

STATES OF JERSEY



Jersey

DRAFT COVID-19 (SAFE DISTANCING) (JERSEY) REGULATIONS 202- (P.66/2020): AMENDMENT

**Lodged au Greffe on 22nd May 2020
by the Minister for Health and Social Services**

STATES GREFFE

DRAFT COVID-19 (SAFE DISTANCING) (JERSEY) REGULATIONS 202-
(P.66/2020): AMENDMENT

PAGE 10, INSERT NEW REGULATION 4 –

After Regulation 3 insert –

“4 Summary fine

- (1) A Centenier may summarily inflict and levy a fine of level 1 on the standard scale on a person if –
 - (a) the person is charged with an offence under these Regulations;
 - (b) the Centenier has jurisdiction in relation to that offence; and
 - (c) the person accepts the decision of the Centenier.
- (2) If a Centenier levies a fine under this Regulation –
 - (a) the Centenier must give a receipt for it;
 - (b) the Centenier must as soon as reasonably practicable inform the Chief Officer of the States Police Force of the details of the fine; and
 - (c) one half of the fine is to be retained by the parish in which the offence was committed and the other half is to be paid into the consolidated fund.”.

and renumber the subsequent Regulations accordingly.

MINISTER FOR HEALTH AND SOCIAL SERVICES

REPORT

This amendment was developed following consultation with the Health and Social Security Scrutiny Panel on the [Draft Covid-19 \(Safe Distancing\) \(Jersey\) Regulations 202-](#) (the “draft Regulations”), lodged by the Minister for Health and Social Services on 20th May 2020.

The Panel identified that the draft Regulations did not make provision for a fine to be issued by a Centenier should an offence under the Regulations come to a Parish Hall Enquiry. Any offence can be considered at an Enquiry, although more serious offences are not suitable for that path in practice. However, without specific statutory provision being made, the default position is that the Centenier’s disposal options are limited to either charging, not charging, or cautioning the offender. In practice, these options allow for a restorative justice solution to be reached, and provide a diversionary route away from the criminal justice system by applying conditions on a decision not to charge.

With a fining power in place, that diversionary capacity is enhanced, as it provides the Centenier with a way to deal with cases where they consider that some financial sanction is necessary, without passing the matter to the courts.

The Minister accepted this point and directed officers to prepare an amendment to achieve that objective.

Thus, the amendment enables a Centenier, at a Parish Hall Enquiry, to fine a person (who accepts the decision) up to level 1 on the standard scale (currently £200). This is, as is the case for any caution at a Parish Hall, ultimately an agreement between the parties, and a person may reject the proposal that a fine be paid, and have the matter considered by a court. Where agreement is reached to pay a fine, this is shared between the Parish and the States.

This is a well-understood process, and similar provisions already exist in many other areas of law, including –

- [Motor Traffic \(Third-Party Insurance\) \(Jersey\) Law 1948](#)
- [Aerodromes \(Administration\) \(Jersey\) Law 1952](#)
- [Road Traffic \(Jersey\) Law 1956](#)
- [Policing of Roads, Parks and Sea Beaches \(Application of Fines\) \(Jersey\) Law 1957](#)
- [Harbours \(Administration\) \(Jersey\) Law 1961](#)
- [Motor Vehicle Registration \(Jersey\) Law 1993](#)
- [Rates \(Jersey\) Law 2005](#).

Financial and manpower implications

The statement accompanying [P.66/2020](#) continues to apply and is not impacted by the lodging of this amendment.