

STATES OF JERSEY ORDER PAPER

Tuesday 1st November 2005

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Police (Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Order 2005. R&O 147/2005.
Home Affairs Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Evaluation of the Shadow Scrutiny Process. S.R.7/2005.
Deputy R.C. Duhamel of St. Saviour.

Draft Water Resources (Jersey) Law 200- (P.206/2005): comments. P.206/2005.
Economic Development Committee. Com.

Draft Amendment (No. 3) of the Standing Orders of the States of Jersey (P.245/2005): comments. P.245/2005.
Privileges and Procedures Committee. Com.

Matters presented under Standing Order 6A(1)(b)

(b) Notification of Standing Order decisions

(c) Notification of acceptance of tenders

(d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)

Budget 2006.
Finance and Economics Committee.

Draft Finance (Jersey) Law 200-. P.255/2005.
Finance and Economics Committee.

Draft Income Tax (Amendment No. 25) (Jersey) Law 200. P.256/2005.
Finance and Economics Committee.

(e) Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)

(f) Papers for consideration by the States in Committee under Standing Order 38A

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 29th November 2005 -

Budget 2006.

Finance and Economics Committee.

Draft Finance (Jersey) Law 200-

P.255/2005.

Finance and Economics Committee.

Draft Income Tax (Amendment No. 25) (Jersey) Law 200.

P.256/2005.

Finance and Economics Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

The President of the Employment and Social Security Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the proposed Low Income Support Scheme.

The President of the Housing Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the Hodge II development.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Draft Criminal Law (Child Abduction) (Jersey) Law 2005 (Appointed Day) Act 200-

Legislation Committee.

(attached).

Draft Child Custody (Jurisdiction) (Jersey) Law 2005 (Appointed Day) Act 200-

Legislation Committee.

(attached).

Draft Child Abduction and Custody (Jersey) Law 2005 (Appointed Day) Act 200-

Legislation Committee.

(attached).

Jersey Overseas Aid Commission: appointment of Commissioners. <i>Deputy J.J. Huet of St. Helier</i> <i>(attached)</i>	
Draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Privileges and Procedures Committee.</i>	P.223/2005.
Draft Amendment (No. 1) of the Standing Orders of the States of Jersey. Lodged: 11th October 2005. <i>Privileges and Procedures Committee.</i>	P.225/2005.
Draft Amendment (No. 1) of the Standing Orders of the States of Jersey (P.225-2005): amendment. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.225/2005. Amd.
Draft Public Finances (Transitional Provisions – States Trading Operations No. 2) (Jersey) Regulations 200. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.226/2005.
Draft Medicines (Amendment No. 2) (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 11th October 2005. <i>Health and Social Services Committee.</i>	P.240/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.242/2005.
Draft Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 200-. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.243/2005.
Draft Jersey Overseas Aid Commission (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 18th October 2005. <i>Overseas Aid Committee.</i>	P.246/2005.
Draft States of Jersey Law 2005 (Appointed Day) (No. 2) Act 200-. Lodged: 11th October 2005. <i>Privileges and Procedures Committee.</i>	P.224/2005.
Draft Family Allowance (Jersey) Regulation 200-. Lodged: 18th October 2005. <i>Employment and Social Security Committee.</i>	P.247/2005.

Draft Health Insurance (Medical Benefit) (Jersey) Regulations 200-. Lodged: 18th October 2005. <i>Employment and Social Security Committee.</i>	P.248/2005.
Draft Amendment No. 30 to the Tariff of Harbour and Light Dues. Lodged: 18th October 2005. <i>Harbours and Airport Committee.</i>	P.249/2005.
Draft Harbours (Amendment No. 39) (Jersey) Regulations 200-. Lodged: 18th October 2005. <i>Harbours and Airport Committee.</i>	P.250/2005.
Draft Law Revision (Miscellaneous Provisions) (Jersey) Law 200-. Lodged: 11th October 2005. <i>Legislation Committee.</i>	P.222/2005.
Draft Extradition (Designated Territories No. 2) (Jersey) Regulations 200-. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.241/2005.
Draft Highways (Amendment No. 4) (Jersey) Law 200. Lodged: 18th October 2005. <i>Environment and Public Services Committee.</i>	P.251/2005.
Draft Animal Welfare (Amendment) (Jersey) Law 200-. Lodged: 18th October 2005. <i>Economic Development Committee.</i>	P.252/2005
Draft Amendment (No. 2) of the Standing Orders of the States of Jersey. Lodged: 18th October 2005. <i>Senator S. Syvret.</i>	P.244/2005.
Draft Amendment (No. 3) of the Standing Orders of the States of Jersey. Lodged: 18th October 2005. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.245/2005.
Draft Policing of Parks (Jersey) Regulations 200-. Lodged: 8th March 2005. <i>Environment and Public Services Committee.</i>	P.43/2005.
Speeding fines: allocation of funds to Parishes. Lodged: 20th July 2005. <i>Deputy of St. Martin.</i>	P.156/2005.
Speeding fines: allocation of funds to Parishes (P.156/2005) – comments. Presented: 27th September 2005. <i>Finance and Economics Committee.</i>	P.156/2005. Com.
Speeding fines: allocation of funds to Parishes (P.156/2005) – comments. Presented: 27th September 2005. <i>Home Affairs Committee.</i>	P.156/2005. Com.(2)

Speeding fines: allocation of funds to Parishes (P.156/2005) –
comments – addendum.
Presented: 18th October 2005.
Home Affairs Committee.

P.156/2005.
Com.(2) Add.

Speeding fines: allocation of funds to parishes (P.156/2005) –
amendment.
Connétable of St. Martin.
(attached).

P.156/2005.
Amd.

Development of Fostering and Adoption Services in Jersey.
Lodged: 5th October 2005.
Senator P.V.F. Le Claire.

P.219/2005.

M.N. DE LA HAYE
Greffier of the States

27th October 2005

Note –

In accordance with a decision of the States on 25th October 2005, this meeting will only continue after Tuesday 1st November if consideration of items considered to be time critical (P.223/2005 to P.250/2005) is not completed on that day.

Note –

Public business has been re-ordered following consultation with the Law Draftsman regarding matters relating to machinery of government reform resulting in P.224/2005 being reassigned a new position further down the list.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 147/2005

The effect of this Order is to make consequential amendments to the Police (Complaints and Discipline Procedure) (Jersey) Order 2000. These consequential amendments arise from the Police (Complaints and Discipline Procedure) (Amendment) (Jersey) Order 2005 which amended the 2000 Order to increase the range of police officers from another British Islands police force who may act as the presiding officer of a disciplinary hearing. The amendment to the definition of “presiding authority” is required as a consequence to the amendment to Article 27 of the 2000 Order (which was amended by the 2005 Order). The amendments to the definition of “presiding officer” and to Article 27(1) and (4) are required to provide consistency with the amendment to the definition of “presiding authority”, the 2000 Order and the Police (Complaints and Discipline) (Jersey) Law 1999. The Order was made on 27th October 2005, and came into force on the day it was made.

WRITTEN QUESTION PAPER

(See Item G)

The President of the Employment and Social Security Committee will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

“Would the President advise members whether the proposed Low Income Support scheme includes any provision for un-employment benefit which is not currently available and, if so, give details as to whom this applies and in what circumstances?”

The President of the Housing Committee will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

“Would the President advise members of the cost, to the Committee, of a three bedroom house on the Hodge II development, at what estimated price the Committee intends to sell these units to a housing trust, and what price the Committee estimates these units would realise on the open market?”



Jersey

DRAFT CRIMINAL LAW (CHILD ABDUCTION) (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

REPORT

The purpose of this Law is to create two offences: abduction of a child under 16 by a parent, guardian or person having custodial rights; and abduction of such a child by a stranger. The Law is part of the apparatus intended to combat cross boundary abduction of children consisting in part of the Child Abduction and Custody (Jersey) Law 2005 which enables the Island to sign up to the Hague Convention of 1980 on the Civil Aspects of International Child Abduction, and the European Convention, also of 1980, on the Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children. That Law is proposed to come into force on 1st January, 2006 (once the Rules of Court, which are currently out for consultation, have been made).

The offences created by this draft Law will bring into play the ordinary powers of arrest of police officers when they have reasonable cause to suspect the commission or pending commission of an offence. The power of arrest will not be dependant upon a court having granted an injunction.

The creation of a statutory offence of abduction of children is a key reform in an important area of law. Once a child is taken out of the jurisdiction, it is much harder both to find and recover the child. Thus, it is vital to prevent removal in the first place. The absence of a clearly defined statutory offence of abduction of young children amounts to a serious deficiency in the weaponry of any modern jurisdiction with which to combat cross-border child abduction. This Law remedies that deficiency.

There are no additional financial or manpower implications for the States arising from this draft Act.

Explanatory Note

This Act brings the Criminal Law (Child Abduction) (Jersey) Law 2005 into force into force 7 days from when the Act is agreed by the States. The Law was passed by the States on 5th July 2005 (P.106/2005) and received Royal Assent on 12th October 2005.



Jersey

DRAFT CRIMINAL LAW (CHILD ABDUCTION) (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 6(2) of the Criminal Law (Child Abduction) (Jersey) Law 2005, [\[1\]](#) have made the following Act –

1 Commencement of Criminal Law (Child Abduction) (Jersey) Law 2005

The Criminal Law (Child Abduction) (Jersey) Law 2005 shall come into force 7 days after this Act is made.

2 Citation

This Act may be cited as the Criminal Law (Child Abduction) (Jersey) Law 2005 (Appointed Day) Act 200-.



Jersey

DRAFT CHILD CUSTODY (JURISDICTION) (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

REPORT

This Law is related to the Family Law Act 1986 of the United Kingdom which laid down the jurisdictional bases for the granting of custody orders in England and Wales, Scotland and Northern Ireland. That Act established a clear procedure for recognition and enforcement in each part of the United Kingdom of custody orders made in another part. The key to recognition and enforcement lies in registration.

This Law provides Jersey with a statutory framework consistent with that extending throughout the British Islands (except Guernsey, at present) under which orders with regard to the custody of children throughout the United Kingdom can be recognised and enforced reciprocally.

Wider powers are conferred on the Royal Court to order disclosure of a child's whereabouts or to order the recovery of a child. The Law also empowers the Royal Court to give direct effect to orders made by a court in the United Kingdom prohibiting the removal of a child from the jurisdiction. This addresses the problem that a restriction imposed by a court in the United Kingdom on taking a child abroad is of no effect in Jersey. As part of its enforcement powers, the Royal Court will be able to require a person to surrender any United Kingdom passport issued to or containing particulars of the child.

The Law also makes provision for a child who has moved outside Jersey to be treated in certain circumstances as though he or she is still habitually resident in Jersey. This is to deter the unauthorised removal of a child from one jurisdiction to another for the purpose of delaying enforcement of a custody order, or initiating or re-opening custody proceedings in a forum which the person removing the child thinks would be more favourable to him or her.

This Law, together with the Child Abduction and Custody (Jersey) Law 2005 and the Criminal Law (Child Abduction) (Jersey) Law 2005, completes a statutory framework for the better safeguarding of children against the harm and disruption caused to them by abduction or by arbitrary removal from one jurisdiction to another. With the bringing into force of the Children (Jersey) Law 2002 and the enactment of this subsequent legislation, the legal structures of the Island in matters concerning the welfare of children will have been reformed in such a way that the Jersey courts and child welfare bodies will be able to operate fully and effectively at the international level.

There are no additional financial or manpower implications for the States arising from this draft Act.

Explanatory Note

This Act brings the Child Custody (Jurisdiction) (Jersey) Law 2005 into force on 1st January 2006. The Law was passed by the States on 5th July 2005 (P.107/2005) and received Royal Assent on 12th October 2005.



Jersey

DRAFT CHILD CUSTODY (JURISDICTION) (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 26(2) of the Child Custody (Jurisdiction) (Jersey) Law 2005, ^[2]
have made the following Act –

1 Commencement of Child Custody (Jurisdiction) (Jersey) Law 2005

The Child Custody (Jurisdiction) (Jersey) Law 2005 shall come into force on 1st January 2006.

2 Citation

This Act may be cited as the Child Custody (Jurisdiction) (Jersey) Law 2005 (Appointed Day) Act 200-.



Jersey

DRAFT CHILD ABDUCTION AND CUSTODY (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

REPORT

This Law will help parents and others with custody rights to obtain the return of abducted children. It will achieve this by enabling the United Kingdom, on the Island's behalf, to ratify and the Island to implement two international Conventions –

- (i) the Hague Convention of 1980 which requires the summary return of an abducted child to its country of habitual residence so that issues of custody can be decided there; and
- (ii) the European Convention, also of 1980, which enables custody decisions that have already been made to be recognised and enforced.

Both Conventions require contracting States to establish central authorities to undertake the administrative arrangements necessary to secure their objects. The central authorities act as channels for applications under both Conventions and they are required to assist applicants with the practical problems of tracing the child and securing its return. The Law provides for the functions in Jersey of the central authority to be discharged by the Attorney General.

This Law marks a significant departure from the existing reliance of the Royal Court on the customary law in this field. It enables Jersey to co-operate with other contracting States and in turn to request co-operation from those States. The procedures under the Conventions are such that the potential for protracted litigation will be curtailed and with this should abate the cost and above all the delay and uncertainty associated with the restoration of abducted children to their custodial parent.

This fundamental reform enables Jersey to take its place in the wider international community and play a full part in combating cross-border abduction of children.

There are no additional financial or manpower implications for the States arising from this draft Act.

Explanatory Note

This Act brings the Child Abduction and Custody (Jersey) Law 2005 into force on 1st January 2006. The Law was passed by the States on 5th July 2005 (P.105/2005) and received Royal Assent on 12th October 2005.



DRAFT CHILD ABDUCTION AND CUSTODY (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 30(2) of the Child Abduction and Custody (Jersey) Law 2005, [\[3\]](#) have made the following Act –

1 Commencement of Child Abduction and Custody (Jersey) Law 2005

The Child Abduction and Custody (Jersey) Law 2005 shall come into force on 1st January 2006.

2 Citation

This Act may be cited as the Child Abduction and Custody (Jersey) Law 2005 (Appointed Day) Act 200-.

PROPOSITION

JERSEY OVERSEAS AID COMMISSION: APPOINTMENT OF COMMISSIONERS

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

- (a) to appoint, in accordance with paragraph 2(3)(a) of Schedule 2 to the Jersey Overseas Aid Commission (Jersey) Law 2005, the following elected members of the States as States Commissioners –
 - i) Senator Paul Francis Routier;
 - ii) Deputy Terence John Le Main of St. Helier

- (b) to appoint, in accordance with paragraph 2(3)(b) of Schedule 2 to the Jersey Overseas Aid Commission (Jersey) Law 2005, the following persons as Non-States Commissioners for the periods shown –
 - i) Mr. Leslie Rufus Crapp (one year)
 - ii) Mr. Kenneth William Syvret MBE (2 years)
 - iii) Mrs. Toni Roberts (3 years)

DEPUTY J.J. HUET OF ST. HELIER

Report

Following the registration in the Royal Court of the Jersey Overseas Aid Commission (Jersey) Law 2005 on 19th August 2005 it was possible to begin the practical steps to establish the Commission which will replace the present Overseas Aid Committee. The first step was, of course, my own appointment as Chairman designate of the Commission on 13th September 2005.

The Law requires the Chairman, in making nominations, to use his or her best endeavours “*to ensure that the Commissioners shall be a diverse and balanced group of people in terms of gender, age, experience and skills, who share a commitment to the promotion of the objects of the Commission*”. In order to ensure that the appointments of the Non-States Commissioners were made in a fair and transparent manner the selection process was undertaken in accordance with the procedures for such appointments established by the Jersey Appointments Commission with Mr. Mike Liston, Chairman of the Commission, involved at every stage in the selection process. An advertisement was drafted in consultation with Mr. Liston drawing attention to the particular skills that it was felt were needed in the Commissioners, particularly in the early stages of the Commission’s work, The advertisement (attached at Appendix 1) was placed in the Jersey Evening Post seeking nominations and only persons who responded to that advertisement were considered for these positions.

There were 19 applicants for the 3 Non-States Commissioner posts all of whom brought a variety of skills and experience. Making a selection was therefore extremely difficult as virtually every single applicant could have been suitable in some way for these positions. After an initial assessment and rating of the suitability of applicants informal meetings involving Mr. Liston, the Greffier of the States and me were held with some of the applicants.

The 3 nominees being put forward, Mr. Leslie Crapp, Mr. Ken Syvret and Mrs. Toni Roberts, were the unanimous choice of the selection panel as it was felt that they most closely met the requirements for these positions as set out in the advertisement. They each bring particular professional skills and have all, in different ways, shown a very strong commitment to overseas aid. A short biography of each is attached at Appendix 2. In order to ensure continuity in the Commission the Law specifies that the initial appointments are made for different periods as set out in the proposition so that, in future, one post will become vacant every year. Subsequent appointments will all be for a 3 year period.

The Law requires the Chairman designate to nominate 2 States members for the Commission and I am pleased that Senator Routier and Deputy Le Main have agreed to serve in this capacity. Deputy Le Main has served on the Overseas Aid Committee on a number of occasions since he was first elected to the States and I am pleased that Senator Routier will bring his business experience to the Commission. In accordance with the Law both will, if the proposition is approved, serve on the Commission until December 2008.

I apologise to members for bringing this proposition on a 'blue' but because of the decision to follow the proper selection process in accordance with the Appointments Commission procedures it was not possible to finish the advertising and subsequent selection process by the 2 week lodging deadline for this meeting which, as members know, is the last opportunity before the elections to deal with this matter.

There are no financial and manpower implications arising from this proposition.

Advertisement placed in the Jersey Evening Post

JERSEY OVERSEAS AID COMMISSION

NON-STATES COMMISSIONERS

The Jersey Overseas Aid Commission is being established as part of the overall government reforms to take over the functions of the present Overseas Aid Committee which has administered overseas grant aid, community project funding and disaster aid for nearly four decades. The Commission will consist of three States Members, one of whom will be the Chairman, and three lay members, known as 'Non-States Commissioners'.

Applications are invited for the three Non-States Commissioners posts. Although unpaid, the Commissioners' role presents an interesting and satisfying opportunity to help to ensure that Jersey's multi-million pound aid budget is effectively and properly administered. Commissioners can expect to attend approximately one meeting per month and must be able to participate in a 4 or 5 day visit by the Commission to the UK each year, to interview the many agencies applying for grants.

Commissioners need to be able to assess applications for aid dispassionately, objectively and decisively. The Commission's role includes evaluation of the integrity and financial soundness of the agencies applying for grants and the viability of community projects seeking funds.

The Jersey Overseas Aid Commission Law, which establishes the Commission, requires the Chairman, in making nominations, to take steps to ensure that the Commissioners are a diverse and balanced group of people in terms of gender, age, experience and skills, who all share a commitment to the promotion of the objects of the Commission. Ideally, applicants will have some legal, accountancy, banking or other general business experience.

Applications should be sent to the Greffier of the States, States Greffe, Morier House, St. Helier, JE1 1DD no later than Friday 30th September 2005. Applicants should set out brief personal details in their letter of application and specify any relevant skills and experience for the post. Further details of the work undertaken by Overseas Aid are available on request from the Greffier of the States on 502003 or by e-mail to m.delahaye@gov.je.

On 13th September 2005 the States appointed Deputy Jacqui Huet as Chairman designate of the Commission and potential applicants are welcome to contact her on 720783 to discuss the position informally before submitting a formal application.

NON-STATES COMMISSIONERS

Mr. Leslie Crapp (one year)

Mr. Crapp is a Chartered Accountant and was Channel Islands Managing Partner of Coopers Lybrand from 1978 to 1990 when he retired from practice. As well as his professional experience in the finance sector he has undertaken a variety of community and voluntary service for organisations including Family Nursing and Home Care (Treasurer and Chairman), Save the Children Jersey Branch (founder member, Committee member and Treasurer), FCJ Primary School (Governor), St. George's Preparatory School (Governor and Trustee) and the Société Jersiaise (Treasurer). In addition he has served in various honorary positions for Highlands College, was a member of the Rent Control Tribunal from 1990 to 1995 and the first Chairman of the Rates Appeal Board from 1995 to 2005. For 15 years Mr. Crapp has been Honorary Executive Officer of the Overseas Aid Committee and in this capacity has given tirelessly of his time on behalf of successive Committees. He has also participated in 3 overseas aid work projects and paid numerous visits to agencies in the field. Mr. Crapp will, of course, be required to relinquish this rôle on his appointment as a Commissioner.

Mr. Kenneth Syvret (2 years)

Mr. Syvret qualified as a Solicitor in 1966 but has now retired from practice. He is a former President of the Jersey Law Society. He was Deputy of St. Ouen from 1996 until 2002 and served on the Overseas Aid Committee. He is currently Chairman of the Guide Dogs for the Blind (Jersey Branch), President of the Maison des Landes Trust, Chairman of 'Genuine Jersey', Churchwarden of St. Ouen's Church and Greffier of the Ecclesiastical Court. He serves on a number of Committees within the Parish of St. Ouen including the Homes for the Elderly Committee and he has been the Editor of the parish magazine for 6 years. Mr. Syvret assisted the Committee in preparing the terms of reference and law drafting instructions for the establishment of the Overseas Aid Commission.

Mrs. Toni Roberts (3 years)

Mrs. Roberts is currently the European Fiduciary Services Business Manager for J.P. Morgan Trust Company (Jersey) Limited. She is responsible for managing and developing business relating to clients in Asia, Latin America and Europe requiring fiduciary structures. She is a member of the Society of Trust and Estate Practitioners, an Associate of the Institute of Chartered Secretaries and Administrators and is a former chairman of the local branch. She is a member of the International Committee of Rotary and Chairman of the IOD Education and Training Sub-Committee. Mrs. Roberts has undertaken a number of overseas visits in her professional capacity to deal with charitable settlements and has taken a very active role in ensuring that charitable donations from trusts have been correctly dealt with. She was a member of an overseas aid working party to Ecuador in 2001, the leader of the 2004 India working party and was a member of the working party which reviewed the activities of Overseas Aid work parties in 1999.

SPEEDING FINES: ALLOCATION OF FUNDS TO PARISHES (P.156/2005) – AMENDMENT

In sub-paragraph (a) delete the words “one half of”.

CONNÉTABLE OF ST. MARTIN

P.156/2005. Amd.

REPORT

The Deputy of St. Martin has brought forward a proposition that one half of the fine for driving at an excess speed levied by the Honorary Police in the Parish where the offence was committed should be retained by that Parish.

The Deputy has not consulted with the Comité des Connétables before lodging his proposition. Earlier this year, the Connétables met with the President of the Finance and Economics Committee to discuss the possibility of changes to the Road Traffic (Jersey) Law 1956 in relation to the allocation of income from fines generally including fines for driving at excess speed.

The Parishes are currently required to surrender the following fines to the States or Crown –

100% of fine payable to the Treasury for the benefit of Her Majesty (Articles 18, 20 to 27 inclusive, 51 and 53 of the Road Traffic (Jersey) Law 1956) includes offences relating to –

- Forgery of driving licences
- Restriction on driving by young or inexperienced persons
- Limitation of Speed
- Dangerous driving
- Careless driving
- Driving under the influence of drink or drugs
- Duty to stop and give name and address
- Taking vehicle without owner’s consent or other authority

50% of fine payable to the Treasury for the benefit of the income of the States of Jersey (fines other than those above which are inflicted and levied by a Connétable or Centenier of the Parish in which the offence is committed) includes offences relating to –

- Wearing of seat belts
- Restriction on pillion riding on motor cycles
- Protective helmets
- Restrictions on holding telephones
- Prohibition on leaving of vehicles on roads in positions likely to cause danger or obstruction
- Order with regard to motor vehicles

The Connétables proposals to the Finance and Economics Committee are that all fines collected by a Parish should be retained by the Parish. This would help to offset the costs incurred for the Honorary Police which have increased significantly in recent years and include costs of equipment e.g. speed detection cameras; insurance and training. It would also significantly simplify the current accounting procedures required by both the Parishes and Treasury and therefore result in some manpower savings. The Law sets out when a Connétable of Centenier may deal with an offence (Article 89 and Schedule 3 of the Law). All other offences are dealt with by the Court and fines levied in the Court would continue to be allocated in accordance with the current law.

The Connétables are collating information to support their request to retain all fines levied by a Connétable or

Centenier and if agreement is reached in due course between the Connétables and the Finance and Economics Committee for changes in respect of the allocation of other fines currently paid for the benefit of Her Majesty and the States Treasury then an amendment to the law will be brought forward accordingly.

In the meantime the Connétables consider that if the States are minded to support a change in allocation of fines imposed for driving at excess speed it would be preferable that this change should allow the Parishes to retain all the fines so levied and not just one-half of the fines as proposed by the Deputy of St. Martin.

The financial implications of the States not receiving speeding fines levied by the Parishes will be minor. There will be no manpower implications for the States not receiving speeding fines levied by the Parishes and may even be some saving as current procedures may be simplified and the requirement for audit reports would be reduced slightly.
