

PRIVILEGES AND PROCEDURES COMMITTEE

(68th Meeting)

(Business conducted by electronic mail)

6th February 2008**PART A**

All members were present, with the exception of Connétable K.A. Le Brun of St. Mary.

Connétable D.F. Gray of St. Clement - Chairman
 Senator M.E. Vibert
 Deputy G.C.L. Baudains
 Deputy S.C. Ferguson
 Deputy J. Gallichan
 Deputy I.J. Gorst

In attendance -

I. Clarkson, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A only.

Draft Political
 Parties
 (Registration)
 (Jersey) Law
 200-
 465/4(3)
 741(1)

A1. The Committee, with reference to its Minute No. B3 of 12th December 2007, considered the draft Political Parties (Registration) (Jersey) Law 200-.

It was reported that legal advice from H.M. Attorney General concerning the draft Law had been received by the Law Draftsman on 11th January 2008, following which the draft had been amended. The Committee recalled that Article 12 had previously read as follows –

- (2) *A person who uses the name, or any abbreviation of the name, or any emblem of, a registered political party –*
- (a) *otherwise than with the consent of a registered officeholder of the party; and*
- (b) *for purposes or in circumstances which the person intends to mislead other persons –*
- (i) *about the objectives, activities, officeholders or members of the party, or*
- (ii) *about whether any person is or is not a candidate endorsed by the party for election as a Senator, Deputy or Connétable,*

shall be guilty of an offence and liable to [a fine of level 4 on the standard scale].

Having considered the legal advice forwarded by H.M. Attorney General, the Committee concluded that it would not be appropriate for the conduct referred to in the draft Article 12 to be classified as criminal activity; accordingly it endorsed the decision to remove the offence from the draft Law.

It was clarified that H.M. Attorney General had also advised on the question of human rights issues arising from the draft Law.

The Committee approved the draft Political Parties (Registration) (Jersey) Law 200-, together with the accompanying report, and agreed that the Chairman should sign a Statement of Compatibility with the European Convention on Human Rights. In turn the Greffier of the States was requested to lodge the report and proposition 'au Greffe' with a view to securing a debate on 1st April 2008.

It was further agreed that, subject to the adoption of the draft Law by the States, H.M. Attorney General should be requested to ensure that the Law would receive swift passage through the Privy Council so that it could be brought in force for the elections in the autumn of 2008.