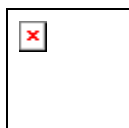


PROJET DE LOI (200-) (AMENDEMENT No. 2) SUR LES MATIERES EXPLOSIVES

**Logé au Greffe le 3 juillet 2001
par le Comité de Législation**



ETATS DE JERSEY

GREFFE DES ETATS

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European Convention on Human Rights

The President of the Legislation Committee has made the following statement -

In the view of the Legislation Committee the provisions of the Projet de Loi (200-) (Amendement No. 2) sur les matières explosives are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard.**

REPORT

Certain amendments are proposed to the Loi (1884) sur les matières explosives in view of certain inconsistencies relating to maximum sentences.

As a result of a recent sentence passed under Article 4 of the Loi, involving a case relating to the possession of petrol bombs inconsistencies have been noted with regard to the maximum sentence for breach of Article 4 because penal servitude and hard labour were abolished by the Criminal Justice (Jersey) Law 1957.

It is, therefore, proposed that the 1884 Loi be amended to reflect sentences in line with the United Kingdom Explosives Substances Act of 1883, whereby a maximum of a life sentence could be passed for offences involving the causing of an explosion likely to endanger life or property, or attempting to cause explosion, making or keeping explosives with intent to endanger life, or, in the case of making or possessing explosives unlawfully, a maximum of 14 years' imprisonment.

This draft Law has no implications for the financial or manpower resources of the States.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 15th June 2001 the Legislation Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Legislation Committee the provisions of the Projet de Loi (200-) (Amendement No. 2) sur les matières explosives are compatible with the Convention Rights.

Explanatory note

The object of this Law is, as a matter of law revision, to remove a reference to penal servitude and to hard labour in Article 4 of the Loi (1884) sur les matières explosives, because both of these concepts were in effect abolished by the Criminal Justice (Jersey) Law 1957.

[TRANSLATION]

EXPLOSIVE SUBSTANCES (AMENDMENT No. 2) LAW 200

A LAW to amend further the Explosive Substances Law 1884 with respect to penalties; sanctioned by Order of Her Most Excellent Majesty in Council of the

(Registered on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In Article 4 of the Explosive Substances Law 1884, as amended, for the words “shall be guilty of an offence and liable to penal servitude for a term not exceeding fourteen years or to imprisonment for a term not exceeding two years, with or without hard labour,” there shall be substituted the words “shall be guilty of an offence and liable to imprisonment for a term not exceeding fourteen years,”.

ARTICLE 2

This Law may be cited as the Explosive Substances (Amendment No. 2) Law 200.

LOI (200-) (AMENDEMENT No. 2) SUR LES MATIERES EXPLOSIVES

LOI pour modifier en plus la Loi (1884) sur les matières explosives au sujet des peines; confirmée par Ordre de Sa Majesté en Conseil en date du

(Enregistré le _____ jour de _____ 200-)

AUX ETATS DE L'ILE DE JERSEY

L'An 200-, le _____ jour de _____

LES ETATS, moyennant la sanction de Sa Très Excellente Majesté en Conseil, ont adopté la Loi suivante -

ARTICLE 1

Dans l'Article 4 de la Loi (1884) sur les matières explosives, telle que ladite Loi a été modifiée,^[1] aux mots "sera censé coupable de crime et passible d'une condamnation à la servitude pénale pour une durée n'excédant pas quatorze années ou à un emprisonnement pour une durée n'excédant pas deux années, avec ou sans travail forcé," seront substitués les mots "sera coupable de crime et passible d'un emprisonnement pour une durée n'excédant pas quatorze années,".

ARTICLE 2

La présente Loi pourra être citée sous le titre de "Loi (200-) (Amendement No. 2) sur les matières explosives".

^[1] Tomes IV-VI, page 51.