

STATES OF JERSEY



DRAFT CENSUS (AMENDMENT No. 3) (JERSEY) LAW 201-

Lodged au Greffe on 14th June 2010
by the Chief Minister

STATES GREFFE



Jersey

DRAFT CENSUS (AMENDMENT No. 3) (JERSEY) LAW 201-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Chief Minister has made the following statement –

In the view of the Chief Minister the provisions of the Draft Census (Amendment No. 3) (Jersey) Law 201- are compatible with the Convention Rights.

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

REPORT

The next Census of the population will be held in Jersey on 27th March 2011. The penalty for offences in the Census (Jersey) Law 1951 is specified in Article 4(1) and is currently up to £500. The level of fine for offences relating to the Jersey Census was last increased in 1986.

The UK population census will be held on the same day in 2011 as that of Jersey. The fine for Census related offences in the UK is up to £1,000. It is therefore recommended that the fine in Jersey is increased to up to £1,000 (corresponding to one half of level 3 on the Standard Scale of Fines) in line with that of the UK.

Financial and manpower implications

Other than the implications arising under any potential prosecution, there are no further financial or manpower implications arising from the adoption of this Draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires 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). On 10th June 2010 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 Census (Amendment No. 3) (Jersey) Law 201- are compatible with the Convention Rights.

Explanatory Note

This Law amends penalties for offences in the Census (Jersey) Law 1951 (the “principal Law”).

Article 1 amends Article 4 of the principal Law.

Article 4(1) of the principal Law makes it an offence to contravene any provision of the principal Law or Regulations made under it, to make an affidavit, when required to do so by Regulations made under the principal Law, that is false; to deliver a document, when required to do so by Regulations made under the principal Law, that is false or to refuse to answer a question, or to provide a false answer, when required to provide an answer by Regulations made under the principal Law. The penalty for these offences is currently subject to a maximum of £500.

The provision is amended to increase the maximum penalty to £1,000 (being one half of level 3 on the standard scale).

Article 4(2) of the principal Law makes it an offence for a person employed in taking a census to publish or release information obtained in the course of taking the census, without the authority of the Chief Minister.

The penalty for this offence is not being altered. However, penalties are now expressed in legislation having regard to the rule for construction in Article 13 of the Interpretation (Jersey) Law 1954 as amended in 2003 (see below). The penalty for this offence is restated in accordance with that rule, but the effect is not changed.

Article 2 provides for the citation of the draft Law and for it to commence 7 days after its registration in the Royal Court.

The standard scale of fines is set by the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993. The scale is: level 1 - £50; level 2 - £500; level 3 – £2,000; level 4 – £5,000.

Article 13 of the Interpretation (Jersey) Law 1954 establishes rules enabling penalties to be expressed succinctly. A reference to a fine “of X amount” is to be construed as a reference to a fine “not exceeding X amount”. The same rule also applies to a reference to a term of imprisonment. A reference to “a fine” is a reference to an unlimited fine. A reference to a penalty of imprisonment and a fine is to be construed as a reference to a penalty of imprisonment or a fine, or both.



Jersey

DRAFT CENSUS (AMENDMENT No. 3) (JERSEY) LAW 201-

A LAW to amend further the Census (Jersey) Law 1951

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 4 of the Census (Jersey) Law 1951 amended

In Article 4 of the Census (Jersey) Law 1951¹ –

- (a) in paragraph (1) for the words “liable to a fine not exceeding £500.” there shall be substituted the words “liable to a fine of one half of level 3 on the standard scale.”;
- (b) in paragraph (2) for the words “liable to imprisonment for a term not exceeding 2 years or to a fine, or to both such imprisonment and such fine.” there shall be substituted the words “liable to imprisonment for a term of 2 years and to a fine.”.

2 Citation and commencement

This Law may be cited as the Census (Amendment No. 3) (Jersey) Law 201- and shall come into force 7 days after it is registered.

¹ *chapter 15.040*