

# STATES OF JERSEY

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## **DRAFT PETROLEUM (AMENDMENT No. 2) (JERSEY) LAW 200-**

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**Lodged au Greffe on 16th August 2005  
by the Home Affairs Committee**

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**STATES GREFFE**





Jersey

## **DRAFT PETROLEUM (AMENDMENT No. 2) (JERSEY) LAW 200-**

### **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 No. 2) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

# REPORT

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## **1. Background**

- 1.1 In December 2004 the Home Affairs Committee was advised by the Law Draftsman that it would be desirable to make clear in the Petroleum (Jersey) Law 1984 that it has power to make the exemptions detailed in Article 14 of the Petroleum Spirit (Carriage By Road) (Jersey) Regulations 2001.
- 1.2 In granting or renewing an application for a licence to keep petroleum spirit the Committee charges a fee dependent on the quantity of spirit being stored. The Committee was further advised by the Law Draftsman that the Petroleum (Jersey) Law 1984 contained no power to prescribe different licence fees for different quantities of petroleum.
- 1.3 The opportunity has also been taken to amend the principal Law to reflect the move to ministerial government.

## **2. Legislation**

The Law Draftsman has produced a draft law which was approved by the Home Affairs Committee at its meeting of 28th July 2005.

## **3. Financial and manpower implications**

The Committee considers that there are no additional financial or manpower implications for the States.

## **4. 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 5th August 2005 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 No. 2, (Jersey) Law 200- are compatible with the Convention Rights.

## **Explanatory Note**

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This Law amends the Petroleum (Jersey) Law 1984 to allow Regulations made under it about the conveyance of petroleum to include provision for exemptions from those Regulations by Order of the Minister.

This Law also replaces (the now otiose) Article 11 of the 1984 Law with a new Article to make it clear that Regulations and Orders made under the 1984 Law may apply differently in different circumstances, or subject to conditions.

The new Article 11 follows the wording of Article 15(4) of the Interpretation (Jersey) Law 1954, a provision that does not apply to the Regulations and Orders made under the 1984 Law.

(Article 15(4) was inserted in the Interpretation (Jersey) Law 1954 only in 2003, and does not apply to Regulations and Orders made under a Law itself made before that date).

This Law also contains an amendment consequential on the move to ministerial government.





Jersey

## DRAFT PETROLEUM (AMENDMENT No. 2) (JERSEY) LAW 200-

A LAW to amend further the Petroleum (Jersey) Law 1984 with respect to the powers to make Regulations and Orders under that Law.

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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 7 amended

After Article 7(1) of the Petroleum (Jersey) Law 1984<sup>[1]</sup> there shall be inserted the following paragraph –

“(1A) Regulations made under this Article may make provision for, or in respect of, exemption from those Regulations, including provision for the Committee to make Orders for, or in respect of, exemption from those Regulations.”.

### 2 Article 11 substituted

For Article 11 of the Petroleum (Jersey) Law 1984 there shall be substituted the following Article –

#### “11 Regulations and Orders

A power to make Regulations or Orders under this Law, or a power to make Orders under Regulations under this Law, may be exercised –

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised –
  - (i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),
  - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the Regulations or Orders,
  - (iii) any such provision either unconditionally or subject to any specified condition.”.

### **3 Amendment consequential on move to Ministerial government**

In Article 7(1A) of the Petroleum (Jersey) Law 1984, as inserted by this Law, for the word “Committee” there shall be substituted the word “Minister”.

### **4 Citation and commencement**

- (1) This Order may be cited as the Petroleum (Amendment No. 2) (Jersey) Law 200.
- (2) Except as provided in paragraph (3), this Law shall come into force on the seventh day following its registration.
- (3) If this Law comes into force before Article 42(3) of the States of Jersey Law 2005<sup>[2]</sup> comes into force, Article 3 shall come into force on the same day as Article 42(3) of the States of Jersey Law 2005.



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[1] Chapter 27.400.

[2] L.8/2005.