



Jersey

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

**Revised Edition**

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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<sup>2</sup>

In this Law –

“Board” means a States of Jersey Complaints Board constituted in accordance with Article 6;

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

“Panel” means the States of Jersey Complaints Panel constituted in accordance with Article 5.

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<sup>3</sup>

- (1) On receipt of any such application the Greffier shall, with the least possible delay, enquire into the facts of the matter and then present to the Chairman (or one of the Deputy Chairmen) of the Panel a report on that enquiry.
- (2) The Chairman (or Deputy Chairman) shall, on the basis of that report (or, in the case of a matter referred under paragraph (6), on the basis of that reference) and of any other information he or she may have or obtain, decide whether the circumstances justify a review of the matter by a Board.

- (3) If the Chairman (or Deputy Chairman) decides that a review of the matter by a Board is justified, he or she may nevertheless first attempt informal resolution of the matter and in that case may use whatever means that he or she considers reasonable in the circumstances to achieve such a resolution.
- (4) If the Chairman (or Deputy Chairman) decides that a review of the matter is justified and that informal resolution of the matter is not appropriate or has failed (or proved not to be satisfactory), the Greffier shall cause to be constituted a Board, and the Chairman (or Deputy Chairman) shall refer the complaint to the Board so constituted.
- (5) If the Chairman (or Deputy Chairman) decides that a review of the matter is not justified, he or she shall set out in writing the reasons for that decision and the Greffier shall then forward to the applicant notice of the decision and include in that notice those reasons as so set out.
- (5A) An applicant may, within one month of receiving notice of a decision described in paragraph (5), apply to the Greffier to have the decision reviewed.
- (5B) The Greffier shall inform the Chairman and Deputy Chairmen of an application under paragraph (5A) and –
  - (a) where the decision to be reviewed was taken by the Chairman, the review of it shall be undertaken by both Deputy Chairmen;
  - (b) where the decision to be reviewed was taken by a Deputy Chairman, the review of it shall be undertaken by the other Deputy Chairman and the Chairman.
- (5C) If the persons undertaking a review of a decision described in paragraph (5) do not uphold that decision, paragraphs (3) and (4) shall apply, with the necessary modifications, as if they had decided that the matter justified a review.
- (6) Notwithstanding paragraph (1) if –
  - (a) 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 an officer 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 one of the Deputy Chairmen) of the Panel for such action as the Chairman or Deputy Chairman might consider necessary.

#### 4

The Chairman (or a Deputy Chairman) of the Panel shall not decide that any circumstances justify a review of any matter by a Board if in his or her 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

Chairman (or Deputy Chairman) 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>4</sup>

**5<sup>5</sup>**

- (1)<sup>6</sup>
- (2) The Privileges and Procedures Committee may –
  - (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 Committee may so direct, and any person so appointed shall be eligible for re-appointment on the expiry of the person's term of office.<sup>7</sup>
- (2A) Article 2 of the States of Jersey (Appointment Procedures) (Jersey) Law 2018<sup>8</sup> shall apply to the appointment of the Chairman, Deputy Chairmen and other members of the Panel.<sup>9</sup>
- (3) The Panel shall issue rules of practice and procedure which shall apply in matters arising under this Law.<sup>10</sup>
- (4) The Greffier shall ensure that all parties to a complaint are made aware of the rules issued under paragraph (3).<sup>11</sup>

**6<sup>12</sup>**

- (1) A States of Jersey Complaints Board shall be constituted from the States of Jersey Complaints Panel.
- (2) A Board shall be composed of 3 persons selected from the Panel by the Chairman of the Panel, and one of those persons shall be the Chairman of the Panel or one of the Deputy Chairmen of the Panel.

**6A<sup>13</sup>**

- (1) Notwithstanding Articles 3, 4 and 6, a person shall not decide whether a review of a matter is justified, review such a decision or select persons to comprise a Board to review a matter or, as a member of a Board, undertake such a review, if he or she is the complainant in respect of the matter or is otherwise connected with, or was involved in, the matter.
- (2) Where, by virtue of paragraph (1), the Chairman cannot do any thing under this Law that he or she could otherwise do and neither of the Deputy Chairmen can act in his or her place, the Greffier shall appoint a member of the Panel to so act.

- (3) Where, by virtue of paragraph (1), a Deputy Chairman cannot do any thing under this Law that he or she could otherwise do and neither the Chairman nor the other Deputy Chairman can act in his or her place, the Greffier shall appoint a member of the Panel to so act.

## 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 require any document or information to be provided within one month (or such longer time as the Board, or the Greffier, respectively may allow) by 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.<sup>14</sup>

## 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 and present a copy of its report to the Privileges and Procedures Committee.<sup>15</sup>
- (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) The Board shall provide the Privileges and Procedures Committee and the complainant with a copy of the information given under paragraph (3).<sup>16</sup>
- (5) The complainant may, within one month of the information being provided, request the Board to consider reconvening.<sup>17</sup>
- (6) The Board may reconvene, of its own motion or following a request under paragraph (5) if, in its opinion, the information provided under

paragraph (3) and, where a request has been made, any representations made with it, justify further consideration.<sup>18</sup>

- (7) On reconvening, the Board may exercise the powers in Article 8.<sup>19</sup>
- (8) In any case where a Board requested reconsideration of any matter, the Board may, if it considers that its findings have been insufficiently considered or implemented, present a report to that effect to the Privileges and Procedures Committee.<sup>20</sup>
- (9) The Privileges and Procedures Committee shall present to the States a copy of any information or report that it receives under this Article.<sup>21</sup>

#### **10<sup>22</sup>**

- (1) The Panel shall present in every year a report to the Privileges and Procedures Committee on the following –
  - (a) the complaints received under this Law;
  - (b) the results of any attempt at informal resolution of the subject matter of such a complaint;
  - (c) a summary of the findings of any Board;
  - (d) the steps taken by the relevant Minister, Department or person when a Board has requested a reconsideration of the matter of such a complaint.
- (2) The Privileges and Procedures Committee shall present a copy of the report to the States.
- (3) The Privileges and Procedures Committee may examine the Panel on the contents of the Panel's report and may present to the States the Committee's own comments on the report.

#### **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** <sup>23</sup>

#### **13**

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

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>	<b>◦Projet No (where applicable)</b>
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	P.203/2005
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	R&O.133/2005	9 December 2005	P.217/2005
Administrative Decisions (Review) (Amendment No. 2) (Jersey) Law 2006	L.16/2006	1 December 2006 (R&O.129/2006)	P.195/2005
States of Jersey (Appointment Procedures) (Jersey) Law 2018	L.13/2018	11 May 2018	P.97/2017 (re-issue)

◦Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>
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
- L.16/2006 contains the following provision -
- “11 Savings and transitional**
- (1) An application made under[ the Law] as in force on [30th November 2006], and not, at that day, referred by the Greffier to a Board of Administrative Appeal, shall be taken to have been made under[ the Law] as amended by [L.16/2006] and shall be dealt with accordingly.
- (2) A Board of Administrative Appeal constituted under[ the Law] before [1st December 2006] and that, at that day, is still in existence and has not made its decision on any matter already referred to it may continue to deal with that matter and make its decision on that matter in accordance with[ the Law] as in force immediately before that day.
- (3) However, for the purposes of Articles 9 and 10 of [the Law] as amended or replaced by [L.16/2006], the decision shall be taken to be a decision of a Board under [the Law as so amended].
- (4) The Administrative Appeals Panel, if appointed under[ the Law] before [1st December 2006] and still in existence on that day, shall be taken on and from that day to be the States of Jersey Complaints Panel appointed under[ the Law as amended by L.16/2006].”
- <sup>2</sup> Article 1 substituted by L.16/2006
- <sup>3</sup> Article 3 substituted by L.16/2006
- <sup>4</sup> Article 4 amended by L.35/1995, L.16/2006
- <sup>5</sup> Article 5 substituted by L.35/1995
- <sup>6</sup> Article 5(1) deleted by L.16/2006
- <sup>7</sup> Article 5(2) amended by L.13/2018
- <sup>8</sup> L.13/2018
- <sup>9</sup> Article 5(2A) inserted by L.13/2018
- <sup>10</sup> Article 5(3) added by L.16/2006
- <sup>11</sup> Article 5(4) added by L.16/2006
- <sup>12</sup> Article 6 substituted by L.16/2006; former Article substituted by L.35/1995
- <sup>13</sup> Article 6A inserted by L.16/2006
- <sup>14</sup> Article 8 amended by L.16/2006
- <sup>15</sup> Article 9(1) amended by L.16/2006
- <sup>16</sup> Article 9(4) substituted by L.16/2006; former paragraph amended by L.35/1995
- <sup>17</sup> Article 9(5) added by L.16/2006
- <sup>18</sup> Article 9(6) added by L.16/2006
- <sup>19</sup> Article 9(7) added by L.16/2006
- <sup>20</sup> Article 9(8) added by L.16/2006
- <sup>21</sup> Article 9(9) added by L.16/2006
- <sup>22</sup> Article 10 substituted by L.16/2006; former Article amended by L.35/1995
- <sup>23</sup> Article 12 repealed by R&O.126/2005; former Article amended by L.35/1995