

STATES OF JERSEY



EXCLUSIVITY OF POSTAL SERVICES WITHIN JERSEY: TERMINATION OF AGREEMENT BETWEEN THE STATES OF JERSEY AND THE UNITED KINGDOM

**Lodged au Greffe on 11th April 2006
by the Minister for Economic Development**

STATES GREFFE

PROPOSITION

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

having regard to the proposed commencement of the provisions of the Postal Services (Jersey) Law 2004, on 1st July 2006, to approve the signature by the Minister for Economic Development of the draft agreement annexed hereto, to terminate the agreement made between the Postmaster General and the Greffier of the States of 15th August 1969.

MINISTER FOR ECONOMIC DEVELOPMENT

REPORT

This draft Agreement will have the effect of ending the existing Agreement, made on 15th August 1969 (“the 1969 Agreement”), by virtue of which the exclusive privilege conferred on the Post Office by section 3 of the Post Office Act 1953 to provide postal services was surrendered, in respect of the Bailiwick of Jersey, and the administration of those services was to be provided, instead, by the States of Jersey. The Agreement, made between the Postmaster General (on behalf of the U.K. Government) and the Greffier of the States can be found in Schedule 1 to the Postal Services (Jersey) Order 1969 (“the 1969 Order”). The continued existence of the 1969 Agreement and the 1969 Order is, of course, inconsistent with the provisions of the Postal Services (Jersey) Law 2004^[1]. The 1969 Order will be revoked by a further Order in Council, in due course, but the 1969 Agreement has an independent existence and revocation of the Order will not automatically terminate it, hence the need for the draft Agreement, which the States are now asked to consider.

The 1969 Agreement should, ideally, be terminated concurrently with the commencement of the Postal Services (Jersey) Law 2004, which is now planned for 1st July 2006. This Report and Proposition should, therefore, be considered by the States on the same day as those for the Draft Postal Services (Transfer) (Jersey) Regulations 200- (as amended to refer to 1st July) and the revised version of the Draft Postal Services (Jersey) Law Appointed Day (No. 2) Act 200.

It has been necessary to withdraw the original version of this proposition (P.13/2006) and submit this revised version referring to 1st July 2006 to take account of the referral of the fulfilment policy and its effects upon incorporation of Jersey Post to scrutiny by the Economic Affairs Scrutiny Panel. The only change is to the proposed date of incorporation.

There are no financial or manpower implications arising from this proposition.

AN AGREEMENT made the

of

BETWEEN

The Secretary of State for Trade and Industry (“the Secretary of State”) on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland of the one part;

AND

The Minister for Economic Development (“the Minister”) on behalf of the States of Jersey of the other part.

Whereas on 15th August 1969, the Right Honourable John Thomson Stonehouse M.P., Her Majesty’s Postmaster General on behalf of Her Majesty and Alfred Durrell Le Brocq, Greffier of the States on behalf of the States of Jersey, made an Agreement (“the Agreement”) which made provision that the exercise within the Bailiwick of Jersey of the exclusive privilege conferred on the Post Office be surrendered and the administration in the Bailiwick of Jersey of postal services be by or under the authority of the States of Jersey instead of by the Post Office;

Whereas on 1st July 2006, the Postal Services (Jersey) Law 2004 (“the 2004 Law”) comes into force in full (with the exception of Article 33 which is not relevant for these purposes);

Whereas Paragraph 1 of Schedule 2 to the 2004 Law provides that the exclusive privilege of the States of Jersey (within the meaning of Article 2 of the Post Office (Jersey) Law 1969) is removed;

Whereas by the Act of [day] [month] [year] [insert reference] the States of Jersey, have given their approval for the Minister to terminate the Agreement on behalf of the States of Jersey;

And whereas the Secretary of State is duly authorised to terminate the Agreement on behalf of Her Majesty.

NOW IT IS HEREBY AGREED as follows:

The Agreement shall be terminated with effect from 1st July 2006.

.....
signed by

Alan Johnson
Secretary of State for Trade and Industry

.....
date

.....
signed by
Philip Francis Cyril Ozouf
Minister for Economic Development

.....
date

^[1] *The 1969 Order also amended provisions of the 1953 Act and the Post Office Act 1969, in their application to Jersey. States Members may also wish to know that there is a further Order in Council made in 1969 relating, in part, to local postal services – the Postal Services (Channel Islands Consequential Provisions) Order 1969 – which made further provision in relation to the application of provisions of the 1969 Act to the Channel Islands. To the extent that this Order applies to Jersey, it, too, is inconsistent with the 2004 Law and will be revoked by a further Order in Council. This Order can be found at the end of the 1969 Order in the Revised Edition of the Laws, on the JLIB website.*
[www.jerseylegalinfo.je]