

DRAFT FAMILY ALLOWANCES (AMENDMENT No. 6) (JERSEY) LAW 200

**Lodged au Greffe on 26th November 2002
by the Employment and Social Security Committee**



STATES OF JERSEY

STATES GREFFE

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European Convention on Human Rights

The President of the Employment and Social Security Committee has made the following statement -

In the view of the Employment and Social Security Committee, the provisions of the Draft Family Allowances (Amendment No. 6) (Jersey) Law 200 are compatible with the Convention Rights.

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

REPORT

On the recommendation of H.M. Attorney General, the Employment and Social Security Committee is seeking an increase in the maximum penalty for fraud under this Law. Increasing the maximum penalty allows a greater flexibility in the sanctions for the more serious cases of fraud. The Committee will be looking at all other benefit legislation, given that some have remained unchanged since the Laws were introduced, to ensure that the maximum penalties are consistent across the range of benefits.

The Committee is proposing that the maximum penalty be increased to an unlimited fine or seven years' imprisonment.

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 18th November 2002 the Employment and Social Security Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Employment and Social Security Committee, the provisions of the Draft Family Allowances (Amendment No. 6) (Jersey) Law 200 are compatible with the Convention Rights.

Explanatory Note

The effect of this amendment would be to increase the penalty for offences of a fraudulent nature under Article 16 of the Family Allowances (Jersey) Law 1972 to imprisonment for a term not exceeding 7 years and an unlimited fine.

At present, the maximum penalty is imprisonment for not more than 3 months and a fine not exceeding £500.

The amending Law would come into force on the seventh day after its registration in the Royal Court, but the increased penalty would only apply in respect of offences committed after that date.

FAMILY ALLOWANCES (AMENDMENT No. 6) (JERSEY) LAW 200

A LAW to amend further the Family Allowances (Jersey) Law 1972; sanctioned by Order of Her Majesty in Council of the

(Registered on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In this Law, “principal Law” means the Family Allowances (Jersey) Law 1972,^[1] as amended.^[2]

ARTICLE 2

In Article 16 of the principal Law,^[3] for the words “that person shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine” there shall be substituted the words “that person shall be liable to imprisonment for a term not exceeding seven years, or to a fine, or both”.

ARTICLE 3

The Family Allowances (Amendment No. 3) (Jersey) Law 1984^[4] shall be repealed.

ARTICLE 4

This Law may be cited as the Family Allowances (Amendment No. 6) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

^[1] Volume 1970-1972, page 413.

^[2] Volume 1984-1985, pages 81 and 143, Volume 1992-1993, page 113, Volume 1998, page 722, Volume 1999, page 419, Volume 2002, page 298 and R&Os 8132 and 8455.

^[3] Volume 1970-1972, page 424 and Volume 1984-1985, page 143.

^[4] Volume 1984-1985, page 143.