaider la cause d'un autre devant cette Cour, excepté le Procureur Général [du Roi de la Reine](#), l'Avocat Général [du Roi de la Reine](#), les Avocats et les Écrivains de la Cour Royale.

## Matrimonial Causes (Jersey) Law 1949

### 39 Regulation of reports

- (1) It shall not be lawful to print or publish, or cause or procure to be printed or published –
  - (a) in relation to any judicial proceedings for dissolution of marriage, or the separation of married persons, on the ground of the respondent's incurable unsoundness of mind, any particulars whatsoever;
  - (b) in relation to any judicial proceedings for nullity of marriage on the ground of the respondent's unsoundness of mind at the time of the marriage, any particulars whatsoever;
  - (c) in relation to any judicial proceedings for dissolution of marriage, the separation of married persons, or nullity of marriage, on any other ground any particulars other than the following –
    - (i) the names, addresses and occupations of the parties and witnesses,
    - (ii) a concise statement of the charges, defences and counter-charges in support of which evidence has been given,
    - (iii) submissions on any point of law arising in the course of the proceedings and the decision of the court thereon,
    - (iv) the judgment of the court and observations made by members of the court in giving judgment:

Provided that nothing in this sub-paragraph shall be held to permit the publication of any details or special matter likely to injure public morals.

- (2) If any person acts in contravention of the provisions of this Article, the person shall be liable in respect of each offence to a fine:

Provided that no person, other than a proprietor, editor, master printer or publisher of a newspaper or other vehicle of publication of the matter in respect of which the prosecution is instituted shall be liable to be convicted under this Article.

- (3) Nothing in this Article shall apply to the printing of any pleadings, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any copies or report in pursuance of directions of the court or of [His Majesty or of the Lords of His Privy Council](#) ~~Her Majesty or of the Lords~~



~~of Her Privy Council~~, or to the printing or publication of any matter in any separate volume or part of any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character bona fide intended for circulation among members of the legal or medical professions.

## Matrimonial Causes Rules 2005

### 10 Service out of Jersey

- (1) A petition, originating summons, notice or other document in a cause or matter may be served out of Jersey without leave in the manner provided by this Rule.
- (2) When a petition is to be served out of Jersey, the time limited for giving notice of intention to defend in the notice accompanying the petition or contained in the notice shall be fixed having regard to the place or country where or in which the petition or notice is to be served.
- (3) When an originating summons is to be served out of Jersey, the date of the hearing shall be fixed having regard to the place or country where or in which the summons is to be served.
- (4) When it is desired to serve any petition, originating summons, notice or other document in a foreign country the following procedure may, subject to the provisions of any relevant convention between ~~His Majesty~~ and the Government of a foreign country, be adopted –
  - (a) the party bespeaking such service must lodge with the Greffier a request in Form 2 (which may be varied as necessary to meet the circumstances of the case);
  - (b) the request must be accompanied by the original document and a translation of it, in the language of the country in which service is to be effected, certified by or on behalf of the person making the request, a copy of each for every person to be served and any further copies that the Greffier may deem necessary;
  - (c) the documents to be served must be sealed with the seal of the Royal Court and shall be forwarded by the Greffier to the Bailiff for transmission through official channels;
  - (d) an official certificate, transmitted through official channels to the Bailiff, establishing the fact and the date of the service of the documents shall, provided that the official certificate in the case of a document to be served personally shows the server's means of knowledge as to the identity of the person served, be deemed to be sufficient proof of such service and shall be filed as, and be equivalent to, a record by the Viscount or an affidavit of service within the requirements of these Rules in that behalf; and
  - (e) where an official certificate, transmitted to the Bailiff through official channels, certifies that efforts to serve a document have been without effect, the Court may, upon the *ex parte* application of the person desiring to cause the document to be served, order that such person be at liberty to bespeak from the Greffier a request for substituted service of such document.

## Merchandise Marks (Jersey) Law 1958

### 7 False representation as to royal warrant

Any person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of ~~His Majesty~~Her Majesty, or any of the Royal Family, or any department of ~~the Government of the United Kingdom~~Her Majesty's Government in the United Kingdom, shall be liable to a fine not exceeding level 3 on the standard scale.

### 8 Interpretation of Part 3

(1) In this Part, unless the context otherwise requires –

“empire or foreign goods” means imported goods manufactured or produced in any country outside the British Islands;

“~~His Majesty's dominions~~Her Majesty's Dominions” includes territories under ~~His Majesty's protection~~Her Majesty's protection and the Republics of India and Pakistan:

Provided that, where an Order in Council has been made by ~~His Majesty~~Her Majesty under section 10(1) of the Merchandise Marks Act 1926 of the United Kingdom directing that any territory shall be included in ~~His Majesty's dominions~~Her Majesty's Dominions for the purposes of that Act and the Order in Council has been registered by the Royal Court, that territory shall be included in ~~His Majesty's dominions~~Her Majesty's Dominions for the purposes of this Law:

Provided further that the Minister may by Order direct that a country which has ceased to be a part of ~~His Majesty's dominions~~Her Majesty's Dominions shall be included in ~~His Majesty's dominions~~Her Majesty's Dominions for the purposes of this Law;

“imported goods” means goods imported into Jersey but does not include –

- (a) goods which since the date of their importation have undergone in Jersey any treatment or process resulting in a substantial change in the goods; or
- (b) goods manufactured or produced in Jersey which after exportation are brought back into Jersey, including any such goods which have undergone abroad any treatment or process not resulting in a substantial change in the goods;

“indication of origin” means, at the option of the person applying the indication, either –

- (a) in the case of goods manufactured or produced in the British Islands, the word “British”, in the case of goods manufactured or produced in a part of ~~His Majesty's dominions~~Her Majesty's Dominions outside the British Islands, the word “Empire”, and in the case of goods manufactured or produced in any foreign country the word “foreign”; or

- (b) a definite indication of the country in which the goods were manufactured or produced,

the indication being given, in either case, conspicuously:

Provided that, in the case of goods produced or manufactured in the British Islands which have undergone one or more treatments or processes resulting in a substantial change in the goods, the last of such treatments or processes having been undergone in any country outside the British Islands, the indication of origin may at the option of the person applying it be given either by using, in conjunction with the word “foreign” or the word “Empire”, as the case requires, words descriptive of the last treatment or process or by a definite indication that the treatment or process was undergone in that particular country;

“Minister” means the Chief Minister;

“sale” –

- (a) does not include –

- (i) a sale of goods for consignment by the vendor to a person outside the British Islands, or  
(ii) a sale of second-hand goods;

- (b) subject as hereinafter provided, includes sale wholesale as well as sale by retail, and the provisions of this Part of this Law and of any Order made thereunder shall have effect accordingly:

Provided that references to exposure for sale in Articles 10 and 16 or (unless the Order expressly provides to the contrary) in any Order made under this Part shall not include exposure for sale wholesale or by a person being a wholesale dealer;

- (c) does not include the sale of any foodstuffs at any hotel or restaurant or other premises for consumption thereon or the sale of any foodstuffs which have undergone a process of cooking, curing or preserving in the British Islands.

- (2) For the purposes of this Part, imported goods shall be deemed to have been manufactured in the country in which they last underwent before importation a substantial change by reason of any treatment or process.

## Misuse of Drugs (Jersey) Law 1978

### 1 Interpretation

- (1) In this Law, unless the context otherwise requires –

...

- (7) If, in any proceedings under this Law, the question arises whether a country or territory is a state or is a party to the Vienna Convention, a certificate issued by the Secretary of State shall be conclusive in determining that question; and for this purpose “Secretary of State” means –

- (a) [His Majesty's](#)~~Her Majesty's~~ Secretary of State for the Home Department; or

- (b) ~~His Majesty's~~ Secretary of State for any other government department, or any Minister of the Crown, to whom the functions of the Secretary of State for the Home Department are transferred.

## **Money Laundering and Weapons Development (Directions) (Jersey) Law 2012**

### **1 Interpretation**

In this Law unless the context otherwise requires –

...

“HM Treasury” means the Commissioners of ~~His Majesty's Treasury~~  
~~Majesty's Treasury~~;

## **Motor Traffic (Third-Party Insurance) (Jersey) Law 1948**

### **2 Users of motor vehicles to be insured against third-party risks**

- (1) Subject to the provisions of this Law, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance in respect of third-party risks as complies with the requirements of this Law:

Provided that a person shall not be convicted of an offence under this paragraph if the person proves that the vehicle did not belong to the person and was not in his or her possession under a contract of hiring or of loan, that the person was using the vehicle in the course of his or her employment and that the person neither knew nor had reason to believe that there was not in force in relation to the user of the vehicle such a policy of insurance as aforesaid.

- (2) Any person who acts in contravention of this Article shall be liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 18 months, or both.
- (3) This Article shall not apply to a motor vehicle owned and used by any Department of ~~the Government of the United Kingdom Her Majesty's Government~~, by a home force as defined by Article 3(1) of the ~~Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017~~, by the States or by any parochial authority, or to any motor vehicle at any time when it is being driven for police purposes by or under the direction of a Police or Traffic Officer or by a person employed by a police authority.
- (4) This Article shall not apply to a motor vehicle owned by a person –
- (a) who has deposited and keeps deposited with the Accountant-General of the Supreme Court of England for and on behalf of such Supreme Court the sum specified in and in accordance with the provisions of section 144(1) of the Road Traffic Act, 1988 of the United Kingdom, as amended by any other Act of Parliament;

- (b) who has entered into an undertaking with the Minister to the effect that any question or dispute arising out of the use in Jersey by such person, or by other persons on the person's order or with the person's permission, of any motor vehicle belonging to such person shall be within the jurisdiction of the Royal Court of Jersey; and
  - (c) who is represented in Jersey by one or more persons residing permanently in Jersey duly appointed to be the person's attorney or the person's joint and several attorneys, with full power and authority to accept service of all and every form of legal process for and on behalf of such person in all actions, suits and affairs instituted and to be instituted in all Courts of Law in Jersey and before all Judges, Commissioners and Arbitrators in Jersey.
- (5) Where, after 1st December 1972 a person uses a motor vehicle in circumstances such that under paragraph (1) there is required to be in force in relation to his or her use of it such a policy of insurance as is mentioned in paragraph (1), then, if any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held –
- (a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by Article 3 to be covered by a policy of insurance; or
  - (b) to impose any conditions with respect to the enforcement of any such liability of the user,
- and the fact that a person so carried has willingly accepted as his or hers the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.
- (6) For the purposes of paragraph (5), references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle and the reference to an antecedent agreement is to one made at any time before the liability arose.

## Official Secrets (Jersey) Law 1952

### 1 Interpretation

In this Law, unless the context otherwise requires –

any reference to a place belonging to ~~His Majesty~~~~Her Majesty~~ includes a place belonging to the public of Jersey, or to any department of the Government of the United Kingdom or of any British possession, whether the place is or is not actually vested in ~~His Majesty~~~~Her Majesty~~;

expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document or information itself or the substance, effect or description thereof only, be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note or document; and expressions referring to the communication of any sketch, plan,

model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document;

the expression “document” includes part of a document;

the expression “misdemeanour” means a *délit*;

the expression “model” includes design, pattern and specimen;

the expression “munitions of war” includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo or mine, intended or adapted for use in war, and any other article, material or device, whether actual or proposed, intended for such use;

the expression “offence under this Law” includes any act, omission or other thing which is punishable under this Law;

the expression “office under [His Majesty](#)~~Her Majesty~~” includes any office or employment under the States or in or under any department of the Government of the United Kingdom or of any British possession;

the expression “sketch” includes any photograph or other mode of representing any place or thing.

## 2 Definition of prohibited place

For the purpose of this Law, the expression “prohibited place” means –

- (a) any work of defence, arsenal, naval, military or air force establishment or station, factory, dockyard, mine, minefield, camp, ship or aircraft belonging to or occupied by or on behalf of [His Majesty](#)~~Her Majesty~~, or any telegraph, telephone, wireless or signal station, or office so belonging or occupied, and any place belonging to or occupied by or on behalf of [His Majesty](#)~~Her Majesty~~ and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war;
- (b) any place not belonging to [His Majesty](#)~~Her Majesty~~ where any munitions of war, or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of, [His Majesty](#)~~Her Majesty~~, or otherwise on behalf of [His Majesty](#)~~Her Majesty~~;
- (c) any place belonging to or used for the purposes of [His Majesty](#)~~Her Majesty~~ which is for the time being declared by order of a Secretary of State or the Lieutenant-Governor to be a prohibited place for the purposes of this Article on the ground that information with respect thereto, or damage thereto, would be useful to an enemy; and
- (d) any railway, road, way, or channel or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war, or any sketches, models, plans or documents relating thereto, are being made, repaired or stored otherwise than on behalf of [His Majesty](#)~~Her Majesty~~, which is for the time being declared by order of a Secretary of State or the Lieutenant-Governor to be a prohibited place for the purposes of this Article, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

#### **4 Wrongful communication, etc., of information**

- (1) If any person having in his or her possession or control any secret official code word or pass word, or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Law or which has been entrusted in confidence to the person by any person holding office under [His Majesty](#)~~Her Majesty~~ or which the person has obtained or to which he or she has had access owing to his or her position as a person who holds or has held office under [His Majesty](#)~~Her Majesty~~, or as a person who holds or has held a contract made on behalf of [His Majesty](#)~~Her Majesty~~, or as a person who is or has been employed under a person who holds or has held such an office or contract –
- (a) communicates the code word, pass word, sketch, plan, model, article, note, document or information to any person, other than a person to whom he or she is authorized to communicate it, or a person to whom it is in the interest of the State his or her duty to communicate it;
  - (b) uses the information in his or her possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State;
  - (c) retains the sketch, plan, model, article, note or document in his or her possession or control when he or she has no right to retain it or when it is contrary to the person's duty to retain it or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
  - (d) fails to take reasonable care of, or so conducts himself or herself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or pass word or information,
- that person shall be guilty of a misdemeanour.

#### **10 Unauthorized use of uniforms; falsification of reports, forgery, personation and false documents**

- (1) If any person for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, or for any other purpose prejudicial to the safety or interests of the State –
- (a) uses or wears, without lawful authority, any naval, military, air force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself or herself to be a person who is or has been entitled to use or wear any such uniform;
  - (b) orally, or in writing in any declaration or application, or in any document signed by the person or on the person's behalf, knowingly makes or connives at the making of any false statement or any omission;
  - (c) forges, alters or tampers with any passport or any naval, military, air force, police, or official pass, permit, certificate, licence or other document of a similar character (in this Article referred to as an "official document"), or uses or has in his or her possession any such forged, altered or irregular official document;
  - (d) personates, or falsely represents himself or herself to be a person holding, or in the employment of a person holding, office under [His Majesty](#)~~Her Majesty~~, or to be or not to be a person to whom an official document or secret official

code word or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code word or pass word, whether for himself or herself or any other person, knowingly makes any false statement; or

- (e) uses, or has in the person's possession or under his or her control, without the authority of the Government Department or the authority concerned, any die, seal or stamp of or belonging to, or used, made or provided by any Government Department, or by any diplomatic, naval, military, or air force authority appointed by or acting under the authority of ~~His Majesty~~[Her Majesty's forces](#), or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses or has in the person's possession or under his or her control, any such counterfeited die, seal or stamp,

that person shall be guilty of a misdemeanour.

## **11 Interfering with officers of police or members of ~~His Majesty's forces~~[Her Majesty's forces](#)**

No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with, or impede, any officer of police, whether honorary or paid, or any member of ~~His Majesty's forces~~[Her Majesty's forces](#) engaged on guard, sentry, patrol or other similar duty in relation to the prohibited place, and, if any person acts in contravention of, or fails to comply with, this provision, the person shall be guilty of a misdemeanour.

## **Opticians (Registration) (Jersey) Law 1962**

### **9 Power of court to cancel registration or to order erasure from list**

- (1) The Court may, on the motion of the Attorney General, order that the registration of any registered optician be cancelled where the optician –
  - (a) has been convicted in Jersey of a crime or misdemeanour or has been convicted, either in ~~His Majesty's dominions~~[Her Majesty's dominions](#) or elsewhere, of an offence which, if committed in Jersey, would be a crime or misdemeanour; or
  - (b) has been guilty of infamous or disgraceful conduct in a professional respect.
- (2) The Court may, on the motion of the Attorney General, order that the name of any enrolled body corporate be erased from the list where –
  - (a) the body corporate has been convicted of an offence under this Law, or of aiding, abetting, counselling or procuring the commission of, or inciting another person to commit, such an offence; or
  - (b) the Court is of opinion that the conditions, or any of the conditions, for the enrolment of the body corporate are no longer satisfied.
- (3) Where a registered optician dies while he or she is either a director of an enrolled body corporate or the manager of that part of the business of an enrolled body



corporate which consists of the testing of sight or the fitting and supply of optical appliances, he or she shall be deemed, for the purposes of this paragraph, to have continued to be a director of that body or a manager of that part of its business, as the case may be, until the expiration of the 3 months beginning with the date of his or her death or until a director or manager is appointed in his or her place, whichever first occurs.

- (4) The Court may, on the motion of the Attorney General, order that the registration of any registered optician be cancelled or that the name of any enrolled body corporate be erased from the list where it appears to the Court that the optician or body corporate has contravened or failed to comply with the provisions of any Order made under Article 18 and that the contravention or failure is such as to render the optician unfit to be registered or the body corporate unfit to have its name on the list.
- (5) The Court may, on the motion of the Attorney General, order that the registration of any registered optician be cancelled or that the name of any enrolled body corporate be erased from the list where it appears to the Court –
  - (a) that the optician or body corporate is engaged in the fitting and supply of optical appliances; and
  - (b) that the arrangements made by the optician or body corporate for carrying on the optician's practice or the optician or body corporate's business are not such as to secure that the fitting and supply of optical appliances in the course of that practice or business are carried out by, or under the supervision of, a registered optometrist engaged or proposing to engage both in the testing of sight and in the fitting and supply of optical appliances, or a registered dispensing optician.
- (6) The Court may, on the motion of the Attorney General, order that the name of any enrolled body corporate be erased from the list where –
  - (a) the registration of a director of the body corporate is cancelled under Article 8 or under paragraph (1) of this Article;
  - (b) a director of the body corporate is convicted of an offence under this Law; or
  - (c) the registration of a registered optician employed by the body corporate is cancelled under Article 8 or under paragraph (1) of this Article and the act or omission constituting the ground on which it was cancelled was instigated or connived at by a director of the body corporate, or, if the act or omission was a continuing act or omission, a director of the body corporate had, or reasonably ought to have had, knowledge of the continuance thereof:

Provided that the Court shall not take a case into consideration during any period within which proceedings by way of appeal may be brought which may result in this paragraph being rendered inapplicable in that case or while any such proceedings are pending.

- (7) Where it appears to the Court that a body corporate which carries on business as an optometrist or dispensing optician at more than one set of premises is liable to have its name erased from the list under this Article and that the events giving rise to the liability were confined, or substantially confined, to a particular set of premises,

the Court may, instead of ordering the erasure of the name of the body corporate from the list, order that the body corporate shall not use the title of optometrist, dispensing optician, registered optician or enrolled optician in connection with that set of premises; and if at any time thereafter it appears to the Court that the body corporate has contravened an order in force under this paragraph, the Court may, if it thinks fit, order the erasure of the name of the body corporate from the list.

- (8) No order shall be made under this Article unless the registered optician or body corporate concerned has been given an opportunity of showing cause why the order should not be made.

### **13 Restriction on sale of optical appliances or zero powers contact lenses**

- (1) Subject to the following provisions of this Article, a person shall not sell any optical appliance or zero powered contact lens unless the sale is effected by or under the supervision of a registered medical practitioner or of a registered optician.
- (2) Paragraph (1) shall not apply to the sale of an optical appliance or zero powered contact lens –
  - (a) to a registered medical practitioner, registered optician or enrolled body corporate for the purposes of his or her practice or of his, her or its business;
  - (b) to a manufacturer of or dealer in optical appliances or zero powered contact lens for the purposes of his or her business;
  - (c) to any authority or person carrying on a hospital, clinic, nursing home or other institution providing medical or surgical treatment;
  - (d) to a department of [the Government of the United Kingdom](#) ~~Her Majesty's Government~~ or of the States; or
  - (e) for the purposes of its export.
- (3) Paragraph (1) of this Article shall not apply to a sale for a person not under the age of 16 of spectacles which have two single vision lenses of the same positive spherical power not exceeding 4 dioptries, where the sale is wholly for the purpose of correcting, remedying or relieving the condition known as presbyopia.
- (4) For the purposes of paragraph (3) of this Article, lenses are to be taken to have the same positive spherical power if the difference between them is within the tolerances relating to the power of such lenses specified from time to time in the British Standard Specification.
- (5) On any prosecution for selling an optical appliance in contravention of paragraph (1), it shall be a defence for the defendant to prove that the defendant sold the appliance as an antique article and that the defendant did not know, and had no reason to believe, that the appliance was bought for the purpose of being used for correcting, remedying or relieving a defect of sight.
- (6) Any person who contravenes the provisions of this Article shall be liable to a fine not exceeding level 3 on the standard scale.

## Patents (Jersey) Law 1957

### 1 Interpretation

- (1) In this Law, unless the context otherwise requires –  
“Government department” means a department of [the Government of the United Kingdom](#) ~~Her Majesty’s Government in the United Kingdom~~;

### 12 Use of inventions of registered patents for the services of the Crown

- (1) Subject to the provisions of this Law, the registration of a patent shall have the same effect against the Crown as it has against a subject:  
Provided that any Government department, and any person authorized in writing by any such department, may make, use and exercise any invention the subject of a registered patent, for the services of the Crown in the like manner, to the like extent and subject to the like conditions as it might be made, used or exercised in the United Kingdom by any such department or by any person so authorized.
- (2) For the purposes of this Article, any use of such an invention for the supply to the Government of any country outside the United Kingdom, in pursuance of any agreement or arrangement between [the Government of the United Kingdom](#) ~~Her Majesty’s Government in the United Kingdom~~ and the government of that country, of articles required for the defence of that country, shall be deemed to be a use of the invention for the services of the Crown; and the power of a Government department or a person authorized by a Government department under this Article to make, use and exercise an invention shall include power –
- (a) to sell such articles to the Government of any country in pursuance of any such agreement or arrangement as aforesaid; and
- (b) to sell to any person any articles made in the exercise of the powers conferred by this Article which are no longer required for the purpose for which they were made.
- (3) The purchaser of any articles sold in the exercise of powers conferred by this Article, and any person claiming through the purchaser, shall have power to deal with them in the same manner as if the patent were held on behalf of [His Majesty](#) ~~Her Majesty~~.

## Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001

### 1 Definitions

- (1) In these Regulations, unless the context otherwise requires –  
“vehicle owned by the armed forces” means a vehicle owned by –
- (a) [His Majesty’s forces](#) ~~Her Majesty’s Forces~~; or
- (b) a visiting force present at the invitation of the States or of a Minister of the States,

and includes a vehicle which has been provided to the armed forces under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional sale agreement, a credit sale agreement, a hire purchase agreement and a contract for sale; and

“vehicle under the control of the armed forces” means –

- (a) a vehicle, on or in which there is, as a member of its crew, a member of the armed forces acting in the course of the member’s duties; or
- (b) a vehicle in a convoy escorted by a vehicle of the type referred to in subparagraph (a),

and in this definition “member of the armed forces” means –

- (i) a member of ~~His Majesty’s forces~~Her Majesty’s Forces;
- (ii) a member of a visiting force of a country other than the United Kingdom present at the invitation of the States or of a Minister of the States; or
- (iii) a civilian who is an employee of ~~His Majesty’s forces~~Her Majesty’s forces, or of a visiting force referred to in clause (ii).

#### **14 Exemption certificates**

- (1) Subject to paragraph (2) the Minister may, by Order, exempt –

- (a) any person or class of persons; or
- (b) any container, tank or vehicle or class thereof,

from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time.

- (2) The Minister shall not grant any exemption under paragraph (1) unless having regard to the circumstances of the case and in particular to –

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

the Minister is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

- (3) The Minister may, in the interests of national security, by Order, exempt any person from all or any of the requirements or prohibitions imposed by these Regulations in so far as they relate to the carriage of petroleum-spirit in –

- (a) any vehicle owned by ~~His Majesty’s forces~~Her Majesty’s forces; or
- (b) any vehicle under the control of ~~His Majesty’s forces~~Her Majesty’s forces,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Minister by Order.

### **SCHEDULE 1**

(Regulation 3)

#### **DISAPPLICATIONS TO THESE REGULATIONS**

1. These Regulations shall not apply to or in relation to the carriage of petroleum-spirit where –
  - (a) the motor vehicle which is being used for the carriage of petroleum-spirit is registered outside Jersey and the carriage is confined to Jersey but nevertheless conforms with the provisions of ADR as if it were part of an international transport operation;
  - (b) the carriage forms part of an international transport operation within the meaning of Article 1(c) of ADR and conforms with the provisions of that agreement;
  - (c) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of .Article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to the agreement;
  - (d) the carriage forms part of an international transport operation within the meaning of Article 1(c) of ADR and the petroleum-spirit is being carried in –
    - (i) a vehicle owned by [His Majesty's forces](#)~~Her Majesty's forees~~, or
    - (ii) a vehicle under the control of the armed forces of a country which is a contracting party to ADR.
2. Regulation 5 and Schedule 2 shall not apply to or in relation to the carriage of a storage tank which is nominally empty, provided –
  - (a) as much of the pipe-work which was connected to the tank as it was reasonably practicable to remove from it has been so removed;
  - (b) a suitable pressure relief valve, which shall remain operational during the carriage, is fitted to the tank; and
  - (c) subject to sub-paragraph (b), all openings in the tank and in any pipe-work attached thereto have been sealed to prevent the escape of any petroleum-spirit, insofar as it is reasonably practicable to do so.
3. Regulations 5(5), 7, 10, 11, 12(2) to (6) and paragraphs 1(b) and 2(2) of Schedule 2 shall not apply to or in relation to the carriage of petroleum-spirit from a container, tank or vehicle which has been damaged as the result of an accident on a road, or has broken down on a road, to the nearest suitable, safe place with a view to the container, tank or vehicle or any other receptacle which is carrying the petroleum-spirit, being repaired, cleaned or purged provided such carriage is escorted by a police constable or by a fire brigade officer and all reasonable steps have been taken to prevent any leakage of petroleum-spirit.
4. Regulation 7(1) shall not apply where the petroleum-spirit is being carried in a vehicle owned by [His Majesty's forces](#)~~Her Majesty's forees~~, in so far as the vehicle concerned is being used in connection with training or manoeuvres in respect of which not less than 48 hours' notice has been given to the Chief Officer of Police and the Chief Fire Officer.

## Planning and Building (Jersey) Law 2002

### 125 Interpretation - the Crown and Crown land

In this Part –

“Crown land” means land in which there is a Crown interest;

“Crown interest” means an interest belonging to [His Majesty](#)~~Her Majesty~~ in right of the Crown, or belonging to a department of the government of the United Kingdom or held in trust for [His Majesty](#)~~Her Majesty~~ for the purpose of a department of the government of the United Kingdom;

“department of the government of the United Kingdom” includes any Minister of the Crown.

## **Poisons (General Provisions) (Jersey) Order 1968**

### **10 Restriction of sale of poisons in Schedule 4**

- (1) Subject to the provisions of paragraph (6), it shall not be lawful to sell any poison included in Schedule 4, except on and in accordance with a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon in the form provided by this Article:

Provided that where an authorized seller of poisons is reasonably satisfied that a person ordering any such poison is a registered medical practitioner who is by reason of some emergency unable to furnish such a prescription immediately, the authorized seller may, notwithstanding that no such prescription has been given, if the said person undertakes to furnish the seller within the 24 hours next following with such a prescription, deliver the poison ordered in accordance with the directions of the said person, so, however, that, notwithstanding anything in any such directions, the supply shall not be repeated unless such a prescription has been given.

If any person by whom any such undertaking has been given fails to deliver to the seller a prescription in accordance with the undertaking, or if any person for the purpose of obtaining delivery of any poison under the foregoing proviso makes a statement which is to the person’s knowledge false, the person shall be deemed to have contravened the provisions of this Article.

- (2) This Article shall apply to the sale of any such poison, but shall not apply to any sale exempted by Article 10 of the Law.
- (3) For the purposes of this Article, a prescription shall, in the case of any poison included in Schedule 4, be in writing and be signed by the person giving it with the person’s usual signature and be dated by the person and in the case of any poison included in Part A of the said Schedule 4 –
- (a) except in the case of a health prescription, specify the address of the person giving it;
  - (b) specify the name and address of the person for whose treatment it is given or, if the prescription is given by a registered veterinary surgeon, of the person to whom the medicine is to be delivered;
  - (c) have written thereon, if given by a dentist, the words “For dental treatment only” or, if given by a registered veterinary surgeon, the words “For animal treatment only”;

- (d) when the medicine is packed otherwise than in ampoules, indicate –
    - (i) except in the case of a preparation contained in the British National Formulary, the total amount to be supplied, and
    - (ii) except in the case of a preparation which is to be used for external treatment only, the dose to be taken;
  - (e) when the medicine is packed in ampoules indicate –
    - (i) except in the case of a preparation contained in the British National Formulary, either the total amount to be supplied or the total amount intended to be administered or injected, and
    - (ii) in any case, the amount intended to be administered or injected in each dose.
- (4) The person dispensing the prescription shall comply with the following requirements –
- (a) the prescription must not be dispensed more than once unless the prescriber has directed thereon either that it may be dispensed a stated number of times or that it may be dispensed at stated intervals;
  - (b) except as provided by paragraph (5), if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals it must not be dispensed otherwise than in accordance with the direction;
  - (c) except as provided by paragraph (5), a prescription which contains a direction that it may be dispensed a stated number of times but no direction as to the intervals at which it may be dispensed shall not be dispensed more often than once in 3 days, and a prescription which contains a direction that it is to be dispensed at stated intervals but no direction as to the number of times that it may be dispensed shall not be dispensed more often than 3 times;
  - (d) at the time of dispensing or, where a poison has been delivered under the proviso to paragraph (1), on the subsequent receipt of the prescription there must be noted on the prescription above the signature of the prescriber the name and address of the seller and the date on which the prescription is dispensed or, as the case may be, the poison was delivered;
  - (e) except in the case of a health prescription or a prescription which may be dispensed again, the prescription must, for a period of 2 years, be retained and kept on the premises on which it was dispensed in such manner as to be readily available for inspection.
- (5) In the case of androgenic, oestrogenic and progestational substances supplied in the manufacturer's original pack complete with directions for use as oral contraceptives, the total quantity prescribed may be supplied in amounts and at intervals requested by the patient unless the prescriber expressly directs otherwise.
- (6) Notwithstanding the provisions of paragraph (1), it shall be lawful to sell, otherwise than on or in accordance with a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon, but subject to the provisions of Article 11, a medicinal product containing Ibuprofen for use for the treatment of rheumatic and muscular pain, backache, neuralgia, migraine,

headache, dental pain, dysmenorrhea, feverishness and symptoms of colds and influenza, with a maximum dose of 400 mg and a maximum daily dose of 1200 mg.

- (7) In this Article, “health prescription” means a prescription given by a registered medical practitioner under and in accordance with the [Health Insurance \(Jersey\) Law 1967](#), or given by a registered medical practitioner or registered dentist upon a form issued by a public authority (including any department of [the Government of the United Kingdom Her Majesty’s Government](#)) or by a parochial authority for use in connection with a health service of that authority.

## Poisons (Jersey) Law 1952

### 10 Exemption with respect to sales by wholesale and sales to certain persons

Except as provided by Order, nothing in the foregoing provisions of this Part of this Law shall extend to or interfere with –

- (a) the sale of poisons by way of wholesale dealing;
- (b) the sale of poisons to be exported to purchasers outside Jersey; or
- (c) the sale of an article by a person carrying on a business, in the course of which poisons are regularly sold either by way of wholesale dealing or for use by the purchasers in their trade, business or profession to –
  - (i) any Department of [the Government of the United Kingdom Her Majesty’s Government](#), any administration of the States or any parochial authority requiring the article for the purposes of the public service, or
  - (ii) a person or institution concerned with scientific education or research, if the article is required for the purpose of that education or research.

## Police (Complaints and Discipline Procedure) (Jersey) Order 2000

### SCHEDULE 1

(Article 2(1))

### DISCIPLINE CODE

### 13 General conduct

Whether on or off duty, officers should not behave in a way which is likely to bring discredit upon the Force.

#### Notes:

- (a) The primary duties of those who hold the office of constable are the protection of life and property, the preservation of the [King’sQueen’s](#) peace,



and the prevention and detection of criminal offences. To fulfil these duties they are granted extraordinary powers; the public and the Force therefore have a right to expect the highest standards of conduct from them.

- (b) This Code sets out the principles which guide officers' conduct. It does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which that discretion may be exercised. However, it is important to note that any breach of the principles in this Code may result in the preferment of disciplinary charges which, if proved, in a serious case, could involve dismissal.
- (c) This Code applies to the conduct of officers in all ranks whilst on duty, or whilst off duty if the conduct is serious enough to indicate that an officer is not fit to be such. It will be applied in a reasonable and objective manner. Due regard will be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Where off-duty conduct is in question, this will be measured against the generally accepted standards of the day.

## **Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000**

### **SCHEDULE**

(Regulation 2(1))

### **DISCIPLINE CODE**

#### **13 General conduct**

Whether on or off duty, officers should not behave in a way which is likely to bring discredit upon the Honorary Police.

#### **Notes:**

- (a) The duties of those who hold the office of Centenier, Vingtenier or Constable's Officer include the protection of life and property, the preservation of the [King's/Queen's](#) peace, and the prevention and detection of criminal offences. To fulfil these duties they are granted extraordinary powers; the public and the Honorary Police therefore have a right to expect the highest standards of conduct from them.
- (b) This Code sets out the principles which guide officers' conduct. It does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which that discretion may be exercised. However, it is important to note that any breach of the principles in this Code may result in the preferment of disciplinary charges which, if proved, in a serious case, could involve dismissal.

- (c) This Code applies to the conduct of all officers whilst on duty, or whilst off duty if the conduct is serious enough to indicate that an officer is not fit to be such. It will be applied in a reasonable and objective manner. Due regard will be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Where off-duty conduct is in question, this will be measured against the generally accepted standards of the day.

## **Prison (Jersey) Rules 2007**

### **6 Prisoner's rights on reception**

- (1) A prisoner received into the prison shall be entitled to inform, or have informed, up to 2 persons and a legal adviser of his or her detention in custody.
- (2) A prisoner who does not have the right of abode in Jersey shall also be entitled to inform, or have informed, a diplomatic representative of his or her choice, of his or her detention in custody.
- (3) The Governor shall ensure that reasonable facilities are made available to a prisoner for the purposes of paragraphs (1) and (2).
- (4) A convicted prisoner shall be informed of his or her date of release as soon as this may be calculated and, in any event, within 48 hours of his or her reception into the prison.
- (5) Paragraph (4) shall not apply in the case of a prisoner sentenced to imprisonment or custody for life or detained during [His Majesty's pleasure](#)~~Her Majesty's pleasure~~.

## **Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998**

### **13 Evidence**

If in any proceedings any question arises whether or not any person is entitled to any privilege or immunity under this Law, a certificate issued by or under the authority of one of [His Majesty's](#)~~Her Majesty's~~ principal Secretaries of State or the Lieutenant-Governor, as the case may be, stating any fact relating to that question shall be conclusive evidence of that fact.

## **Proceeds of Crime (Jersey) Law 1999**

### **25 Compensation where defendant not convicted**

- (1) If proceedings are instituted against a person for an offence or offences specified in Schedule 1, and either –
  - (a) the proceedings do not result in the person's conviction for any such offence;  
or
  - (b) where the person is convicted of one or more of those offences –
    - (i) the conviction or convictions concerned are quashed, or

- (ii) the person is pardoned by ~~His Majesty~~[Her Majesty](#) in respect of the conviction or convictions concerned,

the Court may, on an application by a person who held property that was realisable property, order compensation to be paid to the applicant if, having regard to all the circumstances, it considers it appropriate to make such an order.

- (2) The Court shall not order compensation to be paid in any case unless it is satisfied –
  - (a) that there has been some serious default on the part of a person concerned in the investigation or prosecution of the offence or offences concerned; and
  - (b) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of a *saisie judiciaire*.
- (3) The Court shall not order compensation to be paid in any case where it appears to the Court that the proceedings would have been instituted or continued even if the serious default had not occurred.
- (4) The amount of compensation to be paid under this Article shall be such as the Court thinks just in all the circumstances of the case.
- (5) Compensation payable under this Article shall be payable out of the annual income of the States.

## Public Finances (Jersey) Law 2019

### 12 Taxation draft may be given immediate effect

- (1) The States may by Act declare that, on the Act being made, a taxation draft in a draft Law has effect as if the draft Law had been passed by the States, [confirmed by Order in Council](#) ~~confirmed by Her Majesty in Council~~ and registered in the Royal Court.
- (2) The States may extend the application of the Act to an ancillary provision that is contained in the same draft Law.
- (3) An Act referred to in paragraph (1) may be made at any time after the taxation draft to which it relates has been lodged.
- (4) If a taxation draft which has effect under paragraph (1) provides for the renewal of an existing tax, any enactment which was in force in respect of the tax as last imposed has full force and effect with respect to the renewed tax, subject to any taxation draft or ancillary provision which also has effect under paragraph (1).
- (5) If, after an Act has been made under paragraph (1), a taxation draft or ancillary provision given effect by the Act is amended before it is [confirmed by Order in Council](#) ~~confirmed by Her Majesty in Council~~, money that is paid or deducted in respect of it but that would not have been paid or deducted in respect of the version as amended and confirmed must be repaid or made good.
- (6) If, after an Act has been made under paragraph (1), a taxation draft or ancillary provision given effect by the Act is not adopted by the States or is not [confirmed by Order in Council](#) ~~confirmed by Her Majesty in Council~~, any money paid or deducted under it must be repaid or made good.
- (7) In this Article –
  - (a) an “ancillary provision” is a provision in a draft Law that provides for –

- (i) the collection and administration of a tax,
  - (ii) the proper administration of matters connected with the imposition of a tax,
  - (iii) the interpretation, application, effect or commencement of a taxation draft,
  - (iv) consequential amendments, transitional arrangements or savings that are supplemental to a taxation draft being given effect; and
- (b) a reference to a taxation draft or ancillary provision includes any amendment to a taxation draft or ancillary provision that is adopted by the States before the Act is declared.

### **Public Health (Aircraft) (Jersey) Order 1971**

#### **1 Interpretation**

...

- (3) Without prejudice to any enactment or rule of law which applies in relation to [His Majesty's armed forces](#) ~~Her Majesty's armed forces~~ or to any of the other armed forces hereinafter mentioned as part thereof, nothing in this Order shall apply to any aircraft forming part of [His Majesty's armed forces](#) ~~Her Majesty's armed forces~~ or of the armed forces of any country within the Commonwealth or of the armed forces of any other country for the time being designated for the purposes of all the provisions of the Visiting Forces Act 1952 of the United Kingdom following section 1(2) thereof, or to the officers and crew of such aircraft or to any aerodrome under the control of such forces.

### **Public Health (Ships) (Jersey) Order 1971**

#### **1 Interpretation**

...

- (3) Without prejudice to any enactment or rule of law which applies in relation to [His Majesty's armed forces](#) ~~Her Majesty's armed forces~~ or to any of the other armed forces hereinafter mentioned as part thereof, nothing in this Order shall apply to any ship forming part of [His Majesty's armed forces](#) ~~Her Majesty's armed forces~~ or of the armed forces of any country within the Commonwealth or of the armed forces of any other country for the time being designated for the purposes of all the provisions of the Visiting Forces Act 1952 of the United Kingdom following section 1(2) thereof, or to the officers and crew of any such ship.

### **Public Markets (Administration) (Jersey) Regulations 1947**

#### **20 Power to levy fines summarily**

- (1) Fines leviable for contravention of Regulations 4, 8, 9, 17 and 18 may be levied summarily by the Inspector.
- (2) Where the Inspector levies any fines as aforesaid or where payment of the fine is refused, the Inspector shall report the facts of the case to the Connétable of the parish concerned.

- (3) The Inspector shall keep a sufficient record of all fines levied by the Inspector in pursuance of this Regulation and shall, on every quarter-day, remit to ~~His Majesty's Receiver-General~~[Her Majesty's Receiver-General](#) the amount of any fines received by the Inspector.

## **Rates (Jersey) Law 2005**

### **17 Liability of owner to rates**

- (1) Any owner of land in a parish at the start of a rateable year is liable to pay to the parish the foncier rate levied by the parish in respect of the land for that year.
- (2) However, the following land is exempt from the foncier rate –
- (a) churches, district churches, chapels, meeting houses and other premises exclusively appropriated to public religious worship, and cemeteries;
  - (b) presbyterial houses and lands;
  - (c) dwelling-houses, with the buildings and land appertaining thereto, owned by religious bodies and occupied exclusively by officiating ministers or caretakers of churches or chapels;
  - (d) land owned by ~~His Majesty~~[Her Majesty](#);
  - (e) land owned by any department of ~~the Government of the United Kingdom~~[Her Majesty's Government](#) and used exclusively in ~~His Majesty's service~~[Her Majesty's service](#);
  - (f) subject to paragraph (3), land owned by any public or parochial authority and used exclusively for public or parochial purposes;
  - (g) subject to paragraph (3), land used by the Minister for Children and Education predominantly for the purposes of its undertaking; and
  - (h) land owned by the Don Baudains.
- (3) The exemptions from the foncier rate under paragraph (2)(f) and (g) do not apply in relation to –
- (a) houses and other buildings, with any premises appertaining thereto, owned by the States and regardless of the purpose for which they are used; and
  - (b) land (other than land described in sub-paragraph (a)) owned by the States and used predominantly for the purpose of parking vehicles, regardless of any other purpose for which such land is used.

### **18 Liability of occupier to rates**

- (1) Any occupier of land in a parish at the start of a rateable year is liable to pay to the parish the occupier's rate levied by the parish in respect of the land for that year.
- (2) However, the following land is exempt from occupier's rate –

- (a) churches, district churches, chapels, meeting houses and other premises exclusively appropriated to public religious worship, and cemeteries;
  - (b) land occupied by ~~His Majesty~~[Her Majesty](#) or by any department of ~~the Government of the United Kingdom~~[Her Majesty's Government](#) and used exclusively in ~~His Majesty's service~~[Her Majesty's service](#); and
  - (c) land occupied by any public or parochial authority and used exclusively for public or parochial purposes, but excluding land in the occupation of any employee of any such authority subject to paragraph (2A).
- (2A) The exemption from the occupier's rate under paragraph (2)(c) does not apply in relation to –
- (a) houses and other buildings, with any premises appertaining thereto, occupied by the States; and
  - (b) land (other than land described in sub-paragraph (a)) occupied by the States and used predominantly for the purpose of parking vehicles.
- (3) If a house or other building or part of a house or other building is let on terms that provide for the use of furniture or furnishings, the person who let the premises is liable to pay the occupier's rate (including any consequent liability for the Island-wide rate), but the terms may provide for the recovery of any or all of the amount so paid from the occupier.
- (4) If the owner of any land has failed to provide the name and address of the occupier as required by Article 3(1)(a), the owner is liable to pay the occupier's rate (including any consequent liability for the Island-wide rate), but may recover the sum paid (but not any surcharge paid) from the occupier as a civil debt.

## **Registered Designs (Jersey) Law 1957**

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –
- “complex product” means a product which is composed of at least 2 replaceable component parts permitting disassembly and reassembly of the product;
- “Comptroller-General” means the Comptroller General of Patents, Designs and Trade Marks in the United Kingdom;
- “design” means the appearance of the whole or part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture or materials of the product or its ornamentation;
- “Government department” means a department of ~~the Government of the United Kingdom~~[Her Majesty's Government in the United Kingdom](#);
- “Minister” means the Minister for External Relations;
- “product” means any industrial or handicraft item other than a computer program and includes, in particular, packaging, get-up, graphic symbols, typographic type-faces and parts intended to be assembled into a complex product;

“register” means enter in the register of designs;

“register of designs” means the register of designs kept in pursuance of Article 3;

“Registered Designs Act” means the Registered Designs Act 1949 of the United Kingdom;

“registered design” means a design that is actually registered;

“registered proprietor” means, in relation to a design, the person or persons for the time being entered in the register of designs as proprietor of the design;

“United Kingdom register of designs” means the register of designs kept in pursuance of section 17 of the Registered Designs Act.

- (2) In Articles 3, 4, 6, 10, 11, 12 and 15, the “court” means the Samedi division of the Royal Court.
- (3) References in this Law to the right in a registered design have the same meaning as in section 7 of the Registered Designs Act.

### **13 Use of registered designs for the services of the Crown**

- (1) Subject to the provisions of this Law, the registration of a design shall have the same effect against the Crown as it has against a subject:

Provided that any Government department, and any person authorized in writing by any such department, may use any registered design for the services of the Crown in the like manner, to the like extent and subject to the like conditions as it might be used in the United Kingdom by any such department or by any person so authorized.

- (2) For the purposes of this Article, any use of a registered design for the supply to the Government of any country outside the United Kingdom, in pursuance of any agreement or arrangement between [the Government of the United Kingdom Her Majesty’s Government in the United Kingdom](#) and the government of that country, of products required for the defence of that country, shall be deemed to be a use of the design for the services of the Crown; and the power of a Government department or a person authorized by a Government department under this Article to use a design shall include power –
  - (a) to sell such products to the government of any country in pursuance of any such agreement or arrangement as aforesaid; and
  - (b) to sell to any person any products made in the exercise of the powers conferred by this Article which are no longer required for the purpose for which they were made.
- (3) The purchaser of any products sold in the exercise of powers conferred by this Article, and any person claiming through the purchaser, shall have power to deal with them in the same manner as if the rights in the registered design were held on behalf of [His MajestyHer Majesty](#).

## Registration of Business Names (Jersey) Law 1956

### 1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “business” includes profession;
  - “business name” means the name or style under which any business is carried on, whether in partnership or otherwise;
  - “Christian name” includes any forename;
  - “Commission” means the Jersey Financial Services Commission established by the [Financial Services Commission \(Jersey\) Law 1998](#);
  - “Court” means the Inferior Number of the Royal Court;
  - “firm” means an unincorporate body of 2 or more individuals, or one or more individuals and one or more bodies corporate, or 2 or more bodies corporate, who have entered into partnership with one another with a view to carrying on business for profit, but shall not include a limited partnership or a limited liability partnership or any unincorporated company which was in existence on the 17th day of August 1861;
  - “foreign firm” means any firm, individual or body corporate whose principal place of business is situate outside ~~His Majesty’s dominions~~[Her Majesty’s dominions](#);
  - “individual” means a natural person and does not include a body corporate;
  - “initials” includes any recognized abbreviation of a Christian name;
  - “limited liability company” means a limited liability company registered under the [Limited Liability Companies \(Jersey\) Law 2018](#), and includes a series created within that limited liability company under Article 12 of that Law;
  - “limited liability partnership” means a limited liability partnership registered in accordance with the [Limited Liability Partnerships \(Jersey\) Law 2017](#);
  - “limited partnership” means an incorporated limited partnership established in accordance with the [Incorporated Limited Partnerships \(Jersey\) Law 2011](#), a limited partnership established in accordance with the [Limited Partnerships \(Jersey\) Law 1994](#) or a separate limited partnership established in accordance with the [Separate Limited Partnerships \(Jersey\) Law 2011](#).
  - “Minister” means the Chief Minister;
  - “prescribed form” means in a form specified by the Commission in a notice published by the Commission;
  - “published” means –
    - (a) in respect of a fee payable by virtue of this Law, published by the Commission in accordance with Article 15(5) of the [Financial Services Commission \(Jersey\) Law 1998](#); and
    - (b) in any other case, published by the Commission in a manner likely to bring it to the attention of those affected;



“registrar” means the registrar of business names appointed pursuant to Article 2 and the “registrar’s seal” in relation to the registrar means a seal prepared under that Article.

## **21 Publication of true names, etc.**

- (1) Every individual and firm required by this Law to be registered shall, in all trade catalogues, trade circulars and business communications, on or in which the business name appears and which are issued or sent by the individual or firm to any person in any part of ~~His Majesty’s dominions~~Her Majesty’s dominions, have mentioned in legible characters –
  - (a) in the case of an individual, the individual’s present Christian names or the initials thereof and present surname, any former Christian name or surname and the individual’s nationality if not British; and
  - (b) in the case of a firm, the present Christian names, or the initials thereof, and present surnames, any former Christian names and surnames, and the nationality if not British of all the partners in the firm or, in the case of a body corporate being a partner, the corporate name.
- (2) If any individual or firm fails to comply with the provisions of this Article, the individual or, as the case may be, every member of the firm shall be liable for each offence to a fine of level 2 on the standard scale:

Provided that no proceedings shall be instituted under this Article except by or with the consent of the Attorney General.

## **Regulation of Investigatory Powers (Jersey) Law 2005**

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –

...

“public authority” means any public authority within the meaning of Article 7 of the Human Rights (Jersey) Law 2000, other than a court or tribunal and includes –

- (a) any of the intelligence services;
- (b) the Ministry of Defence of the Government of the United Kingdom;
- (c) ~~His Majesty’s forces~~Her Majesty’s Forces,

## **29 Persons designated to give authorizations and notices under this Chapter**

- (1) Schedule 1 shall have effect to designate persons for the purposes of this Chapter and specify the public authorities in relation to which they are designated.
- (2) The States may by Regulations –

- (a) amend Schedule 1 so as to –
  - (i) remove a public authority and the person designated in relation to that authority,
  - (ii) subject to paragraphs (3) and (4), add a public authority and designate a person in relation to that authority,
  - (iii) subject to paragraph (4), change the designated person in relation to a public authority;
- (b) impose restrictions –
  - (i) on the authorizations and notices under this Chapter that may be granted or given by any individual holding an office, rank or position with a specified public authority, and
  - (ii) on the circumstances in which, or the purposes for which, such authorizations may be granted or notices given by any such individual.
- (3) The States may only amend Schedule 1 so as to add a public authority outside Jersey if the authority is –
  - (a) a police force of a country or territory outside the British Islands and Northern Ireland;
  - (b) a public authority in the British Islands or Northern Ireland having functions which consist of or include the provision of criminal intelligence, the prevention and detection of serious crime, the investigation of crimes or the charging of offences;
  - (c) a public authority of a country or territory outside the British Islands and Northern Ireland whose functions correspond to those of a police force or otherwise consist of or include the investigation of conduct contrary to the law of that country or territory, or the apprehension of persons guilty of such conduct;
  - (d) a public authority with functions under any international agreement which consist of or include –
    - (i) the investigation of conduct which is unlawful under the law of one or more places, prohibited by such an agreement or contrary to international law, or
    - (ii) the apprehension of persons guilty of such conduct.
- (4) Only the Attorney General may be the designated person in relation to any of the intelligence services, the Ministry of Defence of the Government of the United Kingdom or [His Majesty's forces](#)~~Her Majesty's Forces~~ or any other public authority outside Jersey added to Schedule 1 pursuant to paragraph (2).

### **36 Designated persons and public authorities for Articles 34 and 35**

- (1) Part 1 of Schedule 2 shall have effect to specify public authorities and the persons designated in relation to them for the purposes of Articles 34 and 35.
- (2) Part 2 of Schedule 2 shall have effect to specify public authorities and the persons designated in relation to them for the purposes of Article 34 only.

- (3) The States may by Regulations –
  - (a) subject to paragraph (4), amend Schedule 2 so as to –
    - (i) remove a public authority and the person designated in relation to that authority,
    - (ii) add a public authority and designate a person in relation to that authority,
    - (iii) change the person designated in relation to a public authority;
  - (b) impose restrictions –
    - (i) on the authorizations under Articles 34 and 35 that may be granted by any individual designated in relation to a specified public authority, and
    - (ii) on the circumstances in which, or the purposes for which, such authorizations may be granted by any such individual.
- (4) Only the Attorney General may be the designated person in relation to any of the intelligence services, the Ministry of Defence of the Government of the United Kingdom or [His Majesty's forces](#)~~Her Majesty's Forces~~.

### **37 Authorization of intrusive surveillance**

- (1) Subject to the following provisions of this Part, the Attorney General may grant authorizations for the carrying out of intrusive surveillance on the application of –
  - (a) the Chief Officer;
  - (b) the Agent of the Impôts;
  - (c) the Chief Immigration Officer;
  - (d) any member of the intelligence services;
  - (e) any official of the Ministry of Defence of the Government of the United Kingdom; or
  - (f) a member of [His Majesty's forces](#)~~Her Majesty's Forces~~.
- (2) The Attorney General shall not grant an authorization for the carrying out of intrusive surveillance unless the Attorney General believes –
  - (a) that the authorization is necessary on grounds falling within paragraph (3); and
  - (b) that the authorized surveillance is proportionate to what is sought to be achieved by carrying it out.
- (3) Subject to paragraphs (4) to (6), an authorization is necessary on grounds falling within this paragraph if it is necessary –
  - (a) in the interests of national security;
  - (b) for the purpose of preventing or detecting serious crime; or
  - (c) in the interests of the economic well-being of Jersey.
- (4) The Attorney General shall not grant an authorization on the ground described in paragraph (3)(c) on the application of any person mentioned in paragraph (1)(d), (e) or (f).
- (5) The matters to be taken into account in considering whether the requirements of paragraph (2) are satisfied in the case of any authorization shall include whether

the information which it is thought necessary to obtain by the authorized conduct could reasonably be obtained by other means.

- (6) The conduct that is authorized by an authorization for the carrying out of intrusive surveillance is any conduct that –
  - (a) consists in the carrying out of intrusive surveillance of any such description as is specified in the authorization;
  - (b) is carried out in relation to the residential premises specified or described in the authorization or in relation to the private vehicle so specified or described; and
  - (c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.
- (7) Where an order has been made under section 41(4) of the Regulation of Investigatory Powers Act 2000 of the United Kingdom Parliament limiting the individuals who may apply under subsection (1) of that section to individuals of an office, rank or position prescribed in that order, an application may be made under paragraph (1)(d), (e) or (f) only by an individual of the office, rank or position so prescribed.
- (8) References in this Article to a member of [His Majesty's forces](#)~~Her Majesty's Forces~~ do not include references to any member of [His Majesty's forces](#) ~~Her Majesty's Forces~~ who is a member of a police force by virtue of his or her service with the Royal Navy Regulating Branch, the Royal Military Police or the Royal Air Force Police.

#### **44 Co-operation with and reports by the Commissioner**

- (1) It shall be the duty of –
  - (a) every person holding office or employed in any administration of the States or of a Minister;
  - (b) every person holding office in Jersey under the Crown;
  - (c) every person holding office or employed in the Law Officers Department;
  - (d) every officer of the Force and member of the Honorary Police;
  - (e) every member of each of the intelligence services;
  - (f) every official of the Ministry of Defence of the Government of the United Kingdom;
  - (g) every member of [His Majesty's forces](#)~~Her Majesty's Forces~~;
  - (h) every person employed by or for the purposes of the Force or the Honorary Police;
  - (i) every person required for the purposes of Article 15 to provide assistance with giving effect to an interception warrant;
  - (j) every person on whom an obligation to take any steps has been imposed under Article 16;
  - (k) every person by or to whom an authorization under Article 26(3) has been granted;

- (l) every person to whom a notice under Article 26(4) has been given;
  - (m) every person by or to whom an authorization under Article 34, 35 or 37 has been granted;
  - (ma) every person to whom a notice under Article 42B has been given in relation to any information obtained under Part 2; and
  - (n) every person who is or has been employed for the purposes of any business of a person falling within sub-paragraph (i), (j), (l) or (ma),
- to disclose or provide to the Commissioner all such documents and information as the Commissioner may require in order to carry out the Commissioner's functions under Article 43.

#### **46 Investigatory Powers Tribunal**

- (1) There shall be an Investigatory Powers Tribunal which shall consist of 3 members appointed by the Superior Number of the Royal Court of whom one shall be an ordinary judge of the Court of Appeal, who shall be the president of the Tribunal, and 2 shall be Jurats.
- (2) Notwithstanding Article 8(1)(a) of the [Human Rights \(Jersey\) Law 2000](#), proceedings falling within paragraph (4) of this Article which are brought pursuant to the said Article 8 shall be brought before the Tribunal.
- (3) The jurisdiction of the Tribunal shall be –
  - (a) to consider and determine any complaints made to them which, in accordance with paragraph (5), are complaints for which the Tribunal is the appropriate forum;
  - (b) to consider and determine any reference to them by any person that the person has suffered detriment as a consequence of any prohibition or restriction, by virtue of Article 21, on that person's relying in, or for the purposes of, any civil proceedings on any matter; and
  - (c) to hear and determine any other such proceedings falling within paragraph (4) as may be allocated to them in accordance with provision made by the Minister by Order.
- (4) Proceedings fall within this paragraph if –
  - (a) they are proceedings against any of the intelligence services in respect of any discharge of their functions within Jersey;
  - (b) they are proceedings against any other person in respect of any conduct, or proposed conduct, by or on behalf of any of those services in the discharge of such functions;
  - (ba) they are proceedings brought by virtue of Article 42H(4); or
  - (c) they are proceedings relating to the taking place in any challengeable circumstances of any conduct falling within paragraph (6).

- (5) The Tribunal shall be the appropriate forum for any complaint if it is a complaint by a person who is aggrieved by any conduct falling within paragraph (6) which the person believes –
- (a) to have taken place in relation to that person, to any of that person’s property, to any communications sent by or to that person, or intended for that person, or to that person’s use of any postal service, telecommunications service or telecommunication system; and
  - (b) to have taken place in challengeable circumstances or to have been carried out by or on behalf of any of the intelligence services.
- (6) Subject to paragraph (7), conduct falls within this paragraph if (whenever it occurred) it is –
- (a) conduct by or on behalf of any of the intelligence services;
  - (b) conduct for or in connection with the interception of communications in the course of their transmission by means of a postal service or telecommunication system;
  - (c) conduct to which Chapter 2 of Part 2 applies;
  - (d) conduct to which Part 3 applies;
  - (e) any entry on or interference with property or any interference with wireless telegraphy;
  - (f) the giving of a notice under Article 42B or any disclosure or use of a key to protected information.
- (7) For the purposes only of paragraph (4), nothing mentioned in paragraph (d) or (e) of paragraph (6) shall be treated as falling within that paragraph unless it is conduct by or on behalf of a person holding any office, rank or position with or employed by –
- (a) any of the intelligence services;
  - (b) any of ~~His Majesty’s forces~~[Her Majesty’s Forces](#);
  - (c) the Force or the Honorary Police;
  - (d) Customs and Excise;
  - (e) the Immigration and Nationality Department.
- (8) For the purposes of this Article conduct takes place in challengeable circumstances if –
- (a) it takes place with the authority, or purported authority, of anything falling within paragraph (9); or
  - (b) the circumstances are such that (whether or not there is such authority) it would not have been appropriate for the conduct to take place without it, or at least without proper consideration having been given to whether such authority should be sought,
- but conduct does not take place in challengeable circumstances to the extent that it is authorized by, or takes place with the permission of, the Bailiff.
- (9) The following fall within this paragraph –

- (a) an interception warrant;
  - (b) an authorization or notice under Chapter 2 of Part 2;
  - (c) an authorization under Part 3;
  - (ca) a permission for the purposes of Schedule 2A;
  - (cb) a notice under Article 42B;
  - (d) an authorization under Article 101 of the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#); or
  - (e) a warrant under the Interception of Communications (Jersey) Law 1993.
- (10) Schedule 3 shall have effect to make further provision regarding the members of the Tribunal and appointment of officers.
- (11) In this Article –
- (a) references to a key and to protected information shall be construed in accordance with Article 42A(1);
  - (b) references to the disclosure or use of a key to protected information taking place in relation to a person are references to such a disclosure or use taking place in a case in which that person has had possession of the key or of the protected information; and
  - (c) references to the disclosure of a key to protected information include references to the making of any disclosure in an intelligible form (within the meaning of Article 42A(3)) of protected information by a person who is or has been in possession of the key to that information,
- and the reference in sub-paragraph (b) to a person’s having possession of a key or of protected information shall be construed in accordance with Article 42A(2).

## **Rehabilitation of Offenders (Jersey) Law 2001**

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –

...

“official record” means a record –

- (a) kept, for the purposes of its functions, by any court or public authority in Jersey or by the States of Jersey Police Force or the Honorary Police or kept, in Jersey or elsewhere, for the purposes of any of [His Majesty’s forces](#)~~Her Majesty’s forces~~; and
- (b) containing information about persons convicted of offences;

...

“sentence excluded from rehabilitation” means –

- (a) a sentence of imprisonment for life;
- (b) a sentence of custody for life;
- (c) a sentence of preventive detention;

- (d) a sentence of imprisonment, detention in a young offender institution, youth custody or corrective training for a term exceeding 30 months;
- (e) a sentence of detention during ~~His Majesty's pleasure~~~~Her Majesty's pleasure~~ or a sentence of detention for a term exceeding 30 months passed under Article 4 of the 1935 Loi, Article 13 of the 1969 Law, Article 5(4) of the 1994 Law or Article 5(3) of the 2014 Law or a corresponding court-martial punishment;

### 3 Rehabilitation periods for particular sentences

- (1) The rehabilitation period applicable to a sentence specified in the first column of the table below is the period specified in the second column of that table in relation to that sentence in the case of any person or any particular description of person.

Sentence	Rehabilitation period
...	...
12 A sentence of dismissal from <del>His Majesty's service</del> <del>Her Majesty's service</del> .	Person aged 18 or more: 7 years from the conviction date. Person aged less than 18: 3½ years from the conviction date.
13 A sentence of cashiering, discharge with ignominy or dismissal with disgrace from <del>His Majesty's service</del> <del>Her Majesty's Service</del> .	Person aged 18 or more: 10 years from the conviction date. Person aged less than 18: 5 years from the conviction date.

### 8 Limitations on rehabilitation: subsequent judicial proceedings

- (1) Nothing in Article 7 shall affect –
  - (a) any right of ~~His Majesty, by virtue of his Royal prerogative~~ ~~Her Majesty, by virtue of Her Royal prerogative~~ or otherwise, to grant a free pardon, to quash any conviction or sentence, or to commute any sentence;
  - (b) the enforcement by any process or proceedings of any fine or other sum adjudged to be paid by or imposed on a spent conviction;
  - (c) the issue of any process for the purpose of proceedings in respect of any breach of a condition or requirement applicable to a sentence imposed in respect of a spent conviction; or
  - (d) the operation of any enactment by virtue of which, in consequence of any conviction, a person is subject, otherwise than by way of sentence, to any disqualification, disability, prohibition or other penalty the period of which extends beyond the rehabilitation period applicable to the conviction.



## SCHEDULE

(Article 5(1))

...

### PROVISIONS OF THE ARMY ACT 1955 AND THE AIR FORCE ACT 1955

- 2 Any offence under any of the provisions of the Army Act 1955 of the United Kingdom or the Air Force Act 1955 of the United Kingdom listed in the first column of the following table –

Provision	Subject-matter
...	...
Section 44A	Damage to, and loss of, <a href="#">His Majesty's aircraft</a> <del>Her Majesty's aircraft</del> or aircraft material.

### PROVISIONS OF THE NAVAL DISCIPLINE ACT 1957

- 5 Any offence under any of the provisions of the Naval Discipline Act 1957 of the United Kingdom listed in the first column of the following table –

Provision	Subject-matter
...	...
Section 29A	Damage to, and loss of, <a href="#">His Majesty's aircraft</a> <del>Her Majesty's aircraft</del> or aircraft material.

## Repatriation of Prisoners (Jersey) Law 2012

### 1 Interpretation

- (1) In this Law –

“British aircraft” means a British-controlled aircraft within the meaning of section 92 of the Civil Aviation Act 1982 of the United Kingdom, as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990, or one of [His Majesty's](#)~~Her Majesty's~~ aircraft;

“British hovercraft” means a British-controlled hovercraft within the meaning of section 92 of the Civil Aviation Act 1982 of the United Kingdom, as applied in relation to hovercraft by virtue of provision made under the Hovercraft Act 1968 of the United Kingdom, or one of [His Majesty's](#)~~Her Majesty's~~ hovercraft;

...

## Road Traffic (Jersey) Law 1956

### 90 Application of fines

- (1) A fine imposed for an offence under Articles 18, 20, 21, 22, 23, 25, 26, 27, 51 and 53 shall be awarded for the benefit of [His Majesty](#)~~Her Majesty~~.

- (2) Despite paragraph (1), if a fine in relation to an offence under Article 21 is inflicted and levied summarily by a Centenier of the parish where the offence was committed, the fine shall be awarded for the benefit of the parish and shall be applied towards the general expenses of the parish.
- (3) A fine imposed for –
- (a) an offence under this Law, other than an offence specified in paragraph (1); or
  - (b) an offence under any Order,
- shall be awarded for the benefit of the annual income of the States.
- (4) Despite paragraph (3), if a fine in relation to –
- (a) an offence under this Law, other than an offence specified in paragraph (1); or
  - (b) an offence under any Order,
- is inflicted and levied summarily by a Centenier of the parish where the offence was committed –
- (i) half of the fine shall be awarded for the benefit of the annual income of the States; and
  - (ii) half of the fine shall be awarded for the benefit of the parish and shall be applied towards the cost of maintaining by-roads of the parish.

## **Road Traffic (Lighting) (Jersey) Order 1998**

### **1 Interpretation**

- (1) In this Order, unless the context otherwise requires –

...

“home forces” means the naval, military or air forces of ~~His Majesty~~[Her Majesty](#) raised in the United Kingdom or Jersey;

## **Royal Court (Jersey) Law 1948**

### **9 Retirement and resignation of Jurats**

- (1) Subject to this Article a Jurat ceases to hold office on attaining the age of 72.
- (2) A Jurat may indicate an intention to retire before that age by giving not less than 6 months’ notice to the Bailiff, or any other person nominated by the Bailiff, provided that at the end of that period of 6 months the Jurat will have completed 6 years’ service.
- (3) The Bailiff may permit the retirement of up to 2 Jurats in any year following an indication of intention to retire under paragraph (2).
- (4) However –

- (a) the number permitted to retire is reduced by the number of Jurats otherwise ceasing to hold office in that year (to a maximum of 2);
  - (b) if more Jurats than the number permitted under this Article have indicated an intention to retire in any one year, the length of service will determine who may retire under this Article.
- (5) A Jurat may be required by the Court to resign –
- (a) if for a continuous period of 12 months the Jurat fails, without good reason, to discharge the duties of the office; or
  - (b) if, in the opinion of the Court, the Jurat is permanently unable for any reason efficiently to carry out the duties of the office.
- (6) A Jurat who is permitted to retire or required to resign under this Article must present to the Bailiff, for transmission to ~~His Majesty~~Her Majesty in Council, a petition praying that ~~His Majesty~~Her Majesty in Council may be pleased to permit the Jurat to retire, or resign from, the office of Jurat.
- (7) If a Jurat required to resign under paragraph (5) has not within a reasonable time presented a petition as required by paragraph (6), the Jurat is removable by Order of ~~His Majesty~~Her Majesty in Council on the petition of the Superior Number of the Royal Court.
- (8) The retirement or resignation of a Jurat under this Article triggers a vacancy in the number of Jurats for the purposes of Article 4.

## SCHEDULE 2

### FORM 1

(Article 7)

### SERMENT DES JUSTICIERS

Vous ..... puisqu'il a plu à ..... Dieu vous appeller légitimement en cette Charge, jurez et promettez par la foi et serment que vous devez à Dieu, que bien et fidèlement vous exercerez l'état et charge de Juré-Justicier, en la Cour Royale de notre ~~Souverain Charles Trois~~Souveraine Elizabeth Deux, par la Grâce de Dieu, ~~Roi de la Grande Bretagne~~Reine de la Grande Bretagne, de l'Irlande et des Dominions Britanniques d'outre mer, Défenseur de la Foi, en cette son Isle de Jersey, la Majesté de laquelle vous reconnoissez sous Dieu, suprême Gouverneur en tous ses Royaumes, Provinces, et Dominions, renonçant à toutes supériorités foraines et étrangères; Vous garderez le droit de Sa Majesté, et de ses sujets, et soutiendrez l'honneur et gloire de Dieu, et de sa pure et sacrée parole; Vous administrerez bonne et briève justice également tant aux riches qu'aux pauvres, sans acception de personne, suivant les Loix, Coutumes et Usages confirmés par nos Privilèges, en les soutenant avec nos libertés et franchises, vous opposant à quiconque les voudroit enfreindre. Item vous ferez punir et châtier tous Traîtres, Meurtriers, Larrons, Blasphémateurs du sacré Nom de Dieu, Yvrognes et autres personnes scandaleuses, chacun selon son démérite, vous opposant à tous séditieux, à ce que la force demeure au Roi et à sa Justice. Vous assisterez à la Cour toutes fois et quantes que vous en serez requis, si vous n'avez une excuse légitime, et en tel cas vous mettrez un autre

Justicier en votre place, donnant votre avis, opinion et conseil, selon la pureté de votre conscience. Vous honorerez et ferez respecter la Cour, et garderez et ferez respecter la Cour, et garderez et ferez garder le droit des Veuves, Orphélins, Etrangers et autres personnes indéfendues; finalement en vos conclusions, vous vous rangerez et conformerez au meilleur et plus sain avis de Monsieur le Bailly, et de Messieurs de la Justice; Vous le promettez sur votre conscience.

## FORM 2

(Article 11)

### OATH OF OFFICE OF COMMISSIONER

You swear and promise before God that well and faithfully you will exercise the office of Commissioner; that you will be faithful and bear true allegiance to [His Majesty King Charles the Third, his heirs](#) ~~Her Majesty Queen Elizabeth the Second, her heirs~~ and successors, according to law; that you will uphold and maintain the laws and usages and the privileges and freedoms of Jersey and that you will vigorously oppose whomsoever may seek to destroy them; that you will administer justice to all manner of persons without favour or partiality; and that you will take heed of the good advice and counsel of the Jurats as the case may require.

## Royal Court Rules 2004

### SCHEDULE 1A

(Rule 2/5)

### SERMENT DES JUSTICIERS GUERNÉSAIS

Vous jurez et promettez par la foi et serment que vous devez à Dieu, que bien et fidèlement vous exercerez la charge de Juré-Justicier en la Cour Royale de notre [Souverain Seigneur Charles Trois](#) ~~Souveraine Dame Elizabeth Deux~~, par la Grâce de Dieu, [Roi de la Grande Bretagne](#) ~~Reine de la Grande Bretagne~~, de l'Irlande du Nord et des Dominions Britanniques d'outre mer, Défenseur de la Foi, en cette son Isle de Jersey, la Majesté de laquelle vous reconnoissez sous Dieu, suprême Gouverneur en tous ses Royaumes, Provinces, et Dominions, renonçant à toutes supériorités foraines et étrangères; Vous garderez le droit de Sa Majesté, et de ses sujets, et soutiendrez l'honneur et gloire de Dieu, et de sa pure et sacrée parole; Vous administrerez bonne et briève justice également tant aux riches qu'aux pauvres, sans acception de personne, suivant les Loix, Coutumes et Usages confirmés par les Privilèges de l'Isle, en les soutenant avec ses libertés et franchises, vous opposant à quiconque les voudroit enfreindre. Item vous ferez punir et châtier tous Traîtres, Meurtriers, Larrons, Blasphémateurs du sacré Nom de Dieu, Yvrognes et autres personnes scandaleuses, chacun selon son démérite, vous opposant à tous séditieux, à ce que la force demeure au Roi et à sa Justice. Vous assisterez à la Cour, donnant votre avis, opinion et conseil, selon la pureté de votre conscience. Vous honorerez et ferez respecter la Cour, et garderez et ferez garder le droit des Veuves, Orphélins, Etrangers et autres personnes

indépendues; finalement en vos conclusions, vous vous rangerez et conformerez au meilleur et plus sain avis de Monsieur le Bailly, et de Messieurs de la Justice; Vous le promettez sur votre conscience.

## Sanctions and Asset-Freezing (Jersey) Law 2019

### 37A Publication of procedures and memorandum of understanding

- (1) The Minister must publish a statement of the Minister's procedures for the performance of the Minister's functions under Articles 43A, 45A and 45B.
- (2) The first statement for each of those Articles must be published no later than the end of 2022, and the Minister must publish any subsequent change to the statement.
- (3) The Minister must seek to agree a memorandum of understanding with [the Government of the UK](#) ~~His Majesty's Government in the UK~~ as to the coordination of the performance of the Minister's functions under Articles 43A, 45A and 45B with the performance of the equivalent functions of that Government.
- (4) The Minister must publish the memorandum of understanding, if any, agreed from time to time under paragraph (3).

## Sea Fisheries (Jersey) Law 1994

### 7 Power to restrict sea fishing

- (1) Where it appears to the States necessary or expedient to do so for the purpose of giving effect to the TCA or any convention or agreement for the time being in force between [the Government of the United Kingdom](#) ~~Her Majesty's Government in the United Kingdom~~ and the Government of any other country, the States may make Regulations prohibiting or restricting in any area specified in the Regulations –
  - (a) all fishing for sea fish;
  - (b) fishing for any description of sea fish specified in the Regulations; or
  - (c) fishing for sea fish by any method specified in the Regulations,by such fishing boats or classes of fishing boats as may be specified in the Regulations.

### 9 Restriction on fishing by foreign fishing boats

- (1) No foreign fishing boat may enter the territorial sea except for a purpose recognized by international law, or by any convention for the time being in force between [the Government of the United Kingdom](#) ~~Her Majesty's Government in the United Kingdom~~ and the government of the country in which the boat is registered, and any such boat which enters the territorial sea –
  - (a) shall return outside the territorial sea as soon as the purpose for which it entered the territorial sea has been fulfilled; and

- (b) shall not be used for fishing or for attempting to fish while in the territorial sea.
- (2) The fishing gear of a fishing boat which is prohibited by this Article from being used for fishing in the territorial sea shall, while the boat is in the territorial sea, be stowed in accordance with Regulations made by the States.
- (3) If this Article is contravened in the case of any fishing boat the master, the owner and the charterer (if any) shall each commit an offence and be liable to a fine and the court by which the offender is convicted may order the forfeiture of any sea fish or fishing gear found in the boat or taken or used by any person from the boat.
- (4) This Article shall not prohibit or restrict fishing by a foreign fishing boat in any area of the territorial sea if the boat meets the requirements specified in relation to that area and that fishing by or under Article 12.
- (5) This Article shall not prohibit or restrict fishing by a foreign fishing boat in any area of the territorial sea if the fishing is carried out in accordance with special provision made by arrangement between [His Majesty's Government](#)~~Her Majesty's Government~~ in the United Kingdom and the government of the country in which the boat is registered.

## Seignorial Rights (Abolition) (Jersey) Law 1966

### 1 Abolition of seignorial rights

- (1) The following seignorial rights are abolished –
- (a) the right of the *année de succession*;
- (b) the right to the possession of property during a *décret*.
- (2) Whereas divers fiefs in Jersey belong to [His Majesty](#)~~Her Majesty~~, the States have resolved humbly to pray that [His Most Excellent Majesty](#)~~Her Most Excellent Majesty~~ in Council may be pleased to consent to the application of this Article to those fiefs.

### 2 Escheat, waifs and wreck

The following rights heretofore vested in Seigneurs de Fiefs shall vest in [His Majesty](#)~~Her Majesty~~ –

- (a) rights to property by escheat (*déshérence*);
- (b) rights to waifs or strays (*choses gaives*), wrecks of the sea, flotsam, jetsam and lagan (*varech*).

## Service of Process and Taking of Evidence (Jersey) Law 1960

### 1 Service within Jersey of process of courts outside Jersey

- (1) For the avoidance of doubt, it is hereby declared that it is not unlawful for any person to serve on any other person within Jersey any process or citation in any civil or commercial matter summoning or citing that other person to appear before a court or tribunal of any country outside Jersey, whether within or without [His Majesty's dominions](#)~~Her Majesty's dominions~~.
- (2) Rules of Court may be made for regulating the service in Jersey of any process or citation in any civil or commercial matter pending before a court or tribunal of a foreign country –
  - (a) upon a letter of request from such court or tribunal transmitted by the Secretary of State with an intimation that it is desirable that effect be given to the same; and
  - (b) for giving effect to any agreement between [His Majesty](#)~~Her Majesty~~ and the government of that foreign country in the matter of the service of any such process or citation as aforesaid.
- (3) Nothing in this Article shall be deemed to import the recognition of jurisdiction in a court or tribunal outside Jersey in any thing, suit, cause or matter whatsoever in which that court or tribunal is not now recognized by the law of Jersey as having jurisdiction.

## Shipping (Fishing Vessels of 24 Metres in Length and Over) (Safety Provisions) (Jersey) Order 2004

### SCHEDULE 25

(Article 72(3))

#### PUBLICATIONS, DIRECTIONS AND INFORMATION

<i>Column 1</i>	<i>Column 2</i>
Publication	Publisher
(a) International Code of Signals	<a href="#">His Majesty's Stationery Office</a> <del>Her Majesty's Stationery Office</del>
(b) Merchant Shipping Notices	Department of Trade
(c) Mariners Handbook	Hydrographer of the Navy
(d) Notices to Mariners	Hydrographer of the Navy
(e) Nautical Almanac	—
(f) Navigational Tables	—
(g) Lists of Radio Signals	Hydrographer of the Navy

- |     |   |                          |
|-----|---|--------------------------|
| (h) | Lists of Lights   | Hydrographer of the Navy |
| (i) | Sailing Directions  | Hydrographer of the Navy |
| (j) | Tide Tables   | –                        |
| (k) | Tidal Stream Atlases  | –                        |
| (l) | Operating and Maintenance instructions for navigational aids carried by the vessel. |                          |

## **Shipping (Fishing Vessels – Safety Training) (Jersey) Order 2004**

### **1 Interpretation**

- (1) In this Order, except where the context otherwise requires –
- “approved instructor” means an instructor approved by the Secretary of State for the purpose of the Fishing Vessels (Safety Training) Regulations 1989 of the United Kingdom;
- “approved training course” means, in relation to any subject specified in Article 2(1), a course under the control of an approved instructor, covering the syllabus specified in Merchant Shipping Notice M1367 for that subject;
- “certificated deck officer” and “certificated engineer officer” mean officers who hold certificates of competency issued pursuant to the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984 of the United Kingdom;
- “Merchant Shipping Notice” means a notice described as such issued by the Secretary of State or his or her agent;
- “Sea Fish Industry Authority” means the authority constituted under section 1 of the Fisheries Act 1981 of the United Kingdom;
- “Secretary of State” means one of [His Majesty’s](#)~~Her Majesty’s~~ Principal Secretaries of State.

## **Shipping (Jersey) Law 2002**

### **1 General interpretation provisions**

- (1) In this Law, unless the context otherwise requires –
- ...
- “commissioned naval officer” means a commissioned officer of [His Majesty’s navy](#)~~Her Majesty’s Navy~~ on full pay;
- “consular officer”, in relation to a foreign country, means the officer recognized by [His Majesty](#)~~Her Majesty~~ as a consular officer of that country;
- ...



“proper officer” means a consular officer appointed by [the Government of the United Kingdom](#) ~~Her Majesty’s Government in the United Kingdom~~ and, in relation to a port in a country outside the United Kingdom and the British Islands that is not a foreign country, also an officer exercising in that port functions similar to those of a shipping master;

#### 4 Jersey flag

- (1) The flag that a Jersey ship may fly is –
  - (a) the red ensign without any defacement or modification;
  - (b) the red ensign defaced or modified, whose adoption for ships registered in Jersey is –
    - (i) authorized or confirmed [by Order in Council](#) ~~by Her Majesty by Order in Council~~, or
    - (ii) authorized by the States;
  - (c) colours allowed to be worn under a warrant from [His Majesty](#) ~~Her Majesty~~ or in pursuance of any other warrant having effect, prior to the commencement of this provision, under section 73(1) of the Merchant Shipping Act 1894 of the United Kingdom.
- (2) Paragraph (1) does not apply to Government ships.

#### 6 Offence of carrying improper colours

- (1) If any of the following, namely –
  - (a) any distinctive national colours except –
    - (i) the red ensign,
    - (ii) colours authorized, confirmed or allowed to be worn under Article 4(1)(b) or (c),
    - (iii) the Union flag with a white border, or
    - (iv) the Jersey flag or ensign;
  - (b) any colours usually worn by [His Majesty’s ships](#) ~~Her Majesty’s ships~~ or resembling those of [His Majesty](#) ~~Her Majesty~~; or
  - (c) the pennant usually carried by [His Majesty’s ships](#) ~~Her Majesty’s ships~~ or a pendant resembling that pennant,

are hoisted on board a Jersey ship without warrant from [His Majesty](#) ~~Her Majesty~~, the owner or any charterer of the ship, if on board, or the master of the ship, and any other person hoisting them each commits an offence and is liable to a fine.

#### 7 Duty to show Jersey flag

- (1) A Jersey ship, other than a fishing vessel, shall hoist the red ensign or other proper national colours –

- (a) on a signal being made to the ship by one of ~~His Majesty's ships~~Her Majesty's ships, including a ship under the command of a commissioned naval officer;
  - (b) on entering or leaving a foreign port; and
  - (c) in the case of ships of 50 or more tons gross tonnage, on entering or leaving a Jersey port.
- (2) Paragraph (1)(c) does not apply to a small ship registered under Part 3.

## 72 Unauthorized presence on board ship

- (1) This Article applies if a Jersey ship or a ship registered in another country is in a port in Jersey.
- (2) A person who is neither in ~~His Majesty's service~~Her Majesty's service nor authorized by law to do so who –
  - (a) goes on board a ship to which this Article applies without the consent of its master or of another person authorized to give it; or
  - (b) remains on board such a ship after being requested to leave by its master, a police officer, an officer authorized by the Minister or a customs officer, commits an offence and is liable to a fine of level 3 on the standard scale.

## 104 Shipping casualties

- (1) The Minister may exercise the powers conferred by this Article if –
  - (a) an accident has occurred to or in a ship; and
  - (b) the Minister is of the opinion that –
    - (i) oil from the ship will or may cause significant pollution in Jersey or in Jersey waters, and
    - (ii) the use of the powers conferred by this Article is urgently needed.
- (2) The Minister may, to prevent or reduce oil pollution or the risk of oil pollution, give directions in respect of the ship or its cargo –
  - (a) to the owner, to any charterer of the ship, or to a person apparently in possession of the ship;
  - (b) to the master of the ship;
  - (c) to the pilot of the ship; or
  - (d) to a salvor in possession of the ship, or to a person who is an employee or agent of that salvor and who is in charge of the salvage operation.
- (3) Directions given under paragraph (2) may require the person to whom they are given to take, or refrain from taking, any action and may, in particular, require –
  - (a) that the ship is, or is not, to be –
    - (i) moved,

- (ii) moved to a specific place or area,
  - (iii) removed from a specific area or locality,
  - (iv) moved over a specified route;
  - (b) that oil or other cargo is, or is not, to be unloaded or discharged; or
  - (c) that specified salvage measures are, or are not, to be taken.
- (4) If in the opinion of the Minister the powers otherwise conferred by this Article are, or have proved to be, inadequate, the Minister may, to prevent or reduce oil pollution, take, in respect of the ship or its cargo, any action whatsoever including –
- (a) sinking or destroying the ship;
  - (b) taking control of the ship.
- (5) A person concerned with compliance with directions given, or with action taken, under this Article shall do his or her best to avoid risk to human life.
- (6) The provisions of this Article are without prejudice to any rights or powers of ~~His Majesty~~ [Her Majesty](#) or the States exercisable under international law or otherwise.
- (7) Action taken under this Article in respect of a ship under arrest or in respect the cargo of such a ship –
- (a) does not constitute contempt of court; and
  - (b) does not make the Minister liable in civil proceedings.
- (8) A direction under this Article does not to apply to a ship of ~~His Majesty's navy~~ [Her Majesty's navy](#) and action shall not be taken under paragraph (4) in respect of such a ship.
- (9) In this Article –
- “accident” means a collision of ships, a stranding or another incident of navigation, or other occurrence on board a ship or external to it that causes material damage to a ship or cargo or the imminent threat of such damage;
- “pilot” means a person not belonging to a ship who has the conduct of the ship;
- “specified”, in relation to a direction under this Article, means specified by the direction.

### **111 Power to detain ships for Article 98 offences**

- (1) The Harbour Master may detain a ship if he or she has reason to believe that the owner, charterer or master of the ship has committed an offence under Article 98 by the discharge from the ship of oil, or a mixture containing oil, into the waters of a harbour.
- (2) Article 177, in its application to the detention of a ship under this Article, has effect with the omissions of paragraphs (1), (6) and (7) and as if –
- (a) in paragraph (3), the reference to a competent authority were a reference to the Harbour Master; and
  - (b) in paragraph (5), the persons in relation to whom that paragraph applies were the Harbour Master or a person acting on his or her behalf.

- (3) If the Harbour Master detains a ship other than a Jersey ship under this Article he or she shall immediately inform the Minister who shall thereupon ensure notification of the detention to –
- (a) if the ship is a British ship, the Secretary of State; or
  - (b) in any other case, the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.
- (4) In paragraph (3) “Jersey ship” has the same meaning as in Article 49(3).
- (5) If the Harbour Master has detained a ship under this Article he or she shall immediately release the ship –
- (a) if proceedings for the offence are not instituted within the period of 7 days beginning with the day on which the ship was detained;
  - (b) if proceedings for the offence, having been instituted within that period, are concluded without the master or owner being convicted;
  - (c) if –
    - (i) £255,000 is paid to the harbour authority by way of security, or
    - (ii) other security is provided to the harbour authority that in the opinion of the Harbour Master is satisfactory and is worth at least £255,000, by or on behalf of the master, charterer or owner; or
  - (d) if the master, charterer or owner is convicted of the offence, when any costs or expenses ordered to be paid by him or her, and any fine imposed on him or her, are paid.
- (6) The harbour authority shall repay any sum paid or release any security provided under paragraph (5)(c) –
- (a) if proceedings for the offence are not instituted within the period of 7 days beginning with the day on which the sum was paid; or
  - (b) if proceedings for the offence, having been instituted within that period, are concluded without the master, charterer or owner being convicted.
- (7) If a sum has been paid or security provided under paragraph (5)(c) and the master, charterer or owner is convicted of the offence, that sum or security shall be applied –
- (a) first, in payment of any costs or expenses ordered by the court to be paid by the master, charterer or owner;
  - (b) next, in payment of any fine imposed by the court; and
  - (c) finally, in respect of any balance, to the person who paid the sum or provided the security.
- (8) This Article does not apply in relation to a ship of ~~His Majesty’s navy~~[Her Majesty’s navy](#) or a Government ship.
- (9) For the purposes of this Article –
- (a) proceedings for an offence under Article 98 are to be taken to have been instituted when –

- (i) a person is charged with the offence, or
- (ii) the Attorney General issues a summons in respect of the offence;
- (b) proceedings for an offence under Article 98 are to be taken to have been concluded without the master, charterer or owner of the ship having been convicted if –
  - (i) the proceedings are discontinued,
  - (ii) the owner, charterer or master or, if more than one are charged, those charged are acquitted,
  - (iii) the conviction of the owner, charterer or master or, if more than was convicted, those convicted are quashed,
  - (iv) [His Majesty](#)~~Her Majesty~~ grants a pardon in respect of the conviction of the owner, charterer or master or, if more than was convicted, each of the convictions.

### 113 Enforcement of Conventions relating to oil pollution

- (1) The Minister may by Order authorize a person specified in the Order to board a Convention ship while in a harbour, and to require production of an oil record book required to be carried on the ship in accordance with the Convention.
- (2) The Order may, with necessary modifications, apply –
  - (a) provisions of this Chapter relating to –
    - (i) the production and inspection of an oil record book and the taking of a copy of an entry in it, and
    - (ii) the admissibility in evidence of an oil record book and of a copy of any entry in one;
  - (b) penal provisions of this Chapter relating to those matters; and
  - (c) Article 157.
- (3) In this Article –
 

“the Convention” means any Convention accepted by [the Government of the United Kingdom](#) ~~Her Majesty’s Government in the United Kingdom~~ so far as it relates to the prevention of pollution of the sea by oil;

“Convention ship” means a ship registered in –

  - (a) a country the government of which has been declared by an Order made by [His Majesty](#)~~Her Majesty~~ in Council to have accepted the Convention, and has not been so declared to have denounced it; or
  - (b) a territory to which it has been so declared that the Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend.

### 115 Application to Government ships

- (1) This Chapter does not apply to –
  - (a) ships of [His Majesty’s navy](#)~~Her Majesty’s navy~~;
  - (b) Government ships in the service of the Secretary of State while employed for the purposes of [His Majesty’s navy](#)~~Her Majesty’s navy~~.

- (2) Subject to paragraph (1), and to Articles 104(8) and 111(8) –
  - (a) provisions of this Chapter that are expressed to apply to Jersey ships only apply to Government ships registered in Jersey;
  - (b) provisions of this Chapter that are expressed to apply to ships generally apply to Government ships.

### 126 Application to Crown and its ships

- (1) Articles 119 to 124, except Article 124(4), apply in the case of ~~His Majesty's ships~~ Her Majesty's ships as they apply in relation to other ships.
- (2) In this Article "~~His Majesty's ships~~ Her Majesty's ships" means –
  - (a) ships of which the beneficial interest is vested in ~~His Majesty~~ Her Majesty;
  - (b) ships that are registered in Jersey, the United Kingdom or a relevant British possession as Government ships;
  - (c) ships that are for the time being demised or sub-demised to or in the exclusive possession of the Crown;

but does not include a ship in which ~~His Majesty~~ Her Majesty is interested otherwise than in right of ~~His Government~~ Her Government in the United Kingdom, unless that ship is for the time being demised or sub-demised to ~~His Majesty~~ Her Majesty in right of ~~the Government of the United Kingdom~~ Her Government in the United Kingdom or in the exclusive possession of ~~His Majesty~~ Her Majesty in that right.

### 128 Interpretation of Part

- (1) In this Part –
 

“Receiver” means a person appointed as such by the Minister under Article 128A;

“salvage” includes, subject to the Salvage Convention, all expenses properly incurred by the salvor in the performance of salvage services;

“the Salvage Convention” means the International Convention on Salvage 1989, as set out in Part 1 of Schedule 7;

“salvor”, in the case of salvage services rendered by the officers or crew or part of the crew of a ship belonging to ~~His Majesty~~ Her Majesty, means the person in command of the ship;

“tidal water” means a part of the sea within the ebb and flow of the tide at ordinary spring tides, not being a harbour;

“vessel” includes a ship, boat or other description of vessel used in navigation;

“wreck” includes jetsam, flotsam, lagan and derelict found in, or on the shores of, the sea or tidal water.

### 135 Salvage claims against the Crown and Crown rights of salvage

- (1) So far as consistent with the Salvage Convention, the law relating to civil salvage, whether of life or property, except Articles 130, 131 and 132, applies in relation to salvage services in assisting any of ~~His Majesty's ships~~ Her Majesty's ships, or in

saving life from them, or in saving cargo or equipment belonging to ~~His Majesty~~ Her Majesty in right of ~~the Government of the United Kingdom~~ Her Government in the United Kingdom, as if the ship, cargo or equipment belonged to a private person.

- (2) If salvage services are rendered by or on behalf of ~~His Majesty~~ Her Majesty, whether in right of ~~the Government of the United Kingdom~~ Her Government in the United Kingdom or otherwise, ~~His Majesty~~ Her Majesty, in respect of those services –
  - (a) is entitled to claim salvage to the same extent; and
  - (b) has the same rights and remedies,as any other salvor.
- (3) A claim for salvage services by the commander or crew, or part of the crew, of any of ~~His Majesty's ships~~ Her Majesty's ships shall not be finally adjudicated upon without the consent of the Secretary of State to the prosecution of the claim; and if a claim is prosecuted without that consent it shall be dismissed with costs.
- (4) A document purporting to give the consent of the Secretary of State for the purposes of paragraph (3) and to be signed by an Officer of the United Kingdom Ministry of Defence is evidence of that consent.
- (5) In this Article "~~His Majesty's ships~~ Her Majesty's ships" has the same meaning as in Article 126.

#### **196 General provisions relating to the making of subordinate legislation**

- (1) A power conferred by this Law to make Regulations or Orders, or to designate or appoint a person to perform an act or carry out a purpose includes –
  - (a) power to apply, with any exceptions, adaptations and modifications specified in the Regulations or Order, to Jersey or to Jersey ships, as part of the law of Jersey –
    - (i) ~~an Order in Council~~ an Order made by Her Majesty in Council,
    - (ii) regulations, rules or orders made by a Secretary of State in the United Kingdom,under ~~powers vested in His Majesty~~ powers vested in Her Majesty or the Secretary of State by the Merchant Shipping Act 1995 of the United Kingdom;
  - (b) power to direct that, if an instrument mentioned in sub-paragraph (a)(i) and (ii) is applied, references to the United Kingdom, to British or United Kingdom ships, and to the Secretary of State are, unless otherwise directed, to be construed as references to Jersey, Jersey ships and the Minister respectively,

#### **198 Application of Law to Government ships**

- (1) Except as otherwise provided by this Law, this Law does not apply to ships belonging to ~~His Majesty's navy~~ Her Majesty's navy or to Government ships.
- (2) The Minister may by Order make provision with respect to the manner in which Government ships may be registered as Jersey ships under Part 3; and this Law,

subject to any exceptions or modifications that may be made in the Order, either generally or as respects any special class of Government ships, then applies to Government ships registered in accordance with the Order as if they were registered in accordance with Part 3.

- (3) In this Article “Government ship” means a ship not forming part of His Majesty’s navy~~Her Majesty’s navy~~ that –
- (a) belongs to His Majesty~~Her Majesty~~; or
  - (b) is held by a person on behalf of or for the benefit of the Crown.

## SCHEDULE 5

(Article 118)

### CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA

#### PART 2

##### PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

###### *Other provisions adapting or supplementing the Convention*

9. A reference in the Convention to a contract of carriage excludes a contract of carriage that is not for reward.
10. If an Order in Council declares ~~If Her Majesty in Council declares~~ that a State specified in the Order is a party to the Convention in respect of a particular country, the Order is, subject to any subsequent Order made by virtue of this paragraph, conclusive evidence of that fact.
11. The Minister may by Order make provision –
- (a) for requiring a person who is the carrier in relation to a passenger to give to the passenger, in a manner specified in the Order, notice of such of the provisions of the Convention as are so specified;
  - (b) for a person who fails to comply with a requirement imposed on him by the Order to commit an offence punishable with a fine up to level 3 on the standard scale.

## SCHEDULE 6

(Article 119)

### CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS 1976

#### PART 2

##### PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

###### *Meaning of “State Party”*



~~If Her Majesty in Council declares~~ If an Order in Council declares that a State specified in the Order is a party to the Convention as amended by the 1996 Protocol, the Order is, subject to any subsequent Order made by virtue of this paragraph, conclusive evidence of that fact; but the Order shall not have effect in Jersey unless registered by the Royal Court.

## SCHEDULE 7

(Articles 128 and 129)

### INTERNATIONAL CONVENTION ON SALVAGE 1989

#### PART 2

#### PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

##### *Meaning of “State Party”*

~~If Her Majesty in Council declares~~ If an Order in Council declares that a State specified in the Order is a party to the Convention in respect of a particular country or territory, the Order is, subject to any subsequent Order made by virtue of this paragraph, conclusive evidence of that fact.

### Shipping (MARPOL) (Jersey) Regulations 2012

#### 5 Application of MARPOL Convention and Regulations

- (1) The MARPOL Convention shall have effect in relation to –
  - (a) all Jersey ships whether in Jersey waters or elsewhere; and
  - (b) all other ships while they are in Jersey waters.
- (2) Additionally, these Regulations shall have effect –
  - (a) in relation to a ship so far as Regulation 13(3) creates an offence in relation to the ship in the circumstances specified by Regulation 13(3)(b); and
  - (b) to the extent that they are otherwise expressed to have application.
- (3) However, the MARPOL Convention, and these Regulations, shall not have effect in relation to –
  - (a) any ship that forms part of ~~His Majesty’s navy~~ Her Majesty’s navy or the navy of any country or territory; or
  - (b) Government ships or any ship owned or operated by a country or territory (other than Jersey) and used, for the time being, only on non-commercial service of the country or territory.

# Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015

## 1 Interpretation

(1) In this Law, unless the context otherwise requires –

...

“relevant British possession” means –

- (a) the Isle of Man;
- (b) any of the Channel Islands; or
- (c) a part of ~~His Majesty’s dominions~~[Her Majesty’s dominions](#) outside the British Islands except –
  - (i) a country having fully responsible status within the Commonwealth,
  - (ii) a territory for whose external relations a country other than the United Kingdom is responsible, or
  - (iii) a territory maintaining a status of association with the United Kingdom in accordance with the West Indies Act 1967,

and, for the purposes of paragraph (c) of this definition, where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are to be treated as being one possession;

## 2 Application

This Law shall not apply to ships belonging to ~~His Majesty~~[Her Majesty](#), unless otherwise expressly provided.

## 3 States that are Parties to Convention or Protocol

~~If an Order in Council declares~~ [If Her Majesty by Order in Council declares](#) that any State specified in the Order is a Party to the Fund Convention, the Liability Convention or the Supplementary Fund Protocol in respect of any country so specified, the Order shall while in force be conclusive evidence that the State is a Party to that Convention or Protocol in respect of that country.

## 33 Detention of ships

(1) A ship that may be detained under this Law may be detained by –

- (a) the Harbour Master (within the meaning given in Article 1 of the [Harbours \(Administration\) \(Jersey\) Law 1961](#));
- (b) a States’ employee (within the meaning of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#)) who is for the time being authorized in writing for that purpose by the Minister;
- (c) a customs officer;
- (d) a fishery officer (within the meaning given in Article 1(1) of the [Sea Fisheries \(Jersey\) Law 1994](#)); or

- (e) a commissioned officer of [His Majesty's](#)~~Her Majesty's~~ land forces or [His Majesty's](#)~~Her Majesty's~~ navy on full pay.

## Social Security (Jersey) Law 1974

### 43 Crown servants and members of Armed Forces

- (1) This Law shall apply to persons employed by or under the Crown, subject to any special provision made by virtue of this Article, in like manner as if the employer were a private person, with such modifications as the Minister may by Order make thereto for the purpose of adapting the provisions thereof to the case of such persons.
- (2) Subject to any prescribed exceptions, any person who is serving as a member of any of [His Majesty's forces](#)~~Her Majesty's Forces~~ or of any prescribed organisation in which persons serve under the control of the Defence Council shall be deemed not to be an insured person whilst the person is serving as aforesaid.

### 48 Reciprocal agreements with other countries

- (1) For the purpose of giving effect to any agreement with the government of the United Kingdom or of any part of [His Majesty's dominions](#)~~Her Majesty's dominions~~, or the government of any other country, (including any agreement between the government of the United Kingdom and the government of any part of [His Majesty's dominions](#)~~Her Majesty's dominions~~ or of any foreign country, which has been extended or applies to Jersey), providing for reciprocity in matters relating to payments in respect of incapacity, accident, confinement of women, widowhood, old age or death, the States may, by Act, provide for this Law to be read as modified or adapted, in its application to cases affected by the agreement, to the extent required by the agreement.

## Social Security (Members of the Forces) (Jersey) Order 1974

### 2 Organisations to which 43(2) of the Law is applied

Article 43(2) of the Law shall apply in relation to those organizations specified in the Schedule in this Order in like manner as it applies in relation to [His Majesty's forces](#)~~Her Majesty's Forces~~.

## States of Jersey Law 2005

### SCHEDULE 2

(Articles 11 and 41)

### OATHS

## PART 1

(Article 11)

### FORM OF OATH TO BE TAKEN BY DEPUTIES

You swear and promise before God that you will well and faithfully discharge the duties of Deputy; that you will be faithful and bear true allegiance to [His Majesty King Charles the Third, his heirs](#) ~~Her Majesty Queen Elizabeth the Second, her heirs~~ and successors, according to Law; that you will uphold and maintain the laws, privileges, liberties and franchises of Jersey, opposing whomsoever may wish to infringe the same; that you will attend the meetings of the States whenever you are called upon to do so; and generally that you will fulfil all the duties imposed upon you by virtue of the said office. All of which you promise to do on your conscience.

## PART 2

(Article 41(16) and (17))

### OATH OF OFFICE OF THE GREFFIER, DEPUTY GREFFIER OR ACTING GREFFIER OF THE STATES

You swear and promise before God that you will well and faithfully exercise the office of Greffier (Deputy Greffier or Acting Greffier) of the States of Jersey; that you will be faithful and bear true allegiance to [His Majesty King Charles the Third, his heirs](#) ~~Her Majesty Queen Elizabeth the Second, her heirs~~ and successors, according to law; and that you will uphold and maintain the laws and usages of Jersey.

## States of Jersey Police Force Law 2012

### 15 Police officer to take oath or make solemn affirmation

A police officer, on taking office, must either take the following oath or, in the circumstances set out in [Solemn Affirmations \(Jersey\) Law 1963](#), make the following solemn affirmation –

#### Oath

You swear and promise before God that well and faithfully you will exercise the office of a Member of the States of Jersey Police Force, that you will faithfully serve [His Majesty King Charles the Third, his heirs](#) ~~Her Majesty Queen Elizabeth the Second, her heirs~~ and successors according to law, and that you will carry out your duties with courage, fairness and integrity, protecting human rights and according equal respect to all people. You will to the best of your ability uphold the laws and usages of Jersey, cause the peace to be kept, prevent offences against people and property and seek to bring offenders to justice according to law.

#### Affirmation

I [name] do solemnly, sincerely, and truly declare and affirm that I will exercise the office of a Member of the States of Jersey Police Force, that I will faithfully serve [His Majesty King Charles the Third, his heirs](#) ~~[Her Majesty Queen Elizabeth the Second, her heirs](#)~~ and successors according to law, and that I will carry out my duties with courage, fairness and integrity, protecting human rights and according equal respect to all people. I will to the best of my ability uphold the laws and usages of Jersey, cause the peace to be kept, prevent offences against people and property and seek to bring offenders to justice according to law.

## Supply of Goods and Services (Jersey) Law 2009

### 10 Law to bind the Crown and any public administration

- (1) This Law applies to the States, a Minister of the States and any public administration.
- (2) Subject to this Article, this Law shall bind the Crown.
- (3) No contravention by the Crown of any provision of this Law shall make the Crown criminally liable.
- (4) However –
  - (a) the Court may, on the application of the Minister, declare unlawful any act or omission of the Crown that contravenes a provision of this Law; and
  - (b) the provisions of this Law apply in any event to persons in the public service of the Crown as they apply to other persons.
- (5) This Law does not apply to [His Majesty in his private capacity](#) ~~[Her Majesty in her private capacity](#)~~.

## Terrorism (Jersey) Law 2002

### SCHEDULE 3

(Article 27(5))

#### FORFEITURE ORDERS RELATING TO PROPERTY

### 8 Compensation

- (1) Where –
  - (a) a restraint order is discharged under paragraph 5(3); or
  - (b) proceedings are instituted against a person for an offence under Article 15 or 16 and either –
    - (i) the proceedings do not result in his or her conviction for any such offence, or
    - (ii) where the person is convicted of one or more such offences, the conviction or convictions are quashed, or the person is pardoned by [His Majesty](#) ~~[Her Majesty](#)~~ in respect of the conviction or convictions concerned,

the Royal Court may, on application by a person who had an interest in any property which was subject to a forfeiture or restraint order made in or in relation to those proceedings, and subject to sub-paragraphs (2) and (3), order compensation to be paid to the applicant if, having regard to all the circumstances, it considers it appropriate to do so.

- (2) The Royal Court shall not order compensation to be paid in any case unless it is satisfied that –
  - (a) there is some serious default on the part of a person concerned in the investigation or prosecution of the offence concerned; and
  - (b) the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of a forfeiture order or restraint order.
- (3) The amount of compensation to be paid under this paragraph shall be such as the Royal Court thinks just in all the circumstances of the case.
- (4) Compensation payable under this paragraph shall be paid out of the annual income of the States.

## **Waste Management (Jersey) Law 2005**

### **111 Application to Crown**

- (1) Subject to this Article, this Law shall bind the Crown.
- (2) No contravention by the Crown of any provision of this Law shall make the Crown criminally liable.
- (3) However –
  - (a) the Royal Court may, on the application of the Minister, declare unlawful any act or omission of the Crown that contravenes a provision of this Law; and
  - (b) the provisions of this Law apply in any event to persons in the public service of the Crown as they apply to other persons.
- (4) If the Lieutenant-Governor certifies that it appears to him or her that it is requisite or expedient that, in the interests of national security, any powers in or under this Law that are specified in the certificate should not be exercisable in relation to any Crown land specified in the certificate, those powers shall not be exercisable in respect of that land.
- (5) This Law does not apply to [His Majesty in his private capacity](#) ~~Her Majesty in her private capacity~~.

## **Water Pollution (Jersey) Law 2000**

### **55 Application to Crown**

- (1) Subject to this Article, this Law shall bind the Crown.
- (2) No contravention by the Crown of any provision of this Law shall make the Crown criminally liable.
- (3) However –

- (a) the Court may, on the application of the Minister, declare unlawful any act or omission of the Crown that contravenes a provision of this Law; and
  - (b) the provisions of this Law apply in any event to persons in the public service of the Crown as they apply to other persons.
- (4) If the Lieutenant-Governor certifies that it appears to him or her that it is requisite or expedient that, in the interests of national security, any powers in or under this Law that are specified in the certificate should not be exercisable in relation to any Crown land specified in the certificate, those powers shall not be exercisable in respect of that land.
- (5) This Law does not apply to [His Majesty in his private capacity](#) ~~Her Majesty in her private capacity~~.

## **Water Resources (Jersey) Law 2007**

### **52 Application to Crown**

- (1) Subject to this Article, this Law shall bind the Crown.
- (2) No contravention by the Crown of any provision of this Law shall make the Crown criminally liable.
- (3) However –
  - (a) the Royal Court may, on the application of the regulator, declare unlawful any act or omission of the Crown that contravenes a provision of this Law; and
  - (b) the provisions of this Law apply in any event to persons in the public service of the Crown as they apply to other persons.
- (4) If the Lieutenant-Governor certifies that it appears to him or her that it is requisite or expedient that, in the interests of national security, any powers in or under this Law that are specified in the certificate should not be exercisable in relation to any Crown land specified in the certificate, those powers shall not be exercisable in respect of that land.
- (5) This Law does not apply to [His Majesty in his private capacity](#) ~~Her Majesty in her private capacity~~.

# Law Revision Board item 2023/2: updating “inflammable” in legislation

## Overview

This document asks the Law Revision Board to certify a draft revision as revised legislation.

Part 1 explains the issue giving rise to the draft revision, the changes made in the draft revision, and the legislative powers relied on in the preparation of the draft revision.

Part 2 lists the changes made in the draft revision.

Part 3 contains the draft revision.

## Part 1: Background

### The issue

Many readers assume that “inflammable” is the opposite of “flammable”, despite both words having the same meaning. The statute book uses a mix of “flammable” and “inflammable”.

### The proposed solution

The Legislative Drafting Office proposes replacing in legislation all instances of “inflammable” with “flammable” and “non-inflammable” with “non-flammable”.

### Is the proposed solution within the Law Revision Board’s powers?

Article 15(7) of the Legislation (Jersey) Law 2021 (the “Legislation Law”) allows the Law Revision Board to certify a draft revision as revised legislation only if the Board is satisfied that the changes made by the revision are within the powers set out in Article 14 or Schedule 1 of the Legislation Law.

The changes made by the draft revision fall within the following powers in Schedule 1 of the Legislation Law:

- to alter any words to secure uniformity of expression in any legislation (clause (l));
- to change the wording for the better application of plain language principles (clause (n)).

## Part 2: Table of proposed solutions

Enactment	Article, Regulation, etc.	No. of instances	Current words	Revised words
Customs and Excise (Fees – Import Duty) (Jersey) Order 2021	5(1)(b)	1	inflammable	flammable
Excise Duty (Relief and Drawback) (Jersey) Order 2000	1, definition “light oil”	1	an inflammable	a flammable
Harbours (Jersey) Regulations 1962	20(c)	1	inflammable	flammable
Harbours (Jersey) Regulations 1962	20(e)	1	inflammable	flammable
Harbours (Jersey) Regulations 1962	21	1	inflammable	flammable



<b>Enactment</b>	<b>Article, Regulation, etc.</b>	<b>No. of instances</b>	<b>Current words</b>	<b>Revised words</b>
Harbours (Jersey) Regulations 1962	26, definition “petroleum spirit”	1	an inflammable	a flammable
Harbours (Jersey) Regulations 1962	26, definition “petroleum ship”	1	inflammable	flammable
Motor Vehicles (Construction and Use) (Jersey) Order 1998	46(1)	1	inflammable	flammable
Motor Vehicles (Construction and Use) (Jersey) Order 1998	69(2)	1	non-inflammable	non-flammable

### Part 3: Draft revision giving effect to proposed solutions

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## Customs and Excise (Fees – Import Duty) (Jersey) Order 2021

### 5 Goods requiring special care or treatment

- (1) Paragraph (2) applies where –
- (a) directions as to the movement or storage of goods are given under Article 17(1) of the Law;
  - (b) the goods are of a combustible or ~~flammable~~~~inflammable~~ nature or otherwise of such a hazardous nature as to require special care or treatment; and
  - (c) in consequence, the Agent of the Impôts must undertake special measures which would not otherwise be required –
    - (i) to store or transport the goods,
    - (ii) to examine and take account of the goods under Article 49 of the Law, or
    - (iii) to take samples of the goods under Article 50 of the Law.
- (2) The Agent of the Impôts may charge the owner of the goods or the person in possession or control of the goods (other than an officer) a fee in relation to the special measures.

## Excise Duty (Relief and Drawback) (Jersey) Order 2000

### 1 Interpretation

- (1) In this Order unless the context otherwise requires –

...

“light oil” means hydrocarbon oil –

- (a) of which not less than 90% by volume distils at a temperature not exceeding 210°C; or
- (b) which gives off ~~a flammable~~~~an inflammable~~ vapour at a temperature of less than 23°C when tested in a manner approved by the Minister;

## Harbours (Jersey) Regulations 1962

### 20 Loading and discharging of petroleum spirit

The following requirements with respect to the loading or discharging of petroleum spirit from a petroleum ship within a harbour shall be observed –

...

- c) before any petroleum spirit contained in casks, barrels or other vessels is discharged, the holds of the ship shall be thoroughly ventilated and, after all petroleum spirit has been removed from the ship, the holds and tanks shall be rendered free from ~~flammable~~~~inflammable~~ vapour:

Provided that this requirement shall not apply in the case of a ship which leaves a harbour without delay after the discharge of petroleum spirit, or remains only for

the purpose of taking on board bunkers, stores or ballast, or for such other purposes as may be approved by the Harbour Master, and of which the tanks are closed down immediately after the discharge of the petroleum spirit;

...

- (e) from the time when the holds or tanks of the ship are first opened for the purpose of loading or discharging petroleum spirit, until such time as all petroleum spirit has been loaded into or removed from the holds or tanks and the holds or tanks have been securely closed down and, in the case of a discharging, rendered free from ~~flammable~~inflammable vapour, there shall be no fire or artificial light on board the ship or within a distance of 20 metres of the place where the petroleum spirit is being loaded or discharged:

Provided that this requirement shall neither prevent the use of lamps, heaters, cookers or other apparatus, electric or otherwise, designed, constructed and maintained in accordance with Lloyd's Register of Shipping or other approved Classification Society's requirements in relation to the position in the ship in which it is installed, nor shall it be deemed to prohibit the loading or discharge of a ship under conditions approved by the Harbour Master by means of steam from its own boilers or power generated by electric motors or internal combustion engines designed, constructed, installed, positioned and maintained in accordance with the requirements of Lloyd's Register of Shipping or other approved Classification Society's requirements;

...

## 21 Fire precautions

Fires and lights other than those designed, constructed and maintained so as to be incapable of igniting ~~flammable~~inflammable vapour, shall not be used at any place at which petroleum spirit is being loaded or discharged or at which petroleum spirit is lying and notices shall be prominently displayed in any such place calling attention to the prohibition.

## 26 Interpretation of Part 4

In this Part—

“petroleum” includes crude petroleum, oil made from petroleum or from coal, shale, peat or other bituminous substances, and other products of petroleum;

“petroleum spirit” means such petroleum as when tested in the manner set forth in the Second Schedule to the Petroleum (Consolidation) Act 1928 of the United Kingdom, gives off ~~a flammable~~an inflammable vapour at a temperature of less than 23°;

“petroleum ship” means any ship having on board or about to take on board a cargo the whole or any part of which consists of petroleum spirit, or any ship having discharged petroleum spirit if the holds and tanks have not been rendered free from ~~flammable~~inflammable vapour to the satisfaction of the Harbour Master.

## Motor Vehicles (Construction and Use) (Jersey) Order 1998

### 46 Carriage of dangerous substances

- (1) Save as provided in paragraph (2), no person shall use or cause or permit to be used on a road a minibus by which any highly ~~flammable~~inflammable or otherwise dangerous substance is carried unless that substance is carried in containers so designed and constructed, and unless the substance is so packed, that, notwithstanding an accident to the vehicle, it is unlikely that damage to the vehicle or injury to passengers in the vehicle will be caused by the substance.
- (2) Paragraph (1) shall not apply in relation to the electrolyte of a battery installed in an electric wheelchair provided that the wheelchair is securely fixed to the vehicle.
- (3) This Article does not apply to a vehicle manufactured by Land Rover U.K. Limited and known as the Land Rover.

### 69 Closets etc.

- (1) No wheeled vehicle first used on or after 15th January 1931 shall be equipped with any closet or urinal which can discharge directly on to a road.
- (2) Every tank into which a closet or urinal with which a vehicle is equipped empties, and every closet or urinal which does not empty into a tank, shall contain chemicals which are ~~non-flammable~~non-inflammable and non-irritant and provide an efficient germicide.