

STATES OF JERSEY

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SPEEDING FINES: ALLOCATION OF FUNDS TO PARISHES

**Lodged au Greffe on 20th July 2005
by the Deputy of St. Martin**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree that when a fine for driving at excess speed is levied by the Honorary Police in the Parish where the offence was committed, one half of the fine should be for the benefit of that Parish; and
- (b) to charge the Home Affairs Committee, after consultation with the Crown and other appropriate authorities, to bring forward for approval the necessary amendments to the Road Traffic (Jersey) Law 1956 to give effect to the proposal.

DEPUTY OF ST. MARTIN

REPORT

Article 89 of the Road Traffic (Jersey) Law 1956 creates the power to inflict and levy fines summarily for offences contrary to that Law.

Article 89(1) states that subject to the provisions of this Article, where a person is charged with any offence under this Law or under any Order and accepts the decision of the Connétable or Centenier of the parish in which the offence was committed, then that Connétable or Centenier may inflict and levy summarily, a fine up to either an amount not exceeding one fifth of level 2 on the standard scale or the maximum fine provided for that offence, whichever is the lower.

Paragraph (1) shall not apply where the offender is charged with any offence specified in Schedule 3 of that Law.

All fines imposed for offences under Articles 18, 20 to 27 inclusive, 51 and 53 shall be awarded for the benefit of Her Majesty. These Articles which are also specified in Schedule 3, include offences such as driving at excess speed, dangerous driving, causing death by dangerous driving and driving or attempting to drive under the influence of drink or drugs.

Except for offences referred to in the Articles above, one half of the fine shall be awarded for the benefit of the annual income of the States and one half for the benefit of the parish in which the offence was committed and shall be applied towards the cost of the maintenance of the by-roads of the parish.

The Road Traffic (Jersey) Law 1956 has been in existence for almost 50 years. Since then there has been a vast increase in the number of vehicles on our roads. There have also been changes in the way the law is policed, particularly in respect of motorists who drive in excess of the various speed limits that operate around the Island.

Motorists who drive their vehicles above the speed limit are not only a danger to themselves but also to other road-users. To counter the increased number of vehicles being driven at speed, most parishes have purchased, at considerable cost, various devices for carrying out speed checks and paid for the training of their Honorary Police Officers to carry out that task. As a consequence more motorists are being charged and fined for driving at excess speed.

It is apparent that whilst the parishes have incurred increased policing costs to counter problems from motorists driving at excess speed, they do not benefit from the revenue accumulated from the payment of fines.

During Oral Question Time at a recent States Sitting, the President of the Finance and Economics Committee was asked to give the total revenue received by the Treasury from fines for excessive speeding through the work of the Honorary Police and the States Police respectively. Although the President was unable to give a breakdown of the actual revenue received he stated that, on average, £270,000 was received for each of the last 4 years from fines for all Road Traffic Law offences.

It is difficult to estimate how much of the £270,000 emanates from excessive speeding fines, but it must be several thousands of pounds; none of which is shared with the parishes.

To bring about equity and to compensate the parishes, it seems logical that the Road Traffic (Jersey) Law 1956 should be amended so that, when a fine for excess speed is levied by the Honorary Police where the offence was committed, one half of the fine should be for the benefit of the parish in which the offence was committed.

Responsibility for the Road Traffic (Jersey) Law 1956 rests with the Home Affairs Committee. The purpose of my Proposition is to seek Members' support and to charge the Home Affairs Committee to arrange for the necessary Articles to be amended.

There will be financial or manpower implications but I believe they will be of only a minor nature. Instead of the States receiving 100% of the speeding fines, in future, it will only receive 50% as the remaining 50% will be for the benefit of the Parishes. Presumably, when the revenue is received, instead of all of it being paid into the Treasury, 50% will be distributed to the parishes. I do not believe that this exercise should require the

employment of additional staff.