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by the Harbours and Airport Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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**Report**

Jersey Harbours administers, maintains and generally services all aspects concerning parking in the harbour areas. Since the withdrawal of Port Control Officers employed by the then Defence Committee, the policing of parking and the issuing of parking fines has been carried out by Traffic Control Officers employed directly by Jersey Harbours. However, the proceeds from fines are currently shared between the parishes and the general revenues of the States on a 50:50 basis. It is felt that as the parishes enforce these fines, that this portion should be kept, but that Jersey Harbours should keep the other portion within its own budget.

## Explanatory Note

This draft Law -

- (a) makes express provision for Regulations to require the payment of fees or charges and to impose penalties (*Article 2*)
- (b) provides for a fine not exceeding the amount of level 1 on the standard scale of fines applicable at the time of the offence, for an offence under the Regulations, to be inflicted and levied summarily by a Connétable or Centenier. (The previous wording tied the provision to a fixed sum of £50) (*Article 3*); and
- (c) provides for fines for offences under the Regulations to be awarded for the benefit of the annual income of the States, except in the case of fines inflicted and levied summarily, which are to be divided equally for the benefit of the parish in which the offence was committed and the annual income of the States to be applied towards the cost of maintaining any harbour in that parish. (Previously fines of £50 or less were divided equally between the annual income of the States and the parish concerned to be applied towards the cost of maintaining its by-roads) (*Article 4*).

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.

**HARBOURS (ADMINISTRATION) (AMENDMENT No. 5) (JERSEY) LAW 2000**

**A LAW** to amend further the Harbours (Administration) (Jersey) Law 1961; sanctioned by Order of Her Majesty in Council of the

(Registered on the \_\_\_\_\_ day of \_\_\_\_\_ 2000 )

**STATES OF JERSEY**

The \_\_\_\_\_ day of \_\_\_\_\_ 2000

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

**ARTICLE 1**

In this Law “principal Law” means the Harbours (Administration) (Jersey) Law 1961,<sup>[1]</sup> as amended.<sup>[2]</sup>

**ARTICLE 2**

After Article 4(3) of the principal Law<sup>[3]</sup> there shall be inserted the following paragraph -

“(3A) Without prejudice to the generality of paragraph (1) of this Article, regulations made under this Article may -

- (a) require the payment of fees or charges in respect of any matters arising under or provided for or authorized by this Law or by such regulations; and
- (b) provide that any person who contravenes or fails to comply with any provision of the regulations, or any direction or order made or issued thereunder, shall be guilty of an offence and liable, for each such offence, to such penalty as the regulations may prescribe.”.

**ARTICLE 3**

For Article 4A(1) of the principal Law<sup>[4]</sup> there shall be substituted the following paragraph -

“(1) Where a person is charged with any offence under regulations made under Article 4 of this Law and accepts the decision of the Connétable or any Centenier of the parish in which the offence was committed, that Connétable or Centenier may inflict and levy summarily a fine of an amount not exceeding level 1 on the standard scale as it had effect at the time when such offence was committed.”.

**ARTICLE 4**

For Article 4B of the principal Law<sup>4</sup> there shall be substituted the following Article -

**“ARTICLE 4B**

**Application of fines**

(1) Save as provided by paragraph (2) of this Article, all fines imposed for offences under regulations made under Article 4 of this Law shall be awarded for the benefit of the annual income of the States.

(2) Where a fine is imposed pursuant to paragraph (1) of Article 4A of this Law, one half of that fine shall be awarded for the benefit of the parish in which the offence was committed and the other half shall be awarded for the benefit of the annual income of the States and applied towards the cost of maintaining any harbour in that parish.”.

#### ARTICLE 5

This Law may be cited as the Harbours (Administration) (Amendment No. 5) (Jersey) Law 2000 and shall come into force on the seventh day following registration.

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[1] Volume 1961-1962, page 163.

[2] Volume 1975-1978, page 261, Volume 1982-1983, page 35, Volume 1992-1993, page 5 and Volume 1998, page 423.

[3] Volume 1961-1962, page 165 and Volume 1998, page 424.

[4] Volume 1961-1962, page 165, Volume 1975-1978, page 261, Volume 1982-1983, page 35 and Volume 1992-1993, page 5.