

STATES OF JERSEY

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DRAFT JERSEY LEGAL INFORMATION BOARD (INCORPORATION) LAW 200-

**Lodged au Greffe on 18th May 2004
by the Finance and Economics Committee**

STATES GREFFE



Jersey

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REPORT

The Vision of the Jersey Legal Information Board (JLIB) is “to see Jersey’s legal system recognised as the global best for a small jurisdiction”. This is underpinned by a Strategy with three key elements –

- To make the law and legal processes more accessible to the public.
- To develop an integrated legal system.
- To strengthen Jersey’s position as a leading business centre.

JLIB has adopted a progressive and forward-looking approach to achieving its Vision, exploiting emerging technologies, but respecting and being sensitive to the way in which Jersey’s legal processes have developed in the light of the Island’s unique historical and social status. JLIB has brought together the heads of all the judicial and legal departments, and other key stakeholders.

JLIB was set up in 1998. As currently established, JLIB is an unincorporated association of individuals, with no formal standing or constitution; it has always been the intention of the Board, at some stage in its development, to become constituted on more formal lines. In order that it can become a properly recognised and fully functional body, it is proposed that JLIB should be incorporated by an Act of the States.

Incorporation will allow JLIB to develop from its existing arrangement as an unincorporated association, to a stand alone entity. It should be noted that the Board is already a widely recognised organisation; for example, its flagship project, the JLIB website, has become internationally accredited and receives over 200,000 visits every year (the website can be accessed at www.jerseylegalinfo.je). Incorporation will further the development of the JLIB brand internationally.

Incorporation will give official, legal and perpetual existence to JLIB. An incorporated body can deal with claims in relation to payment, access and liability generally, much more easily than an unincorporated association. Incorporation will lend weight and authority to the Board’s work, the social benefits of which are self-evident, particularly in relation to making legal processes freely accessible to the public (as demonstrated, for example, by the recently introduced Small Claims Procedure and the On-line Legal Guidance project).

Incorporation will allow JLIB to be formally recognised within the context of the objectives of an integrated “Court Service”. The development of a Court Service, or achieving improved integration between the Departments of the Judiciary, is being pursued akin to the Machinery of Government Reforms and in support of the Fundamental Spending Review. JLIB will inevitably play a key role in the strategic development of the Court Service.

JLIB’s funding and manpower requirements remain unchanged in respect of the incorporation.

Explanatory Note

This Law incorporates the Jersey Legal Information Board (the 'Board').

Article 1 is the interpretation provision.

Article 2 incorporates the Board, giving it all the powers of a natural person.

Article 3 sets the membership of the Board and provides for the Bailiff to be chairman.

Article 4 states the objects of the Board.

Article 5 enables the Board to charge for information and services provided by it. The Board must consult with the Finance and Economics Committee before determining the amount of any charges. Income arising from such charges may be applied by the Board in pursuance of any of its objects.

Article 6 exempts from liability the Board, its members, officers and agents for any acts done under the Law, provided that they are done in good faith.

Article 7 is the citation and commencement provision.



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Arrangement

Article

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Jersey

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A **LAW** to incorporate the Jersey Legal Information Board and for connected purposes.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

WHEREAS the Jersey Legal Information Board was established as an unincorporated body in 1998;

AND WHEREAS the membership of the Jersey Legal Information Board comprises the Bailiff, who is the chairman, the Attorney General, an elected member of the States appointed by the Finance and Economics Committee, the Judicial Greffier, the Greffier of the States and the Law Draftsman and such other members as they may from time to time co-opt;

AND WHEREAS the objects of the Jersey Legal Information Board include the promotion of the accessibility of the written law and legal processes to the public and of an integrated and efficient legal system, through the use of information technology and by other means;

AND WHEREAS it is desirable that the Jersey Legal Information Board shall now be incorporated –

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

1 Interpretation

In this Law “Board” means the Jersey Legal Information Board incorporated by Article 2(1).

2 Incorporation

- (1) The Jersey Legal Information Board shall be a body corporate having perpetual existence in the person of its members present and future.
- (2) The Board shall have –
 - (a) the right to use a seal to authenticate all deeds, contracts, agreements and undertakings;
 - (b) the right to take, acquire, hold and possess movable and immovable property of whatsoever kind and to accept, hold and possess grants, gifts and bequests, movable and immovable, of whatsoever kind, which may be made to it, and to lease, sell or otherwise dispose of the said property;
 - (c) the right to appear before all courts and tribunals; and
 - (d) the right to exercise generally all the powers and functions of a natural person,

the whole through the intermediary of its officers or other persons authorized to that effect by the Board.

3 Membership

- (1) The Board shall consist of the Bailiff, the Attorney General, an elected member of the States appointed by the Finance and Economics Committee, the Judicial Greffier, the Greffier of the States and the Law Draftsman, and such other persons as they may from time to time co-opt.
- (2) The Bailiff shall be the chairman of the Board.

4 Objects

The objects of the Board shall include the promotion of the accessibility of the written law and legal processes to the public and of an integrated and efficient legal system, through the use of information technology and by other means.

5 Finance

- (1) The Board may make charges for the provision of information and other services by it in pursuance of its objects.
- (2) The Board shall consult with the Finance and Economics Committee before determining any such charges.
- (3) The Board may retain the income arising from such charges and apply it in pursuance of any of its objects.
- (4) As soon as may be practicable after the end of a year, the Board shall present its accounts and a report of its activities for that year to the Finance and Economics Committee.

6 Liability

- (1) No person or body to whom this Article applies shall be liable in damages for anything done or omitted in the discharge of any functions under this Law, unless it is shown that the act or omission was in bad faith.
- (2) This Article applies to the Board, any member of the Board, or any person who is an officer of the Board or acting with the authority of the Board.

7 Citation and commencement

This Law may be cited as the Jersey Legal Information Board (Incorporation) Law 200- and shall come into force on the seventh day following its registration.