

**DRAFT NURSING AND RESIDENTIAL HOMES (AMENDMENT) (JERSEY) LAW 200-**

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**Lodged au Greffe on 27th August 2002  
by the Health and Social Services Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **European Convention on Human Rights**

The President of the Health and Social Services Committee has made the following statement -

In the view of the Health and Social Services Committee the provisions of the Draft Nursing and Residential Homes (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator S. Syvret**

## **REPORT**

In his judgement of the case of the Attorney General -v- Challenger (4th May 2001), the Deputy Bailiff highlighted the fact that the level of fines Jersey courts can impose for breaches of the requirements of the legislation were 'wholly inadequate to reflect the importance of ensuring that homes for old people are kept in a safe and proper condition'. He further asked that the Health and Social Services Committee give urgent consideration to increasing the maximum fines.

The Attorney General suggested the penalties for the offences listed in the Schedule should be raised to level 4 on the standard scale, giving a maximum penalty for each offence under the legislation of £5,000. The Committee approved the proposed increases at its meeting on 5th September 2001 and requested the Law Draftsman to prepare the necessary legislation.

### **Financial/manpower statement**

This Amendment to the principal Law has no financial or manpower implications for 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 7th August 2002 the Health and Social Services Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Health and Social Services Committee the provisions of the Draft Nursing and Residential Homes (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

### **Explanatory Note**

This Law will increase the maximum level of fines for offences under the Nursing and Residential Homes (Jersey) Law 1994 and 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 |

**NURSING AND RESIDENTIAL HOMES (AMENDMENT) (JERSEY) LAW 200-**

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**A LAW** to amend further the Nursing and Residential Homes (Jersey) Law 1994; sanctioned by Order of Her Majesty in Council of the

(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

**Interpretation**

In this Law “principal Law” means the Nursing and Residential Homes (Jersey) Law 1994,<sup>[1]</sup> as amended.<sup>[2]</sup>

ARTICLE 2

**Revision of maximum level of fines for offences under principal Law**

(1) In Article 4(9) of the principal Law<sup>[3]</sup> for the words “fifty pounds” there shall be substituted the words “level 2 on the standard scale<sup>[4]</sup>”.

(2) In Article 6(4) of the principal Law<sup>[5]</sup> for the words “two thousand pounds” there shall be substituted the words “level 3 on the standard scale<sup>[6]</sup>”.

(3) In Article 15(4) of the principal Law<sup>[7]</sup> for the words “two thousand pounds” there shall be substituted the words “level 4 on the standard scale<sup>6</sup>”.

(4) In Article 16(2) of the principal Law<sup>[8]</sup> for the words “five hundred pounds” there shall be substituted the words “level 4 on the standard scale<sup>6</sup>”.

(5) In Article 19(5) of the principal Law<sup>[9]</sup> for the words “two thousand pounds there shall be substituted the words “level 4 on the standard scale<sup>6</sup>”.

ARTICLE 3

**Citation and commencement**

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

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<sup>[1]</sup> Volume 1994-1995, page 85.

[2] Volume 1996-1997, pages 564 and 785 and Volume 1999, page 516.

[3] Volume 1994-1995, page 96.

[4] Volume 1992-1993, page 437.

[5] Volume 1994-1995, page 98.

[6] Volume 1992-1993, page 437.

[7] Volume 1994-1995, page 107.

[8] Volume 1994-1995, page 108.

[9] Volume 1994-1995, page 110.