

STATES OF JERSEY



DRAFT RATES (AMENDMENT) (JERSEY) LAW 201-

Lodged au Greffe on 17th March 2016
by the Comité des Connétables

STATES GREFFE



Jersey

DRAFT RATES (AMENDMENT) (JERSEY) LAW 201-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Chairman of the Comité des Connétables has made the following statement –

In the view of the Chairman of the Comité des Connétables, the provisions of the Draft Rates (Amendment) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Connétable L. Norman of St. Clement**

Chairman, Comité des Connétables

Dated: 14th March 2016

REPORT

1. This draft Law provides for a number of minor amendments to the Rates (Jersey) Law 2005. This draft Law was initially lodged on 6th October 2015 (P.116/2015), and was subsequently withdrawn on 17th November 2015 because further necessary amendments had been identified.
2. The amendments proposed are set out below.
3. Supervisory Committee:
 - (a) The Law currently requires the Supervisory Committee to appoint a person to preside at each meeting. The Supervisory Committee consists of the 12 Connétables who also form the Comité des Connétables. The Comité's rules provide for the election of a Chairman and Vice-Chairman, and in practice those elected act in the same capacity for the Supervisory Committee. The amendment therefore provides for the Supervisory Committee to appoint a Chairman and Vice-Chairman.
 - (b) The quorum for the Supervisory Committee is 5 members. Prior to 1996 the Supervisory Committee would hear rate appeals, so a quorum of 5 members was appropriate (rate appeals are now heard by the Rate Appeal Board). It is usual for the quorum of a body to be a majority of those on that body, so increasing the quorum from 5 to 7 members would bring this into line with generally accepted principles (and it would also be consistent with the rules for the Comité des Connétables).
4. Assessment Committees:

The Law currently requires the Assessment Committee to appoint a person to preside at each meeting. However, the method of working has changed over the years, and there is now occasion when the Assessment Committee may need to be represented in discussions or attend meetings, e.g. with Assessors of other parishes. The Assessment Committees therefore agree that the Law should be amended to provide that they may appoint a person to act as Chairman. Such appointments would be made on an annual basis at the start of each year, as this fits in well with the workflow during the year and also the election, on a rolling basis, of some members of the Assessment Committee each year.
5. Rates List:

The Connétables wish to deliver services online to parishioners. This is in line with e-government initiatives, and it will also assist the parish in meeting its responsibilities under the Freedom of Information (Jersey) Law 2011.

The Law currently requires the Rates List to show each area of land that is separately owned or occupied and is liable to rates, together with its rateable value, details of the owner and, if different, of the occupier as at the first day of the rateable year.

Ratepayers need to know the rateable value of land so that they may seek a review and appeal if not satisfied with the assessment of their own land. By providing access to the Rates List through the parish website; in addition to at the Parish office, ratepayers will have greater opportunity to compare rateable values. But a ratepayer does not require the details of the owner and occupier

to seek a review and appeal, and the amendment therefore removes this from the information contained in the Rates List.

As publication of the Rates List through the parish website will change the manner in which the data are processed, it is appropriate that the proposal takes the form of legislative change so that there is an open debate and discussion and so that the proposals can be reviewed for human rights.

Removal of the owner and occupier name from the Rates List has necessitated a further amendment in Articles 23 and 30 of the Rates Law concerning membership of a Parish Assembly where 2 or more persons are liable to pay rates in respect of land. The Articles are amended so that they refer to the person whose name appears first in any return of information required under Article 3(1) or (4), or the person who has put forward his or her name in a notice given under Article 30; such persons would be treated as the person entitled to be a member of the Assembly as a representative on behalf of all the other ratepayers in respect of that land.

Financial and manpower implications

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

Human Rights

No human rights notes are annexed because the Law Officers' Department has indicated that the draft Law does not give rise to any human rights issues.

Explanatory Note

This Law would amend the Rates (Jersey) Law 2005 (the “Rates Law”).

Article 1 provides that the Rates Law is amended in accordance with *Articles 2* to *6*.

Article 2 introduces a number of new definitions into Article 1(1) of the Rates Law which are consequential on the amendments made under *Articles 3* and *5*.

Article 3 amends *Articles 2, 7* and *14* of the Rates Law which contain provisions concerning the Rates List (referred to in Article 2 of the Rates Law). The requirement for the Rates List to contain details of the owner or occupier of any land in the parish that is liable to rates, is removed (*Article 3(1)*); the Rates List is to be made available for inspection through the parish website and at the offices of the parish where copies may be taken for a reasonable fee (*Article 3(2)*); the Rates List approved by the Supervisory Committee (as continued by Article 40 of the Rates Law) may be inspected at the offices of the parish and at the Jersey library where copies may be taken for a reasonable fee (*Article 3(3)*).

Article 4 amends *Articles 23* and *30* of the Rates Law concerning membership of a Parish Assembly where 2 or more persons are liable to pay rates in respect of land. The position is that either the person whose name appears first in any return of information required under Article 3(1) or (4) would be entitled to be a member of the Assembly as a representative on behalf of all the other rate payers in respect of that land. Or, the person who has put forward his or her name in a notice given under Article 30, would be treated as the person entitled to be a member of the Assembly as a representative on behalf of all the other rate payers in respect of that land.

Article 5 amends *Articles 37* and *43* of the Rates Law concerning the annual appointment of a Chairman to the Assessment Committee (as continued by Article 31 of the Rates Law) and the appointment of a Chairman and Vice-Chairman to the Supervisory Committee who would serve in that role until retirement from office as Connétable. Provision is also made concerning the appointment of a member to preside in the event that the Chairman under the respective Committees or the Vice-Chairman of the Supervisory Committee is unable to act or a vacancy arises in either of those Committees. The quorum for the Supervisory Committee is raised from at least 5 members to at least 7 members.

Article 6 makes a consequential amendment to Article 44 of the Rates Law concerning references to Chairman and Vice-Chairman under Part 7 of the Rates Law.

Article 7 provides for the title of this amending Law and for it to come into force 7 days after it is registered with the Royal Court.



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Arrangement

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Jersey

DRAFT RATES (AMENDMENT) (JERSEY) LAW 201-

A LAW to amend the Rates (Jersey) Law 2005.

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 Rates (Jersey) Law 2005 amended

The Rates (Jersey) Law 2005¹ (the “Rates Law”) is amended in accordance with this Law, and a reference to an Article is to the Article of that number in the Rates Law.

2 Interpretation – Article 1 amended

In Article 1(1) –

- (a) after the definition “attributes” there is inserted the following definition –
“ ‘casual vacancy’ in relation to the office of Connétable means a vacancy occurring otherwise than upon retirement of a Connétable under Article 1(2) of the Connétables Law;”;
- (b) for the definition “Chairman” there is substituted the following definition –
“ ‘Chairman’ or ‘Vice-Chairman’ shall be construed in accordance with Articles 37(3), 43(2) or 44 as the case may be;”;
- (c) after the definition “Comité des Connétables” there is inserted the following definition –
“ ‘Connétables Law’ means the Connétables (Jersey) Law 2008²;”;
- (d) after the definition “land” there is inserted the following definition –
“ ‘Library’ means the Jersey Library in St. Helier;”;

- (e) after the definition “occupier’s rate” there is inserted the following definition –
- “ ‘ordinary election’ in relation to an election for Connétables shall be construed in accordance with Article 2 of the Connétables Law;”;
- (f) after the definition “Rate Appeal Board” there is inserted the following definition –
- “ ‘Rates Amendment Law’ means the Rates (Amendment) (Jersey) Law 201-³;”.

3 Rates List – Articles 2, 7 and 14 amended

- (1) In Article 2(2) –
- (a) in sub-paragraph (c), after the words “purposes;” there is added the word “and”;
- (b) for sub-paragraphs (d), (e) and (f) there is substituted the following sub-paragraph –
- “(d) such other information (excluding any details of the owner or occupier) as the Supervisory Committee may direct.”.
- (2) For Article 7(1) there is substituted the following paragraph –
- “(1) Following completion of all assessments for the rateable year in question, the Connétable of a parish shall, for 14 consecutive days, make the Rates List available for inspection –
- (a) through the parish website; and
- (b) at the offices of that parish during normal opening hours, and copies of all or any part of the Rates List may be taken at the offices of the parish who may charge such fee for copying as is reasonable.”.
- (3) In Article 14 –
- (a) in paragraph (1), for the words “for inspection in the Parish Hall, in the Jersey Library in St. Helier” there are substituted the words “for inspection at the offices of that parish, at the Library”;
- (b) in paragraph (2), for the words “Parish Hall” there are substituted the words “the offices of that parish, or at the Library and the parish or the Library (as the case may be), may charge such fee for copying as is reasonable.”.

4 Membership of Parish Assembly – Articles 23 and 30 amended

- (1) In Article 23(1) for sub-paragraph (c) there is substituted the following sub-paragraph –
- “(c) where 2 or more persons are liable to pay any rates in respect of land –
- (i) if the person’s name appears first in any return of information required under Article 3(1) or (4), or

- (ii) if the person is, by virtue of Article 30(2) or (3), entitled to represent all the persons who are liable to pay any rates levied in respect of that land; or”.

(2) In Article 30 –

- (a) in paragraph (1), for the words “first entered in the Rates List as” there are substituted the words “treated as the person”;
- (b) in paragraph (2), after the words “rateable year” there are added the words “and until that notice has effect, the person whose name appears first in any return of information required under Article 3(1) or (4) which has been returned before the Rates List has been approved, is entitled to represent all the persons who are liable to pay any rates levied in respect of that land in all matters in which a ratepayer is entitled to representation by virtue of this Law”;
- (c) in paragraph (3), for the words “whose name is first entered in a Rates List in respect of land” there are substituted the words “who, by virtue of the notice given under paragraph (1) is to be treated as the representative,”.

5 Assessment and Supervisory Committees – Articles 37 and 43 amended

(1) In Article 37 –

- (a) paragraphs (5) and (6) are renumbered as paragraphs “(6)” and “(7)” respectively;
- (b) for paragraphs (3) and (4) there are substituted the following paragraphs –

“(3) The members of an Assessment Committee shall –

- (a) at the first meeting of the Assessment Committee held in each year, appoint one of their number to act as the Committee’s Chairman and the person so appointed shall serve as Chairman until 31st December of that year;
- (b) if the Committee’s Chairman is absent from a meeting of the Assessment Committee, appoint one of their number to preside at that meeting;
- (c) subject to sub-paragraph (d), if during the course of the year the Chairman’s office becomes vacant, appoint one of their number to serve as Chairman until 31st December of that year;
- (d) if on or after 1st October in a year the Chairman’s office becomes vacant, and if the Committee determines it is necessary to fill the vacancy, appoint one of their number to serve as Chairman until 31st December of that year;
- (e) at the first meeting of the Assessment Committee held after the coming into force of the Rates Amendment Law, appoint one of their number to serve as Chairman until 31st December of the year in which that Law comes into force.

(4) At a meeting of an Assessment Committee –

- (a) the quorum is to be determined by the Committee but shall be at least 3 of its members;
 - (b) in the case of an equality of votes the Chairman or the person presiding has a second or casting vote; and
 - (c) a member shall not be present during the consideration of any matter relating to land in which the member is personally interested as owner, occupier, as a relative of the owner or occupier within and including the degree of relationship of first cousin, or otherwise.
- (5) If, by virtue of paragraph (4)(c), paragraph (4)(a) cannot be complied with, the members remaining shall be taken to form a quorum.”.
- (2) In Article 43 –
 - (a) paragraphs (3) and (4) are renumbered as paragraphs “(6)” and “(7)” respectively;
 - (b) for paragraph (2) there are substituted the following paragraphs –
 - “(2) The members of the Supervisory Committee shall –
 - (a) at the first meeting of the Supervisory Committee held following an ordinary election of Connétables, appoint one of their number to act as the Committee’s Chairman and another as the Committee’s Vice-Chairman and each person so appointed shall serve as Chairman and Vice-Chairman (as the case may be) until he or she retires on his or her office of Connétable being filled by an ordinary election or an election ordered under Article 3(2) of the Connétables Law;
 - (b) at the first meeting of the Supervisory Committee held after the coming into force of the Rates Amendment Law, appoint one of their number to act as the Committee’s Chairman and another as the Committee’s Vice-Chairman and each person so appointed shall serve as Chairman and Vice-Chairman (as the case may be) until he or she retires on his or her office of Connétable being filled by an ordinary election or an election ordered under Article 3(2) of the Connétables Law.
- (3) At a meeting of the Supervisory Committee –
 - (a) the quorum is to be determined by the Committee but shall be at least 7 of its members;
 - (b) in the case of an equality of votes the Chairman or the Vice-Chairman if presiding, has a second or casting vote; and
 - (c) a member shall not be present during the consideration of any matter relating to land in which the member is personally interested as owner, occupier or otherwise (except as Connétable of the parish in which the land is situated).
- (4) If at any meeting of the Supervisory Committee –
 - (a) the Chairman is absent or for any reason is unable to act, the Vice-Chairman shall preside; or

- (b) both the Chairman and Vice Chairman are absent or for any reason are unable to act, the other members of the Committee shall appoint one of their number to preside.
- (5) If the offices of Chairman or Vice-Chairman become vacant –
 - (a) other than by reason of an ordinary election or a casual vacancy occurring in the office of Connétable, the members of the Supervisory Committee shall at such meeting as the Committee determines, appoint one of their number to act as the Committee’s Chairman or Vice-Chairman (as the case may be) and the person so appointed shall serve as Chairman or Vice-Chairman until he or she retires as referred to in paragraph (2)(a);
 - (b) by reason of a casual vacancy occurring in the office of Connétable, the members of the Supervisory Committee shall at the first meeting of the Committee held following an election ordered under Article 3(2) of the Connétables Law, appoint one of their number to act as the Committee’s Chairman or Vice-Chairman (as the case may be) and the person so appointed shall serve as Chairman or Vice-Chairman until he or she retires as referred to in paragraph (2)(a).”.

6 Rate Appeal Board – Article 44 amended

In Article 44(6) and (7), for the words “in this Law” there are substituted the words “in this Part”.

7 Citation and commencement

This Law may be cited as the Rates (Amendment) (Jersey) Law 201- and shall come into force 7 days after the day it is registered.

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- ¹ *chapter 24.950*
 - ² *chapter 16.250*
 - ³ *P.28/2016*