

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T. M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 1st MARCH 2011**

Question

“Would the Attorney General advise whether any of the 2008 election candidates, successful or otherwise, failed to comply with the Public Elections (Expenditure and Donations) (Jersey) Regulations 2008 requiring that they provide full details of their campaign expenses, and if so, would he specify which roles they were standing for (e.g. Senator, Deputy or Connétable), who the candidates were and what sanctions they faced, having failed to comply? If none, what was the reason for this?”

Answer

In April 2009 my predecessor answered the following written question from the Deputy:

“Question

Will H.M. Attorney General explain what legal action, if any, can be taken against a number of candidates (successful and unsuccessful but all ‘independents’) in the 2008 Deputies elections who, well into 2009, had still not supplied details to the Judicial Greffe, as required by law, of their electoral campaign expenses?

Answer

The Law regulating election expenses is to be found in the Public Elections (Expenditure and Donations) (Jersey) Regulations, 2008 (the “Regulations”), which came into force on 25th July 2008.

Regulation 4 of the Regulations provides that:

“(1) A candidate’s election expenses shall not exceed, in the aggregate –

(a) where the candidate ... is a candidate for election as Deputy or Connétable, £1,500; and

(b) 10 pence for each person entitled to vote in the election by virtue of Article 2(1), (2) or (3) of the 2002 Law.

(2) A candidate whose election expenses exceed, without reasonable excuse, the limit imposed by paragraph (1) is guilty of an offence and liable to a fine.”

Regulation 6 of the Regulations requires a candidate, no later than 15 working days after the day the Poll is held, to deliver to the Judicial Greffier a written declaration of his or her election expenses and donations of the specified kind received by the candidate. Paragraph (6) of Regulation 6 provides:

“A candidate who fails, without reasonable excuse, to deliver a declaration, or further declaration, in accordance with this Regulation is guilty of an offence and liable to a fine.”

Regulation 15 requires the Greffier to make declarations received by him under the Regulations available for inspection, free of charge, at the offices of the Judicial Greffe, during normal working hours.

The legal – as opposed to political - enforcement mechanism for these Regulations lies in the bringing of a criminal prosecution. Such a prosecution will be considered in cases where a file is prepared by the police and passed to the Law Officers’ Department, or alternatively to a Centenier, for a decision as to whether or not to prosecute.

The lodging of this question last week led me to make some enquiries of the Judicial Greffier. I understand there are two candidates from the Deputies’ elections, neither of whom were elected, who have not yet filed a note of their election expenses as the Regulations require. I believe the Greffier is pursuing that matter to the extent he can. As far as I am aware, the Law Officers Department have as yet received no such police files for consideration in relation to the 2008 Deputies’ elections.”

In relation to the current question I have made further inquiries and am informed by the Deputy Judicial Greffier that one expenses return remains outstanding and that the candidate, who was unsuccessful, had left the island shortly after the election and remains outside the jurisdiction. As a result no investigation could be concluded and it accordingly remains the case that no investigation files have been received by my department.

The returns made remain available for public inspection.