

STATES OF JERSEY



DRAFT CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) (No. 2) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 21st May 2018
by the Chief Minister**

STATES GREFFE



Jersey

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REPORT

The Draft Criminal Justice (Miscellaneous Provisions) (Jersey) Law 201- ([P.87/2015](#)) was adopted by the States on 20th October 2015. It subsequently received Royal Assent on 10th February 2016 and was registered by the Royal Court on 19th February 2016, becoming part of Jersey's Laws as Enacted as the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016 ("the Law") ([L.1/2016](#)), and subsequently Revised Edition [chapter 08.334](#).

The Law was brought into force¹ by an Appointed Day Act ([P.75/2016](#)) which was approved by the Assembly on 13th September 2016 (becoming part of Jersey's Laws as Enacted as [R&O.98/2016](#)).

The Law increased from £5,000 to £10,000 the jurisdiction of the Magistrate's Court to impose fines. It also reformed the standard scale of fines by fixing –

- (a) level 1 on the scale at 2% of that jurisdiction (£200), and
- (b) level 2 on the scale at 10% of that jurisdiction (£1,000), and
- (c) level 3 on the scale at 100% of that jurisdiction (£10,000).

Level 4 on the previous standard scale ceased to exist.

The Law amended numerous enactments, principally for the purpose of replacing references to level 4 with either a reference to an unlimited fine or a reference to level 3.

The Criminal Justice (Miscellaneous Provisions) (Jersey) Regulations 2016 ([P.74/2016](#)), made under the Law, also replaced references to level 4, and were approved by the Assembly on 13th September 2016. The report accompanying the draft Regulations explained that the Law could not amend other draft legislation that, when the Law was debated, had already been lodged and was awaiting debate or Royal Assent. Certain other legislation had also been enacted since the Law was adopted which required amendment to reflect the reform of the standard scale of fines.

The Explanatory Note to the 2016 Regulations further explained that a need might arise for further Regulations to be brought forward in due course to amend other Laws that are awaiting Privy Council sanction.

Accordingly, these Regulations replace references in such enactments to "level 4" on the standard scale with references to "level 3" on the standard scale.

¹ except for some amendments relating to chapters 03.035, 05.700, 19.060.60 and 25.550

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers to the Chief Minister, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

Explanatory Note

These Regulations replace references in enactments to “level 4” on the standard scale with references to “level 3” on the standard scale. They are made under the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016 which revised the standard scale of fines by replacing the existing levels 1 to 4 (£50, £500, £2,000 and £5,000) with new levels 1 to 3 (£200, £1,000 and £10,000).

These Regulations come into force 7 days after the day they are made.



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Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 1 of the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016¹, have made the following Regulations –

1 Commissioner for Standards (Jersey) Law 2017

In the following provisions of the Commissioner for Standards (Jersey) Law 2017² for the words “level 4” there shall be substituted the words “level 3” –

- (a) Article 14(2);
- (b) Article 16(2).

2 Connétables (Jersey) Law 2008

In the Schedule to the Connétables (Jersey) Law 2008³ in the Note to the “Declaration to be made by Candidate for Election as Connétable” for the words “level 4” there shall be substituted the words “level 3”.

3 Dormant Bank Accounts (Jersey) Law 2017

In the following provisions of the Dormant Bank Accounts (Jersey) Law 2017⁴ for the words “level 4” there shall be substituted the words “level 3” –

- (a) Article 7(11);
- (b) Article 11(6);
- (c) Article 12(2);
- (d) Article 17(3);
- (e) Article 23(4);
- (f) Article 24(2).

4 EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016

In the following provisions of the EU Legislation (Aquatic Animal Health) (Jersey) Regulations 2016⁵ for the words “level 4” there shall be substituted the words “level 3” –

- (a) Regulation 3(1);
- (b) Regulation 10(1);
- (c) Regulation 10(5);
- (d) Regulation 18(1);
- (e) Regulation 35.

5 EU Legislation (Veterinary Checks – Imports from Third Countries) (Jersey) Regulations 2016

In the following provisions of the EU Legislation (Veterinary Checks – Imports from Third Countries) (Jersey) Regulations 2016⁶ for the words “level 4” there shall be substituted the words “level 3” –

- (a) Regulation 16(1);
- (b) Regulation 16(2);
- (c) Regulation 16(3);
- (d) Regulation 16(4);
- (e) Regulation 16(5).

6 EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016

In the following provisions of the EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Jersey) Regulations 2016⁷ for the words “level 4” there shall be substituted the words “level 3” –

- (a) Regulation 22(1);
- (b) Regulation 22(2);
- (c) Regulation 22(3);
- (d) Regulation 22(4);
- (e) Regulation 22(5).

7 Road Works and Events (Jersey) Law 2016

In the following provisions of the Road Works and Events (Jersey) Law 2016⁸ for the words “level 4” there shall be substituted the words “level 3” –

- (a) Article 10(4);
- (b) Article 11(3);
- (c) Article 25(7);
- (d) Article 25(10);

- (e) Article 26(7);
- (f) Article 27(5);
- (g) Article 28(11);
- (h) Article 30(10);
- (i) Article 31(13);
- (j) Article 32(6);
- (k) Article 33(4);
- (l) Article 37(9);
- (m) Article 40(2).

8 Standing Orders of the States of Jersey

In Schedule 4 to the Standing Orders of the States of Jersey⁹, in the note after the declaration, for the words “level 4” there shall be substituted the words “level 3”.

9 Taxation (Double Taxation) (Jersey) Regulations 2010

In Article 14C(4) of the Taxation (Double Taxation) (Jersey) Regulations 2010¹⁰ for the words “level 4” there shall be substituted the words “level 3”.

10 Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016

In the table in the Schedule to the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016¹¹ after the entries relating to The Maritime Security (Jersey) Order 2014 there shall be added the following entries –

“The Nuclear Safeguards (Jersey) Order 2004, Schedule, paragraph 3(c)	level 4	level 3
The Police Act 1997 (Criminal Records) (Jersey) Order 2010 – Schedule 1, paragraph 12(b)	level 4	level 3”.

11 Citation and commencement

These Regulations may be cited as the Criminal Justice (Miscellaneous Provisions) (No. 2) (Jersey) Regulations 201- and shall come into force 7 days after the day they are made.

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- 1* chapter 08.334
 - 2* chapter 16.240
 - 3* chapter 16.250
 - 4* chapter 13.150
 - 5* chapter 17.245.61
 - 6* chapter 17.245.92
 - 7* chapter 17.245.93
 - 8* chapter 25.600
 - 9* chapter 16.800.15
 - 10* chapter 17.850.20
 - 11* chapter 08.334