



Jersey

# **ADMINISTRATIVE DECISIONS (REVIEW) (JERSEY) LAW 1982**

**Revised Edition**

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This is a revised edition of the law





Jersey

## **ADMINISTRATIVE DECISIONS (REVIEW) (JERSEY) LAW 1982<sup>1</sup>**

**A LAW** to make provision for the review of administrative decisions and for connected purposes

Commencement [[see endnotes](#)]

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**1**

In this Law –

“Board” means a Board of Administrative Appeal constituted in accordance with this Law;

“Greffier” means the Greffier of the States or the Deputy Greffier of the States.

**2**

Where any person (referred to in this Law as the “complainant”) is aggrieved by any decision made, or any act done or omitted, relating to any matter of administration by any Minister or Department of the States or by any person acting on behalf of any such Minister or Department, the person may apply to the Greffier to have the matter reviewed by a Board.

**3**

On receipt of any such application the Greffier shall enquire into the facts of the matter and, if satisfied as a result of the enquiries, and after consultation with the Chairman or, in the Chairman’s absence, one of the Deputy Chairmen, of the Administrative Appeals Panel, that the circumstances justify a review of the matter by a Board, the Greffier shall refer the matter to a Board which the Chairman or, in the Chairman’s absence, one of the Deputy Chairmen of the Administrative Appeals Panel, in consultation with the Greffier, shall constitute for that purpose:

Provided that –

- (a) where the matter complained of relates to any matter of administration by the States' Greffe or by any person acting on behalf of the States' Greffe; or
  - (b) the complainant is a member of the staff of the States' Greffe,
- the Greffier shall without enquiring into the facts of the matter for the purposes of this Article forthwith refer the matter to the Chairman or Deputy Chairman for such action as the Chairman or Deputy Chairman might consider necessary.<sup>2</sup>

#### 4

The Greffier shall not refer any complaint to a Board if in the Greffier's opinion –

- (a) the matter complained of is not within the jurisdiction of a Board;
- (b) the matter complained of relates to a decision, act or omission of which the complainant has had knowledge for more than 12 months unless the Greffier is satisfied that there are special circumstances which make it proper to do so;
- (c) the subject matter of the complaint is trivial;
- (d) the complaint is frivolous, vexatious or is not made in good faith;
- (e) the complainant has not a sufficient personal interest in the subject matter of the complaint.<sup>3</sup>

#### 5<sup>4</sup>

- (1) Boards shall be constituted from an Administrative Appeals Panel (referred to in this Law as the "Panel") of persons appointed by the States in manner hereinafter provided.
- (2) The States may from time to time by Act –
  - (a) from among persons suitably qualified by profession or experience appoint a Chairman and 2 suitably qualified Deputy Chairmen of the Panel; and
  - (b) appoint a sufficient number of persons to constitute the Panel,to hold office during such period and on such terms and conditions as the States may so direct, and any person so appointed shall be eligible for re-appointment on the expiry of the person's term of office.

#### 6<sup>5</sup>

The Board shall be composed of 3 persons selected from the Panel, one of whom shall be the Chairman or one of the Deputy Chairmen.

**7**

A Board shall, with the least possible delay, enquire into any complaint referred to it and for this purpose shall regulate its own procedure.

**8**

For the purposes of this Law a Board and the Greffier shall have power to call for documents from any Minister, Department or officer, or employee, in an administration of the States for which a Minister is assigned responsibility, and to hear any person in connection with any complaint.

**9**

- (1) After completing its enquiry, a Board shall report its findings in writing to the complainant and to the Minister, Department or person concerned.
- (2) Where a Board after making enquiry as aforesaid is of opinion that the decision, act or omission which was the subject matter of the complaint –
  - (a) was contrary to law;
  - (b) was unjust, oppressive or improperly discriminatory, or was in accordance with a provision of any enactment or practice which is or might be unjust, oppressive or improperly discriminatory;
  - (c) was based wholly or partly on a mistake of law or fact;
  - (d) could not have been made by a reasonable body of persons after proper consideration of all the facts; or
  - (e) was contrary to the generally accepted principles of natural justice,the Board, in reporting its findings thereon to the Minister, Department or person concerned, shall request that Minister, Department or person to reconsider the matter.
- (3) Where a Board requests reconsideration of any matter, it shall also request the Minister, Department or person concerned to inform it within a specified time of the steps which have been taken to reconsider the matter and the result of that reconsideration.
- (4) Where a Board, having requested reconsideration by the Minister, Department or person concerned, is of the opinion that the findings of the Board have been insufficiently considered or implemented, it may present a report of the matter to the Privileges and Procedures Committee which shall refer the matter to the States.<sup>6</sup>

**10**

- (1) The Panel shall, every 12 months, report to the Privileges and Procedures Committee on the complaints received, the findings of any Board in relation thereto and any steps taken on a reconsideration of any matter and the Privileges and Procedures Committee shall present the report to the States.<sup>7</sup>

- (2) The Privileges and Procedures Committee may examine the Panel on the contents of the Panel's annual report and may present to the States the Committee's own comments on the report.<sup>8</sup>

**11**

The provisions of this Law shall be in addition to, and not in derogation of, any other remedy which may be available to a complainant.

**12**    '**13**

This Law may be cited as the Administrative Decisions (Review) (Jersey) Law 1982.

## ENDNOTES

### Table of Legislation History

Legislation	Year and Number	Commencement
Administrative Decisions (Review) (Jersey) Law 1982	L.11/1982	1 January 1983 (R&O.7126)
Administrative Decisions (Review) (Panel of Members) (Jersey) Act 1992	R&O.8346	4 March 1992
Administrative Decisions (Review) (Panel of Members) (No. 2) (Jersey) Act 1994	R&O.8757	26 November 1994
Administrative Decisions (Review) (Amendment) (Jersey) Law 1995	L.35/1995	1 January 1997 (R&O.9018)
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	R&O.126/2005	9 December 2005
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	R&O.133/2005	9 December 2005

### Table of Renumbered Provisions

Original	Current
13	spent, omitted from this revised edition
14	13
SCHEDULE	repealed by L.35/1995; amended by R&O. 8346, R&O.8757

### Table of Endnote References

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- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 12) (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*
- <sup>2</sup> Article 3 *amended by L.35/1995*
- <sup>3</sup> Article 4 *amended by L.35/1995*
- <sup>4</sup> Article 5 *substituted by L.35/1995*
- <sup>5</sup> Article 6 *substituted by L.35/1995*
- <sup>6</sup> Article 9(4) *amended by L.35/1995*
- <sup>7</sup> Article 10(1) *amended by L.35/1995*
- <sup>8</sup> Article 10(2) *inserted by L.35/1995*

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<sup>9</sup> *Article 12*                      *repealed by R&O.126/2005; former Article amended by L.35/1995*