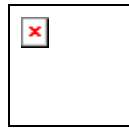


DRAFT FIRE PRECAUTIONS (AMENDMENT) (JERSEY) LAW 200-

**Lodged au Greffe on 29th January 2002
by the Home Affairs Committee**



STATES OF JERSEY

STATES GREFFE

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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 Fire Precautions (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Deputy A.J. Layzell of St. Brelade**

REPORT

1. Background

- 1.1 At its meeting of 7th September 2000 the Home Affairs Committee received a report and proposals for increasing income to the States of Jersey Fire Service from the Chief Fire Officer.
- 1.2 The Committee approved the recommendations of the report, one of which required amendments to the Fire Precautions (Jersey) Law 1997 to allow the recovery of administrative costs associated with the issue, amendment or replacement of fire certificates.
- 1.3 At its meeting of 27th November 2000, the Finance and Economics Committee endorsed the Home Affairs decision (Act No. 5B).

2. Legislation

- 2.1 The Law Draftsman has produced a draft Law which was approved by the Home Affairs Committee at its meeting of 20th September 2001. In preparing the draft, the Law Draftsman advised that it would be opportune to bring the penalties in the Law into line with the present level and style of expressing fines.

3. Human Rights

- 3.1 The Attorney General has reviewed the draft Law and the Committee has issued a Certificate of Compliance confirming that, in its view, the draft Law is compatible with the provisions of the Human Rights (Jersey) Law 2000.

4. Financial and manpower implications

- 4.1 The Committee considers there to be no additional manpower implications for the States, and has referred the financial implications to the Finance and Economics Committee for comment.

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 13th December 2001 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 Fire Precautions (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Note: The Finance and Economics Committee supports the fees proposed and the adoption of the standard scale of fines.

Explanatory Note

The purpose of this Law is to amend the Fire Precautions (Jersey) Law 1977-

- (a) to allow fees to be prescribed in respect of the issue of fire certificates; and
- (b) to bring penalties in the Law into line with the present level and style of expressing fines.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, the standard scale of fines is -

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.

FIRE PRECAUTIONS (AMENDMENT) (JERSEY) LAW 200-

A LAW to amend the Fire Precautions (Jersey) Law 1977; 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

For Article 15(1) of the Fire Precautions (Jersey) Law 1977^[1] there shall be substituted the following paragraph -

- “(1) The Committee may by Order -
- (a) prescribe anything that by this Law is to be prescribed; and
 - (b) prescribe fees to be paid on the application for and the issue or amendment of fire certificates.”.

ARTICLE 2

A provision of the Fire Precautions (Jersey) Law 1977^[2] specified in column 1 of the Schedule to this Law shall be amended by deleting from it the words specified in column 2 of that Schedule and substituting the words specified in column 3.

ARTICLE 3

This Law may be cited as the Fire Precautions (Amendment) (Jersey) Law 200- and shall come into force on the seventh day following its registration.

SCHEDULE

(Article 2)

AMENDMENTS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provision of the Fire Precautions (Jersey) Law 1977</i>	<i>Words to be deleted</i>	<i>Words to be substituted</i>
5(5) ^[3]	“a fine not exceeding fifty pounds”	“a fine not exceeding level 2 on the standard scale ^[4] ”
10(6) ^[5]	“a fine”	“a fine not exceeding level 3 on the standard scale ⁴ ”
10(7) ⁵	“a fine not exceeding one hundred pounds”	“a fine not exceeding level 3 on the standard scale ⁴ ”

11(2)^[6]

“a fine not exceeding one hundred pounds”

“a fine not exceeding level 3 on the standard scale^[7],”

^[1] Volume 1975-1978, page 281.

^[2] Volume 1975-1978, page 263.

^[3] Volume 1975-1978, page 269.

^[4] Volume 1992-1993, page 437.

^[5] Volume 1975-1978, page 279.

^[6] Volume 1975-1978, page 280.

^[7] Volume 1992-1993, page 437.