

STATES OF JERSEY

r

DRAFT TREATY ON OPEN SKIES (PRIVILEGES AND IMMUNITIES) (AMENDMENT) (JERSEY) LAW 200-

**Lodged au Greffe on 8th June 2006
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT TREATY ON OPEN SKIES (PRIVILEGES AND IMMUNITIES) (AMENDMENT) (JERSEY) LAW 200-

European Convention on Human Rights

The Chief Minister has made the following statement –

In the view of the Chief Minister the provisions of the Draft Treaty on Open Skies (Privileges and Immunities) (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator F.H. Walker**

REPORT

The Treaty on Open Skies was designed to foster openness and transparency in the military activities of the signatory states by means of reconnaissance flights to observe and monitor sites such as military bases, airports, seaports and industrial centres. The Treaty responds to the desire of many countries to find a way to build confidence, stability and predictability into the arms-control and arms-verification processes. The Treaty was extended to Jersey at the request of the Island Authorities.

To enable personnel to carry out their duties under the Treaty without hindrance, designated individuals are to be granted the privileges and immunities that are enjoyed by diplomatic personnel. Accordingly, the Treaty on Open Skies (Privileges and Immunities) (Jersey) Law 1993 was adopted by the States.

In the course of maintaining the revised edition of the laws of Jersey, it was noted that the Treaty on Open Skies (Privileges and Immunities) (Jersey) Law 1993 was not in force. As enacted, that Law provided that it would come into force on a day appointed by Act of the States “being a day not later than the day of entry into force of the Treaty”. The date when the Treaty would enter into force was not known at the time, as the Treaty was expressed to come into force 60 days after it had been ratified by 20 signatories. In fact the Treaty came into force on 1st January 2002 but the Island Authorities were not advised of this event.

Because the power to commence the Law is expressed so that it must be exercised before the entry into force of the Treaty, there is doubt as to whether the power may now be used to commence the Law.

Accordingly, this amending Law replaces the original power to make an Appointed Day Act with a provision bringing the Law into force 7 days after the amending Law is registered.

Financial/manpower implications

There are no additional revenue or manpower implications for the States arising from the adoption of this draft Law.

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 Minister 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 3rd April 2006 the Chief Minister made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Chief Minister the provisions of the Draft Treaty on Open Skies (Privileges and Immunities) (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law would amend the Treaty on Open Skies (Privileges and Immunities) (Jersey) Law 1993 so as to bring it into force 7 days after the registration of this Law.



Jersey

DRAFT TREATY ON OPEN SKIES (PRIVILEGES AND IMMUNITIES) (AMENDMENT) (JERSEY) LAW 200-

A LAW to amend the Treaty on Open Skies (Privileges and Immunities) (Jersey) Law 1993

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 –

1 Article 3 of the Treaty on Open Skies (Privileges and Immunities) (Jersey) Law 1993 amended

For Article 3(2) of the Treaty on Open Skies (Privileges and Immunities) (Jersey) Law 1993^[1] there shall be substituted the following paragraph –

“(2) This Law shall come into force on the same day as the Treaty on Open Skies (Privileges and Immunities) (Amendment) (Jersey) Law 200-.”.

2 Citation and commencement

This Law may be cited as the Treaty on Open Skies (Privileges and Immunities) (Amendment) (Jersey) Law 200- and shall come into force 7 days after it is registered.

