



Jersey

INTERPRETATION (JERSEY) LAW 1954

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INTERPRETATION (JERSEY) LAW 1954

Arrangement

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Jersey

INTERPRETATION (JERSEY) LAW 1954

A LAW for promoting brevity and uniformity in enactments

Commencement [[see endnotes](#)]

1 Definitions with regard to enactments

- (1) In this Law and in every other enactment (as hereby defined) whether passed before or after the commencement of this Law, the expression “enactment”, unless a contrary intention appears, shall mean any provision of any Law passed by the States and confirmed by Her Majesty in Council and any provision of any regulations, Order, rules, bye-laws, scheme or other instrument passed or made in Jersey under the authority of any Order in Council or under any such Law as aforesaid.
- (2) For the purposes of this Law and of every other enactment, whether passed before or after the commencement of this Law, unless a contrary intention appears, a Law shall not be deemed to have been passed until it has been confirmed by Her Majesty in Council and registered by the Royal Court.
- (3) In this Law and in every other enactment, whether passed before or after the commencement of this Law, references to the passing or repeal of an enactment shall be construed, where appropriate, as references to the making or rescission of that enactment.
- (4) In this Law and in every other enactment, whether passed before or after the commencement of this Law, the expression “commencement”, when used with reference to an enactment, shall mean the time at which the enactment comes into operation.
- (5) Where an enactment is expressed or construed as being expressed to come into operation on a particular day, it shall be construed as coming into operation immediately on the expiration of the previous day.¹
- (6) Where an enactment, whenever passed or made, is expressed to come into operation forthwith or is silent as to the time at which it is to come into

operation, the enactment shall be construed as being expressed to come into operation on the day on which it was passed or made.²

- (7) Where the time at which an enactment, whenever passed or made, is to come into operation is expressed or calculated by reference to its promulgation, and the date of promulgation is unknown, that date shall be deemed to be the day the enactment was passed or made.³

2 Rules as to gender, number and grammatical variations of words defined

In this Law and in every other enactment, whether passed before or after the commencement of this Law, unless the contrary intention appears –

- (a) words importing the masculine gender shall include females;
- (b) words in the singular shall include the plural and words in the plural shall include the singular; and
- (c) grammatical variations of words to which definitions are assigned shall be construed in accordance with the definitions.

3 Application of penal enactments to bodies corporate

In the construction of every enactment relating to a punishable offence, whether passed before or after the commencement of this Law, the expression “person” shall, unless the contrary intention appears, include a body corporate:

Provided that nothing in this Article shall render any body corporate liable, in respect of any act or omission occurring before the date of the commencement of this Law, to any criminal proceedings to which that body corporate would not have been liable before that date.

4 Definitions⁴

- (1) The definitions in Part 1 of the Schedule shall, unless the contrary intention appears, apply to every enactment, whenever passed or made.
- (2) Part 2 of the Schedule shall have effect only as an index of definitions in other enactments which are of extended application.

5 Commonly used names⁵

In an enactment, unless the context otherwise requires, the name commonly applied to a country, place, body, administration, corporation, society, officer, functionary, person, party or thing shall mean the country, place, body, administration, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, whether or not the name is the formal or unabbreviated designation thereof.

6 Effect of repeal

- (1) Where an enactment, whether passed before or after the commencement of this Law, repeals a repealing enactment, it shall not be construed as

reviving any enactment previously repealed, unless words are added reviving that enactment.

- (2) Where an enactment, whether passed before or after the commencement of this Law, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed provisions shall remain in force until the substituted provisions come into operation.
- (3) Where an enactment which has been amended by any other enactment is repealed, such repeal shall, unless the contrary intention appears, include the repeal of all those provisions of other enactments by which the first-mentioned enactment was amended.⁶

7 Meaning of service by post

Where an enactment, whether passed before or after the commencement of this Law, authorizes or requires any document to be served by post, whether the expression “serve”, “give” or “send”, or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

8 Meaning of bankruptcy

In every enactment, whether passed before or after the commencement of this Law, references to a person becoming bankrupt shall, unless the contrary intention appears, be construed as references to either –

- (a) the grant by the Royal Court of an application made by that person to place the person’s property under the control of the Court (*de remettre ses biens entre les mains de la Justice*);
- (b) the declaring of the property of that person to be *en désastre*;
- (c) the grant by the Royal Court of an application made by that person to make a general cession of the person’s property (*de faire cession générale de tous ses biens-meubles et héritages*);
- (d) a decision of the Royal Court adjudging the property of that person to be renounced (*adjudée renoncée*); or
- (e) in the case of a company, the winding up of the company by means of a creditors’ winding up pursuant to the Companies (Jersey) Law 1991,⁷

and references to bankruptcy shall be construed accordingly.⁸

9 Construction of references to enactments⁹

- (1) A reference in a Law to a Part, Article or Schedule by number only and without further identification is a reference to the Part, Article or Schedule of that number in that Law.

- (2) A reference in an Article or other division of a Law to a paragraph, sub-paragraph, clause or sub-clause by number or letter only and without further identification is a reference to the paragraph, sub-paragraph, clause or sub-clause of that number or letter in the Article or other division of that Law.
- (3) Unless the context otherwise requires, a reference in a Law to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another enactment, including another provision of that Law.
- (4) This Article shall apply, with the necessary changes, to a subordinate enactment as it applies to a Law.
- (5) This Article shall apply to all enactments, including this Law, whenever passed or made.
- (6) In this Article, “subordinate enactment” means an enactment passed or made under a Law or under the authority of an Order in Council.

10 Construction of subordinate enactments

Where any enactment, whether passed before or after the commencement of this Law, confers power to pass any other enactment, expressions used in that other enactment if it is passed after the commencement of this Law, shall, unless the contrary intention appears, have the same respective meanings as in the enactment conferring the power.

11 Construction of provisions as to exercise of powers and duties

- (1) Where an enactment, whether passed before or after the commencement of this Law, confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.
- (2) Where an enactment, whether passed before or after the commencement of this Law, confers a power or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office, or, in case of his or her absence or incapacity, by the person for the time being performing the duty of that office.
- (3) Where an enactment, whether passed before or after the commencement of this Law, confers a power to pass any other enactment, the power shall, unless the contrary intention appears, be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to repeal, rescind, amend or vary that other enactment.
- (4) Where an enactment passed after 28th March 2003 confers a power to make any other enactment, the power may, unless the contrary intention appears, be exercised –
 - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and

- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the enactment,
 - (iii) any such provision either unconditionally or subject to any specified condition.¹⁰

12 Offences under 2 or more enactments, etc.

Where an act or omission constitutes an offence under 2 or more enactments, or both under an enactment and under the customary law of Jersey, whether any such enactment was passed before or after the commencement of this Law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those enactments or under the customary law, but shall not be liable to be punished twice for the same offence.

13 Construction of penalties for offences¹¹

- (1) Where, in an enactment, a penalty is specified in respect of an offence, unless the contrary intention appears, the offence shall be punishable by a penalty not exceeding the penalty specified.
- (2) Where a penalty for an offence is a fine and the amount of the fine or a level on the standard scale is not specified, the fine shall be construed as a fine of an unlimited amount.
- (3) Where, in an enactment, more than one penalty is specified for an offence, the use of the word “and” shall, unless the contrary intention appears, mean that the penalties may be imposed alternatively or cumulatively.
- (4) This Article shall apply to all enactments, whenever passed or made.

14 Deviation in forms¹²

Where a form is prescribed or specified by an enactment, deviations from that form not materially affecting the substance nor likely to mislead shall not invalidate the form used.

15 Measurement of distance

In the measurement of any distance for the purposes of any enactment, whether passed before or after the commencement of this Law, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

16 Exercise of statutory powers before commencement of enactment

- (1) Where any Law passed after the commencement of this Law is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to pass any enactment, to give notices, to prescribe forms or to do any other thing for the purposes of the Law, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Law, so far as may be necessary or expedient for the purpose of bringing the Law into operation at the date of commencement, subject to the restriction that any enactment passed under the power shall not, unless the contrary intention appears in the Law, or the contrary is necessary for bringing the Law into operation, come into operation until the Law comes into operation.
- (2) This Article shall apply in relation to Regulations passed by the States in like manner as it applies in relation to a Law.

17 Effect of repeal and re-enactment, and expiry

- (1) Where any enactment, whether passed before or after the commencement of this Law, repeals and re-enacts, with or without modification, any provisions of a former enactment, references in any other enactment to the provisions so repealed shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.
- (2) Where any enactment, whether passed before or after the commencement of this Law, repeals any other enactment, then, unless the contrary intention appears, the repeal shall not –
 - (a) revive anything not in force or not existing at the time at which the repeal takes effect;
 - (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed;
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed;
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
 - (e) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing enactment had not been passed.
- (3) The provisions of paragraph (2) shall apply in relation to an enactment which has expired in like manner as they apply in relation to an enactment which has been repealed.

18 Citation

This Law may be cited as the Interpretation (Jersey) Law 1954.

SCHEDULE¹³

(Article 4)

PART 1

(Article 4(1))

DEFINED EXPRESSIONS

The definitions referred to in Article 4(1) are –

“act” includes omission;

“affidavit” shall, in the case of a person for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration;

“amend” shall include “add to”, “substitute”, “vary”, “repeal” and “revoke”;

“advocate” shall mean a person admitted to the Bar as an advocate of the Royal Court;

“Bailiwick” shall mean the Island of Jersey and its dependencies;

“British Islands” shall mean the United Kingdom, the Channel Islands and the Isle of Man;

“consular officer” shall include consul-general, consul, vice-consul, consular agent, and any person for the time being authorized to discharge the duties of consul-general, consul or vice-consul;

“contravene”, in relation to any requirement or condition prescribed in an enactment or in a grant, permit, lease, licence or other authority under an enactment, includes a failure to comply with that requirement or condition;

“dentist” shall mean a person registered as a dentist under the Dentists (Registration) (Jersey) Law 1961;¹⁴

“doctor” shall mean a person registered as a medical practitioner under the Medical Practitioners (Registration) (Jersey) Law 1960;¹⁵

“Island” shall mean the Island of Jersey and its dependencies;

“Jersey” shall mean the Island of Jersey and its dependencies;

“land” shall include houses and other buildings;

“Magistrate” shall mean the Juge d’Instruction appointed in pursuance of the Loi (1864) concernant la charge de Juge d’Instruction¹⁶ and includes any person exercising the functions of the Juge d’Instruction;

“midnight”, in relation to a day, shall mean the last moment of that day;

“misdemeanour” shall mean a *délit*;

“month” shall mean a calendar month;

“oath” shall, in the case of a person for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration;

“person” shall include any body of persons corporate or unincorporated;

“Petty Debts Court” shall mean the Court known as the *Cour pour le Recouvrement de Menues Dettes* constituted in pursuance of the Loi (1891) sur la Cour pour le recouvrement de menues dettes,¹⁷ confirmed by Order of Her Majesty in Council of 9th May 1891;

“pharmacist” shall mean a person registered as a pharmacist under the Pharmacy and Poisons (Jersey) Law 1952;¹⁸

“police officer” shall mean a member of the Honorary Police or a member of the States of Jersey Police Force;

“pound”, in relation to money, shall mean pound sterling;

“registered contract” shall mean a contract registered in the Public Registry of Contracts;

“solicitor” shall mean an *écrivain* of the Royal Court;

“swear” shall, in the case of a person for the time being allowed by law to affirm or declare instead of swearing, include affirm and declare;

“under”, in relation to an enactment, shall include “by”, “in accordance with”, “pursuant to” and “by virtue of”;

“veterinary surgeon” means a person whose name is for the time being entered, in accordance with Article 6 of the Veterinary Surgeons (Jersey) Law 1999,¹⁹ on the list of recognized veterinary surgeons maintained under that Article;

“will” shall include codicil;

“word” shall include a letter, numeral or other symbol;

“writing” and expressions referring to writing shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form;

“Youth Court” shall mean the court established by Article 11 of the Criminal Justice (Young Offenders) (Jersey) Law 1994.²⁰

PART 2

(Article 4(2))

INDEX OF DEFINITIONS IN OTHER ENACTMENTS

Expression defined	Enactment
A reference, however worded, to the territorial sea adjacent to Jersey.	Article 2 of the Territorial Sea (Consequential Provisions) (Jersey) Law 1994. ²¹
“Full age”, “the age of majority”, “the age of legal capacity”, “infant”, “minor” and similar expressions (including such expressions rendered in the French language).	Article 2 of the Age of Majority (Jersey) Law 1999. ²²
“Magistrate’s Court” and “Police Court”.	Article 3 of the Police Court (Change of Name) (Jersey) Law 1996. ²³
A reference to a level on the standard scale or to a niveau du tarif uniforme.	Article 2 of the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993. ²⁴

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Interpretation (Jersey) Law 1954	L.17/1954	21 August 1954
Bankruptcy (Désastre) (Jersey) Law 1990	L.8/1990	2 April 1991 (R&O.8175)
Companies (Jersey) Law 1991	L.30/1991	30 March 1992 and 2 November 1992 (R&O.8308, R&O.8467)
Police Court (Change of Name) (Jersey) Law 1996	L.38/1996	1 April 1997 (R&O.9065)
Interpretation (Amendment) (Jersey) Law 2003	L.16/2003	28 March 2003

Table of Renumbered Provisions

Original	Current
4A	5
5	6
6	repealed by L.16/2003
7	repealed by L.16/2003; former Article amended by L.38/1996
8	repealed by L.16/2003
9	repealed by L.16/2003
10	repealed by L.16/2003
11	repealed by L.16/2003
12	7
13	8
(e)	repealed by L.8/1990
(f)	(e)
13A	9
14	10
15	11
16	12
16A	13
16B	14
17	15
18	16
19	17
20	18

Table of Endnote References

¹ Article 1(5)	<i>amended by L.16/2003</i>
² Article 1(6)	<i>inserted by L.16/2003</i>
³ Article 1(7)	<i>inserted by L.16/2003</i>
⁴ Article 4	<i>substituted by L.16/2003</i>
⁵ Article 5	<i>inserted by L.16/2003</i>
⁶ Article 6(3)	<i>inserted by L.16/2003</i>
⁷	<i>chapter 13.125</i>
⁸ Article 8	<i>amended by L.8/1990, L.30/1991</i>
⁹ Article 9	<i>inserted by L.16/2003</i>
¹⁰ Article 11(4)	<i>inserted by L.16/2003</i>
¹¹ Article 13	<i>inserted by L.16/2003</i>
¹² Article 14	<i>inserted by L.16/2003</i>
¹³ Schedule	<i>inserted by L.16/2003</i>
¹⁴	<i>chapter 20.100</i>
¹⁵	<i>chapter 20.600</i>
¹⁶	<i>chapter 07.525</i>
¹⁷	<i>chapter 07.210</i>
¹⁸	<i>chapter 20.775</i>
¹⁹	<i>chapter 02.900</i>
²⁰	<i>chapter 08.380</i>
²¹	<i>chapter 15.840</i>
²²	<i>chapter 12.150</i>
²³	<i>L.38/1996</i>
²⁴	<i>chapter 08.360</i>