

STATES OF JERSEY



DRAFT CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 26th July 2016
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) (JERSEY) REGULATIONS 201-

REPORT

The Draft Criminal Justice (Miscellaneous Provisions) (Jersey) Law 201- ([P.87/2015](#)) was adopted by the States on 20th October 2015. It subsequently received Privy Council sanction on 10th February 2016 and was registered by the Royal Court on 19th February 2016, becoming part of Jersey's Laws Enacted as the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016 ("the Law") ([L.1/2016](#)). The Law is due to be brought into force by an Appointed Day Act (*see* P.75/2016) lodged *au Greffe* to be debated by the States immediately following these draft Regulations.

The Law increases from £5,000 to £10,000 the jurisdiction of the Magistrate's Court to impose fines. It also reforms the standard scale of fines by fixing –

- (a) level 1 on the scale at 2% of that jurisdiction (£200), and
- (b) level 2 on the scale at 10% of that jurisdiction (£1,000), and
- (c) level 3 on the scale at 100% of that jurisdiction (£10,000).

Level 4 on the standard scale will cease to exist. As the Law Draftsman's Explanatory Note states, the Law amended many enactments, as a result of this reform, to replace existing references to level 4 with a reference either to an unlimited fine or to level 3. The Law could not, however, amend other draft legislation which, when the Law was debated, had already been lodged or was awaiting debate or Royal Assent. Moreover, certain other legislation has been enacted since the Law was adopted, which also requires amendment to reflect the reform of the standard scale.

These draft Regulations would therefore make the necessary transitional adjustments to statutory references, which it was not possible to include in the Law in its draft form when adopted by the States.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

Explanatory Note

These Regulations are made under the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016 (P.87/2015), which was adopted by the States on 20th October 2015 (the “2016 Law”).

The 2016 Law revised the standard scale of fines, replacing the existing levels 1 to 4 (£50, £500, £2,000 and £5,000) with new levels 1 to 3 (£200, £1,000 and £10,000).

As a consequence, the 2016 Law amended numerous enactments, principally for the purpose of replacing existing references to existing level 4 with either a reference to an unlimited fine or a reference to level 3. The Law could not, however, purport to amend other Laws which, at the time the Law was lodged, were also lodged, awaiting debate, or had been adopted and were awaiting Privy Council sanction. Other legislation has been enacted since the 2016 Law was adopted that also requires amendment to replace existing references to level 4.

The principal purpose of these Regulations, then, is to replace references to level 4 with references to level 3 in all current legislation that could not be amended by the 2016 Law itself. There may be a need for further Regulations to be brought forward in due course to amend other Laws that are awaiting Privy Council sanction.

In addition, an amendment that would have been made by the 2016 Law to the Aerodromes (Administration) (Jersey) Law 1952 is replaced, as the original amendment would have conferred a power on a Centenier to impose a summary fine up to £400. The replacement amendment reinstates the limit on the Centenier’s fining powers of £200.



Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 3(2) of the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016¹, have made the following Regulations –

1 Enactments amended

In an enactment described in the first column of the Schedule, for the words in the second column opposite it, there shall be substituted the words in the third column opposite it.

2 Citation and commencement

- (1) These Regulations may be cited as the Criminal Justice (Miscellaneous Provisions) (Jersey) Regulations 201- and, subject to paragraph (2), shall come into force on the same day as the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016².
- (2) Where an enactment amended by the Schedule is not in force on the day on which, by virtue of paragraph (1), these Regulations come into force, the amendment in the Schedule of that enactment shall come into force on the same day as that enactment.

SCHEDULE

(Regulation 1)

AMENDMENT OF PENALTIES FOR OFFENCES IN ENACTMENTS

<i>Enactment</i>	<i>Current penalty</i>	<i>Revised penalty</i>
Dogs (Jersey) Law 1961 ³ – Article 13(3)(b)	level 4	level 3
Dogs (Jersey) Law 1961 ⁴ – Article 13(4)	level 4	level 3
Aerodromes (Administration) (Jersey) Law 1952 ⁵ – Article 5(1)	a fine of an amount not exceeding two fifths of level 2 on the standard scale or the maximum fine provided for the offence, whichever is the lower	a fine of level 1 on the standard scale
Air and Sea Ports (Incorporation) (Jersey) Law 2015 ⁶ – Article 53(4)	level 4	level 3
Adoption (Jersey) Law 1961 ⁷ – Article 32A(10)	level 4	level 3
EU Legislation (Payment Services – SEPA) (Jersey) Regulations 2015 ⁸ – Regulation 17(2)	level 4	level 3
EU Legislation (Payment Services – SEPA) (Jersey) Regulations 2015 ⁹ – Regulation 18(2)	level 4	level 3
EU Legislation (Payment Services – SEPA) (Jersey) Regulations 2015 ¹⁰ – Regulation 18(5)	level 4	level 3
Harbours (Jersey) Regulations 1962 ¹¹ – Regulation 4(3)	level 4	level 3
Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 ¹² – Article 21(9)(b)	level 4	level 3

<i>Enactment</i>	<i>Current penalty</i>	<i>Revised penalty</i>
Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 ¹³ – Article 22(5)	level 4	level 3
Dentistry (Jersey) Law 2015 ¹⁴ – Article 21(2)	level 4	level 3
Dentistry (Jersey) Law 2015 ¹⁵ – Article 22(4)	level 4	level 3
Dentistry (Jersey) Law 2015 ¹⁶ – Article 24(1)	level 4	level 3
Road Traffic (Jersey) Law 1956 ¹⁷ – Article 25(2)	level 4	level 3
Road Traffic (Jersey) Law 1956 ¹⁸ – Article 27(2)	level 4	level 3

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- 1 *L.1/2016*
 - 2 *L.1/2016*
 - 3 *chapter 02.550*
 - 4 *chapter 02.550*
 - 5 *chapter 03.035*
 - 6 *chapter 03.050*
 - 7 *chapter 12.050*
 - 8 *chapter 17.245.54*
 - 9 *chapter 17.245.54*
 - 10 *chapter 17.245.54*
 - 11 *chapter 19.060.60*
 - 12 *chapter 19.890*
 - 13 *chapter 19.890*
 - 14 *L.17/2015*
 - 15 *L.17/2015*
 - 16 *L.17/2015*
 - 17 *chapter 25.550*
 - 18 *chapter 25.550*