

STATES OF JERSEY

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DRAFT ROAD TRAFFIC (AMENDMENT No. 3) (JERSEY) LAW 200

**Lodged au Greffe on 7th September 2004
by the Environment and Public Services Committee**

STATES GREFFE



Jersey

DRAFT ROAD TRAFFIC (AMENDMENT No. 3) (JERSEY) LAW 200

European Convention on Human Rights

The President of the Environment and Public Services Committee has made the following statement –

In the view of the Environment and Public Services Committee the provisions of the Draft Road Traffic (Amendment No. 3) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Senator P.F.C. Ozouf**

REPORT

In June 1999, the States adopted the Sustainable Island Transport Policy (P.60/1999). In July, 2001, the States adopted the Bus Strategy (P.104/2001). In neither case, was funding made available to progress these important issues.

The Public Services Committee as was, prepared and submitted a Financial Appraisal of the Transport Policy to the Finance and Economics Committee, in 2001. It included proposed fiscal measures that would finance a Transport Fund. The Transport Fund was to be used to underpin the various measures in the Transport Policy such as maintaining and improving the bus services, improving road safety and parking, providing new footways and the like. However, in the intervening period, the problems of States funding in general have become apparent leaving no room, at present, for establishing a Transport Fund as first envisaged.

In terms of traffic, the only means available to the Committee to provide significant income is through parking charges. Currently, the Committee can only set its charges at a level that reflects the cost of operating the service. While it may not be possible at present for the Committee to set up a Transport Fund, the Committee is conscious of the need to support vital services such as the bus service and maintaining the main roads. The Committee believes, therefore, it is important that additional income is secured for the States. This amendment to the Law will enable the Committee to set parking charges at a level that will generate income in excess of that required to operate the service. This additional income will be credited to general revenues for use as the States see fit.

Financial implications

There are no direct costs associated with adopting this amendment.

Manpower implications

There are no manpower implications involved in adopting this amendment.

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 7th June 2004 the Environment and Public Services Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Environment and Public Services Committee the provisions of the Draft Road Traffic (Amendment No. 3) (Jersey) Law 2004 are compatible with the Convention Rights.

Note: The Finance and Economics Committee supports the draft Regulations on the basis that it should ultimately be the Committee with responsibility for taxation matters, albeit in conjunction with the Environment and Public Services Committee as regards the level of car parking charges.

Explanatory Note

This Law would amend the Road Traffic (Jersey) Law 1956.

The effect of the amendment is to enable the Environment and Public Services Committee or the Home Affairs Committee, when prescribing fees and charges under the principal Law –

- (a) to take into consideration such matters as it thinks fit, and
- (b) to set such fees and charges so as to raise general revenues for use by the Committee or the States.

However, the Committees concerned would only be able to make Orders for those purposes with the concurrence of the Finance and Economics Committee.

The draft Law would come into force on the seventh day following its registration in the Royal Court.



Jersey

DRAFT ROAD TRAFFIC (AMENDMENT No. 3) (JERSEY) LAW 200

A LAW to amend further the Road Traffic (Jersey) Law 1956. ^[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 Amendment of Article 42

In Article 42 of the Road Traffic (Jersey) Law 1956, ^[2] after paragraph (1) there shall be inserted the following paragraph –

“(1A) In an Order under this Law prescribing any fee or charge the Committee may, if it makes the Order with the concurrence of the Finance and Economics Committee –

- (a) take into account such matters as it thinks fit; and
- (b) set the fee or charge so as to raise income in excess of the amounts necessary to cover the expenses of the Committee in discharging its functions under this Law.”.

2 Citation and commencement

This Law may be cited as the Road Traffic (Amendment No. 3) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

[1] *Tome VIII, page 579 and Nos. 6998, 7004, 7020, 7072, 7081, 7219, 7229, 7411, 7472, 7495, 7700, 7878, 7917, 8016, 8076, 8077, 8096, 8150, 8160, 8196, 8340, 8457, 8624, 8722, 9116, 9180, 9205, 9294, 9308, 31/2001, 178/2001, 50/2002, 137/2003, 138/2003 and 153/2003.*

[2] *Tome VIII, page 633 and Nos. 9294 and 138/2003.*