

STATES OF JERSEY

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DRAFT MOTOR TRAFFIC (THIRD PARTY INSURANCE) (AMENDMENT No. 11) (JERSEY) LAW 200

**Lodged au Greffe on 29th April 2003
by the Home Affairs Committee**

STATES GREFFE



Jersey

**DRAFT MOTOR TRAFFIC (THIRD PARTY INSURANCE)
(AMENDMENT No. 11)(JERSEY) LAW 200**

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 Motor Traffic (Third Party Insurance) (Amendment No. 11) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

The purpose of bringing this amendment to the Motor Traffic (Third Party Insurance) (Jersey) Law 1948 is to increase the maximum fine that a Connétable or Centenier may impose at a Parish Hall Enquiry on a person who has failed to display or failed to produce an insurance disc, in contravention of Article 15A of the Law.

The current maximum fine that they can impose for these offences is £50 (an amount not exceeding level 1 on the Standard Scale, as set out in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993). This amendment would allow them to impose a maximum fine up to one-fifth of level 2 on the Standard Scale, which currently equates to £100.

These fines can only be imposed if the person charged with contravening Article 15A of the Law accepts the decision of the Connétable or Centenier.

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 24th April 2003 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 Motor Traffic (Third Party Insurance) (Amendment No. 11) (Jersey) Law 200 are compatible with the Convention Rights.

Explanatory Note

The effect of this Law would be to increase the maximum fine that a Connétable or Centenier may impose, if a person is charged with contravening Article 15A of the Motor Traffic (Third Party Insurance) (Jersey) Law 194 and he accepts the decision of the Connétable or Centenier.

Article 15A relates to the offences of failing to display and failing to produce an insurance disc.

Currently, the maximum fine is an amount not exceeding level 1 on the standard scale set out in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993. The amendment would alter it to one-fifth of the amount at which level 2 is fixed. Under the existing scale, this is an increase from £50 to £100.

The opportunity is also taken to insert explicit definitions of “Committee”, “Inspector” and “Traffic Officer” in the principal Law.

The amending Law would come into force on the seventh day after it is registered in the Royal Court.



Jersey

DRAFT MOTOR TRAFFIC (THIRD PARTY INSURANCE) (AMENDMENT No. 11)(JERSEY) LAW 200

A LAW to amend further the Motor Traffic (Third Party Insurance) (Jersey) Law 1948.^[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 Motor Traffic (Third Party Insurance) (Jersey) Law 1948.^[2]

2 Amendment of Article 1

In Article 1 of the principal Law^[3] –

- (a) for the definitions “ ‘the Committee’, ‘the Inspector’, and ‘Traffic Officer’ ” there shall be substituted the following definition –

“ ‘Committee’ means the Home Affairs Committee;”;

- (b) after the definition “hospital” there shall be inserted the following definition –

“ ‘Inspector’ means the Inspector of Motor Traffic appointed under Article 2 of the Motor Traffic (Jersey) Law 1935;^[4]”;

- (c) in the definition “road”, for the full stop there shall be substituted a semicolon;

- (d) after the definition “road” there shall be added the following definition –

“ ‘Traffic Officer’ means the Inspector, or the Deputy Inspector of Motor Traffic or any Traffic Officer appointed under Article 2 of the Motor Traffic (Jersey) Law 1935.^[5]”.

3 Amendment of Article 18A(1)

In Article 18A(1) of the principal Law,^[6] for the words “a fine not exceeding level 1 on the standard scale^[7]” there shall be substituted the words “a fine not exceeding one-fifth of level 2 on the standard scale^[8]”.

4 Citation and commencement

This Law may be cited as the Motor Traffic (Third Party Insurance) (Amendment No. 11) (Jersey) Law 200- and shall come into force on the seventh day following its registration.

[1] *Tome VII, page 483, Volume 1979-1981, pages 109 and 381, Volume 1988-1989, pages 243 and 411, Volume 1992-1993, page 279, Volume 1994-1995, page 293, Volume 1996-1997, page 283 and Volume 1999, page 418.*

[2] *Tome VII, page 483, Volume 1979-1981, pages 109 and 381, Volume 1988-1989, pages 243 and 411, Volume 1992-1993, page 279, Volume 1994-1995, page 293, Volume 1996-1997, page 283 and Volume 1999, page 418.*

[3] *Tome VII, page 483, Volume 1988-1989, page 411 and Volume 1992-1993, page 279.*

[4] *Tome VII, page 161 and Nos. 8721 and 30/2002.*

[5] *Tome VII, page 161 and Nos. 8721 and 30/2002.*

[6] *Tome VII, page 497 and Volume 1996-1997, page 285.*

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

[8] *Volume 1992-1993, page 437.*