

APLES comments

JERSEY LAW COMMISSION



**Annual Report
2021**

ANNUAL REPORT OF THE JERSEY LAW COMMISSION

The Jersey Law Commission was set up by a Proposition laid before the States of Jersey and approved by the Assembly of the States of Jersey on 30 July 1996. It was established to carry out research and conduct consultations with a view to:

- identifying:
 - anomalies in Jersey legislation; and
 - obsolete or redundant legislation; and
- making recommendations to simplify and modernise the law of Jersey.

A more detailed statement of the purposes for which the Jersey Law Commission was established is set out in Appendix A to this Report.

2021 is the 25th year during which the Jersey Law Commission has been carrying out its functions.

The Commissioners during 2021 were:

Advocate Barbara Corbett

Professor Claire de Than (Chair)

Dr Elina Steinerte

Advocate Mark Dunlop

Mr Timothy Hart, Solicitor

Advocate Emma German

Advocate Steven Pallot

Professor Andrew Le Sueur

Advocate Matthew Swan

A brief biography of each Commissioner may be found on the [Who We Are](#) page of the [Jersey Law Commission's website](#)

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The Jersey Law Commission

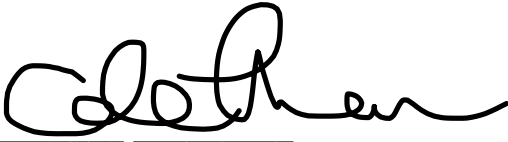
Annual Report 2021

Foreword

To the Chief Minister of the Government of Jersey

I have the honour to present to you, on behalf of the Jersey Law Commission, pursuant to the Proposition to establish the Jersey Law Commission approved by the States of Jersey on 30 July 1996, our Annual Report covering the activities of the Jersey Law Commission in the calendar year 2021.

Signed for on behalf of the Jersey Law Commission

Signed: 

Professor Claire de Than, Chair

PART I – 2021 OVERVIEW

2021 was a challenging year for everyone due to the pandemic restrictions, but the Jersey Law Commission still managed to make considerable progress with its existing projects, to appoint new Commissioners, and to embark upon new research in fields including smart contracts, champerty, human rights, and parish assemblies. More detail on this is provided in Part II – ACTIVITIES.

It is disappointing to report that during 2021 (and indeed in 2022) progress has stalled in clarifying the relationship of the Jersey Law Commission with the Government of Jersey. In times when resources are constrained and with a reformed government machine, it is important that clear lines of communication are established. This is particularly so in connection with procedures for approving topics for the Jersey Law Commission to review and projects that it undertakes, approving the costs involved in undertaking those reviews and producing reports, and clarity on whether the Government accepts or rejects the Commission's recommendations. Clearer and more regular contact between the Jersey Law Commission and the Government should also avoid any duplication of work and, where the work of the Jersey Law Commission complements government initiatives, to ensure that timetables are coordinated. In this context we continue to press for a written memorandum of understanding providing a practical way forward, whilst ensuring the independence of the Jersey Law Commission.

In the States Assembly, the Legislation Advisory Panel (LAP) has responsibility to review "reports received from the Jersey Law Commission ... on aspects of Jersey law which the Commission considers should be examined with a view to reform". There was a pause in LAP's schedule of meetings but in November 2021 the Commission was pleased to receive LAP's support for several new law reform projects, which are discussed later in this annual report.

During 2021, the Jersey Law Commission continued to raise its profile and that of Jersey's legal system, not only through social media, but also by involving ourselves in international initiatives, such as those relevant to smaller jurisdictions and an environmental crimes conference held in September 2021. In 2021 the Jersey Law Commission was again the host of the annual meeting (held online) of the four neighbouring law commissions of England & Wales, Scotland, Ireland and Jersey, plus the soon-to-be-reinstated law reform body for Northern Ireland

As with so many aspects of the lives of all of us, the Jersey Law Commission was affected through the greater part of 2021 by the Covid-19 pandemic and continues to be during this year, 2022, when this Report of our activities in 2021 is being made. Although the Commission continued to meet online, discussions with Government and the States Assembly stalled as officials, States Members and Ministered rightly concentrated on safeguarding Jersey's population. As the impact of the pandemic

subsidies, however, it will be important for working relationships to be restarted and refocused to enable the Commission to continue its work in reforming Jersey law.

As in 2020, the pandemic also called for the attention of the Jersey Law Commission: in particular, we were concerned that appropriate procedures be followed in relation to enacting emergency legislation introduced to combat the pandemic and that that legislation is and remains a strictly necessary and proportionate response to the emerging situation. Respect for the rule of law must always remain intact.

Commissioners

The Chairman, Mr Clive Chapman, retired from the Commission in January 2021 after many years contribution to law reform in the island. Mr Jonathan Walker also left at the end of his 5-year term. The Commission thanks them for their public service.

Professor Claire de Than was appointed as Chair.

In January 2021, four new Commissioners were appointed in to maintain the range of expertise in the Jersey Law Commission: Advocate Emma German; Professor Andrew Le Sueur (who previously served as a Commissioner 2013-2018); Advocate Matthew Swan; and Advocate Steven Pallot (R.8/2021, *Jersey Law Commission: Appointment of Commissioners*).

In October 2021, Professor Claire de Than and Advocate Barbara Corbett were reappointed as Commissioners for a further 5-year term (R.159/2021 *Jersey Law Commission – Reappointment of Law Commissioners*).

Premises

Meetings in 2021 were virtual due to pandemic restrictions.

Support

Ms Cairistiona Annan is Secretary to the Jersey Law Commission.

Communications and Media

The website for the Jersey Law Commission sets out information about all of the Jersey Law Commission's current and past projects and publications. The Commission also makes use of social media (Twitter: @JsyLawComm) to publicise its activities including consultations and progress on projects and to comment on matters relevant to its activities. Tweets have covered the publication by the Jersey Law Commission of documents relating to its work and a range of subjects in which the Jersey Law Commission is interested. These have included:

- legislative responses to the pandemic as it affected Jersey and elsewhere;

- administrative justice in Jersey and elsewhere and responses by the Government in Jersey to challenges in this field;
- human rights implications of questions relating to access to justice;
- many aspects of family law and the rights of children;
- criminal law reform;
- the law relating to surrogacy and parenthood;
- reform of the law of contract in Jersey;
- the review of Legal Aid provision in Jersey;
- environmental law

and much more.

Consultations, Topic Reports and Projects

The issues considered by the Jersey Law Commission during 2021 and projects undertaken by it are described in PART II - ACTIVITIES.

PART II – ACTIVITIES

Topic Reports and other issues considered by and projects undertaken by the Jersey Law Commission during 2021

A list of publications by the Jersey Law Commission from the date of its establishment in 1996 until and including the year of this Annual Report is set out in Appendix C.

Completed Projects with ongoing involvement of the Jersey Law Commission

A Public Services Ombudsperson for Jersey

A strand of the Commission's work relating to administrative redress concerns the creation of a Public Services Ombudsperson. The project, led by Professor Andrew Le Sueur, developed a detailed blueprint for an ombudsperson scheme suitable for a small jurisdiction.

The Jersey Law Commission's 2017 Topic Report, [Improving Administrative Redress in Jersey](#), reviewed the effectiveness of the States of Jersey Complaints Panel. The overarching finding was that, despite previous attempts at reforms, several serious problems persisted with the remit of the Panel, the framework within which it operates, the procedures it uses, and the high proportion of cases where Ministers rejected its findings and recommendations (para 5.29). The Jersey Law Commission made clear that the criticisms were not (and are not) directed at the individuals (past and present) who contribute their time without remuneration to service on the Panel.

The Jersey Law Commission therefore recommended in 2017 that the Complaints Panel should be replaced by a Public Services Ombudsperson. Alternatively, a range of detailed proposals to improve the operation of the Complaints Panel were set out in the 2017 Topic Report if the Government of Jersey and the States Assembly decided to keep the Panel.

In March 2018, shortly before the general election, the States Assembly voted in favour of a Proposition ([P.32/2018](#)) brought by Senator Philip Ozouf, agreeing in principle to establish an Ombudsperson scheme, subject to further research. The Jersey Law Commission were commissioned by the Government to carry out that research, which we did through a project led by Professor Le Sueur with colleagues from the University of Essex and the UK Administrative Justice Institute (UKAJI). The research was part-funded by a grant to the research team from the Economic and Social Research Council Impact Acceleration Account.

The Jersey Law Commission published a 238-page Topic Report **Designing a Public Services Ombudsman for Jersey** in November 2018, which provided comprehensive analysis and policy options for the Government of Jersey and the States Assembly.

Although outside the time frame for this annual report, we note that following the general election 2022, the new Government of Jersey announced in October 2022 that legislation will be introduced to create an ombudsperson in Jersey [\[link\]](#) as part of the Council of Minister's 100 Day Actions. The Jersey Law Commission welcomes this progress in implementing our recommendations. The Government of Jersey engaged a UK-based consultancy firm, Crest Advisory (UK) Ltd, to advise on the law drafting instructions [\[\[link\]](#) at a cost of between £100,000 - £125,000. Although many aspects of the proposed Law are based closely on recommendations and analysis provided by the Jersey Law Commission, neither the consultancy firm or Strategic Policy, Planning and Performance (SPPP) in the Government of Jersey Cabinet Office sought any engagement with the Commission during this period, which is a source of disappointment for the Commission. We understand that the Government intends to lodge au Greffe a draft Law to create a Jersey Public Services Ombudsperson later in 2023.

Current Projects

Parentage, Donor Conception and Surrogacy

During 2019 a substantial piece of work was completed on behalf of the Law Commission by Marisa Allman, barrister at 36 Family Chambers in London. Initially the remit had been to consider the law relating to surrogacy in Jersey, or rather the complete lack of any such law. It became clear, however, that the issues that needed addressing were much wider than simply the law relating to surrogacy.

The law in Jersey relating to parentage generally is significantly behind that of many other nations in the world. This is of particular concern because the Government of Jersey has been keen to promote civil partnerships and more recently same sex marriage and has legislated accordingly. Despite such legislation confirming the right of same sex couples to marry and found a family, the law has not, in fact, achieved the equality it appeared to set out to do. There is, for example, no provision in Jersey to register the parents of a child as being anything other than one female mother and one male father. Further, although heterosexual couples both gain parental responsibility for a child born to them, same sex couples do not. This, together with the significant progress that has been made in respect of assisted reproduction generally, which the law has not kept pace with, has resulted in significant anomalies.

The report deals with all these matters and suggests possible considerations for reform using international comparisons and drawing on the positive and negative experiences of different jurisdictions.

The Law Commission report was picked up by policy officers but unfortunately, due to COVID during 2020, no work was undertaken in respect of preparing instructions to the law drafters, civil servant's time being fully occupied with dealing with the COVID legislation. This report has had more consideration during 2021 and 2022.

Criminal Appeals

The Jersey Law Commission reviewed the law relating to appeals against criminal convictions in Jersey with a view to making recommendations as to whether and how the grounds for appeals against criminal convictions should be reformed. For the purposes of the review the Jersey Law Commission published a Consultation Scoping Paper, Criminal Appeals Against Conviction (Consultation Paper No.2/2016/CP), in July 2016 that asked a series of ‘scoping’ questions.

Reflecting the responses received by it to its paper, Criminal Appeals Against Conviction, the Jersey Law Commission submitted reform proposals to the Department for Community and Constitutional Affairs as part of that department’s Review Of Draft Legislation On New Criminal Procedure to enable the reform proposals to be considered by the States Assembly.

None of the responses received to the consultation carried out by the Jersey Law Commission favoured preserving the existing law in relation to appeals against criminal convictions. Respondents to the consultation identified two factors in particular that created risks of miscarriages of justice:

- (i) the wording of Article 26(1) of the Court of Appeal (Jersey) Law 1961, specifically the *proviso* that even if an appellant may succeed on a point raised in the appeal, the appeal may be dismissed if the court considers that there has been no substantial miscarriage of justice; and
- (ii) judicial reluctance to overturn jury verdicts notwithstanding scientific and academic research on jury fallibility for reasons that equally apply to the decisions of jurors

Reflecting these concerns, the Jersey Law Commission has proposed replacing existing grounds of appeal with a single ground allowing the Court of Appeal to quash a conviction when it “*has a serious doubt about the verdict*”. In conjunction with this reform, guidance should be issued to explain that the legislative intention is to give a broad ground for allowing an appeal (even where there is no fresh evidence or fresh legal argument) and that there are many factors which can lead to a serious doubt about a conviction. The power to order a retrial should remain.

In its summary of the responses to the consultation it had carried out, Response to the Criminal Procedure Consultation, the Department for Community and Constitutional Affairs noted the reform proposals made by the Jersey Law Commission. After no response from government, it is hoped that the proposed reforms will be taken forward in 2022, particularly since fresh cases have demonstrated further potential issues

concerning criminal appeals and retrials.. Jersey's criminal appeals legislation continues to risk miscarriages of justice due to its anachronistic nature.

Criminal Code

Work began in 2017 on the Criminal Code project, with the first publication completed in 2021. The first stage of the project comprises two brief and accessible documents stating:

- (i) the customary and common law offences under Jersey's criminal law, their scope and elements, and
- (ii) applicable defences under Jersey's criminal law.

These are to be made available on the website of the [Jersey Legal Information Board](#). Each document contains worked examples so that members of the public will have, for the first time, a clear explanation of each of these offences. In this way concerns about legal certainty and the principle of legality will be addressed. Short papers proposing amendments to some customary offences have been produced. Significant progress has been made towards a full draft Criminal Code. A great deal of interest has been shown in this project by researchers and reform bodies in other jurisdictions.

Open Justice

A short project assessing the current approach to open justice, reporting restrictions and contempt of court in Jersey is underway. This builds on issues and opportunities previously highlighted in [response](#) by Professor de Than to the [Consultation](#) on the then Draft Criminal Procedure Law. Rapid changes in online justice in 2021 continue to draw attention to previously unnoticed access, equality and reporting issues, as well as those which are well-known in all comparable jurisdictions.

Human Rights (Jersey) Law 2000

During 2021, in a project led by Professor Andrew Le Sueur, the Commission started work to review the efficacy of the Human Rights (Jersey) Law 2000, which came into force in 2006. The project will seek to understand how the Law has been used in the island's courts and tribunals and by the States Assembly and whether any amendments are required. It is anticipated that a consultation report will be published in late 2023.

Maintenance and Champerty

Work began in 2021 on a report on maintenance and champerty. These are medieval legal concepts designed to prevent, on grounds of public policy, a trade in legal claims. The effect of them, however, could call into question the increasingly popular arrangements for contingent fees and certain types of arrangements entered into by litigation funding investment companies. Some Anglo-Saxon jurisdictions have

abolished the concept, so as to make a trade in litigious claims lawful, whereas others have retained it. The report will consider the current position and options for reform.

Parish Assemblies

Work began in 2021 on a Consultation Paper concerning the legal framework governing parish assemblies in Jersey. The current legal framework is a mosaic of custom and centuries old statute, often in French. Whilst this is a cherished part of Jersey's legal heritage, it is obscure to many and often lacks clarity on questions of procedure, such as the ability to attend and participate by electronic means in an assembly. This tends to discourage large scale attendance at parish assemblies. The Jersey Law Commission Paper will explore possible reforms to encourage wider attendance and voting, and thus to keep parish assemblies at the heart of community life in Jersey.

The proposal will be to put in place a legislative structure to enable reforms to be enacted more easily, in the English language, but without having to resort to a wholesale repeal and replacement of existing laws and customs. This would entail not only a wide enabling provision for the States to make Regulations amending primary legislation, but further powers, possibly, to enable the Comité des Connétables to make Orders in relation to certain matters of procedure at parish assemblies generally and each parish assembly to make by-laws where appropriate to suit the individual needs of the parish concerned.

It is hoped that the Consultation Paper can be published by the end of 2022.

Digital Assets reform: Smart Contracts

This project concerns the impact of the digital age on various Jersey laws and the ability for Jersey to maintain relevance as a key offshore financial centre. It will begin with a focus upon smart contracts. Key issues include whether smart contracts are capable of being recognised and enforceable in Jersey as valid legal contracts so called "smart legal contracts"; and if so, whether this should be subject to any specific conditions or rules in particular in relation to contracts concerning consumers. Related to the core topic of smart contracts are whether Jersey should follow Guernsey and other jurisdictions in recognising the concept of an "electronic agent" who may enter into smart contracts on behalf of its principal even where the principal has not read the terms of such contract. As smart contracts are enabled by blockchain, the project will also cover whether Jersey should introduce a new form of decentralised structure, a Jersey law governed decentralised autonomous organisation ("**DAO**") as these organisations are used increasingly to govern blockchain protocols.

Future Projects

The Jersey Law Commission has a varied and wide-ranging set of projects under consideration for future review.

Légitime

The Jersey Law Commission has sought feedback from the Legislation Advisory Panel as to whether there is governmental appetite for reform in respect of the field of *légitime*, the subject of a recent report by the Law Officers' Department (see [Légitime Reform: Lessons From Different Systems Of Protection From Disinheritance](#) and [Légitime Reform: Where To Go?](#)), a two-part article by Dennis Dixon in the Jersey and Guernsey Law Review). In carrying out any such work, the Jersey Law Commission would aim to complement any work being undertaken by government in this field of law reform.

Electronic Signatures

With the greater use of technology, more contracts are being concluded without the use of traditional "wet-ink" signatures and are being signed electronically. Indeed, the use of electronic signatures has been particularly helpful for signatories when faced with the travel and social distancing requirements of COVID-19. It is therefore an area of immediate and topical concern. The aim of the work would be to consider the current legal position concerning the validity of electronic signatures under Jersey law and whether there are any recommendations to be made for reform.

Prescription and Limitation

A proposal was prepared during the course of 2019 for a [review of the law in Jersey relating to prescription and limitation](#) and submitted for budgetary approval to enable it to proceed. Prescription and limitation are distinct but linked areas of the law relating to how legal rights may be acquired and may expire. These are issues that affect individuals and corporations alike in fundamental ways but the law in Jersey has developed in a piecemeal fashion. It has been influenced by a variety of sources with the result that the law is unclear and afflicted by anomalies and inconsistencies. The courts have in various ways attempted to clarify the law in these areas but it remains difficult to determine and to apply. This causes problems in courts both locally and overseas and reform is *required*. [No response to the request for budgetary approval to enable the project to proceed had, however, been received by the end of 2020 and the wait for budgetary approval continued during 2021.

PART III – COST

The cost of the Jersey Law Commission

The Government of Jersey makes resources available to the Jersey Law Commission through Strategic Policy, Performance and Population (SPPP) in the Cabinet Office. No fixed budget is available from or agreed with the government, but expenses likely to be incurred are agreed in advance with officials and, once incurred, payment is made directly by the Department to the person owed. The Jersey Law Commission does not

itself receive or hold any funds. As outlined above in PART I – 2020 OVERVIEW, it is hoped that discussions will resume with officials in SPPP to formalise these arrangements in a memorandum of understanding.

The principal costs relating to the Jersey Law Commission are incurred in respect of consultations it carries out and Topic Reports it issues. During the year covered by this Annual Report the total costs of running the Jersey Law Commission have amounted to approximately £15,000.

Under previous arrangements with the Department for Community and Constitutional Affairs, the Secretary to the Jersey Law Commission from time to time is remunerated on an agreed hourly rate basis. The total annual cost of the Secretary's services was £4,500 in 2021.

PART IV – IMPACT

During the period covered by this Annual Report (2021), legislation has been enacted or proposed on the following matters on which the Jersey Law Commission has issued Topic Reports and made recommendations. We also note where no response has been made to the Commission's work.

Improving Administrative Redress in Jersey

In October 2017, the Commission published a detailed and wide-ranging review of how islanders aggrieved by the actions, inactions and decisions of public bodies in Jersey can seek redress (*Improving Administrative Redress in Jersey*, Topic Report No. 1/2017/TR). This covered complaint handling by public bodies, modernising the tribunal system, ending appeals and reviews to Ministers, the States of Jersey Complaints Panel, a proposal for a Jersey Public Services Ombudsperson, administrative appeals to the Royal Court, and use of Alternative Dispute Resolution (ADR).

The proposal for a Jersey Public Services Ombudsperson (see above) has been accepted by the Government and is being implemented. In relation to the other aspects of the review, however, four years on from publication of the 2017 report the Commission has not received any formal response from Government as to whether the proposals are accepted or rejected since the Chief Minister presented an interim response to the States Assembly on 2 January 2018 (*Jersey Law Commission Topic Report 'Improving Administrative Redress in Jersey: Initial Response*, R.1/2018).

In December 2021, the States Assembly Care of Children in Jersey Review Panel published a final report in its lengthy inquiry on *Redress and Accountability Systems in Jersey* (S.R.22/2021). Two current Jersey Law Commissioners gave evidence to the Panel (Professor Andrew Le Sueur and Advocate Barbara Corbett), though they did so

in their professional expert capacity rather than as representatives of the Commission. It is not clear to the Commission how aware the Panel was at the set-up phase of its inquiry of the detailed and wide-ranging work previously carried out by the Commission in relation to improving administrative redress in Jersey, though the final report does make several references to the Commission's findings and recommendations. While the scope of the Panel's review and the Commission's project were different, a joined-up approach would have been beneficial. The Chief Minister's response to the Panel's report was presented to the States Assembly on 10 May 2022 (S.R.22 Res./2021).

Jersey Public Services Ombudsperson

Although falling outside the period covered in this report (2021), as noted above the Government of Jersey has prepared law drafting instructions for legislation to establish a Jersey Public Services Ombudsperson.

Parentage, Donor Conception and Surrogacy

Advocate Barbara Corbett has spoken on issues relating to parentage, donor conception and surrogacy in the media and arranged for Ms Allman to speak on the issues at the Jersey International Family Law Conference in October 2019. The challenge now is to encourage the Government of Jersey to include law reform in respect of assisted reproduction and parentage in all its forms in the near future.

The report on parentage, donor conception and surrogacy has been submitted to the Government of Jersey but no progress was made during 2021. It is hoped that in 2022 the Jersey Law Commission and the Government of Jersey will be able to work together to achieve progress in this area.

Divorce Reform

It is very disappointing that although it is now several years since the Law Commission report on divorce reform was produced, there has still been no reform of the law. During 2018 a consultation was undertaken which concluded in February 2019. Unfortunately, no action was taken during the year and no date has been fixed for any progress to be made in this important area. **Criminal Law** During 2019, work began on a number of joint research projects with other bodies conducting research about law reform. This includes a project with two UK universities on Defences in Criminal Law, funded by the British Academy. A conference due to take place in 2021 will be rescheduled once restrictions allow, and three articles have already been published as a result of the project.

Environmental Law

In 2019 the Jersey Law Commission partnered with The Common Good Foundation and The Resolution Centre to run a successful conference on Environmental Crimes. An open access academic journal has been created and will be hosted on the Commission's website. . Each edition comprises articles from academic and practitioner

authors from many different jurisdictions, with themes relevant to Jersey. Jersey Law Commissioners act as a Review Board for submissions to the journal. Articles published in the Journal have been submitted to the REF research evaluation framework in the UK on the basis that they are of internationally-excellent or world-leading quality. A second conference took place in October 2020 and a third in 2021.

Small Jurisdictions

The Jersey Law Commission has had further international impact through work on a Small Jurisdictions Project led by Professor de Than, which has gained substantial support from a wide range of stakeholders, and through work with bodies in the Isle of Man who seek to learn from the experiences of Jersey and other small jurisdictions. These links and projects continued in 2021 and beyond.

APPENDIX A: THE ROLE OF THE JERSEY LAW COMMISSION

The Jersey Law Commission is a body established by the States of Jersey. It works in consultation with the Legislation Advisory Panel and the Department for Community and Constitutional Affairs but the Jersey Law Commission is an independent body whose reports will be made available, in the form determined by the Jersey Law Commission, to the public.

The role of the Jersey Law Commission is defined in its terms of reference, which are set out as follows in the Proposition of the States of Jersey by which the Jersey Law Commission was established:

It shall be the duty of the Commission to identify aspects of Jersey law which it considers should be examined with a view to their development and reform, including in particular the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law, and to those ends:

- (a) to receive and consider any proposals for the reform of the law which may be made or referred to them;*
- (b) to prepare and submit to the Legislation Advisory Panel from time to time programmes for the examination of different branches of the law with a view to reform; and*
- (c) to undertake, pursuant to any such recommendations approved by the Legislation Advisory Panel, the examination of particular branches of the law, such consultation thereon as the Commission shall think fit, and the formulation by means of draft bills or otherwise of proposals for such reform.*

APPENDIX B: THE WORKING METHOD OF THE JERSEY LAW COMMISSION

Upon accepting a topic for review the Jersey Law Commission appoints one of its members to act as the Topic Commissioner to conduct and co-ordinate all of the Jersey Law Commission's work on that topic. On his or her recommendation the Jersey Law Commission seeks expert support from lawyers practising in the field or academics learned in the subject as Topic Practitioner to assist him or her generally and to ensure that the work of the Jersey Law Commission remains relevant to the issues actually arising in relation to the topic. The Topic Commissioner is not paid in respect of the work undertaken for the Jersey Law Commission unless also acting as Topic Practitioner. The Jersey Law Commission typically agree a fee with the Topic Practitioner who then recovers that fee direct from the States of Jersey. Requisite legal research may be carried out by others: either by professional researchers under contract or by experts willing to give their time as a public service.

The procedure for the review of each topic will commonly fall into the following steps:

- 1 finding out whether there is a problem, and if there is, defining exactly what it is;
- 2 researching and summarising the existing law relevant to the topic;
- 3 suggesting how the relevant law might be changed to solve the problem;
- 4 preparing and publishing a consultation document based on items 1, 2 and 3;
- 5 receiving and discussing representations made in response to the consultation document;
- 6 preparing and publishing a final report.

APPENDIX C: TOPIC REPORTS AND OTHER ISSUES REPORTED ON BY THE JERSEY LAW COMMISSION

From its establishment in 1996 until the end of 2020 (the year covered by this Annual Report) the Commission has issued the following reports. All papers published by the Jersey Law Commission can be found on the Jersey Law Commission's website under [Publications](#)

Consultation papers (seeking input into the reform process)

2016 Consultation (Phase 1) on Criminal Appeals Against Conviction

2016 Improving Administrative Redress In Jersey

2015 Divorce Reform

2010 Voisinage

2010 Bankruptcy (Désastre) (Jersey) Law 1990 "Social Désastre"

2009 Topic report on Corroboration Of Evidence In Criminal Trials

2008 Prescription And Limitation

2008 The Jersey Law Of Partnership

2006 The Prohibition On Trusts Applying Directly To Jersey Immovable Property

2006 Security On Immoveable Property

2006 The Jersey Law Of Charities (revised)

2004 The Jersey Law Of Charities

2002 The Jersey Law Of Real Property

2002 The Jersey Law Of Contract

2002 The Law Of Tutelles

1999 Best Evidence Rule In Civil Proceedings

1998 Dégrèvement

1998 The Rights Of Beneficiaries To Information Regarding A Trust

Final topic reports (containing recommendations)

2020 Topic Report on The Law Relating to Parentage, Donor Conception and Surrogacy: Considerations for Reform

2018 Topic Report on Designing A Public Services Ombudsman For Jersey

2017 Topic Report on Improving Administrative Redress in Jersey

2015 Topic report on Divorce Reform

2011 Topic report on Voisinage

2011 Topic report on Bankruptcy (Désastre) (Jersey) Law 1990 “Social Désastre”

2010 Topic report on The Jersey Law Of Partnership

2009 Topic report on Corroboration Of Evidence In Criminal Trials

2009 Topic report on The Jersey Law Of Charities

2008 Topic report on Security On Immoveable Property

2004 Topic report on The Law of Contract

2002 Topic report on The Best Evidence Rule In Civil Proceedings

2002 Topic report on The Law Of Tutelles

1999 Topic report on Dégrèvement

1998 Topic report on The Rights Of Beneficiaries To Information Regarding A Trust

Other publications by the Jersey Law Commission

2020 The Proceedings of the Joint Annual Conference of the Four Neighbouring Law Commissions

2020 The Resolution Journal: Environmental Crimes 2019

2019 Comments on the Draft Access to Justice (Jersey) Law 201- (Proposition 23-2019)

2019 Proposal for a review of the law in Jersey relating to prescription and limitation

2019 Response to a consultation by the Government of Jersey on establishing a Jersey Public Services Ombudsman

2019 The Appointment and Removal of the Head of Government of the Kiribati Republic, a report by the Jersey Law Commission and others for Daphne Caine MHK

2019 Comments on proposals for reform of the Jersey law of contract

2019 Comments on proposals for reform of the Jersey law of contract

Publications and activities of Commissioners in 2021

During 2021, Professor de Than made regular media appearances as an expert, including Radio 4, Radio 5 and BBC News, an interview by Kathy Lette, and contributions to a range of documentaries. She writes a monthly newspaper column on legal issues, and is a regular conference speaker. She made many Keynote speeches in 2021, online.

Steven Pallot wrote and contributed to articles for the *Jersey and Guernsey Law Review*

2019 Issue 3 “Whatever happened to promulgation” https://www.jerseylaw.je/publications/jqlr/PDF%20Documents/JGLR1903_ShorterPallotAndMcLellan.pdf

2018 Issue 2 [The Assembly Of Governor, Bailiff And Jurats: Rise And \(Near\) Demise \(jerseylaw.je\)](https://www.jerseylaw.je/publications/jqlr/PDF%20Documents/JGLR1802_ShorterPallotAndMcLellan.pdf)

2019 Issue 2 [The Role Of The Attorney General As Partie Publique In Civil Cases \(jerseylaw.je\)](https://www.jerseylaw.je/publications/jqlr/PDF%20Documents/JGLR1902_ShorterPallotAndMcLellan.pdf) Robert McCrae kindly added a closing footnote [17]: *I am very grateful to Advocate Steven Pallot for his significant contribution to this article.*