

# STATES OF JERSEY

**r**

## **DRAFT FIRE SERVICE (AMENDMENT No. 5) (JERSEY) LAW 200**

---

**Lodged au Greffe on 21st January 2003  
by the Home Affairs Committee**

---

**STATES GREFFE**





Jersey

## **DRAFT FIRE SERVICE (AMENDMENT No. 5)(JERSEY) LAW 200**

### **European Convention on Human Rights**

The President of the Home Affairs Committee has made the following statement –

In the view of the Home Affairs Committee, the provisions of the Draft Fire Service (Amendment No. 5) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

## REPORT

---

Pay, terms and conditions of service for members of the States of Jersey Fire and Rescue Service are currently prescribed within the Fire Service (General Provisions) (Jersey) Order 1982.

This draft Law amends the Fire Service (Jersey) Law 1959 (the “principal Law”) to allow the terms and conditions of service to be determined by the Home Affairs Committee by agreement entered into after consultation with the Policy and Resources Committee.

*Article 1* is the interpretation provision.

*Article 2* amends the principal Law so as to change the definition of “the Committee” to Home Affairs Committee and deletes the definition of “prescribed”.

*Article 3* repeals Article 2 of the principal Law and replaces it with a new Article which—

- (a) establishes the States of Jersey Fire and Rescue Service;
- (b) establishes that the Service is constituted by –
  - the Chief Fire Officer, and
  - such other Officers as may be determined by the Committee;
- (c) specifies that the Chief Fire Officer and the other Officers shall be appointed on such terms as to pay, allowances and other conditions of service as shall from time to time be determined by the Committee after consultation with the Policy and Resources Committee;
- (d) specifies that the person appointed as Chief Fire Officer shall take oath before the Royal Court to well and faithfully discharge the duties of the office.

*Article 4* repeals Articles 4, 5, 6, 7 and 14 of the principal Law, which deal with the following matters—

- Article 4 details conditions pertaining to the Chief Fire Officer;
- Article 5 details conditions pertaining to other Officers;
- Article 6 details the appointment of an Acting Chief Officer;
- Article 7 details the Oath of Office taken by the Chief Officer;
- Article 14 authorizes the Committee to prescribe by Order such matters necessary for the proper administration of the Service and includes pay, ranks, holidays and other absences and provisions for retirement.

*Article 5* is the citation and commencement provision.

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 16th January 2003 the Home Affairs Committee made the following statement before Second Reading of this *projet* in the States Assembly –

In the view of the Home Affairs Committee, the provisions of the Draft Fire Service (Amendment No. 5) (Jersey) Law 200- are compatible with the Convention Rights.

## **Explanatory Note**

---

The purpose of this Law is to amend the Fire Service (Jersey) Law 1959 to allow the terms and conditions of service of members of the States of Jersey Fire and Rescue Service to be determined by the Home Affairs Committee by agreement entered into after consultation with the Policy and Resources Committee.

The 1959 Law presently provides for the terms and conditions to be prescribed by the Home Affairs Committee, by Order, made after consultation with the Policy and Resources Committee.





Jersey

# DRAFT FIRE SERVICE (AMENDMENT No. 5)(JERSEY) LAW 200

## Arrangement

---

### Article

- 1      Interpretation
- 2      Article 1 amended
- 3      Article 2 repealed and replaced
- 4      Articles 4, 5, 6, 7 and 14 repealed
- 5      Citation and commencement





Jersey

## **DRAFT FIRE SERVICE (AMENDMENT No. 5)(JERSEY) LAW 200**

A LAW to amend further the Fire Service (Jersey) Law 1959.

---

*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 Interpretation**

In this Law the “principal Law” means the Fire Service (Jersey) Law 1959.<sup>[1]</sup>

### **2 Article 1 amended**

In Article 1 of the principal Law<sup>[2]</sup> –

- (a) for the definition of “the Committee” the following definition shall be substituted –  
“ ‘the Committee’ means the Home Affairs Committee;”;
- (b) the definition of “prescribed” shall be deleted.

### **3 Article 2 repealed and replaced**

Article 2 of the principal Law<sup>[3]</sup> shall be repealed and the following Article shall be substituted –

#### **“2 The States of Jersey Fire and Rescue Service**

- (1) There is established the States of Jersey Fire and Rescue Service (in this Law referred to as “the Fire Service”) which shall be constituted by –
  - (a) the Chief Fire Officer; and
  - (b) such other Fire Service Officers as may be determined by the Committee.
- (2) The Chief Fire Officer and the other Fire Officers shall be appointed on such terms as to pay, allowances and other conditions of service as shall from time to time be determined by the Committee after consultation with the Policy and Resources Committee.
- (3) A person appointed to the office of Chief Fire Officer must as soon as practicable after being appointed to the office take oath before the Royal Court well and faithfully to discharge the duties of the office.”.

**4 Articles 4, 5, 6, 7 and 14 repealed**

Articles 4, 5, 6, 7 and 14 of the principal Law<sup>[4]</sup> shall be repealed.

**5 Citation and commencement**

- (1) This Law may be cited as the Fire Service (Amendment No. 5) (Jersey) Law 200.
- (2) This Law shall come into force on such day as the States may by Act appoint.

---

[1] *Tome VIII, page 779, Volume 1996-1997, page 963 and Volume 2000, page 747.*

[2] *Tome VIII, page 779.*

[3] *Tome VIII, page 780 and Volume 2000, page 747.*

[4] *Tome VIII, pages 782, 783 and 787.*