



Jersey

LEGISLATION (JERSEY) LAW 2021

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 28 September 2021 to 10 January 2024



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LEGISLATION (JERSEY) LAW 2021

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A LAW to consolidate and supplement provisions about the making, commencement and repeal of legislation; to provide for the consolidation, revision and publication of legislation; to make provision about the Legislative Drafting Office; to amend and repeal certain other legislation; and for connected purposes.

Commencement [[see endnotes](#)]

PART 1

OPENING PROVISIONS

1 Interpretation

In this Law, unless the context indicates otherwise –

“as-enacted legislation” has the meaning given in Article 12(2);

“consolidated legislation” has the meaning given in Article 12(3) and (4);

“current drafting practice” means the legislative drafting practice for the time being adopted by the Legislative Drafting Office;

“Jersey legislation” means any Law or Jersey subordinate legislation;

“Jersey subordinate legislation” means any Regulations, Order or other instrument having legislative effect in Jersey that is made in Jersey under –

(a) any Jersey legislation; or

(b) any UK extended legislation or Order in Council registered in the Royal Court;

“Law” means Jersey legislation adopted by the States that does not rely on any other legislation to empower its making;

“legislation” means Jersey legislation and UK extended legislation;

“Legislative Drafter” means any person employed (including under a contract for services) to draft legislation for the Legislative Drafting Office, and includes the Principal Legislative Drafter and any trainee Legislative Drafter;

“Legislative Drafting Office” means the Office referred to in Article 19(1);

“made”, in relation to Jersey legislation, is construed in accordance with Article 2;

“official version” is construed in accordance with Article 17;

“Principal Legislative Drafter” means the senior officer of the Legislative Drafting Office, as referred to in Article 19(3);

“publish”, in relation to legislation, means to make available, on an on-going basis, on a website that provides access to the legislation free of charge;

“repeal” includes delete, rescind and revoke;

“revised”, in relation to Jersey legislation, means any legislation certified as such in accordance with Article 15(7);

“standing orders” means the Standing Orders of the States of Jersey, including any amendments to them;

“triennial Regulations” means Regulations made under either or both of the Orders in Council dated 28th March 1771 and 14th April 1884;

“UK Act” means any Act of the Parliament of the United Kingdom (irrespective of whether it applies to the whole of the United Kingdom);

“UK extended legislation” means any provision of a UK Act, or subordinate legislation made under a UK Act, that has been registered in the Royal Court.¹

PART 2

MAKING, AMENDING AND REPEALING JERSEY LEGISLATION

2 Making of Jersey Legislation

- (1) A Law is made –
 - (a) by being adopted by the States Assembly;
 - (b) by being 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.

3 Commencement of Jersey legislation

- (1) If Jersey legislation is silent as to the commencement of any of its provisions that provision comes into force –
 - (a) in the case of legislation having effect only to commence other legislation or consisting of an Act of the States referred to in Article 2(2), when it is made; and
 - (b) in the case of any other legislation, on the day after it is made.
- (2) If any Jersey legislation is expressed to come into force on a particular day, it is treated as coming into force at the beginning of that day, unless provision is made to the contrary.
- (3) Unless provision is made to the contrary, Regulations may provide that they commence by an Order of a Minister.
- (4) If a Law, Regulations made under a Law or any provision of a Law or Regulations may be commenced by an Act of the States or an Order of a Minister on a day specified in the Act or Order, the power may be exercised to specify different days, times or events for different provisions of the Law or Regulations to commence.
- (5) If any Jersey legislation amends any other legislation or provision that has not come into force –
 - (a) the amendment of the uncommenced legislation does not commence that legislation or provision; and
 - (b) the amendment made by the amending legislation commences when the provision amended commences unless provision is made otherwise.
- (6) Nothing in this Article affects the commencement of any Jersey legislation that had commenced before the commencement of this Part.

4 Exercise of statutory powers before commencement of Jersey legislation

- (1) This Article applies to any Jersey legislation that confers power to –
 - (a) make any Jersey subordinate legislation;
 - (b) establish an entity;
 - (c) make an appointment;
 - (d) give a notice or document;
 - (e) prescribe a form; or
 - (f) do any other thing for the purposes of the legislation.
- (2) The power in question may, unless provision is made to the contrary, be exercised at any time after the making of the legislation, whether or not the legislation is in force.
- (3) However, no Jersey subordinate legislation made under this power may be brought into force before the provision conferring the power comes into force.

5 Effect of repeal and expiry

- (1) This Article applies where any Jersey legislation repeals any other Jersey legislation or a provision of that legislation.
- (2) Unless provision is made to the contrary, the repeal does not affect any of the following –

- (a) the validity, invalidity, effect or consequences of anything done or suffered under the repealed legislation (including any saving, transitional or validating provision);
 - (b) any existing right, interest, title, immunity, privilege, obligation or liability acquired, accrued or incurred under that legislation;
 - (c) any amendment of legislation made by the repealed legislation;
 - (d) the previous operation of the repealed legislation or anything done or permitted under that legislation;
 - (e) any investigation, legal proceeding or remedy that relates to anything set out in sub-paragraph (b);
 - (f) any penalty, forfeiture or punishment incurred in respect of any offence committed before the repeal of the legislation or breach of it that occurred before its repeal.
- (3) Any investigation, legal proceeding or remedy mentioned in paragraph (2) that relates to an existing right may be instituted, continued or enforced, and any penalty, forfeiture or punishment mentioned in that paragraph may be imposed, as if the legislation had not been repealed.
- (4) Unless provision is made to the contrary the repeal of any legislation does not revive –
- (a) any legislation repealed;
 - (b) any rule of law that has been abolished; or
 - (c) any other thing not in force or existing at the time at which the repeal takes effect.
- (5) In this Article a reference to legislation being repealed includes a reference to its having expired or otherwise ceasing to have effect.

6 Effect of repeal and re-enactment of Jersey legislation

If any Jersey legislation (whenever made) repeals any Jersey legislation and re-enacts any of its provisions, with or without modification, references in any other Jersey legislation to the provisions so repealed, unless provision is made to the contrary, are construed as references to the provisions so re-enacted.

7 Amendment of Jersey subordinate legislation by a Law, etc

- (1) An amendment of Jersey subordinate legislation by a Law does not of itself limit any further amendment or repeal of that subordinate legislation by other subordinate legislation.
- (2) In the case of Jersey subordinate legislation not made by the States, the reference in paragraph (1) to a Law includes Regulations.

8 Power to amend Law consequential on another Law lodged but not made before its registration

- (1) The States may by Regulations make amendments to any Law incidental to, supplemental to, or consequential upon, the making of another Law if the relevant periods of those 2 Laws overlap to any extent.

- (2) In this Article –
“lodged” means lodged in accordance with standing orders;
“relevant period” means the period beginning on the day a Law was lodged and ending on the day it was made.

9 Powers to make Jersey subordinate legislation

- (1) Where any Jersey legislation (whenever made) confers a power to make Jersey subordinate legislation, unless provision is made to the contrary, the power may be exercised from time to time and includes a power to repeal, amend or replace the legislation made that is exercisable in the same way and subject to the same conditions.
- (2) Where any Jersey legislation made after 28th March 2003 confers a power to make Jersey subordinate legislation, the power may, unless provision is made to the contrary, be exercised –
- (a) to apply generally to all cases or be limited in its application to, or make different provision for different cases or classes of case; or
- (b) to apply generally or be limited in its application by reference to stated conditions, exceptions or factors.
- (3) The power in paragraph (2) includes the power to make provision about any one or more cases and for the purposes of that paragraph a “class” includes a single case.
- (4) The power in paragraph (2) enables a provision that repeals any legislation to be brought into force only to the extent of repealing some of its provisions.
- (5) Unless provision is made to the contrary, a power to make Jersey subordinate legislation also authorises the making of provision incidental to, supplemental to, or consequential upon that legislation.
- (6) However, the power in paragraph (5) is limited –
- (a) in the case of Regulations, to amending any legislation other than the [Human Rights \(Jersey\) Law 2000](#) or the legislation giving the power to make the Regulations; and
- (b) in the case of any legislation not made by the States, to amending any other legislation not made by the States.
- (7) Where Jersey subordinate legislation is stated to be made under any power conferred by any legislation (including this Law) it is treated as being made in exercise of all the powers under which it may be made.

10 Power to incorporate technical documents by reference

- (1) The States may by Regulations amend any Law to provide that the power to make subordinate legislation under that Law includes the power to incorporate by reference any technical document (other than legislation from any jurisdiction) that is accessible to the public without charge as it is in force –
- (a) at a particular time; or
- (b) from time to time.
- (2) In paragraph (1) “technical document” means a document that is concerned with the practices, procedures, processes or requirements for use of a technical product and

which is aimed at a person with particular knowledge or experience in that technical field.

11 States power to annul Jersey subordinate legislation not made by the States

- (1) Subordinate legislation to which this Article applies must be laid before the States as soon as practicable after it is made and if the States no later than 3 sittings after the date on which it is laid, resolve that it be annulled, it ceases to have effect.
- (2) However –
 - (a) paragraph (1) may be displaced by any contrary provision in the Law empowering the subordinate legislation; and
 - (b) the annulment does not affect anything done under the subordinate legislation before it is annulled or limit the power of the body empowered to make the legislation to make further legislation.
- (3) This Article applies to any Jersey subordinate legislation that is not made by the States other than legislation providing purely for the commencement of any legislation.
- (4) In the case of Jersey subordinate legislation that was made before the commencement of this Part, the reference in paragraph (1) to 3 sittings after it is made is construed as meaning 3 sittings after the commencement of this Part.
- (5) The States may by Regulations amend this Article.

PART 3

CONSOLIDATION, REVISION AND PUBLICATION OF LEGISLATION

12 Types of legislation under this Part

- (1) This Part applies in respect of –
 - (a) as-enacted legislation; and
 - (b) consolidated legislation.
- (2) As-enacted legislation is legislation containing the text of the legislation as originally made and includes that legislation in the form it appears when prepared for publication under this Part.
- (3) Consolidated legislation is legislation that includes within it any other modifications necessary to show the legislation as it was in force on the date to which it is stated to be consolidated.
- (4) Revised legislation is also consolidated legislation.

13 Consolidated legislation

- (1) When any Jersey legislation (other than legislation having the effect only to amend or commence other legislation or consisting of an Act of the States referred to in Article 2(2)) is commenced, amended or revised after the commencement of this Part, the Principal Legislative Drafter must, as soon as practicable, prepare a consolidated version of the legislation.

- (2) Consolidated legislation must include a statement that it is consolidated legislation compiled under the authority of this Law.

14 Editorial changes

- (1) The Principal Legislative Drafter may make the following changes to consolidated legislation (whether when preparing it or later) –
 - (a) the removal of a provision relating to its commencement;
 - (b) the removal of a provision that amends or repeals other legislation (or any provision of that other legislation);
 - (c) the removal of any other provision that the Principal Legislative Drafter considers to be spent or for any other reason to be no longer operative;
 - (d) the correction of –
 - (i) typographical and clerical errors,
 - (ii) errors in grammar, spelling and punctuation,
 - (iii) errors in numbering, cross-referencing, and alphabetical ordering,
 - (iv) errors in, or arising out of, an amendment by other legislation to the legislation being consolidated, and
 - (v) any other errors of a similar nature;
 - (e) changes in punctuation and the relocation of conjunctives or disjunctives to enable the addition or removal of any provision that is or was part of a list of provisions.
- (2) However, none of these changes has effect to the extent of changing the meaning of any provision.²
- (3) The Principal Legislative Drafter may make formatting and presentational changes to the legislation so that consolidated legislation is consistent with current drafting practice.
- (4) Nothing in this Article limits the authority to make changes in preparing consolidated legislation in reliance on the application of any other legislation.
- (5) Changes authorised by this Article that are made to consolidated legislation, other than formatting and presentational changes or minor editorial changes, must be set out in an endnote or other suitable place.
- (6) The Principal Legislative Drafter may correct any errors in a published version of as-enacted legislation that occurred after it is made or in revised legislation that occurred after its revision.

15 Changes that may be made by the Law Revision Board in revising Jersey legislation

- (1) The Law Revision Board established under the [Law Revision \(Jersey\) Law 2003](#) is continued.
- (2) The Board consists of –
 - (a) 2 members of the States, appointed by the States;
 - (b) the Attorney General;
 - (c) the Greffier of the States; and

- (d) the Principal Legislative Drafter.
- (3) The Law Revision Board –
 - (a) may regulate its own procedure; and
 - (b) may transact its business electronically.
- (4) The Principal Legislative Drafter may prepare in draft a revision of any Jersey legislation in accordance with any of the powers set out in Schedule 1.
- (5) The powers in Article 14 may also be used for the preparation of the revision.
- (6) The Principal Legislative Drafter must submit the draft revision to the other members of the Law Revision Board accompanied by a statement setting out the changes made (other than editorial changes) and the power relied on as authority for the change.
- (7) The Law Revision Board may certify the draft revision as revised legislation only if it is satisfied that the changes made are within the powers set out in Article 14 or Schedule 1.
- (8) The changes made to legislation by a revision have effect as if they were effected by an amendment made by other legislation.
- (9) 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.
- (10) The States may by Regulations amend Schedule 1.

16 Publication of legislation

- (1) The Principal Legislative Drafter must ensure that the following are published –
 - (a) all as-enacted legislation made after the commencement of this Part;
 - (b) all consolidated legislation prepared after 1st January 2019.
- (2) As-enacted legislation must be published as soon as practicable after it is made and consolidated legislation must be published as soon as practicable after it is consolidated or the amendments resulting from other legislation are incorporated within it, whichever is the later.

17 Official versions of legislation

- (1) All as-enacted legislation is an official version of the legislation.
- (2) Any consolidated legislation that is Jersey legislation is an official version if it contains a statement that it is an official version of the legislation issued under the authority of this Law and –
 - (a) it is an electronic version of the legislation displayed on a website under the authority of the Principal Legislative Drafter (or a printed or downloaded version of that legislation without any alteration to its text or format); or
 - (b) it is a printed version of the legislation issued by or on behalf of the Principal Legislative Drafter.
- (3) An official version of as-enacted legislation is taken to set out correctly the text of the legislation.
- (4) Subject to Article 15(8) (changes made by revision have effect as if effected by amendment), an official version of consolidated legislation, unless the contrary is shown, is taken to set out correctly, as at the date on which it is stated to be

consolidated, the legislation as enacted and including any current amendments to it, or revisions of it.³

- (5) An official version of legislation is admissible in evidence in any proceedings and a court or person acting judicially must take judicial notice of any official version of legislation.
- (6) The States may, by Regulations, amend paragraph (2) to vary the requirements for legislation to be an official version.

18 Statute Law Revision Regulations

- (1) The States may by Regulations amend any Jersey legislation using the powers set out in paragraph (2), Article 14 or Schedule 1.
- (2) The power is to make such amendments as are necessary or desirable to –
 - (a) clarify any ambiguity in the legislation; or
 - (b) reconcile inconsistencies between different provisions of the legislation or between any of its provisions and provisions of any other Jersey legislation.
- (3) Where a proposition is lodged in respect of Regulations to be made under this Article no amendment may be lodged that, in the opinion of the Bailiff, would alter the effect of any legislation unless it is within the scope of paragraphs (1) or (2).
- (4) Subject to this Article, the Regulations may make any provision that could be made by a Law.

PART 4

LEGISLATIVE DRAFTING OFFICE

19 Legislative Drafting Office

- (1) The office previously known as the Law Draftsman's Office is renamed the Legislative Drafting Office.
- (2) The primary objective of the Legislative Drafting Office is to produce high-quality legislation that can be easily understood and is readily accessible to all persons.
- (3) The senior officer of the Legislative Drafting Office is the Principal Legislative Drafter.
- (4) The Principal Legislative Drafter is responsible to the Greffier of the States for carrying out the functions set out in Article 20 on behalf of the Legislative Drafting Office.
- (5) However, the Principal Legislative Drafter is not responsible to the Greffier of the States for any matter relating to current drafting practice.
- (6) A person must not be appointed or employed as a Legislative Drafter without having passed the examinations and assessment specified for the purposes of Articles 3(2)(a)(i) and 3(3)(b)(i) of the [Advocates and Solicitors \(Jersey\) Law 1997](#) (requirements for admission to the Bar) or the examinations and assessments that the Principal Legislative Drafter considers are the equivalent requirements in a Commonwealth country or the Republic of Ireland.
- (7) For clarity, the staff of the Legislative Drafting Office are not officers of the States Greffe appointed under Article 41(6) of the [States of Jersey Law 2005](#).

20 Functions of Principal Legislative Drafter

The functions of the Principal Legislative Drafter are –

- (a) to be responsible for the drafting of all Jersey legislation to be presented to the States and any amendments to it;
- (b) to be responsible for the drafting of all other Jersey subordinate legislation;
- (c) to prepare consolidated legislation in accordance with Articles 13 and 14;
- (d) to prepare legislation for certification as revised legislation in accordance with Article 15;
- (e) to arrange for the publication of legislation as required by Article 16;
- (f) to publish current drafting practice;
- (g) to advise the Greffier of the States on the drafting of standing orders;
- (h) to take any steps that the Principal Legislative Drafter considers appropriate to promote access to Jersey legislation, including ensuring that it is clearly and logically organised, easy to understand, certain in its effect and as far as practicable conforms with current drafting practice; and
- (i) to perform any other functions relating or ancillary to the preparation of legislation that the Principal Legislative Drafter considers appropriate or as directed by the Greffier of the States.

21 Delegation of functions

The Principal Legislative Drafter –

- (a) may from time to time, either generally or particularly, delegate to any Legislative Drafter, or any States employee (within the meaning of Article 2 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#)) working in the Legislative Drafting Office, any of the Principal Legislative Drafter's functions; and
- (b) must ensure that an appropriate delegation is at all times in place under this Article to enable a person to act in place of the Principal Legislative Drafter during any absence or incapacity or during any vacancy in the office of Principal Legislative Drafter.

22 Privilege

- (1) Confidential communications between a provider of instructions to the Legislative Drafting Office and a Legislative Drafter are subject to legal professional privilege.
- (2) In this Article –

“confidential communications” includes –

 - (a) instructions to draft legislation received by the Legislative Drafting Office and communications between any client of the Legislative Drafting Office and any Legislative Drafter that relate to the subject matter of the instructions;
 - (b) unpublished drafts of legislation prepared by or on behalf of the Legislative Drafting Office;

“provider of instructions” includes a Member of the States and any officer working in –

 - (a) a department established by the States; or

- (b) a body, office or unit of administration, established on behalf of the States (including under any legislation).

23 Amendment of this Part by Regulations

The States may by Regulations amend this Part to make different provision in respect of the Principal Legislative Drafter or the Legislative Drafting Office and any amendments consequential on those provisions.

PART 5

CLOSING PROVISIONS

24 ⁴

25 ⁵

26 Citation and commencement

This Law may be cited as the Legislation (Jersey) Law 2021 and comes into force on a day to be specified by the States by Act.

SCHEDULE 1

(Article 15)

POWERS TO REVISE JERSEY LEGISLATION

In preparing a revision under Article 15 the Law Revision Board has the power –

- (a) to amend the citation provision, long title, short title, words of enactment or preamble of any legislation;
- (b) to consolidate or split any legislation or relocate a provision into different legislation where the provision more properly belongs;
- (c) to rearrange the provisions of any legislation or any list in a provision of any legislation;
- (d) to add a table of contents or destinations to any legislation;
- (e) to add a heading to a provision of any legislation that does not have one and alter any heading to a provision or part of any legislation;
- (f) to omit any map, picture, drawing, diagram or other object;
- (g) 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;
- (h) 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;
- (i) to change any words to make them gender neutral;
- (j) to change expressions of date, money, number, time and units of measurement;
- (k) to delete any obsolete or redundant words or provisions;
- (l) to alter any words to secure uniformity of expression in any legislation;
- (m) to shorten any phrase or sentence;
- (n) to change the wording for the better application of plain language principles;
- (o) to add numbering to or renumber any provision;
- (p) to substitute for a reference to any legislation or provision of any legislation that has been re-enacted or replaced, whether with or without modifications, a reference to the legislation or provision re-enacting or replacing it; and
- (q) to do all other things that appear to the Board to be necessary to render revised legislation consistent with current drafting practice.

SCHEDULE 2⁶

SCHEDULE 3⁷

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Legislation (Jersey) Law 2021	L.8/2021	28 September 2021 (R&O.112/2021)	P.26/2021

Project available at statesassembly.gov.je

Table of Endnote References

¹ Article 1	<i>editorial change in definition “revised”, “Article 15(8)” deleted, “Article 15(7)” inserted instead</i>
² Article 14(2)	<i>official text change, “have effect” deleted, “has effect” inserted instead</i>
³ Article 17(4)	<i>editorial change, “Article 15(9)” deleted, “Article 15(8)” inserted instead</i>
⁴ Article 24	<i>spent, omitted</i>
⁵ Article 25	<i>spent, omitted</i>
⁶ Schedule 2	<i>spent, omitted</i>
⁷ Schedule 3	<i>spent, omitted</i>