

STATES OF JERSEY



DRAFT ELECTRONIC COMMUNICATIONS (AMENDMENT) (JERSEY) LAW 200-

Lodged au Greffe on 14th September 2006
by the Minister for Economic Development

STATES GREFFE



Jersey

DRAFT ELECTRONIC COMMUNICATIONS (AMENDMENT) (JERSEY) LAW 200-

European Convention on Human Rights

The Minister for Economic Development has made the following statement –

In the view of the Minister for Economic Development the provisions of the Draft Electronic Communications (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator P.F.C. Ozouf**

REPORT

This amendment to the Electronic Communications (Jersey) Law will greatly simplify the operation of an important part of that Law. When the Law was originally passed by the States, the provisions in relation to the electronic communication of information required to be provided under statute permitted such communications to be made between private persons if the recipient consented, and to States entities if the communication met certain IT requirements. This position was, unfortunately, reversed by an Order, which had the effect of only permitting the electronic communication of information required to be provided under a statute when that statute was itself specified by Order. As a result, the Law has failed in its chief aim of facilitating the use of electronic communications.

The Amendment will simply provide that such information may be provided electronically where the recipient consents, with the added proviso that, where the recipient is a States entity, the information must meet certain IT requirements. This will greatly simplify the position and, in particular, allow States entities to use electronic communications when they are ready to do so.

Financial and manpower statement

There are no financial or manpower implications for the States arising from the adoption of this amendment.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 28th August 2006 the Minister for Economic Development made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Economic Development the provisions of the Draft Electronic Communications (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

Article 1 specifies that the Electronic Communications (Jersey) Law 2000 is the principal law.

Article 2 amends Article 11 of the principal Law so that if any enactment requires information to be given in writing by a person to a States entity or a person acting on behalf of a States entity, the information may, if the entity consents, be given electronically, providing it meets the electronic requirements of the entity.

Article 3 amends Article 12 of the principal Law so that if any enactment requires a person to provide a signature to a States entity or a person acting on behalf of a States entity, the signature may, if the entity consents, be given electronically, providing it meets the electronic requirements of the entity.

Article 4 amends Article 13 of the principal Law so that if any enactment requires a person to produce a document to a States entity or a person acting on behalf of a States entity, a copy of the document may, if the entity consents, be given electronically, providing it meets the electronic requirements of the entity.

Article 5 specifies the name by which this Law may be cited and specifies that the Law shall come into force 30 days after it is registered.



Jersey

DRAFT ELECTRONIC COMMUNICATIONS (AMENDMENT) (JERSEY) LAW 200-

A LAW to amend further the Electronic Communications (Jersey) Law 2000.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, “principal Law” means the Electronic Communications (Jersey) Law 2000¹.

2 Article 11 amended

In Article 11 of the principal Law, in paragraph (1)(b), for the words “and the entity requires” there shall be substituted the words “, if the entity consents to the information being given by way of an electronic communication and, where the entity requires”.

3 Article 12 amended

In Article 12 of the principal Law, in paragraph (1)(c), for the words “and the entity requires” there shall be substituted the words “, if the entity consents to the signature being given by way of an electronic communication and, where the entity requires”.

4 Article 13 amended

In Article 13 of the principal Law, in paragraph (1)(c), for the words “and the entity requires” there shall be substituted the words “, if the entity consents to the production of the document by means of an electronic form of the document and, where the entity requires”.

5 Citation

This Law may be cited as the Electronic Communications (Amendment) (Jersey) Law 200- and shall come into force 30 days after its registration.

¹

chapter 04.280