



Jersey

**DEPARTMENTS OF THE JUDICIARY  
AND THE LEGISLATURE (JERSEY)  
LAW 1965**

**Official Consolidated Version**

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## DEPARTMENTS OF THE JUDICIARY AND THE LEGISLATURE (JERSEY) LAW 1965

### Contents

#### Article

1	Departments to which Law applies and constitution thereof.....	5
2	Appointment of principal officers.....	6
3	Suspensions and dismissals .....	6
4	Discussion <i>in camera</i> .....	7
5	Discharge of functions in event of absence or incapacity of principal officers.....	7
6	Designation of substitute principal officers.....	7
7	Oath of office .....	7
8	Remuneration and terms of appointment of principal officers .....	7
9	Delegation of functions.....	8
10	Provisions relating to functions of Viscount .....	9
11	Provisions relating to functions of Judicial Greffier.....	9
12	Citation.....	9

#### **SCHEDULE** **10**

FORMS OF OATH	10
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#### **ENDNOTES** **12**

Table of Legislation History .....	12
Table of Renumbered Provisions .....	12
Table of Endnote References .....	13





Jersey

## DEPARTMENTS OF THE JUDICIARY AND THE LEGISLATURE (JERSEY) LAW 1965<sup>1</sup>

A LAW to revise and consolidate the laws relating to the Departments of the Bailiff, the Law Officers of the Crown, the Viscount and the Judicial Greffier<sup>2</sup>

Commencement [[see endnotes](#)]

### 1 Departments to which Law applies and constitution thereof

(1) This Law makes provision with regard to the following Departments, namely –

- (a) the Bailiff's Department, that is to say, the Bailiff and the Deputy Bailiff;
- (b) the Law Officers' Department, that is to say, the Attorney General and the Solicitor General;
- (c) the Viscount's Department, that is to say, the Viscount and the Deputy Viscount;
- (d) the Judicial Greffe, that is to say, the Judicial Greffier and the Deputy Judicial Greffier;
- (e)

together with other officers who shall be persons who are States' employees within the meaning of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) of whom a sufficient number shall be appointed to ensure the service of the said Departments.<sup>3</sup>

(2) An officer shall not be appointed under paragraph (1) to the Bailiff's Department, the Law Officers' Department, the Viscount's Department or the Judicial Greffe, except with the consent of the Bailiff, the Attorney General, the Viscount or the Judicial Greffier, respectively.<sup>4</sup>

(2A) An officer who is appointed under paragraph (1) to the Bailiff's Department, the Law Officers' Department, the Viscount's Department or the Judicial Greffe –

- (a) shall not have that appointment suspended or terminated; and

- (b) while so appointed shall not have his or her employment by the States Employment Board suspended or terminated,  
except with the consent of the Bailiff, the Attorney General, the Viscount or the Judicial Greffier, respectively.<sup>5</sup>
- (2B) An officer who is appointed under paragraph (1) to the Bailiff's Department, the Law Officers' Department, the Viscount's Department or the Judicial Greffe shall not be directed or supervised in the discharge of his or her duties as such an officer by the Chief Executive Officer, the States Employment Board, a Minister or a person acting on behalf of such a person.<sup>6</sup>
- (3) Nothing in this Law shall derogate in any way from the authority of the Bailiff to appoint Lieutenant Bailiffs nor from the power of the Royal Court to appoint an advocate to discharge the functions of Attorney General.

## **2 Appointment of principal officers**

- (1) The Bailiff, the Deputy Bailiff, the Attorney General and the Solicitor General are appointed by Her Majesty.<sup>7</sup>
- (2) The Judicial Greffier is appointed by the Bailiff, and the Deputy Judicial Greffier is appointed by the Judicial Greffier with the consent of the Bailiff.
- (3) <sup>8</sup>
- (4) The Viscount is appointed by the Bailiff and the Deputy Viscount is appointed by the Viscount with the consent of the Bailiff.<sup>9</sup>
- (5) It is an essential qualification for the appointment of a person to the office of Attorney General or Solicitor General that the person be an advocate or a solicitor.<sup>10</sup>

## **3 Suspensions and dismissals**

- (1) The Judicial Greffier may be suspended from office by the Superior Number of the Royal Court and may be dismissed from office by Her Majesty in Council on a petition from the Superior Number of the Royal Court.
- (2) The Viscount may be suspended from office by the Bailiff who shall refer the matter to the States at their next sitting and may be dismissed from office by the States.<sup>11</sup>
- (3) The Deputy Viscount may be suspended or dismissed from office by the Viscount with the consent of the Bailiff.
- (4) The Deputy Judicial Greffier may be suspended or dismissed from office by the Judicial Greffier with the consent of the Bailiff.
- (5) <sup>12</sup>
- (6) <sup>13</sup>

#### **4 Discussion *in camera***

Any discussion by the Royal Court or the States with regard to the appointment, suspension or dismissal of any officer under this Law shall take place *in camera*.

#### **5 Discharge of functions in event of absence or incapacity of principal officers**

- (1) In the event of the absence or incapacity of the Bailiff, the Attorney General, the Viscount or the Judicial Greffier, the functions of their office shall be discharged by the Deputy Bailiff, the Solicitor General, the Deputy Viscount or the Deputy Judicial Greffier respectively.<sup>14</sup>
- (2) In the event of the absence or incapacity of both the Attorney General and the Solicitor General the functions of the Attorney General may be discharged by an advocate or solicitor who is an officer in the Law Officers' Department and is appointed by the Bailiff for that purpose for such period, not exceeding 7 days, as may be specified in the appointment.<sup>15</sup>
- (3) In the event of the absence or incapacity of both the Viscount and the Deputy Viscount or the Judicial Greffier and the Deputy Judicial Greffier, the functions of their office shall be discharged by an officer of their respective departments appointed by the Bailiff for that purpose.<sup>16</sup>

#### **6 Designation of substitute principal officers**

The Viscount and the Judicial Greffier, with the consent of the Bailiff, may designate one or more officers of their respective Departments to discharge functions attributed under this Law to sworn members of those Departments, and the officers so designated shall be known as "Viscount Substitute" and "Greffier Substitute" respectively.

#### **7 Oath of office**

- (1) The officers referred to in Article 1(1)(a) to (e), a Lieutenant-Bailiff, any advocate appointed by the Royal Court to discharge the functions of the Attorney General, the persons appointed under Article 5 of this Law to discharge the functions of Attorney General, Viscount or Judicial Greffier, the officers designated under Article 6 and the persons who are authorized and approved under Article 9(5A) shall, on assuming office, take oath in the appropriate form set out in the Schedule to this Law.<sup>17</sup>
- (2) The said oaths shall be administered in the Royal Court, except in the case of the persons appointed under Article 5(2) or (3) who shall take oath before the Bailiff.<sup>18</sup>

#### **8 Remuneration and terms of appointment of principal officers**

- (1) The officers referred to in Article 1(1)(a) to (d) shall receive such salaries and allowances and shall be entitled to such pensions or gratuities (if any)

as may be determined by the States Employment Board after negotiation with the officers concerned.<sup>19</sup>

- (2) The officers referred to in Article 1(1)(a) to (d) shall not, within or without Jersey, occupy any other paid employment, or any public or parochial office.<sup>20</sup>
- (3) Nothing in this Article shall prohibit the Attorney General or, in the Attorney General's absence, the Solicitor General, where the Attorney General considers it in the public interest so to do, from advising or acting in any private cause or matter, and in such case the Attorney General's fees shall be paid to the States.<sup>21</sup>

## 9 Delegation of functions

- (1) Notwithstanding anything in any enactment, the Deputy Bailiff, on the authority of the Bailiff, may discharge any function appertaining to the office of Bailiff.
- (2) The Deputy Bailiff, in the discharge of any function which the Deputy Bailiff is authorized by or under this Law to discharge, shall have the same precedence and prerogatives and shall be subject to the same duties and obligations as the Bailiff would have or be subject to if the Bailiff were discharging that function.
- (3) Notwithstanding anything in any enactment, the Solicitor General, on the authority of the Attorney General, may discharge any function appertaining to the office of Attorney General.
- (4) The Solicitor General, in the discharge of any function which the Solicitor General is authorized by or under this Law to discharge, shall have the same precedence and prerogatives and shall be subject to the same duties and obligations as the Attorney General would have or be subject to if the Attorney General were discharging that function.
- (5) Notwithstanding anything in any enactment, the Deputy Viscount and any sworn member of the Viscount's Department, on the authority of the Viscount, may discharge any function appertaining to the office of Viscount.<sup>22</sup>
- (5A) Notwithstanding anything in any enactment, the Viscount may authorize the Deputy Viscount, and any other person (whether or not the person is an officer of the Viscount's Department) who is approved by the Bailiff, to discharge the Viscount's function of conducting a particular inquest or inquests generally.<sup>23</sup>
- (5B) A person authorized by the Viscount and approved by the Bailiff under paragraph (5A) shall be known as "Viscount Substitute".<sup>24</sup>
- (6) Notwithstanding anything in any enactment, the Deputy Judicial Greffier and any sworn member of the Judicial Greffe, on the authority of the Judicial Greffier, may discharge any function appertaining to the office of Judicial Greffier.
- (7) <sup>25</sup>



**10 Provisions relating to functions of Viscount**

- (1) The Viscount shall not be required to exercise any executive function except on instructions given to the Viscount in writing.
- (2) Any record given by the Viscount, the Deputy Viscount or a Viscount Substitute to the effect that the person has performed any particular function shall be received in evidence without further proof of the function or of the authority to perform it.

**11 Provisions relating to functions of Judicial Greffier**

- (1) The Judicial Greffier, the Deputy Judicial Greffier or a Greffier Substitute shall attend at all sittings of the courts and judicial tribunals to record the acts and decisions of those courts and tribunals, to take down where necessary the depositions of witnesses and generally to carry out all the duties of clerk.
- (2) All acts and decisions so recorded shall be authenticated by the signature or initials of the Judicial Greffier, the Deputy Judicial Greffier or the Greffier Substitute, as the case may be, and shall be entered in the appropriate register.

**12 Citation**

This Law may be cited as the Departments of the Judiciary and the Legislature (Jersey) Law 1965.

**SCHEDULE**

(Article 7)

**FORMS OF OATH<sup>26</sup>****OATH OF OFFICE OF BAILIFF, DEPUTY BAILIFF OR LIEUTENANT BAILIFF**

You swear and promise before God that well and faithfully you will exercise the office of Bailiff (Deputy Bailiff or Lieutenant Bailiff) under our Sovereign Lady Queen Elizabeth the Second in this Her Island of Jersey; that you will be faithful and bear true allegiance to Her Majesty, Her heirs and successors, according to law; that you will uphold and maintain the honour and glory of God; that you will uphold and maintain the laws and usages and the privileges and freedoms of this Island and that you will vigorously oppose whomsoever may seek to destroy them; that you will administer justice to all manner of persons without favour or partiality; and that you will take heed of the good advice and counsel of the Jurats as the case may require; all of which you promise on your conscience.

**OATH OF OFFICE OF ATTORNEY GENERAL, SOLICITOR GENERAL OR ACTING ATTORNEY GENERAL**

You swear and promise before God that well and faithfully you will exercise the office of Attorney General (Solicitor General or Acting Attorney General) under our Sovereign Lady Queen Elizabeth the Second in this Her Island of Jersey; that you will be faithful and bear true allegiance to Her Majesty, Her heirs and successors, according to law; that you will uphold and maintain the honour and glory of God; that you will uphold and maintain the laws and usages of this Island; and that you will ensure, so far as you are able, that all transgressors of the law meet their just deserts; all of which you promise on your conscience.

**OATH OF OFFICE OF VISCOUNT, DEPUTY VISCOUNT OR VISCOUNT SUBSTITUTE**

You swear and promise before God that well and faithfully you will exercise the office of Viscount, Deputy Viscount (Viscount Substitute); that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors, according to law; and that you will uphold and maintain the laws and usages of this Island.

OATH OF OFFICE OF JUDICIAL GREFFIER, DEPUTY OR ACTING JUDICIAL GREFFIER, OR  
GREFFIER SUBSTITUTE

You swear and promise before God that well and faithfully you will exercise the office of Judicial Greffier (Deputy Judicial Greffier or Acting Judicial Greffier or Greffier Substitute); that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors, according to law; and that you will uphold and maintain the laws and usages of this Island.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Departments of the Judiciary and the Legislature (Jersey) Law 1965	<a href="#">L.22/1965</a>	14 January 1966
Solicitors (Jersey) Law 1971	<a href="#">L.17/1971</a>	10 September 1971
Public Service (Jersey) Law 1973	<a href="#">L.23/1973</a>	23 November 1973
Departments of the Judiciary and the Legislature (Amendment) (Jersey) Law 1974	<a href="#">L.7/1974</a>	24 May 1974
Office of Judicial Greffier (Jersey) Law 1984	<a href="#">L.1/1984</a>	13 January 1984
Departments of the Judiciary and the Legislature (Amendment No. 2) (Jersey) Law 1993	<a href="#">L.30/1993</a>	2 February 1994 (R&O.8650)
Departments of the Judiciary and the Legislature (Amendment No. 3) (Jersey) Law 1997	<a href="#">L.18/1997</a>	1 August 1997 (R&O.9097)
Stamp Duties and Fees (Jersey) Law 1998	<a href="#">L.8/1998</a>	1 June 1998 (R&O.9236)
States of Jersey Law 2005	<a href="#">L.8/2005</a>	9 December 2005 ( <a href="#">R&amp;O.158/2005</a> )
States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005	<a href="#">R&amp;O.42/2005</a>	9 December 2005
Employment of States of Jersey Employees (Jersey) Law 2005	<a href="#">L.26/2005</a>	9 December 2005 ( <a href="#">R&amp;O.156/2005</a> )
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	<a href="#">R&amp;O.126/2005</a>	9 December 2005
Departments of the Judiciary and the Legislature (Amendment No. 4) (Jersey) Law 2007	<a href="#">L.28/2007</a>	2 November 2007

### Table of Renumbered Provisions

Original	Current
2(2)	repealed by <a href="#">L.30/1993</a>
(3)	repealed by <a href="#">L.7/1974</a>
(4)	2(2)
(5)	(3)
(5A)	(4)
(6)	(5)
(7)	repealed by <a href="#">L.1/1984</a> ; former paragraph inserted by <a href="#">L.17/1971</a>
3(1)	repealed by <a href="#">L.30/1993</a>

Original	Current
(2)	3(1)
(2A)	(2)
5(1A)	5(2)
(2)	(3)
12	repealed by <a href="#">L.8/1998</a>
13	spent, omitted from this revised edition
14	spent, omitted from this revised edition
15	12

### Table of Endnote References

- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government.*
- <sup>2</sup> *Long Title* amended by L.8/2005
- <sup>3</sup> *Article 1(1)* amended by L.30/1993, L.8/2005, L.26/2005
- <sup>4</sup> *Article 1(2)* substituted by L.26/2005
- <sup>5</sup> *Article 1(2A)* inserted by L.26/2005
- <sup>6</sup> *Article 1(2B)* inserted by L.26/2005
- <sup>7</sup> *Article 2(1)* amended by L.7/1974
- <sup>8</sup> *Article 2(3)* repealed by L.8/2005
- <sup>9</sup> *Article 2(4)* inserted by L.7/1974
- <sup>10</sup> *Article 2(5)* amended by L.17/1971, L.30/1993, L.18/1997
- <sup>11</sup> *Article 3(2)* inserted by L.7/1974
- <sup>12</sup> *Article 3(5)* deleted by L.8/2005
- <sup>13</sup> *Article 3(6)* deleted by L.8/2005
- <sup>14</sup> *Article 5(1)* amended by L.8/2005
- <sup>15</sup> *Article 5(2)* inserted by L.30/1993
- <sup>16</sup> *Article 5(3)* amended by L.8/2005
- <sup>17</sup> *Article 7(1)* amended by L.30/1993, L.8/2005, L.28/2007
- <sup>18</sup> *Article 7(2)* amended by L.30/1993, L.8/2005
- <sup>19</sup> *Article 8(1)* amended by L.23/1973, L.8/2005, L.26/2005
- <sup>20</sup> *Article 8(2)* amended by L.7/1974, L.8/2005
- <sup>21</sup> *Article 8(3)* amended by R&O.126/2005
- <sup>22</sup> *Article 9(5)* amended by L.28/2007
- <sup>23</sup> *Article 9(5A)* inserted by L.28/2007
- <sup>24</sup> *Article 9(5B)* inserted by L.28/2007
- <sup>25</sup> *Article 9(7)* deleted by L.8/2005
- <sup>26</sup> *Schedule* amended by L.7/1974, L.8/2005