

STATES OF JERSEY

r

SPEEDING FINES: ALLOCATION OF FUNDS TO PARISHES (P.156/2005) – AMENDMENT

Lodged au Greffe on 16th January 2006
by the Comité des Connétables

STATES GREFFE

SPEEDING FINES: ALLOCATION OF FUNDS TO PARISHES (P.156/2005) – AMENDMENT

In sub-paragraph (a) delete the words “one half of” and, after the words “for the benefit of that Parish” insert the words “and applied towards the general expenses of the Parish”.

COMITÉ DES CONNÉTABLES

REPORT

Fines levied under the Road Traffic (Jersey) Law 1956 are awarded for the benefit of the Crown (if levied under Articles 18, 20 to 27 inclusive, 51 and 53) or otherwise for the benefit of the annual income of the States.

However, where the fine is levied summarily by a Connétable or Centenier of the parish where the offence was committed, the Parish may retain 50% of the fine that would otherwise be awarded to the States, and this income is applied towards the cost of the maintenance of the by-roads of the Parish. The Law sets out when a Connétable or Centenier may deal with an offence (Article 89 and Schedule 3 of the Law– see Appendix 1).

As ‘speeding fines’ are levied under Article 21 of the Road Traffic (Jersey) Law 1956 all the income is currently awarded for the benefit of the Crown, even when the fine is levied summarily.

Much policing of the Road Traffic Law is undertaken by the Honorary Police of each Parish and a number of cases are dealt with at Parish Hall enquiries. This policing is essential but can only be carried out effectively if the Honorary Police are properly trained, equipped and insured to undertake such duties. The costs of appropriate training, equipping (including the purchase of specialist equipment such as speed detection devices, breathalysers etc.) and insurance have increased significantly in recent years and are currently being funded by Parish ratepayers.

The Deputy of St. Martin’s proposition “Speeding fines: allocation of funds to Parishes” P.156/2005 proposes that when a fine for driving at excess speed is levied by the Honorary Police in the Parish where the offence was committed, one half of the fine should be for the benefit of that Parish. However, the Connétables believe that, in view of the costs borne by Parishes in policing the Law, all speeding fines levied summarily should be retained by the Parish where the offence was committed and allocated, in future, to the general revenues of the Parish to help offset the costs incurred by that Parish for the Honorary Police and for policing the Road Traffic Law.

The Comité’s amendment therefore provides that all speeding fines collected by a Parish should be retained by the Parish. Fines levied for offences dealt with by the Court will continue to be allocated in accordance with the current law for the benefit of the Crown or States. This includes a case where a person decides not to accept the decision of the Connétable or Centenier and the matter is referred to the Court.

Only a small proportion of the income from fines levied at Parish Halls for all Road Traffic Law offences is in respect of fines awarded to the Crown. Of the sums involved, part relates to fines under Articles 25 (careless driving) and 53 (taking vehicle, other than a motor vehicle, without the owner’s consent) which are not included in this proposition. The table in Appendix 2 gives an indication of the fines levied summarily and awarded for the benefit of the Crown during the Parishes’ last financial year. If the amended proposition is adopted, the loss of revenue to the Crown will be limited to approximately £30,000 per annum.

There will be financial implications for the States of the Crown not receiving speeding fines levied summarily, although these will be small. There will be no manpower implications for the States not receiving speeding fines and there may even be some saving as current procedures may be simplified and the requirement for audit reports would be reduced.

ROAD TRAFFIC (JERSEY) LAW 1956

Article 89 Power to inflict and levy fines summarily

- (1) Subject to the provisions of this Article, where a person is charged with any offence under this Law or under any Order and accepts the decision of the Connétable or Centenier of the parish in which the offence was committed, then that Connétable or Centenier may inflict and levy summarily a fine up to either an amount not exceeding one fifth of level 2 on the standard scale or the maximum fine provided for that offence, whichever is the lower.
- (2) Paragraph (1) shall not apply where the offender is charged with any offence specified in Schedule 3 to the extent specified therein in relation to that offence.
- (3) Where any fine is levied by a Connétable or Centenier in pursuance of the powers conferred on them by this Article, the Connétable or Centenier shall give a receipt therefor.
- (4) Where any fine is levied by a Connétable or Centenier in pursuance of the powers conferred on them by this Article, the Connétable or Centenier shall as soon as may be inform the Chief Officer of the States of Jersey Police Force of the details thereof.

Article 90 Application of fines

- (1) All fines imposed for offences under Articles 18, 20 to 27 inclusive, 51 and 53 shall be awarded for the benefit of Her Majesty.
- (2) Subject to the provisions of paragraph (1), all fines imposed for offences under this Law or under any Order shall be awarded for the benefit of the annual income of the States except where the fine is inflicted and levied summarily by a Connétable or Centenier of the parish where the offence was committed, in which case one half of the fine shall be awarded for the benefit of the annual income of the States and one half for the benefit of the parish in which the offence was committed and shall be applied towards the cost of maintenance of the by-roads of the parish.

SCHEDULE 3

(Article 89)

Offences in respect of which there is no power to levy fines summarily

- Article 4(1) – driving without a licence or employing unlicensed driver;
- Article 15(4) – applying for or obtaining a licence or driving while disqualified;
- Article 16(4) – applying for or obtaining a licence without giving particulars of endorsement;
- Article 18 – forgery etc. of licence;
- Article 20 – restriction on driving by young or inexperienced persons;
- Article 21 – limitation of speed – second or subsequent offences where the offence is committed within 3 years of the date on which the defendant was convicted for the last such offence or within 3 years of the date on which the defendant was convicted for an offence under any of Article 22, 25, 27, 28, 29, 30, or 52; or any offence involving a speed of more than 15 m.p.h. above the limit imposed by or under that Article in relation to a vehicle of the class or description concerned;
- Article 22 – dangerous driving;
- Article 23 – causing death by dangerous driving;
- Article 25 – careless driving; except where each person who has suffered personal injury or damage to property as a result of the offence has agreed to accept the decision of the Connétable or Centenier of the parish in which the offence was committed and the offence was committed more than 5 years since the date on which the defendant was last convicted for an offence under any of Article 21, 22, 25, 27, 28, 29, 30, or 52;
- Article 26 – causing death by careless driving when under influence of drink or drugs;
- Article 27 – driving, or attempting to drive, when under influence of drink or drugs;
- Article 28(1) – driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit;
- Article 29(4) – failing to provide a specimen of breath;
- Article 30(7) – failing to provide a specimen for analysis or a laboratory test;
- Article 52 – failure to stop after an accident;
- Article 53 – taking vehicle without owner's consent or authority where the vehicle concerned is a motor vehicle;
- Article 65(1) – fraudulent interference with, or operation or display of, a parking device;
- Article 81 – sale or supply of unroadworthy vehicle or alteration of vehicle so as to render it unroadworthy;
- Article 86 – failure to give information as to person in charge of vehicle.

APPENDIX 2

2004/2005 Actual Honorary Police expenses and 100% fines awarded for benefit of the Crown

	<i>Honorary Police expenses £</i>	<i>100% awarded to Crown £</i>
St. Brelade	30,500	8,125
St. Clement	21,115	394
Grouville	22,000	971
St. Helier	62,566	6,000*
St. John	11,943	415
St. Lawrence	20,750	3,965
St Martin	27,277	900
St. Mary	11,227	1,997
St. Ouën	16,667	2,592
St. Peter	27,125	4,455
St. Saviour	26,879	1,805
Trinity	9,874	735
Total	287,923	32,354

* estimate

Note: 2004/2005 Honorary Police expenses does not include full year training costs; excludes insurance costs for St. Helier and St. Peter and excludes staff costs, e.g. charges officer, traffic wardens, etc.