

STATES OF JERSEY



DRAFT CRIMINAL JUSTICE (COMPENSATION ORDERS) (AMENDMENT No. 3) (JERSEY) LAW 201-

**Lodged au Greffe on 10th January 2017
by the Chief Minister**

STATES GREFFE



Jersey

**DRAFT CRIMINAL JUSTICE (COMPENSATION
ORDERS) (AMENDMENT No. 3) (JERSEY)
LAW 201-**

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Chief Minister has made the following statement –

In the view of the Chief Minister, the provisions of the Draft Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Senator I.J. Gorst**

Chief Minister

Dated: 16th December 2016

REPORT

The Criminal Justice (Compensation Orders) (Jersey) Law 1994 (“the 1994 Law”) empowers Jersey’s criminal courts to make orders in appropriate cases requiring a convicted person to pay compensation for personal injury, loss or damage resulting from the offence he or she has committed.

Under Article 2(3) of the 1994 Law –

“The compensation to be paid under a compensation order made by the Magistrate’s Court or the Youth Court in respect of any one offence shall not exceed £2,000 or such other sum as shall have been fixed by the States by Regulations made under this paragraph.”

The figure of £2,000 referred to in Article 2(3) was increased to £5,000 by the Criminal Justice (Compensation Orders) (Jersey) Regulations 2000, shortly after the jurisdiction of the Magistrate’s Court to impose fines had been increased from £2,000 to £5,000.

The Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016 (“the 2016 Law”) was recently brought into force. Among other things, the 2016 Law increased from £5,000 to £10,000 the jurisdiction of the Magistrate’s Court to impose fines.

The 2016 Law also reset the standard scale of fines to 3 levels, as follows –

Level on the scale	Amount of fine
1	£200
2	£1,000
3	£10,000

One of the intentions behind the 2016 Law was that the maximum fining jurisdiction of the Magistrate’s Court and the Youth Court should correspond to level 3 on the standard scale of fines.

In relation to compensation orders the intention is, similarly, that the maximum amount of an order that the Magistrate’s Court and the Youth Court is able to make should continue to correspond to their maximum fining jurisdiction (which is now £10,000).

The draft Law achieves this by substituting Article 2(3) of the 1994 Law to read as follows –

“The compensation to be paid under a compensation order made by the Magistrate’s Court or the Youth Court in respect of any one offence shall not exceed the equivalent amount for the time being of a fine of level 3 on the standard scale of fines.”

This will obviate the need in future for the States to enact Regulations to increase the amount referred to in Article 2(3). Instead, it will increase automatically in line with any increase in the amount of level 3 on the standard scale.

The draft Law also repeals the Criminal Justice (Compensation Orders) (Jersey) Regulations 2000 by which the current maximum sum of £5,000 was set.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this draft Law.

Human Rights

No human rights notes are annexed because the Law Officers' Department has indicated that the draft Law does not give rise to any human rights issues.

Explanatory Note

Article 1 of this Law amends the Criminal Justice (Compensation Orders) (Jersey) Law 1994 so that the amount of compensation to be paid under a compensation order made by the Magistrate's Court or the Youth Court in respect of any one offence shall not exceed the equivalent amount of a fine of level 3 on the standard scale of fines.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, a fine of level 1 on the standard scale is £200, a fine of level 2 on the standard scale is £1,000 and a fine of level 3 on the standard scale is £10,000.

Article 2 revokes the Criminal Justice (Compensation Orders) (Jersey) Regulations 2000.

Article 3 gives this Law its title and provides for it to come into force on the day after it is registered.



Jersey

**DRAFT CRIMINAL JUSTICE (COMPENSATION
ORDERS) (AMENDMENT No. 3) (JERSEY)
LAW 201-**

A LAW to amend the amount of compensation to be paid under a compensation order made by the Magistrate’s Court or the Youth Court.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>

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

1 Article 2 of the Criminal Justice (Compensation Orders) (Jersey) Law 1994 amended

For Article 2(3) of the Criminal Justice (Compensation Orders) (Jersey) Law 1994¹, there shall be substituted the following paragraph –

“(3) The compensation to be paid under a compensation order made by the Magistrate’s Court or the Youth Court in respect of any one offence shall not exceed the equivalent amount for the time being of a fine of level 3 on the standard scale of fines.”.

2 Criminal Justice (Compensation Orders) (Jersey) Regulations 2000 revoked

The Criminal Justice (Compensation Orders) (Jersey) Regulations 2000² shall be revoked.

3 Citation and commencement

This Law may be cited as the Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201- and shall come into force on the day after it is registered.

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- ¹ *chapter 08.200*
² *R&O.149/2000 (chapter 08.200.50)*