

**DRAFT HEALTH INSURANCE (AMENDMENT No. 13) (JERSEY) LAW 200**

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**Lodged au Greffe on 26th November 2002  
by the Employment and Social Security Committee**

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**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 Insurance (Amendment No. 13) (Jersey) Law 200 are compatible with the Convention Rights.

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

## **REPORT**

On the recommendation of H.M. Attorney General, the Employment and Social Security Committee is seeking an increase in the maximum penalty for fraud under this Law. Increasing the maximum penalty allows a greater flexibility in the sanctions for the more serious cases of fraud. The Committee will be looking at all other benefit legislation, given that some have remained unchanged since the Laws were introduced, to ensure that the maximum penalties are consistent across the range of benefits.

The Committee is proposing that the maximum penalty be increased to an unlimited fine or seven years' imprisonment.

This draft Law 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 18th November 2002 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 Insurance (Amendment No. 13) (Jersey) Law 200 are compatible with the Convention Rights.

### **Explanatory Note**

The effect of this amendment would be to increase the penalty for offences of a fraudulent nature under Article 44(1) of the Health Insurance (Jersey) Law 1967 to imprisonment for a term not exceeding 7 years and an unlimited fine.

At present, the maximum penalty is a fine not exceeding £2,000 and imprisonment for not more than 3 months.

The amending Law would come into force on the seventh day after its registration in the Royal Court, but the increased penalty would only apply in respect of offences committed after that date.

**HEALTH INSURANCE (AMENDMENT No. 13) (JERSEY) LAW 200**

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**A LAW** to amend further the Health Insurance (Jersey) Law 1967; sanctioned by Order of Her Majesty in Council of the

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*(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

In this Law, “principal Law” means the Health Insurance (Jersey) Law 1967,<sup>[1]</sup> as amended.<sup>[2]</sup>

ARTICLE 2

In Article 44(1) of the principal Law,<sup>[3]</sup> for the words “he shall be liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment” there shall be substituted the words “he shall be liable to imprisonment for a term not exceeding seven years or to a fine, or both”.

ARTICLE 3

Article 7(a) of the Health Insurance (Amendment No. 9) (Jersey) Law 1996<sup>[4]</sup> shall be deleted.

ARTICLE 4

This Law may be cited as the Health Insurance (Amendment No. 13) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

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<sup>[1]</sup> Volume 1966-1967, page 535.

<sup>[2]</sup> Volume 1968-1969, pages 1 and 663, Volume 1970-1972, page 163, Volume 1973-1974, pages 57 and 358, Volume 1984-1985, pages 141 and 209, Volume 1986-1987, page 395, Volume 1994-1995, page 125, Volume 1996-1997, pages 21, 25, 279 and 781, Volume 1998, page 722, Volume 1999, pages 418 and 515 and Volume 2002, page 297.

<sup>[3]</sup> Volume 1966-1967, page 575, Volume 1973-1974, page 368 and Volume 1996-1997, page 23.

<sup>[4]</sup> Volume 1996-1997, page 23.