



Jersey

**HEALTH AND SAFETY AT WORK
(APPEAL TRIBUNAL) (JERSEY)
REGULATIONS 1989**

Revised Edition

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Jersey

HEALTH AND SAFETY AT WORK (APPEAL TRIBUNAL) (JERSEY) REGULATIONS 1989

Arrangement

Regulation

1	Interpretation.....	5
2	Establishment of Appeal Tribunal	5
3	Term of office, resignation and revocation of appointment	6
4	Constitution of Tribunal.....	6
5	Secretary to the Tribunal.....	6
6	Salaries and expenses.....	7
7	Proof of decisions of the Tribunal	7
8	Citation.....	7

Supporting Documents

ENDNOTES	8
Table of Legislation History.....	8
Table of Endnote References	8



Jersey

HEALTH AND SAFETY AT WORK (APPEAL TRIBUNAL) (JERSEY) REGULATIONS 1989¹

THE STATES, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989,² have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

In these Regulations, unless the context otherwise requires –

“chairman” means the chairman of the Tribunal appointed under Regulation 2(2)(a);

“deputy chairman” means the deputy chairman of the Tribunal appointed under Regulation 2(2)(b);

“hearing” means a sitting of the Tribunal duly constituted for the purpose of receiving evidence, hearing addresses and witnesses or doing anything lawfully requisite to enable the Tribunal to reach a decision on an appeal;

“Law” means the Health and Safety at Work (Jersey) Law 1989;³

“secretary” means the secretary to the Tribunal appointed under Regulation 5;

“Tribunal” means the Appeal Tribunal established under Regulation 2.

2 Establishment of Appeal Tribunal

(1) There is established an appeal tribunal, to be known as the Health and Safety Appeal Tribunal, which shall hear and determine appeals under Articles 16 and 27 of the Law.

(2) The Tribunal shall consist of –

(a) a chairman who shall be an advocate or solicitor of the Royal Court of not less than 7 years standing;

(b) a deputy chairman who shall be an advocate or solicitor of the Royal Court of not less than 7 years standing; and

- (c) 2 other members,
appointed by the States.
- (3) The States may appoint one or more persons to supply a vacancy in the membership of the Tribunal or to act in the place of a member, other than the chairman or deputy chairman, who is unable to act.

3 Term of office, resignation and revocation of appointment

- (1) A member of the Tribunal shall vacate the member's office at the expiry of 3 years from the date of the member's appointment but shall be eligible for re-appointment.
- (2) A member of the Tribunal may resign the member's office by notice in writing to the Minister.
- (3) If the States are satisfied that a member of the Tribunal is, by reason of infirmity of body or mind or for any other reason, no longer capable of performing the duties of the member's office, the States may revoke the member's appointment.

4 Constitution of Tribunal

- (1) The Tribunal shall be properly constituted to hear and determine an appeal if there is present –
 - (a) the chairman, or deputy chairman and 2 other members;
 - (b) the chairman and deputy chairman and one other member; or,
 - (c) with the consent of the parties to an appeal, the chairman or deputy chairman and one other member.
- (2) The chairman or in the chairman's absence, the deputy chairman, shall preside at the hearing of an appeal.
- (3) If the hearing of an appeal has been commenced but not completed before the expiry of the term of office or the resignation of a member of the Tribunal takes effect, the States may authorize that member to continue as a member of the Tribunal for the purpose of completing the hearing of that appeal.
- (4) An appeal may be continued, notwithstanding any change in the membership of the Tribunal, as if the change had not occurred; and in particular evidence taken by the Tribunal need not be taken again on account of the change.

5 Secretary to the Tribunal

The Tribunal may appoint a secretary and such other officers as it thinks fit.

6 Salaries and expenses

There shall be paid such salaries and allowances to the secretary and any other officers of the Tribunal and such expenses of the Tribunal and its members as the Minister may determine.⁴

7 Proof of decisions of the Tribunal

The production in any proceedings in any court of a document purporting to be certified by the secretary as a copy of a decision of the Tribunal shall, unless the contrary is proved, be sufficient evidence of the document and the facts stated therein.

8 Citation

These Regulations may be cited as the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989	R&O.7974	1 November 1989
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	R&O.126/2005	9 December 2005

Table of Endnote References

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- ¹ *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 05.300*
- ³ *chapter 05.300*
- ⁴ *Regulation 6 amended by R&O.126/2005*