

accepted 6.2.79 (ReO 6617)

**DRAFT ADMINISTRATIVE DECISIONS (REVIEW) (JERSEY)
REGULATIONS, 1979.**

*Lodged au Greffe on 16th January, 1979 by the Special
Committee to consider relationship between Committees and
the States.*



STATES OF JERSEY

STATES GREFFE

Note of Committee

These Regulations are a re-enactment of the present Triennial Regulations. The only change is to add all Presidents of permanent Committees to the list from which a Review Board may be selected.

The Committee intends to present draft legislation of a permanent nature in the Autumn Session to replace these Regulations. The views of any member as to the form such legislation should take will be welcomed.

Administrative Decisions (Review) (Jersey) Regulations, 1979.

(Promulgated on the _____ day of _____, 1979).

STATES OF JERSEY.

The _____ day of _____, 1979.

THE STATES, by virtue and in exercise of the powers conferred on them by the Order in Council of the fourteenth day of April, 1884,⁽¹⁾ have made the following Regulations:—

1. In these Regulations—

“ a Board ” means a Board of Administrative Appeal constituted in accordance with these Regulations; 5

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

2. Where any person (hereafter called the complainant) is aggrieved by any decision or recommendation made, or any act done or omitted, relating to any matter of administration by any Committee or Department of the States or by any person acting on behalf of any such Committee or Department, he may apply to the Greffier to have the matter reviewed by a Board. 15

3. On receipt of any such application the Greffier shall enquire into the facts of the matter and, if satisfied that there may *prima facie* be a ground of complaint, he shall refer the matter to a Board which, in consultation with the Chairman or Deputy Chairman of the Panel of Presidents, shall be constituted for that purpose: 20

Provided that where 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, the Greffier shall without enquiring into the facts of the matter, forthwith refer the matter to the Chairman or Deputy Chairman for such action as he might consider necessary. 25

⁽¹⁾ Recueil des Lois, Tomes IV-VI, page 46.

4. The Greffier shall not refer any complaint to a Board if in his opinion—
- (a) the matter complained of is not within the jurisdiction of a Board;
 - 5 (b) the matter complained of relates to a decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months;
 - (c) the subject matter of the complaint is trivial;
 - 10 (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.
5. The Presidents of the Committees named in the Schedule to these Regulations shall form a Panel of Presidents from whom Boards shall be selected and the Presidents shall elect one of their number to be Chairman and one to be Deputy Chairman.
6. A Board shall be composed of three Presidents selected from the Panel and, in selecting those Presidents, the Chairman or Deputy Chairman and the Greffier shall have regard to the subject matter of the complaint to ensure that a member of a Board is not a Member of a Committee of the States which is in any way concerned with the complaint in question.
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 these Regulations a Board and the Greffier shall have power to call for documents from any Committee, Department or officer or employee of any Committee or Department and to hear any person in connexion with any complaint.
- 9.—(1) After completing its enquiry, a Board shall report its findings in writing to the complainant and to the Committee, Department or person concerned.
- (2) Where a Board after making enquiry as aforesaid is of opinion that the decision, recommendation, act or omission, which was the subject matter of the complaint—
- (a) was contrary to law; or
 - 40 (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; or
 - 45 (c) was based wholly or partly on a mistake of law or fact; or

- (d) could not have been made by a reasonable body of persons after proper consideration of all the facts; or
- (e) although regular, was contrary to the generally accepted principles of natural justice;

the Board, in reporting its findings thereon to the Committee, 5
Department or person concerned, shall request that Committee, Department or person to reconsider the matter.

(3) Where a Board requests reconsideration of any matter, it shall also request the Committee, Department or person concerned to inform it within a specified time of the steps 10
which have been taken to reconsider the matter and the result of that reconsideration.

10. The Panel of Presidents shall, every six months, report to the States on the complaints received, the findings of any Board in relation thereto and any steps taken on a recon- 15
sideration of any matter.

11. The provisions of these Regulations shall be in addition to, and not in derogation of, any other remedy which may be available to a complainant.

12. Any expenses incurred in carrying out the provisions 20
of these Regulations shall be defrayed out of the Annual Income of the States.

13.—(1) These Regulations may be cited as the Administrative Decisions (Review) (Jersey) Regulations, 1979.

(2) These Regulations shall be deemed to have come into 25
force on the first day of February, 1979 and shall remain in force for three years from that date.

SCHEDULE**(Regulation 5)****PRESIDENTS OF COMMITTEES TO FORM PANEL OF PRESIDENTS**

Agriculture and Fisheries
Constitution and Common Market
Cottage Homes
Defence
Education
Establishment
Etat Civil
Finance and Economics
Fort Regent Development
Gambling Control
Harbours and Airport
Housing
Industrial Relations
Island Development
Legislation
Overseas Aid
Postal Administration
Prison Board
Public Health
Public Works
Resources Recovery Board
Social Security
Telecommunications Board
Tourism