

**DRAFT LOI (199) SUR L'ATTENUATION DES PEINES ET SUR
LA MISE EN LIBERTE SURVEILLEE**

**Logé au Greffe le 2 juin 1998
par le Comité de Législation**



ETATS DE JERSEY

GREFFE DES ETATS

Report

Some doubt has arisen recently as to the legal status of Probation Officers, or *délégués*, appointed by the Royal Court under Article 7 of the *Loi* (1937) *sur l'atténuation des peines et sur la mise en liberté surveillée* ("the 1937 Law"). Probation Officers are appointed by the Royal Court under Article 7 of the 1937 Law, but it is not clear whether they are employees of the Royal Court or whether they rank as officers of the Royal Court, which has power to dismiss them and, subject to being voted money for the purpose by the States, power to fix their salaries and terms of service.

Over the years, Probation Officers have come to be treated as 'officers' under the Civil Service Administration (Jersey) Law 1953 and, therefore, as employees of the Establishment Committee for the purpose of fixing salaries and conditions of service although they have always been appointed by the Royal Court.

Some concern has been expressed that, although the current arrangements are convenient and sensible, they do not accord with the explicit provisions of the 1937 Law. This *projet de loi*, therefore, proposes a straightforward amendment of the 1937 Law to reflect the present factual situation. The *projet de loi* has been prepared in consultation with the Bailiff and the Chief Probation Officer (amongst others).

The Legislation Committee ventures to think that this proposal is uncontroversial in that it seeks merely to regularize the existing position, rather than to effect any substantive change in the status of Probation Officers or the Probation Department itself. The Legislation Committee has sponsored this draft legislation on the basis that the amendment relates to a statute concerning the Royal Court rather than the Establishment of the Civil Service as such.

Explanatory Note

The purpose of this amending *Loi* is to make it clear that the terms and conditions of employment of *délégués* (probation officers) are, with the exception of provisions relating to their appointment and discipline, the same as those applicable to an officer within the meaning of Article 1 of the Civil Service Administration (Jersey) Law 1953.

[TRANSLATION]

LAW (199) (AMENDMENT) ON THE ATTENUATION OF SENTENCES AND RELEASE ON SUPERVISION

A LAW to amend the Law (1937) on the attenuation of sentences and release on supervision; sanctioned by Order of Her Most Excellent Majesty in Council of the

(Registered on the day of 199)

STATES OF JERSEY

The day of 199

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

ARTICLE 1

(1) Sub-paragraph (b) of paragraph (2) of Article 7 of the Law (1937) on the attenuation of sentences and release on supervision is repealed.

(2) After paragraph (4) of the said Article there shall be inserted the following paragraphs -

“(5) A *délegué* shall be deemed to be an officer within the meaning of Article 1 of the Civil Service Administration (Jersey) Law 1953, as amended.

(6) The terms and conditions of employment of *délegués* are governed by the provisions of Orders made by virtue of

Article 3 of the Civil Service Administration (Jersey) Law 1948, as amended:

Provided that no provision made by virtue of paragraphs (a) and (e) of the said Article 3 shall be applicable to a *délégué*”.

ARTICLE 2

This Law may be cited as the Law (199) (Amendment) on the attenuation of sentences and release on supervision.

**LOI (199) SUR L'ATTENUATION DES PEINES ET SUR LA
MISE EN LIBERTE SURVEILLEE**

LOI pour modifier la Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée; confirmée par Ordre de Sa Majesté en Conseil en date du

(Enregistré le jour de 199)

AUX ETATS DE L'ILE DE JERSEY

L'An 199 , le jour de

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

ARTICLE 1

(1) Est abrogé le sous-alinéa (b) de l'alinéa (2) de l'Article 7 de la Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée.¹

(2) Après l'alinéa (4) dudit Article seront insérés les alinéas suivants -

“(5) Un délégué a qualité d'officier (*'an officer'*) dans le sens de l'Article 1 de la Loi dite 'Civil Service Administration (Jersey) Law 1953', telle que ladite Loi a été modifiée.

(6) Les termes et conditions de l'emploi des délégués sont régis selon les dispositions des Ordres décrétés en vertu de

¹ Tome VII, page 192.

l'Article 3 de la Loi dite 'Civil Service Administration (Jersey) Law 1948', telle que ladite Loi a été modifiée:

Pourvu qu'aucune disposition faite en vertu des alinéas (a) et (e) dudit Article 3 ne sera applicable à un délégué.”.

ARTICLE 2

La présente Loi pourra être citée sous le titre de “Loi (199) (Amendement) sur l'atténuation des peines et sur la mise en liberté surveillée”.

CORRIGENDUM

P.117/98 Draft Loi (199) sur l'atténuation des peines et sur la mise en liberté surveillée

Page 1 -

For the title at the top of the page substitute the following title -

“PROJET DE LOI (199) (AMENDEMENT) SUR L'ATTENUATION DES PEINES ET SUR LA MISE EN LIBERTEE SURVEILLEE”

Page 6, title -

After the expression “(199)” in the first line, insert the word “(AMENDEMENT)”