

DRAFT CRIME (GOING EQUIPPED) (JERSEY) LAW 200-

**Lodged au Greffe on 11th June 2002
by the Legislation Committee**



STATES OF JERSEY

STATES GREFFE

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European Convention on Human Rights

The President of the Legislation Committee has made the following statement -

In the view of the Legislation Committee the provisions of the Draft Crime (Going Equipped) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

This draft Law fills a lacuna in the criminal law of the Island by creating the offence of 'going equipped' with any article with the intent that it be used for the commission of specified offences. Currently, a person found to be carrying an article in a public place may only be prosecuted if the article is an offensive weapon and he has no lawful authority or reasonable excuse for having it with him, or if he takes some action which is sufficiently proximate to an offence to amount to an attempt to commit that offence. The new Law will, if enacted, provide not only for a new offence in circumstances which intrinsically justify a conviction for the conduct in question, but because the new offence exists, will assist the police in their ability to apprehend at an early stage those who might go on to commit a substantive crime.

The detailed effect of the draft Law is set out in the Explanatory Note.

There are no implications for the financial or manpower resources of the States arising from 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 31st May 2002 the Legislation Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Legislation Committee the provisions of the Draft Crime (Going Equipped) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This draft Law would create a new offence of going equipped with an article for use in or in connection with any offence of burglary, larceny, taking a vehicle without consent or obtaining property by deception. If the article is made or adapted for use in committing any of those offences, possession of it would be taken as evidence that the person had the article with him for such use.

The penalty for the offence would be imprisonment for up to 3 years and/or an unlimited fine.

If adopted, the Law would come into force seven days after its registration in the Royal Court.

CRIME (GOING EQUIPPED) (JERSEY) LAW 200-

A LAW to create a new offence of going equipped for the commission of certain offences; 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

Going equipped

(1) A person shall be guilty of an offence if, when not at his place of abode, he has with him any article intended by him for use by any person in the course of or in connection with any of the following offences -

- (a) larceny, including robbery;
- (b) breaking and entering or illegal entry;
- (c) offences under Article 28 of the Road Traffic (Jersey) Law 1956;^[1] or
- (d) fraud, obtaining by false pretences, embezzlement and fraudulent conversion.

(2) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 3 years or to a fine, or both.

(3) Where a person is charged with an offence under this Article, proof that he has with him any article made or adapted for use in committing any offence mentioned in paragraph (1) shall be evidence that he had it with him for such use.

ARTICLE 2

Citation and commencement

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

^[1] Tome VIII, page 612 and R&Os 6998 and 8077.