

**WRITTEN QUESTION TO THE ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 28th APRIL 2009**

Question

“Will H.M. Attorney General explain what legal action, if any, can be taken against a number of candidates (successful and unsuccessful but all ‘independents’) in the 2008 Deputies elections who, well into 2009, had still not supplied details to the Judicial Greffe, as required by law, of their electoral campaign expenses?”

Answer

The Law regulating election expenses is to be found in the Public Elections (Expenditure and Donations) (Jersey) Regulations, 2008 (the “Regulations”), which came into force on 25th July 2008.

Regulation 4 of the Regulations provides that:

“(1) A candidate’s election expenses shall not exceed, in the aggregate –

*(a) where the candidate ... is a candidate for election as Deputy or Connétable, £1,500;
and*

*(b) 10 pence for each person entitled to vote in the election by virtue of Article 2(1), (2) or
(3) of the 2002 Law.*

(2) A candidate whose election expenses exceed, without reasonable excuse, the limit imposed by paragraph (1) is guilty of an offence and liable to a fine.”

Regulation 6 of the Regulations requires a candidate, no later than 15 working days after the day the Poll is held, to deliver to the Judicial Greffier a written declaration of his or her election expenses and donations of the specified kind received by the candidate. Paragraph (6) of Regulation 6 provides:

“A candidate who fails, without reasonable excuse, to deliver a declaration, or further declaration, in accordance with this Regulation is guilty of an offence and liable to a fine.”

Regulation 15 requires the Greffier to make declarations received by him under the Regulations available for inspection, free of charge, at the offices of the Judicial Greffe, during normal working hours.

The legal – as opposed to political - enforcement mechanism for these Regulations lies in the bringing of a criminal prosecution. Such a prosecution will be considered in cases where a file is prepared by the police and passed to the Law Officers’ Department, or alternatively to a Centenier, for a decision as to whether or not to prosecute.

The lodging of this question last week led me to make some enquiries of the Judicial Greffier. I understand there are two candidates from the Deputies’ elections, neither of whom were elected, who have not yet filed a note of their election expenses as the Regulations require. I believe the Greffier is pursuing that matter to the extent he can. As far as I am aware, the Law Officers Department have as yet received no such police files for consideration in relation to the 2008 Deputies’ elections.