

STATES OF JERSEY

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DRAFT STATES OF JERSEY (AMENDMENT No. 4) (AMENDMENT) (JERSEY) LAW 200

**Lodged au Greffe on 19th November 2007
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT STATES OF JERSEY (AMENDMENT No. 4)(AMENDMENT) (JERSEY) LAW 200

European Convention on Human Rights

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

In the view of the Chief Minister the provisions of the Draft States of Jersey (Amendment No. 4) (Amendment, Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator F.H. Walker**

REPORT

This Law makes a corrective amendment to the States of Jersey (Amendment No. 4) (Jersey) Law 200, which was adopted by the States on 26th September 2007 (P.107/2007). That Law is expressed to come into force on the same day as the Employment of States of Jersey Employees (Amendment) (Jersey) Regulations 2007. The need for a correction arises because those Regulations were debated and adopted at the same time as the Law, and came into force on 3rd October 2007. Clearly the Law, which has to be submitted to the Privy Council and returned to Jersey for registration in the Royal Court in order to complete the process for its enactment, cannot come into force on 3rd October 2007, as that date has already passed and there is a presumption that legislation is not retrospective unless clearly expressed to be so. Consequently, the commencement provision in the Law is not correct.

Whilst it might have been possible to conclude that the provision could only sensibly be construed as bringing the Law into force on the day of its registration in the Royal Court, the better course of action is to place the matter beyond doubt. Accordingly, this draft amending Law substitutes the commencement provision in the States of Jersey (Amendment No. 4) (Jersey) Law 200 so as to provide for it to come into force on the day after it is registered.

Financial/manpower implications

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

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 16th November 2007 the Chief Minister made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Chief Minister the provisions of the Draft States of Jersey (Amendment No. 4) (Amendment, Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law amends the States of Jersey (Amendment No. 4) (Jersey) Law 200. The amendment substitutes the commencement provision in that Law, so as to provide that it shall come into force on the day after it is registered in the Royal Court. This Law will, itself, come into force on the day it is so registered.



Jersey

DRAFT STATES OF JERSEY (AMENDMENT No. 4)(AMENDMENT) (JERSEY) LAW 200

A **LAW** to amend the States of Jersey (Amendment No. 4) (Jersey) Law 200-

Adopted by the States [date to be inserted]

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

Registered by the Royal Court [date to be inserted]

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

1 Article 3 of the States of Jersey (Amendment No. 4) (Jersey) Law 200 amended

For paragraph (2) of Article 3 of the States of Jersey (Amendment No. 4) (Jersey) Law 200 adopted by the States on 26th September 2007, there shall be substituted the following paragraph –

“(2) This Law shall come into force on the day after the day that it is registered.”.

2 Citation

This Law may be cited as the States of Jersey (Amendment No. 4) (Amendment) (Jersey) Law 200.

