

**DRAFT PETROLEUM (AMENDMENT) (JERSEY) LAW 200-**

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**Lodged au Greffe on 29th January 2002  
by the Home Affairs Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **European Convention on Human Rights**

The President of the Home Affairs Committee has made the following statement -

In the view of the Home Affairs Committee the provisions of the Draft Petroleum (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Deputy A.J. Layzell of St. Brelade**

## **REPORT**

### **1. Background**

- 1.1 At its meeting of 29th January 2001, the Home Affairs Committee approved draft Regulations under the Petroleum (Jersey) Law 1984. In preparing the draft Regulations, the Law Draftsman advised that it would be opportune to bring the penalties in the principal Law into line with the present level and style of expressing fines.

### **2. Legislation**

- 2.1 The Law Draftsman has produced a draft Law which was approved by the Home Affairs Committee at its meeting of 20th September 2001.

### **3. Human Rights**

- 3.1 The Attorney General has reviewed the draft Law and the Committee has issued a Certificate of Compliance confirming that, in its view, the draft Law is compatible with the provisions of the Human Rights (Jersey) Law 2000.

### **4. Financial and manpower implications**

- 4.1 The Committee considers there to be no additional manpower implications for the States, and has referred the financial implications to the Finance and Economics Committee for comment.

### **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 13th December 2001 the Home Affairs Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Home Affairs Committee the provisions of the Draft Petroleum (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Note: The Finance and Economics Committee supports the adoption of the standard scale of fines.

### **Explanatory Note**

The purpose of this Law is to amend the penalties set out in the Petroleum (Jersey) Law 1984 to bring them into line with the present level and style of expressing fines.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, the standard scale of fines is -

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.

**PETROLEUM (AMENDMENT) (JERSEY) LAW 200-**

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**A LAW** to amend the Petroleum (Jersey) Law 1984; sanctioned by Order of Her Majesty in Council of the

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(Registered on the \_\_\_\_\_ day of \_\_\_\_\_ 200-)

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**STATES OF JERSEY**

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The \_\_\_\_\_ day of \_\_\_\_\_ 200-

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

**ARTICLE 1**

A provision of the Petroleum (Jersey) Law 1984<sup>[1]</sup> specified in column 1 of the Schedule to this Law shall be amended by deleting from it the words specified in column 2 of that Schedule and substituting the words specified in column 3.

**ARTICLE 2**

This Law may be cited as Petroleum (Amendment) (Jersey) Law 200- and shall come into force on the seventh day following its registration.

*SCHEDULE*

(Article 1)

AMENDMENTS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provision of the Petroleum (Jersey) Law 1984</i>	<i>Words to be deleted</i>	<i>Words to be substituted</i>
2(3) <sup>[2]</sup>	“a fine not exceeding one hundred pounds for every day on which the contravention occurs or continues”	“a fine not exceeding level 4 on the standard scale <sup>[3]</sup> ”
3(6)(a) <sup>[4]</sup>	“a fine not exceeding twenty pounds for every day on which the failure occurs or continues”	“a fine not exceeding level 2 on the standard scale <sup>3</sup> ”
3(6)(b) <sup>4</sup>	“a fine not exceeding twenty pounds”	“a fine not exceeding level 2 on the standard scale <sup>3</sup> ”
3(6)(c) <sup>[5]</sup>	“a fine not exceeding twenty pounds”	“a fine not exceeding level 2 on the standard scale <sup>[6]</sup> ”
6(2) <sup>[7]</sup>	“a fine not exceeding twenty pounds”	“a fine not exceeding level 2 on the standard scale <sup>6</sup> ”
7(2) <sup>[8]</sup>	“a fine not exceeding one hundred pounds for every day on which the offence occurs or continues”	“a fine not exceeding level 4 on the standard scale <sup>6</sup> ”
8(2) <sup>[9]</sup>	“a fine not exceeding one hundred pounds for every day on which the offence occurs or continues”	“a fine not exceeding level 4 on the standard scale <sup>6</sup> ”
9(3) <sup>[10]</sup>	“a fine not exceeding one hundred pounds”	“a fine not exceeding level 2 on the standard scale <sup>6</sup> ”

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<sup>[1]</sup> Volume 1984-1985, page 85.

<sup>[2]</sup> Volume 1984-1985, page 87.

<sup>[3]</sup> Volume 1992-1993, page 437.

<sup>[4]</sup> Volume 1984-1985, page 88.

<sup>[5]</sup> Volume 1984-1985, page 88.

<sup>[6]</sup> Volume 1992-1993, page 437.

<sup>[7]</sup> Volume 1984-1985, page 90.

<sup>[8]</sup> Volume 1984-1985, page 91.

[9] Volume 1984-1985, page 92.

[10] Volume 1984-1985, page 93.