

**DRAFT FAMILY NURSING SERVICES (JERSEY) LAW, 198 .**

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Lodged au Greffe on 15th January, 1985 by  
Deputy C. Stein of Grouville.

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**STATES OF JERSEY**

**STATES GREFFE**

### Explanatory Note.

The Law will carry into effect the amalgamation of the Jersey District Nursing Association and the Jersey Family Welfare Centre. Both are charitable organisations who rely on financial support from the public, the Parishes and grants from the States of Jersey.

The Jersey District Nursing Association was founded in 1904, and was incorporated by an Act of the States Assembly which was sanctioned by the Privy Council. The main object of the Association is to provide skilled nursing for the sick in their home without distinction of nationality or creed, and in the early years it was particularly active in the field of midwifery which later became phased out as more and more births took place at the Jersey Maternity Hospital. Originally the Island was split into nine districts mainly associated with individual parishes and these were later merged to provide a more efficient service.

The Jersey Family Welfare Centre was founded in 1917 and it is believed that the origin of the Centre was caused by the high incidence of infant mortality at that time, and clinics were set up to advise on infant hygiene, feeding and checking babies' weights and their development. The Centre also dealt with the elderly and tuberculosis patients.

During the period since the formation of the two bodies there has obviously been considerable change in medical practice and treatment, and each body has developed and adapted to meet the demands of modern medicine and the needs of today's society. They have worked side by side in co-operation, not in competition, and this is particularly exemplified in the care of the aged, where the health care team for the aged is made up of staff from both bodies working together as one team.

In dealing with the practical and medical needs of the families they serve, the services of both bodies have become completely interwoven under the direction of the Community Nursing Officer who is employed by the Jersey District Nursing Association but in charge of the staff of both bodies. There are, however, two separate administrations and each body must act through its own committee, thus giving rise to a duplication of time and effort, yet they work out of the same building and share many facilities. It is both logical and natural, therefore, that

the two bodies which have amalgamated their services in practice should now formally merge and the proposed Law and draft new constitution have been unanimously approved by the committees and membership of both bodies.

The effect of the new Law is to formally amalgamate both bodies under one constitution with the benefit of incorporation so that the amalgamated body may continue to hold property. The Law also provides for the benefits accruing under any Will to be automatically transferred to the new incorporated body which will also acquire under the Law all the assets and liabilities of the existing bodies. Thus the work will hence forward be carried on in exactly the same way but as one body under the name of "Family Nursing Services (Jersey) Incorporated". The service to its members and the public will continue unchanged.

**FAMILY NURSING SERVICES (JERSEY) LAW, 198 .**

A LAW to carry into effect the amalgamation of the Jersey District Nursing Association and the Jersey Family Welfare Centre and to provide for other incidental thereto and consequential thereon, sanctioned by Order of Her Majesty in Council of the

day of \_\_\_\_\_, 198 .

(Registered on the \_\_\_\_\_ day of \_\_\_\_\_, 198 ).

**STATES OF JERSEY.**

The \_\_\_\_\_ day of \_\_\_\_\_, 198 .

**WHEREAS -**

- (1) the Jersey District Nursing Association (hereinafter referred to as "the Nursing Association") is an incorporated association having been incorporated by Act of the States<sup>1</sup> passed on the 24th day of January, 1933 and sanctioned by Order of the 16th day of March, 1933 of His Majesty in Council;
- (2) the principal objects of the Nursing Association are to provide nursing for the poor and sick and for persons of limited means and for the treatment of such persons in their homes;
- (3) the Jersey Family Welfare Centre (hereinafter referred to as "the Welfare Centre") is an unincorporated association having as its object the giving of advice on all matters connected with the care of infants, management of infants and children up to school age, problem families, old people and tuberculosis patients;

<sup>1</sup> Tome VII, page 71.

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- (4) it is expedient and in the interests of the efficient and effective pursuit of the objects of the Nursing Association and the Welfare Centre that the Nursing Association and the Welfare Centre should combine and the most effective way of achieving this is for the Nursing Association and the Welfare Centre to amalgamate to form a new association and that the said new association be called Family Nursing Services (Jersey) Incorporated (hereinafter referred to as "the Association);
- (5) it is further expedient that the Association be incorporated by Act of the States;
- (6) it is further expedient that the amalgamation and the incorporation mentioned in Paragraphs (4) and (5) above should be effected as provided in this Law;

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

**ARTICLE I.**

**Interpretation.**

In this Law, unless the context otherwise requires:-

"the appointed day" means such day as the States shall by Act appoint;

"liabilities" includes duties and obligations of every description;

"property" means property of every description including immoveable property, wherever situate, and includes securities, rights and powers of every description;

"security" means hypothec (whether legal, judicial or conventional) mortgage (whether legal or equitable), charge, debenture, bill of exchange, promissory note, guarantee, lien, pledge or other

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means of securing payment of a debt, whether present or future, or in the discharge of an obligation or liability, whether actual or contingent.

**ARTICLE 2.**

**Amalgamation.**

On the appointed day the Nursing Association and the Welfare Centre shall by virtue of this Law combine and amalgamate to form the Association to the intent that the Association shall succeed to all the property and liabilities of the Nursing Association and the Welfare Centre and shall have the following objects:-

- (1) to provide skilled nursing for the sick in their homes without distinction of nationality or creed;
- (2) to give advice on all matters connected with the care of infants, children, handicapped persons, elderly persons and persons suffering from illness or disease;
- (3) to carry on those activities and provide those services hitherto carried on and provided by the Nursing Association and the Welfare Centre;
- (4) to acquire by way of purchase, acceptance of a gift, devise or bequest, or by lease or otherwise, any personal or real property which may be necessary, requisite or desirable either directly or indirectly for the promotion of the activities of the Association, and further, to do all things including borrowing money as may be incidental to, or connected with, any of the said objects or conducive to the attainment thereof.

**ARTICLE 3.**

**Incorporation.**

The Association shall be and remain incorporated under the title of "Family Nursing Services (Jersey) Incorporated" so that, thus constituted, it shall have a successive and

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perpetual duration in the person of its present and future members, that it shall have the right to have and use a special seal in order to authenticate all of its deeds, contracts, agreements and obligations, that it shall have the right to take, acquire, hold and possess all types of moveable and immoveable property and to receive, hold and possess all types of bequests and devises of moveable and immoveable property which shall be capable of being made to it and to lease, sell or otherwise alienate, hypothecate or otherwise dispose of the said property and to appear before all Courts and all tribunals, all the aforementioned through the medium of its officers or other persons authorised by the Association.

**ARTICLE 4.**

**Provisions relating to the amalgamation and to the acquisition of property and liabilities.**

(1) The production of a copy of this Law signed by the Greffier of the States shall, on and after the appointed day, be conclusive evidence in all Courts and proceedings of the amalgamation of the Nursing Association and the Welfare Centre to form the Association and of the acquisition of the property and liabilities of the Nursing Association and the Welfare Centre by the Association and their vesting in the Association.

(2) The Royal Court shall, when it orders the registration of this Law, also order the registration of a copy of this Law signed by the Greffier of the States in the Public Registry of Contracts.

(3) The registration of a copy of this Law in the Public Registry of Contracts shall have like effect as a contract passed before the Royal Court and the title to any property vested in or belonging to or held by the Nursing Association and the Welfare Centre which immediately before the appointed day was registered in the Public Registry of Contracts shall vest in, belong to and be held by the Association on and after the appointed day.

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(4) No fees shall be payable under the Departments of the Judiciary and the Legislature (Jersey) Law, 1965<sup>2</sup>, as amended,<sup>3</sup> in relation to the registration of a copy of this Law as required by Paragraph (2) of this Article.

(5) For the avoidance of doubt it is hereby declared that the transfer of an interest in land under and by virtue of this Law shall not constitute an assignment, transfer, devolution, parting with possession or other disposition of that interest for the purposes of any provision relating to assignment, transfer, devolution, parting with possession or other disposition contained in any instrument concerning that interest.

ARTICLE 5.

**Saving of contracts, etc.**

(1) Subject to the provisions of this Article, all contracts, agreements, indemnities, conveyances, leases, deeds, settlements, wills, codicils to wills, appointments, licences, and other instruments or undertakings entered into by or made with or addressed to the Nursing Association or the Welfare Centre (whether alone or with any other person) before and in force on the appointed day shall as from that day be binding and of full force and effect in every respect against or in favour of the Association as fully and effectually as if, instead of the Nursing Association or the Welfare Centre, the Association had been a party thereto or bound thereby or entitled to the benefit thereof.

(2) In relation to every contract of employment to which Paragraph (1) of this Article applies, the provisions of the said paragraph shall operate to substitute the Association for whichever of the Nursing Association or Welfare Centre was the employer thereunder immediately before the appointed day.

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<sup>2</sup>Volume 1963-1965, page 551.

<sup>3</sup>Volume 1973-1974, pages 123, 205 and 206 and

Volume 1984 - 19 . page 1.



**Family Nursing Services (Jersey) Law, 198 .****ARTICLE 6.****Actions, etc. not to abate.**

Any Action, arbitration or proceeding and any cause of action, arbitration or proceeding which shall on the appointed day be pending or existing by, against or in favour of the Nursing Association or the Welfare Centre shall not abate or be discontinued or be in any way prejudicially affected by reason of the provisions of this Law, but the same may be prosecuted, continued and enforced by, against or in favour of the Association as and when it might have been prosecuted, continued and enforced by, against or in favour of the Nursing Association or the Welfare Centre if this Law had not been passed.

**ARTICLE 7.****Documents etc. to remain evidence.**

All documents, records and admissions which if this Law had not been passed would have been evidence in respect of any matter for or against the Nursing Association or the Welfare Centre shall, on and after the appointed day, be admitted in evidence in respect of the same or the like manner for or against the Association.

**ARTICLE 8.****Application of enactments and documents.**

- (1) Subject to the provisions of this Article where:-
- (a) any enactment other than this Law; or
  - (b) any document whensoever made or executed;

contains any reference express or implied to the Nursing Association or the Welfare Centre such reference shall, on and after the appointed day and except where the context otherwise requires, be read, construed and have effect as a reference to the Association.

- (2) Any Will or Codicil to a Will made before on or after the appointed day by a person dying on or after the

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appointed day by which the Nursing Association or the Welfare Centre is a beneficiary thereof shall be construed and have effect as if for any reference therein to the Nursing Association or the Welfare Centre there was substituted a reference to the Association and, in the case where the Association did not exist at the day of the Will or Codicil, as if it had then existed.

ARTICLE 9.

**Dissolution of the Nursing Association and the Welfare Centre.**

On the day after the appointed day the Nursing Association and the Welfare Centre shall by virtue of this Law be dissolved.

ARTICLE 10.

**Citation.**

This Law may be cited as the Family Nursing Services (Jersey) Law, 198 .