

STATES OF JERSEY



HEALTH AND SAFETY APPEAL TRIBUNAL: APPOINTMENT OF MEMBERS

Lodged au Greffe on 12th May 2015
by the Minister for Social Security

STATES GREFFE

PROPOSITION

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

to appoint Mr. David Martin Rothband, and to re-appoint Mr. Nigel Collier-Webb, as members of the Health and Safety Appeal Tribunal, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989 and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, with immediate effect, for a period of 3 years.

MINISTER FOR SOCIAL SECURITY

REPORT

1. Background

Article 17 of the Health and Safety at Work (Jersey) Law 1989 provides for the establishment of an Appeal Tribunal. The role of the Health and Safety Appeal Tribunal is to determine appeals made against administrative sanctions, termed Notices, served under Articles 13 and 14 of the Health and Safety at Work (Jersey) Law 1989, and to determine appeals made against decisions taken by the Minister in respect of licence provisions in accordance with Article 9(2)(e) of the Law.

A recruitment process has just been completed following the expiry of the current term of office of 2 members of the Tribunal.

In the last 3 years, the Appeal Tribunal has met on one occasion to hear an appeal from an asbestos licence-holder whose approval to carry out work in Jersey, pursuant to Regulation 5 of the Health and Safety at Work (Asbestos – Licensing) (Jersey) Regulations 2008, was withdrawn.

2. Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989

Regulation 2 of the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989 provides for the establishment of a tribunal, to be known as the Health and Safety Appeal Tribunal. The Tribunal consists of a Chairman and Deputy Chairman (who must be advocates or solicitors of not less than 7 years' standing) and 2 other members, appointed by the States.

All members of the Tribunal serve on a voluntary basis.

The Regulations do provide for the appointment and payment of a secretary to assist the Tribunal. This role is currently undertaken as part of the duties of the secretary to the Employment Appeal Tribunal.

3. Appointment process

The appointment of members to the Health and Safety Appeal Tribunal is subject to the Code of Practice for Appointments to Autonomous and Quasi-Autonomous Public Bodies and Tribunals, issued by the Jersey Appointments Commission. The Health and Safety Appeal Tribunal has the status of a lower-tier body, requiring the principles and practices set out in the Code to be applied to the appointment process.

The Code of Practice recommends that, in normal circumstances, the term of office of a member of a Tribunal should not exceed 10 years.

4. Members proposed for appointment

The proposition asks the States to re-appoint Mr. Nigel Collier-Webb and to appoint Mr. David Rothband, as members of the Health and Safety Appeal Tribunal, for a 3 year term of office.

Mr. Nigel Collier-Webb is the Programme Co-ordinator (Jersey Domestic Violence Forum) reporting to the Assistant Chief Probation Officer. He is also a member of the Health Services Disciplinary Tribunal.

Mr. David Rothband has extensive experience of project management within the construction industry and is an Associate of the Chartered Institute of Arbitrators. He has also served a total of 18 years in the St. Helier Honorary Police, completing a fifth term of office as a Centenier in December 2014.

Mr. Collier-Webb has served a 3 year term of office as a member and is therefore eligible to serve a further 3 year term of office. Mr. Rothband will be serving his first term of office.

5. Financial and manpower implications

This proposition has no implications for the financial or manpower resources of the States.