

# **STATES OF JERSEY**

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## **DRAFT EDUCATION (AMENDMENT) (JERSEY) LAW 200-**

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**Lodged au Greffe on 26th October 2004  
by the Education, Sport and Culture Committee**

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**STATES GREFFE**





Jersey

## **DRAFT EDUCATION (AMENDMENT) (JERSEY) LAW 200-**

### **European Convention on Human Rights**

The President of the Education, Sport and Culture Committee has made the following statement –

In the view of the Education, Sport and Culture Committee the provisions of the Draft Education (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator M.E. Vibert**

## **REPORT**

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Article 14 of the Education (Jersey) Law 1999 makes provision for the Royal Court to make an Education Supervision Order. This places a child under the supervision of an officer of the Education, Sport and Culture Committee where the Court, having received an application from the Committee, is satisfied that the child is not receiving a full-time education appropriate to his ability and aptitude.

An Education Supervision Order is intended to be supportive rather than punitive. Its principal purpose is to ensure that the child and the parents receive advice, assistance and direction so that the child may be properly educated. Although the Committee would not lightly apply for such an Order it might be desirable, in certain circumstances, to prevent a situation from seriously deteriorating. This might be the case where a child is failing to attend school to the extent that, reintegration may become difficult or other problematic behaviour may begin to develop.

Following consultation with the Bailiff, the Education, Sport and Culture Committee has determined that it is appropriate for the power to make an Education Supervision Order to be vested in the Magistrates Court rather than requiring application to the Royal Court.

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

### **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 1st October 2004 the Education, Sport and Culture Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Education, Sport and Culture Committee the provisions of the Draft Education (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

## **Explanatory Note**

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This Law amends the Education (Jersey) Law 1999 with the effect that education supervision orders are made by the Magistrate instead of the Royal Court.





Jersey

## DRAFT EDUCATION (AMENDMENT) (JERSEY) LAW 200-

A LAW to amend the Education (Jersey) Law 1999.

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*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

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

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### 1 Article 14 amended

In Article 14 of the Education (Jersey) Law 1999<sup>[1]</sup> –

- (a) in paragraph (1) for the words “the Court” and for the word “it” there shall be substituted the words “the Magistrate”;
- (b) after paragraph (4) there shall be inserted the following paragraphs–

“(4A) An appeal shall lie to the Court against the making of an order under this Article by the Magistrate.

(4B) The power to make rules of court under Article 22 of the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949<sup>[2]</sup> and under Article 11 of the Royal Court (Jersey) Law 1948<sup>[3]</sup> shall include the power to make rules regulating practice and procedure in applications and appeals under this Article”.

### 2 Third Schedule amended

In paragraphs 4(2) and 6(1) and (2) of the Third Schedule to the Education (Jersey) Law 1999<sup>[4]</sup> for the words “the Court” there shall be substituted the words “the Magistrate”.

### 3 Citation and commencement

This Law may be cited as the Education (Amendment) (Jersey) Law 200- and shall come into force on the seventh day after it is registered.

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[1] *Volume 1999, page 456.*

[2] *Tome VII, page 556 and Volume 2001, page 7.*

[3] *Tome VII, page 510, Volume 1996-1997, page 147 and Volume 2001, page 7.*

[4] *Volume 1999, pages 492 and 493.*