



JERSEY LAW COMMISSION

CHAIR OF THE JERSEY LAW COMMISSION

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Introduction

COULD YOU HELP SIMPLIFY AND MODERNISE THE LEGISLATION?

We are looking to appoint a new Chair of the Jersey Law Commission.

As the Chair of the Commission, you will work alongside your fellow commissioners who as legal experts review aspects of Jersey's laws with a view to advising the Legislation Advisory Panel on simplifying, repealing, and modernising legislation.

We are looking for an individual with a keen interest in modernising and simplifying legislation, who has experience in consulting with various stakeholders and communicating complex issues in an accessible way.

Further information on the role, the Commission, the Legislation Advisory Panel, and how to apply can be found below.

Background to the Jersey Law Commission

The Jersey Law Commission ("the Commission") was established by an Act of the States in June 1996.¹

The Commission's role is to:

"[...] identify aspects of Jersey law which it considers should be examined with a view to their development and reform, including in particular the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law [...]"

Additionally, the role of the Commission is to prepare and submit to the Legislation Advisory Panel ("the LAP") for their approval programmes for the examination of legislation with a view to reform.

The Commission is required to prepare and present an annual report to the States, via the LAP and the Chief Minister of Jersey.

Background to the Legislation Advisory Panel

The LAP is the successor of the Legislation Committee from the Committee System of Government in Jersey. On adopting P.70/2002², the States agreed that LAP should be established as an Advisory Panel to the Chief Minister.

The membership of the LAP is comprised of both Executive and Non-executive Members of the States:

- [Deputy Sir Philip Bailhache](#), Chair
- [Deputy David Johnson](#), Vice-Chair
- [Deputy Rose Binet](#), Member
- [Deputy Barbara Ward](#), Member
- [Deputy Catherine Curtis](#), Member

¹ See 'Jersey Law Commission: Establishment', lodged by the Legislation Committee, June 1996, States Assembly. [A reproduced version of the Proposition is [appended](#).]

² 'Machinery of Government: Proposed Departmental Structure and Transitional Arrangements', lodged by the Privileges and Procedures Committee, 30 April 2022, States Assembly ([link](#)).

The LAP receives topics and annual reports produced by the commission and prepares drafting instructions for the legislative drafter. The LAP also considers other matters at the request of the Chief Minister or of its own motions.

The terms of reference for the current LAP can be [found here](#).

Appointments to the Commission

The Chief Minister appoints to the Commission and has previously done so through Ministerial Decisions and reports presented to the States.

In 2024, the Chief Minister, States Employment Board, and the LAP agreed that appointments to the Commission should be made in line with current practice, as dictated by the Jersey Appointments Commission's ("JAC") guidelines,³ and pursuant to Articles 15 and 16 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) and the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#).

The new Chair of the Commission will be the first individual to be appointed in line with the new process: be appointed for 3-year terms, up to a maximum of 9 years and through a recruitment process, in line with JAC guidance. Going forward, current and future Commissioners will also be subject to this process, unless deemed otherwise.

Composition of the Commission

The Commission is comprised of a Chair and Commissioners appointed by the Chief Minister. The current composition of the Commission is:

Member	Appointment Date
Claire De Than	19 January 2016
Barbara Corbett	19 January 2016
Elina Steinerte	25 July 2019
Timothy Hart	25 July 2019
Steven Pallot	3 February 2021
Emma German	3 February 2021
Andrew Le Sueur	3 February 2021

³ See 'Guidelines for the recruitment of senior States employees, appointees and independent bodies', published by the Jersey Appointments Commission ([link](#)).

Person Specification

We are looking for a dynamic individual who will, in consultation with the LAP, invigorate the role the Commission plays in the Island, considering new ways to involve Islanders and legal professionals in its consultations, and who can demonstrate the clear value Law Commissions play in the legal sphere.

The Chair of the Commission is expected to uphold [the seven principles of public life](#).

Eligibility

Appointments are open to those who hold a legal qualification in Jersey or elsewhere.

Essential Experience

- Experience of chairing a board in the public or private sector at Director level.
- Proven record of exercising sound judgment.
- Experience as an Advocate or Solicitor, or an Academic in the field of law.
- Prior knowledge of the key elements of a law commission, either in Jersey or elsewhere.
- Strong leadership skills, in either an executive or non-executive capacity.
- Commitment to high quality, effective and accountable public services.
- Strong understanding of ethical conduct independence and confidentiality.
- Experience of providing constructive challenge alongside support.
- Proven record of collaborative working and effective influencing.
- Experience of coordinating professionals.
- Understanding of working in a small jurisdiction.

Desirable Experience

- A financial qualification and/or experience producing annual reports/accounts.
- A good understanding of the operation of government and/or public, including parochial, bodies.
- Maintaining good governance and records of meetings of the Commission.

Appointment Process

A selection panel will assess applications at shortlisting and interview. The process will be overseen by a Commissioner from the Jersey Appointments Commission. Appointments run for a three-year term basis with potential for renewal, provided the maximum term does not exceed a total of nine years.

Budget

The Commission does not directly hold funding for its work. Where funding is required, this is pre-approved by the LAP and paid for by the Government of Jersey.

Remuneration

The roles of Chair and Commissioner are unremunerated roles.

Time Commitment

At a minimum, the Commission is expected to meet quarterly. The Chair and/or Commissioners will meet with the LAP to report on topic reports, annual reports, etc.

The Commission can meet in person or virtually as deemed necessary by the Chair.

Further Information

For an informal discussion about the role, please contact Benjamin Markwell-Sales, b.markwell-sales@gov.je.

How to Apply

To apply, please send your CV and supporting statement to resourcing@gov.je, by the 24th November 2024.

Appendix: Jersey Law Commission: Establishment (P.102/1996) [Reproduced]

Proposition

THE STATES are asked to decide whether they are of opinion –

(a) to approve the establishment of a Jersey Law Commission as outlined in the report of the Legislation Committee, dated 20th May 1996;

(b) to appoint the following persons to act as Chairman and members of the Law Commission –

- Advocate Keith Sherwood Baker, Chairman
- Jurat Donald Edward Le Boutillier, Member
- Mr. David Lyons, Member

(c) to authorise the Finance and Economics Committee to make the necessary financial resources available.

NOTE: The Finance and Economics Committee supports this proposition, but is aware that the request for additional funding for this project has been put forward to the Revenue Decision Conference, the outcome of which is, as yet, unknown; although it is recognised that the outcome is likely to be known by the time this matter is considered by the States.

The Committee is also aware that the proposed Commission may well have an impact on the Law Drafting Programme which, at present, cannot be determined.

Report

Law Commissions have proved to be extremely useful and worthwhile organisations. They have been established in recognition of the fact that the common law and statute law have traditionally been unable to keep up fully with changing social conditions. Commissions are as varied as the jurisdictions that they serve and the nature of the problems they confront.

Jersey is unusual in that, unlike other Commonwealth jurisdictions, its law was historically based upon Norman customary laws rather than English Common Law. Over the years the influence of English law has grown stronger as a result and the need for codification and reform of Jersey law in some areas is great.

The Committee is proposing the establishment of a Jersey Law Commission with the following terms of reference –

It shall be the duty of the Commission to identify aspects of Jersey law which it considers should be examined with a view to their development and reform, including in particular the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law, and to those ends –

(a) to receive and consider any proposals for the reform of the law which may be made or referred to them;

- (b) to prepare and submit to the Legislation Committee from time to time programmes for the examination of different branches of the law with a view to reform;
- (c) to undertake, pursuant to any such recommendations approved by the Legislation Committee, the examination of particular branches of the law, such consultation thereon as the Commission shall think-fit, and the formulation by means of draft bills or otherwise of proposals for such reform.

It is envisaged that the Commission would review selected topics as follows –

1. Finding out whether there is a problem and if there is, defining exactly what the problem is.
2. Researching and summarising the existing law relevant to the topic.
3. Suggesting how the relevant law might be changed to solve the problem.
4. Preparing and publishing a consultative document based on items 1,2 and 3.
5. Receiving and discussing representations made in response to the consultative document.
6. Preparing and publishing a final report culminating in either a detailed brief for the Law Draftsman or in a draft law prepared in consultation with the Law Draftsman.

The Committee is convinced that this work will be carried out in a thorough and efficient manner and whilst the Commissioners and other legal experts in Jersey are likely to give of their time without financial recompense it will nevertheless be necessary to incur certain expenditure.

Subject to the approval of the States to the proposal, the Finance and Economics Committee has agreed to allocate the sum of £20,000 to the Commission for 1996 and the sum of £50,000 will be required for 1997.

These funds are needed to cover the cost of legal research and drafting, including the use of expert or qualified individuals or university law faculties, and assuming that a maximum of two topics would be dealt with each year at £20,000 each. The balance of funds is required for the provision of outside secretarial services to the Commission.

The Commissioners will be required to submit an annual report to the States to enable the desirability and effectiveness of the Law Commission to be judged and the level of budgeted expenditure reviewed.

The particular matters to be reviewed by the Commission would be decided upon following discussion between the Legislation Committee and the Commission, but likely topics for early review include the following –

- (a) security over movable and immovable property (with particular reference to whether the degrevement procedure is appropriate in modern times and to whether there should be provision for floating charges);
- (b) the simplification of civil litigation (with particular reference to small claims);

- (c) the question of whether costs recovered by successful litigants in civil proceedings should extend to all costs incurred by them;
- (d) possible reform of the criminal law relating to offences of dishonesty and consideration of whether such law is sufficiently clear and appropriate for modern times;
- (e) pre-trial practice and procedure;
- (f) the powers of the Court in relation to vexatious litigants;
- (g) the 'best evidence' rule (including the admissibility of computer-produced data);
- (h) The principle of accountability of trustees.

20th May 1996.