

STATES OF JERSEY



DRAFT HUMAN RIGHTS (JERSEY) LAW 2000 (APPOINTED DAY) ACT 200-

Lodged au Greffe on 30th October 2006
by the Chief Minister

STATES GREFFE



Jersey

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REPORT

The Human Rights (Jersey) Law 2000 is likely to turn out to be a most significant piece of legislation, for everybody in Jersey. The United Kingdom's ratification of the European Convention on Human Rights has included Jersey since 1951 and people in the Island have, since then, been able to bring cases before the European Court of Human Rights in Strasbourg to claim that their rights under the Convention have been infringed. This is a lengthy and expensive process which only a handful of people have followed.

The 2000 Law will incorporate the rights guaranteed by the Convention into the Island's domestic law and enable, for the first time, the enforcement of those rights in the Jersey courts. But it will also make another significant change by placing a legal duty on the States administration and all other public authorities to act in a way which is compatible with the Convention rights; the purpose of this is to bring the Convention rights into the heart of government policy making and into the performance of all public functions.

Until now a date has not been fixed for bringing the Law into force. The delay has been due to the need to ensure that all issues relating to the compatibility of existing law with the Convention rights have been addressed. These issues have been dealt with to the extent that the Law may now be brought into force.

Financial and manpower implications

There are no immediate manpower, revenue or capital consequences arising directly from bringing the Human Rights (Jersey) Law itself into force.

However, prior to bringing the 2000 Law into force, there have been significant legislative requirements due to the need to introduce or amend other legislation (for example, the Police Procedures and Criminal Evidence (Jersey) Law 2003, and the Regulation of Investigatory Powers (Jersey) Law 2005) to ensure compliance with human rights. These additional resource and manpower consequences have been identified separately in respect of those other items of legislation.

Explanatory Note

This Act will bring the Human Rights (Jersey) Law 2000 into force on 10th December 2006. The Law, which was adopted by the States on 8th February 2000 (P.197/1999) incorporates the rights set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms into the domestic law of Jersey thereby giving Jersey's courts jurisdiction to consider whether such rights have been infringed.



Jersey

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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 18(2) of the Human Rights (Jersey) Law 2000¹, have made the following Act –

1 Commencement of the Human Rights (Jersey) Law 2000

The Human Rights (Jersey) Law 2000 shall come into force on 10th December 2006.

2 Citation

This Act may be cited as the Human Rights (Jersey) Law 2000 (Appointed Day) (Jersey) Act 200-.

¹ *L.19/2000*