

# STATES OF JERSEY



## HEALTH AND SAFETY APPEAL TRIBUNAL: RE-APPOINTMENT OF MEMBERS

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Lodged au Greffe on 10th July 2018  
by the Minister for Social Security

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STATES GREFFE

## **PROPOSITION**

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

to re-appoint Mr. David Martin Rothband and Mr. Nigel Collier-Webb as members of the Health and Safety Appeal Tribunal, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, with immediate effect, for a period of 3 years.

MINISTER FOR SOCIAL SECURITY

## REPORT

### 1. Summary

The term of office of the 2 members of the Health and Safety Appeal Tribunal expired on 15th June 2018. Appointments to the Tribunal are made by the States on a proposition from the Minister for Social Security.

### 2. Background

#### *Health and Safety Appeal Tribunal*

Article 17 of the [Health and Safety at Work \(Jersey\) Law 1989](#) allows for the establishment of an Appeal Tribunal to determine appeals against administrative sanctions, Prohibition and Improvement Notices served by Health and Safety Inspectors, and decisions by the Minister on licensing provisions under the Law.

The [Health and Safety at Work \(Appeal Tribunal\) \(Jersey\) Regulations 1989](#) set out the arrangements for the Tribunal, including the appointment of members for a 3 year period of office. Regulation 2 provides for the Tribunal to consist of 4 members: a Chairman and Deputy Chairman who must both be advocates or solicitors of the Royal Court of at least 7 years' standing, and 2 other members.

#### *Appointment process*

The appointment of members to the Health and Safety Appeal Tribunal is subject to the *Code of Practice for Appointments to Autonomous and Quasi-Autonomous Public Bodies and Tribunals*, issued by the Jersey Appointments Commission. The Health and Safety Appeal Tribunal has the status of a lower-tier body, requiring the principles and practices set out in the Code to be applied to the appointment process.

The vacant positions were advertised in the JEP. Two applications were received, both from existing members who expressed a wish to re-stand for a further term of office.

#### *Re-appointment of existing members*

The Code of Practice recommends that, in normal circumstances, the term of office of a member of a Tribunal should not exceed 10 years. The Code adds that, where a member is appointed as chairman through open competition, the appointment counts as a new appointment and permits the commencement of the term of office from the time of the new appointment.

Mr. Collier-Webb has served two 3 year terms of office as a member, and is therefore eligible to serve a final 3 year term of office. Mr. Rothband has served one term of office, and is therefore eligible to serve a further 3 year term of office.

**Mr. Nigel Collier-Webb** has extensive experience of working within a legal enforcement role. He has also been the Programme Co-ordinator/Manager for the Jersey Domestic Violence Forum for the past 10 years, and is a member of the Health Services Insurance Law Disciplinary Tribunal and the Criminal Injuries Compensation Board.

**Mr. David Rothband** has extensive experience of project management within the construction industry, and is an Associate of the Chartered Institute of Arbitrators. He has also served a total of 20 years in the St. Helier Honorary Police, completing a fifth term of office as a Centenier in December 2014.

### **3. Financial and manpower implications**

The members of the Health and Safety Appeal Tribunal serve on a voluntary basis and there are, therefore, no financial implications arising from the appointment of members to the Tribunal.