

STATES OF JERSEY

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DRAFT CUSTOMS AND EXCISE (AMENDMENT No. 2, (JERSEY) LAW 200

Lodged au Greffe on 27th January 2004
by the Home Affairs Committee

STATES GREFFE



Jersey

**DRAFT CUSTOMS AND EXCISE (AMENDMENT No. 2)
(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 Customs and Excise (Amendment No. 2, (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

Article 51 relates to the issuing of search warrants by the Bailiff to enter and search premises for goods that are liable to forfeiture under the Customs and Excise (Jersey) Law 1999.

It had been discovered by the Attorney General that the original wording of this Article repeated wording that had been used in earlier legislation and had caused some difficulties as all the officers had to be named in the warrant.

The draft Law is Human Rights compliant, and it can be confirmed that there are no implications in relation to financial or manpower resources for the States of Jersey.

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 26th January 2004 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 Customs and Excise (Amendment No. 2, (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

The purpose of this Law is to amend Article 51 of the Customs and Excise (Jersey) Law 1999.

Article 51 empowers the Bailiff to issue a warrant for the entry and search of premises if satisfied, on information on oath given by an officer of the Impôts, that there are reasonable grounds to suspect that things liable to forfeiture under the Law are kept or concealed on the premises.

Currently, the warrant may be executed either by the officer of the Impôts giving the information on oath or by any person named in the warrant.

The amendment would have the effect that the warrant may be executed by any officer of the Impôts, any police officer (being either a member of the States of Jersey Police Force or a member of the Honorary Police) or by any person named in the warrant.

The amendment does not alter the requirement that a person who is not a police officer must be accompanied by a police officer if executing the warrant at night.



Jersey

DRAFT CUSTOMS AND EXCISE (AMENDMENT NO. 2) (JERSEY) LAW 200

A LAW to amend further the Customs and Excise (Jersey) Law 1999. ^[1]

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 51 amended

In Article 51 of the Customs and Excise (Jersey) Law 1999 ^[2] –

- (a) in paragraph (2) for the words “that officer” there shall be substituted the words “any officer, any police officer”;
- (b) in paragraph (3) for the words beginning “Where a warrant” and ending “if accompanied by a police officer,” there shall be substituted the words “Subject to paragraph (4), where a warrant has been granted under paragraph (2) any officer, any police officer or any person named therein shall have power to enter those premises at any time”;
- (c) after paragraph (3) there shall be added the following paragraph–

“(4) An officer or a person named in a warrant shall only have power to enter those premises at night if accompanied by a police officer”.

2 Citation and commencement

This Law may be cited as the Customs and Excise (Amendment No. 2) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

[1] *Volume 1999, page 537, Volume 2001, pages 11 and 146, Volume 2002, page 429 and Volume 2003, pages 228 and 355.*

[2] *Volume 1999, page 590.*