

DRAFT WATER POLLUTION (JERSEY) LAW 200- (P.15/2000): SECOND AMENDMENTS

**Lodged au Greffe on 22nd February 2000
by the Public Services Committee**



STATES OF JERSEY

STATES GREFFE

180

2000

P.25

Price code: A

Report

The proposed amendments to Article 18 effect drafting improvements for consistency of style.

The proposed amendment to Article 32(1) eliminates a potential ambiguity.

The proposed revision of Article 48 follows current practice on standard clauses relating to criminal liability.

The proposed amendment to Article 53 saves rights of action and limitations of liability under any other enactment in respect of pollution.

PAGE 45, ARTICLE 18(2) -

For the words “paragraph (1) of Article 17”, substitute the words “Article 17(1)”.

PAGE 45, ARTICLE 18(4) -

For the words “paragraph (1) of Article 17”, substitute the words “Article 17(1)”.

PAGE 56, ARTICLE 32(1) -

For the words “by this Article”, substitute the words “on a designated officer by paragraph (3)”.

PAGE 72, ARTICLE 48 -

For Article 48, substitute the following Article -

“ARTICLE 48

Criminal liability

(1) Any person who aids, abets, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

(2) Where an offence under this Law committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of -

- (a) a person who is a director, manager, secretary or other similar officer of the body corporate; or
- (b) any person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the body corporate to the penalty provided for that offence.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.”.

PAGE 76, ARTICLE 53 -

Re-number Article 53 as paragraph (1) of that Article.

After paragraph (1) of Article 53 (as so re-numbered), add the following paragraph -

“(2) Nothing in any of Articles 36, 37 and 39 -

- (a) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under any such Article; or
- (b) affects any restriction imposed by or under any other enactment.”.

PUBLIC SERVICES COMMITTEE