

STATES OF JERSEY

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DRAFT AGRICULTURAL MARKETING (AMENDMENT No. 7) (JERSEY) LAW 200

**Lodged au Greffe on 15th July 2003
by the Economic Development Committee**

STATES GREFFE



Jersey

DRAFT AGRICULTURAL MARKETING (AMENDMENT No. 7) (JERSEY) LAW 200

European Convention on Human Rights

The President of the Economic Development Committee has made the following statement –

In the view of the Economic Development Committee, the provisions of the Draft Agricultural Marketing (Amendment No. 7) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Deputy F.G. Voisin of St. Lawrence**

REPORT

The Agricultural Marketing (Amendment No. 7) (Jersey) Law 200 has been prepared in order to correct minor inaccuracies and omissions in the current law that came to light during a recent law drafting exercise.

There are no financial or manpower implications for the States arising from the adoption of this draft Law.

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 9th July 2003 the Economic Development Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Economic Development Committee, the provisions of the Draft Agricultural Marketing (Amendment No. 7) (Jersey) Law 200 are compatible with the Convention Rights.

Explanatory Note

This Law will make the following changes to the Agricultural Marketing (Jersey) Law 1953–

- (a) correct cross-references in Articles 2(1) and 14(3) and (4) (*Articles 2 and 4*)
- (b) require schemes imposing monetary penalties to afford the registered producer an opportunity to be heard (*Article 3*); and
- (c) make all contraventions of any Order made under the Law a criminal offence punishable by 6 months imprisonment and/or a fine and remove the power for Orders to impose monetary penalties for offences consisting of contraventions of an Order (*Article 5*).



Jersey

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Arrangement

Article

<u>1</u>	<u>Interpretation</u>
<u>2</u>	<u>Article 2 amended</u>
<u>3</u>	<u>Article 8 amended</u>
<u>4</u>	<u>Article 14 amended</u>
<u>5</u>	<u>Article 23 amended</u>
<u>6</u>	<u>Citation and commencement</u>



Jersey

DRAFT AGRICULTURAL MARKETING (AMENDMENT No. 7) (JERSEY) LAW 200

A LAW to amend further the Agricultural Marketing (Jersey) Law 1953.^[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 Interpretation

In this Law “principal Law” means the Agricultural Marketing (Jersey) Law 1953^[2]

2 Article 2 amended

In the proviso to Article 2(1) of the principal Law^[3] for the words “Article 8” there shall be substituted the words “Article 6”.

3 Article 8 amended

In Article 8 of the principal Law^[4] –

(a) the existing text shall be numbered paragraph (1);

(b) for paragraph (1)(ba) there shall be substituted the following paragraph–

“(ba) subject to paragraph (2), for requiring the board to impose on, and recover from, any registered producer who contravenes any provision of the scheme made in pursuance of Article 11, such monetary penalties as may be specified in the scheme; and

(c) after paragraph (1) there shall be added the following paragraph–

“(2) Where a scheme provides for the board to impose a monetary penalty –

(a) the penalty shall not be imposed in respect of a contravention of the scheme that constitutes an offence under any enactment other than this Law;

(b) the penalty shall not be imposed without the registered producer being given such opportunity to be heard as the scheme shall provide; and

(c) the penalty specified in the scheme shall not exceed £1,000 for each offence or,

where the offence consists of continuing any such contravention, £1,000 together with a further £400 for each day on which it is so continued.”.

4 Article 14 amended

In Article 14(3) and (4) of the principal Law^[5] for the words “sub-paragraphs (a) to (d) of the said paragraph (2)” there shall be substituted the words “paragraph (2)(a) to (e)”.

5 Article 23 amended

In Article 23 of the principal Law^[6] –

- (a) in paragraph (1)(g) after the word “Law” there shall be inserted the words “or any Order made under this Law”; and
- (b) paragraph (2) shall be deleted.

6 Citation and commencement

This Law may be cited as the Agricultural Marketing (Amendment No. 7) (Jersey Law 200) and shall come into force on the seventh day following its registration.

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- [1] *Tome VIII, page 267, Volume 1990-1991, pages 425 and 429, Volume 1999, page 387 and Volume 2001, page 6.*
- [2] *Tome VIII, page 267, Volume 1990-1991, pages 425 and 429, Volume 1999, page 387 and Volume 2001, page 6.*
- [3] *Tome VIII, page 269 and Volume 1990-1991, page 426.*
- [4] *Tome VIII, page 280 and Volume 1990-1991, page 429.*
- [5] *Tome VIII, pages 294 and 295.*
- [6] *Tome VIII, page 302 and Volume 1990-1991, pages 429 and 430.*