

DRAFT HEALTH AND SAFETY AT WORK (AMENDMENT No. 3) (JERSEY) LAW 200

**Lodged au Greffe on 11th September 2001
by the Employment and Social Security Committee**

STATES OF JERSEY

STATES GREFFE

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European Convention on Human Rights

The President of the Employment and Social Security Committee has made the following statement -

In the view of the Employment and Social Security Committee the provisions of the Draft Health and Safety at Work (Amendment No. 3) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Senator T.A. Le Sueur**

REPORT

The Health and Safety at Work (Jersey) Law 1989 provides Inspectors appointed by the Employment and Social Security Committee with specific and far-reaching powers. Article 20 of the Health and Safety at Work (Jersey) Law 1989 restricts the disclosure of information obtained by an Inspector when exercising these powers. Due to these restrictions, information cannot be released by an Inspector to help assist authorities such as the United Kingdom Health and Safety Executive, or indeed United Kingdom police authorities in connection with a possible pursuit of justice.

A recent fatality in the United Kingdom, involving an engineer who had certified equipment in the United Kingdom but whose certification was found to be unacceptable in Jersey has brought this problem to light. The attached amendment to Article 20 will provide a proper legal mechanism to allow the transfer of information in limited circumstances and subject to restrictions, where appropriate.

Financial/manpower statement

The amendment has no implications for the financial or manpower resources of the States.

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 30th August 2001 the Employment and Social Security Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Employment and Social Security Committee the provisions of the Draft Health and Safety at Work (Amendment No. 3) (Jersey) Law 200 are compatible with the Convention Rights.

Explanatory Note

This Law will amend the Health and Safety at Work (Jersey) Law 1989 to allow for the disclosure of certain information with the consent of the Employment and Social Security Committee in limited circumstances and subject, where appropriate, to restrictions.

HEALTH AND SAFETY AT WORK (AMENDMENT No. 3) (JERSEY) LAW 200

A LAW to amend the Health and Safety at Work (Jersey) Law 1989; sanctioned by Order of Her Majesty in Council of the

(Registered on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

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

ARTICLE 1

Article 20 of the Health and Safety at Work (Jersey) Law 1989, ^[1] as amended, shall be amended -

- (a) by deleting from paragraph (2) “Subject to paragraph (3)” and substituting “Subject to paragraphs (3) and (8)”;
- (b) by deleting from paragraph (5) “Subject to paragraph (7)” and substituting “Subject to paragraphs (7) and (8)”;
- (c) by adding after paragraph (7) the following paragraphs -

“(8) Information referred to in paragraph (2) or (5) may be disclosed with the written consent of the Committee.

(9) The Committee shall not give consent in accordance with paragraph (8) unless it is satisfied that it is expedient to do so -

- (a) to secure the health, safety or welfare of persons at work;
- (b) to protect others against risks to health or safety in connection with the activities of persons at work or in connection with the use of plant intended for the service or entertainment of the public; or
- (c) to control the possession or use of dangerous substances,

whether in the Island or elsewhere.

(10) The Committee may give its consent subject to conditions limiting the persons to whom the information may be disclosed and manner in which it may be used.”.

ARTICLE 2

Citation and commencement

This Law may be cited as Health and Safety at Work (Amendment No. 3) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

[\[1\]](#) Volume 1988-1989, page 354.