

Jersey Law 22/1965

**“ DEPARTMENTS OF THE JUDICIARY AND THE
LEGISLATURE (JERSEY) LAW, 1965” ,**

CONFIRMÉ PAR

Ordre de Sa Majesté en Conseil

en date du 29 novembre 1965.

(Enregistré le 14 janvier 1966).

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**DEPARTMENTS OF THE JUDICIARY AND THE
LEGISLATURE (JERSEY) LAW, 1965.**

A LAW to revise and consolidate the Laws relating to the Departments of the Bailiff, the Law Officers of the Crown, the Viscount, the Judicial Greffier and the Greffier of the States, sanctioned by Order of Her Majesty in Council of the

29th day of NOVEMBER, 1965.

(Registered on the 14th day of January, 1966).

STATES OF JERSEY.

The 22nd day of June, 1965.

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

ARTICLE I

**DEPARTMENTS TO WHICH LAW APPLIES AND
CONSTITUTION THEREOF**

(1) This Law makes provision with regard to the following Departments namely -

- (a) the Bailiff's Department, that is to say, the Bailiff and the Deputy Bailiff ;

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- (b) the Law Officers Department, that is to say, the Attorney General, the Solicitor General and the Autorisé de la Partie Publique ;
- (c) the Viscount's Department, that is to say, the Viscount and the Deputy Viscount ;
- (d) the Judicial Greffe, that is to say, the Judicial Greffier and the Deputy Judicial Greffier ;
- (e) the States' Greffe, that is to say, the Greffier of the States and the Deputy Greffier of the States ;

together with other officers (within the meaning of the Civil Service Administration (Jersey) Law, 1953, as amended) of whom a sufficient number shall be appointed to ensure the service of the said Departments.

(2) No officer shall be appointed to the Bailiff's Department or the Law Officers Department without the consent of the Bailiff or the Attorney General, as the case may be.

(3) Nothing in this Law shall derogate in any way from the authority of the Bailiff to appoint Lieutenant Bailiffs nor from the power of the Royal Court to appoint an advocate to discharge the functions of Attorney General.

ARTICLE 2

APPOINTMENT OF PRINCIPAL OFFICERS

(1) The Bailiff, the Deputy Bailiff, the Attorney General, the Viscount and the Solicitor General are appointed by Her Majesty.

(2) The Autorisé de la Partie Publique is appointed by the Attorney General.

(3) The Deputy Viscount is appointed by the Viscount with the consent of the Bailiff.

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(4) 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.

(5) The Greffier of the States is appointed by the Bailiff with the consent of the States and the Deputy Greffier of the States is appointed by the Greffier of the States with the consent of the Bailiff.

(6) It is an essential qualification for the appointment of a person to the office of Attorney General, Solicitor General, Autorisé de la Partie Publique or Judicial Greffier that he be an advocate or a solicitor.

ARTICLE 3

SUSPENSIONS AND DISMISSALS

(1) The Autorisé de la Partie Publique may be suspended or dismissed from office by the Attorney General.

(2) The Judicial Greffier may be suspended from office by the Superior Number of the Royal Court and may be dismissed from office by Her Majesty in Council on a petition from the Superior Number of the Royal Court.

(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) The Greffier of the States 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.

(6) The Deputy Greffier of the States may be suspended or dismissed from office by the Greffier of the States with the consent of the Bailiff.

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ARTICLE 4

DISCUSSION IN CAMERA

Any discussion by the Royal Court or the States with regard to the appointment, suspension or dismissal of any officer under this Law shall take place in camera.

ARTICLE 5

**DISCHARGE OF FUNCTIONS IN EVENT OF ABSENCE OR
INCAPACITY OF PRINCIPAL OFFICERS**

(1) In the event of the absence or incapacity of the Bailiff, the Attorney General, the Viscount, the Judicial Greffier or the Greffier of the States, the functions of their office shall be discharged by the Deputy Bailiff, the Solicitor General, the Deputy Viscount, the Deputy Judicial Greffier or the Deputy Greffier of the States respectively.

(2) In the event of the absence or incapacity of both the Viscount and the Deputy Viscount, the Judicial Greffier and the Deputy Judicial Greffier or the Greffier of the States and the Deputy Greffier of the States, the functions of their office shall be discharged by an officer of their respective departments appointed by the Bailiff for that purpose.

ARTICLE 6

DESIGNATION OF SUBSTITUTE PRINCIPAL OFFICERS

The Viscount and the Judicial Greffier, with the consent of the Bailiff, may designate one or more officers of their respective Departments to discharge functions attributed under this Law to sworn members of those Departments, and the officers so designated shall be known as “Viscount Substitute” and “Greffier Substitute” respectively.

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ARTICLE 7

OATH OF OFFICE

(1) With the exception of the Autorisé de la Partie Publique, the officers referred to in sub-paragraphs (a) to (e) of Article 1 of this Law, a Lieutenant-Bailiff, any advocate appointed by the Royal Court to discharge the functions of the Attorney General, the persons appointed under Article 5 of this Law to discharge the functions of Viscount, Judicial Greffier or Greffier of the States and the officers designated under Article 6 of this Law shall, on assuming office, take oath in the appropriate form set out in the Schedule to this Law.

(2) The said oaths shall be administered in the Royal Court, except in the case of the Greffier of the States and the Deputy Greffier of the States who shall take oath before the States, and of the persons appointed under paragraph (2) of Article 5 of this Law who shall take oath before the Bailiff.

ARTICLE 8

**REMUNERATION AND TERMS OF APPOINTMENT OF
PRINCIPAL OFFICERS**

(1) The officers referred to in sub-paragraphs (a) to (e) of Article 1 of this Law shall receive such salaries and allowances and shall be entitled to such pensions or gratuities (if any) as may be fixed by the States.

(2) The officers referred to in sub-paragraphs (a) to (e) of Article 1 of this Law other than the Autorisé de la Partie Publique shall not, within or without the Island, occupy any other paid employment, or any public or parochial office, and the Autorisé de la Partie Publique shall not act in any manner likely to conflict with the duties of his office.

(3) Nothing in this Article shall prohibit the Attorney General or, in his absence, the Solicitor General, where he considers it in the public interest so to do, from advising or acting in any private cause

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or matter, and in such case his fees shall be paid into the General Revenues of the States.

ARTICLE 9

DELEGATION OF FUNCTIONS

(1) Notwithstanding anything in any enactment, the Deputy Bailiff, on the authority of the Bailiff, may discharge any function appertaining to the office of Bailiff.

(2) The Deputy Bailiff, in the discharge of any function which he is authorized by or under this Law to discharge, shall have the same precedence and prerogatives and shall be subject to the same duties and obligations as the Bailiff would have or be subject to if he were discharging that function.

(3) Notwithstanding anything in any enactment, the Solicitor General, on the authority of the Attorney General, may discharge any function appertaining to the office of Attorney General.

(4) The Solicitor General, in the discharge of any function which he is authorized by or under this Law to discharge, shall have the same precedence and prerogatives and shall be subject to the same duties and obligations as the Attorney General would have or be subject to if he were discharging that function.

(5) Notwithstanding anything in any enactment, the Deputy Viscount and any sworn member of the Viscount's Department, on the authority of the Viscount, may discharge any function appertaining to the office of Viscount :

Provided that the Viscount shall not authorize any member of his Department, other than the Deputy Viscount, to conduct an inquest.

(6) Notwithstanding anything in any enactment, the Deputy Judicial Greffier and any sworn member of the Judicial Greffe,

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on the authority of the Judicial Greffier, may discharge any function appertaining to the office of Judicial Greffier.

(7) Notwithstanding anything in any enactment, the Deputy Greffier of the States, on the authority of the Greffier of the States, may discharge any function appertaining to the office of Greffier of the States.

ARTICLE 10

PROVISIONS RELATING TO FUNCTIONS OF VISCOUNT

(1) The Viscount shall not be required to exercise any executive function except on instructions given to him in writing.

(2) Any record given by the Viscount, the Deputy Viscount or a Viscount Substitute to the effect that he has performed any particular function shall be received in evidence without further proof of the function or of the authority to perform it.

ARTICLE 11

**PROVISIONS RELATING TO FUNCTIONS OF JUDICIAL
GREFFIER**

(1) The Judicial Greffier, the Deputy Judicial Greffier or a Greffier Substitute shall attend at all sittings of the courts and judicial tribunals to record the acts and decisions of those courts and tribunals, to take down where necessary the depositions of witnesses and generally to carry out all the duties of clerk.

(2) All acts and decisions so recorded shall be authenticated by the signature or initials of the Judicial Greffier, the Deputy Judicial Greffier or the Greffier Substitute, as the case may be, and shall be entered in the appropriate register.

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ARTICLE 12

FEES AND EMOLUMENTS

All fees and emoluments leviable under any enactment or customary law in respect of any cause, matter or thing dealt with by any of the officers referred to in sub-paragraphs (a) to (e) of Article 1 of this Law shall be paid into the General Revenues of the States, and the States may make regulations prescribing the rates and scales of such fees and may by such regulations amend or repeal any enactment relative thereto.

ARTICLE 13

SAVING AS TO REGULATIONS

Any regulations made by the States under sub-paragraph (a) of Article 19 of the “ Loi (1931) constituant le Département du Greffe Judiciaire”¹ and in force at the time of the commencement of this Law shall continue in force and have effect as if they were rules of court made under Article 11 of the Royal Court (Jersey) Law, 1948,² and any such regulations may be varied or revoked accordingly.

ARTICLE 14

REPEAL AND SAVING

The following enactments are hereby repealed, namely –

- (a) the following provisions of the Code of Laws confirmed by Order of His Majesty in Council of the twenty-eighth day of March, 1771³ –
 - (i) the provisions under the title “ Greffiers ” , insofar as unrepealed ;

¹ Tome VII, page 117.

² Tome 1946–1948, page 586.

³ Code des Lois (2e, édition, pages 90, 284, 288, 290 et 291)

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- (ii) the “ Serment du Bailly et Lieutenant Bailly ”, the “ Serment du Procureur et Avocat du Roi ”, the “ Serment du Vicomte ” and the “ Serment du Greffier de la Cour Royale ” ;
- (b) the “ Loi (1930) constituant le Département du Vicomte ” ;⁴
- (c) the “ Loi (1930) constituant le Département des Officiers de la Couronne ” ;⁵
- (d) the “ Loi (1931) constituant le Département du Greffe Judiciaire ” ;⁶
- (e) the “ Loi (1931) constituant le Département du Greffe des Etats ” ;⁷
- (f) the “ Loi (1936) touchant la rétribution de la charge de Bailli ” ;⁸
- (g) the “ Loi (1936) (Amendement) sur le Département des Officiers de la Couronne ” ;⁹
- (h) the “ Loi amendant la Loi constituant le Département des Officiers de la Couronne, confirmée par Ordre de Sa Majesté en Conseil en date du 18 avril 1946 ” ;¹⁰
- (j) the Deputy Bailiff (Appointment and Functions) (Jersey) Law, 1958;¹¹

Provided that any person who was appointed to any office under any of the said enactments and who is holding office immediately before

⁴ Tome VII, page 67.

⁵ Tome VII, page 101.

⁶ Tome VII, page 109.

⁷ Tome VII, page 122.

⁸ Tome VII, page 496.

⁹ Tome VII, page 508.

¹⁰ Tome 1946–1948, page 5.

¹¹ Tome 1957–1960, page 303.

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the commencement of this Law shall be deemed to have been appointed to that office under this Law.

ARTICLE 15

SHORT TITLE

This Law may be cited as the Departments of the Judiciary and the Legislature (Jersey) Law, 1965.

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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 Lady Queen Elizabeth the Second in this Her Island of Jersey; that you will be faithful and bear true allegiance to 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 Lady Queen Elizabeth the Second in this Her Island of Jersey; that you will be faithful and bear true allegiance to 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

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You swear and promise before God that well and faithfully you will exercise the office of Viscount under our Sovereign Lady Queen Elizabeth the Second in this Her Island of Jersey; that you will be faithful and bear true allegiance to Her Majesty, her heirs and successors, according to law; and that you will uphold and maintain the laws and usages of this Island ; all of which you promise on your conscience.

**OATH OF OFFICE OF DEPUTY VISCOUNT OR VISCOUNT
SUBSTITUTE**

You swear and promise before God that well and faithfully you will exercise the office of Deputy Viscount (Viscount Substitute); that you will be faithful and bear true allegiance to 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 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 THE GREFFIER, DEPUTY GREFFIER OR
ACTING GREFFIER OF THE STATES**

You swear and promise before God that well and faithfully you will 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 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.

E.J.M. POTTER,

Deputy Greffier of the States.