

STATES OF JERSEY



DRAFT MOTOR VEHICLE REGISTRATION (AMENDMENT No. 2)(JERSEY) LAW 200

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

STATES GREFFE



Jersey

DRAFT MOTOR VEHICLE REGISTRATION (AMENDMENT No. 2) (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 Vehicle Registration (Amendment No. 2) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

The purpose of bringing this amendment to the Motor Vehicle Registration (Jersey) Law 1993 is to allow a Connétable or Centenier to fine someone at Parish Hall who has been charged in the Parish with an offence which is detailed in the new Schedule to the Law.

This is a new power for the Connétables and Centeniers, but they will only be able to exercise it if the person charged with the offence accepts their decision.

The new Schedule will initially specify offences against Article 11(2) of the Law. This Article concerns the offences of failing to notify the Inspector of Motor Traffic when a registered motor vehicle has been altered, removed from the Island, broken up, destroyed or has changed hands; or when the owner has changed address.

This amendment will also change the way that the maximum amount payable by way of a fine is expressed in the Law, from specific figures (i.e. a fine not exceeding five hundred pounds) to references to the standard scale set out in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993 (i.e. a fine not exceeding level 2 on the standard scale).

The maximum fine that the Connétable or Centenier will be able to impose is one-fifth of level 2 on the standard scale of fines, which is currently one hundred pounds.

There are no financial or manpower implications arising from this legislation, which is Human Rights compliant.

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 Vehicle Registration (Amendment No. 2) (Jersey) Law 2000 are compatible with the Convention Rights.

Explanatory Note

The effect of this Law would be to confer jurisdiction on a Connétable or Centenier to impose a fine summarily on a person who is charged with an offence under the Motor Vehicle Registration (Jersey) Law 1993 in the parish. The jurisdiction is exercisable only in respect of offences specified in a new Schedule to that Law, and in any event only if the person accepts the decision of the Connétable or Centenier.

The draft Law also converts the maximum limits for existing fines under the principal Law to limits expressed by reference to the standard scale set out in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993.

Article 1 is an interpretation clause.

Articles 2, 3, and 4 restate existing maximum fines by reference to the corresponding levels on the standard scale. The maximum amounts of these fines nevertheless remain the same as they now are.

Article 5 confers the new jurisdiction.

For the time being, the new Schedule will specify offences against Article 11(2) of the principal Law. These relate to failure to notify the Inspector of Motor Traffic of the alteration, removal from the Island, breaking up, destruction or writing off for insurance purposes of a motor vehicle, or the change of address of the owner.

The maximum fine that the Connétable or Centenier may impose will be one-fifth of level 2 of the standard scale of fines. Currently, one-fifth of level 2 is £100.

The States will have power to amend the new Schedule by Regulations to add or delete offences against the principal Law.

Article 6 provides that contraventions of Orders made under the principal Law shall be offences, and expresses the current general penalty for such offences as a level on the standard scale. This provision does not apply, however, to contraventions of Orders that are offences by virtue of other specific Articles in the principal Law.

Article 7 is a consequential amendment.

Article 8 inserts the new Schedule.

Article 9 provides for the citation of the amending Law. It also provides that the amending Law will come into force on the seventh day after it is registered in the Royal Court.



Jersey

DRAFT MOTOR VEHICLE REGISTRATION (AMENDMENT No. 2) (JERSEY) LAW 200

Arrangement

Article

<u>1</u>	<u>Interpretation</u>
<u>2</u>	<u>Amendment of Article 11</u>
<u>3</u>	<u>Amendment of Article 12</u>
<u>4</u>	<u>Amendment of Article 13</u>
<u>5</u>	<u>Insertion of new Article 13A</u>
<u>6</u>	<u>Substitution of Article 15(2)</u>
<u>7</u>	<u>Amendment of Article 17</u>
<u>8</u>	<u>Insertion of Schedule</u>
<u>9</u>	<u>Citation and commencement</u>

SCHEDULE

INSERTION OF NEW SCHEDULE IN PRINCIPAL LAW



Jersey

DRAFT MOTOR VEHICLE REGISTRATION (AMENDMENT No. 2) (JERSEY) LAW 200

A LAW to amend further the Motor Vehicle Registration (Jersey) Law 1993.^[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 Vehicle Registration (Jersey) Law 1993.^[2]

2 Amendment of Article 11

In Article 11 of the principal Law^[3] –

- (a) in paragraph (1), for the words “a fine not exceeding five hundred pounds” there shall be substituted the words “a fine not exceeding level 2 on the standard scale^[4]”;
- (b) in paragraph (2), for the words “a fine not exceeding five hundred pounds” there shall be substituted the words “a fine not exceeding level 2 on the standard scale^[5]”.

3 Amendment of Article 12

In Article 12 of the principal Law^[6] –

- (a) in paragraph (3), for the words “a fine not exceeding two thousand pounds” there shall be substituted the words “a fine not exceeding level 3 on the standard scale^[7]”;
- (b) in paragraph (4), for the words “a fine not exceeding two thousand pounds” there shall be substituted the words “a fine not exceeding level 3 on the standard scale^[8]”;
- (c) in paragraph (6), for the words “a fine not exceeding five hundred pounds” there shall be substituted the words “a fine not exceeding level 2 on the standard scale^[9]”;
- (d) in paragraph (7), for the words “a fine not exceeding five hundred pounds” there shall be substituted

the words “a fine not exceeding level 2 on the standard scale^[10]”;

(e) in paragraph (10), for the words “a fine not exceeding five hundred pounds” there shall be substituted the words “a fine not exceeding level 2 on the standard scale^[11]”.

4 Amendment of Article 13

In Article 13 of the principal Law,^[12] for the words “a fine not exceeding two thousand pounds” there shall be substituted the words “a fine not exceeding level 3 on the standard scale^[13]”.

5 Insertion of new Article 13A

After Article 13 of the principal Law,^[14] but before Part V of that Law, there shall be inserted the following Article –

“13A Power to inflict and levy fines summarily

- (1) If a person who is charged with any offence under this Law specified in Schedule 1 accepts the decision of the Connétable or Centenier of the parish in which the offence was committed, that Connétable or Centenier may inflict and levy summarily a fine up to an amount not exceeding that specified in Schedule 1 in respect of that offence.
- (2) If a fine is levied by a Connétable or Centenier under this Article –
 - (a) he shall give a receipt for it; and
 - (b) he shall as soon as practicable inform the Chief Officer of the States of Jersey Police Force of the matter, giving such details as the Chief Officer may request.
- (3) The States may by Regulations amend Schedule 1 by adding or deleting any offence specified in this Law.”.

6 Substitution of Article 15(2)

For Article 15(2) of the principal Law^[15] there shall be substituted the following paragraph –

- “(2) If a person contravenes or fails to comply with any Order made under this Law, and that contravention or failure is not by virtue of any other provision of this Law an offence, the person shall be guilty of an offence under this paragraph and liable to a fine not exceeding level 2 on the standard scale^[16]”.

7 Amendment of Article 17

In Article 17 of the principal Law,^[17] for the words “the Schedule” there shall be substituted the words “Schedule 2”.

8 Insertion of Schedule

- (1) The Schedule to the principal Law^[18] shall be renumbered as Schedule 2 to that Law.
- (2) Before Schedule 2 to the principal Law (as so renumbered) there shall be inserted the Schedule set out in the Schedule to this Law.

9 Citation and commencement

This Law may be cited as the Motor Vehicle Registration (Amendment No. 2) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

SCHEDULE

(Article 8)

INSERTION OF NEW SCHEDULE IN PRINCIPAL LAW

“SCHEDULE 1

(Article 13A(1))

OFFENCES FOR WHICH CONNETABLE OR CENTENIER MAY INFLICT AND LEVY FINES SUMMARILY

Offence	Maximum amount that Connétable or Centenier may inflict and levy
1. Any contravention of Article 11 (2) of this Law.	1. One-fifth of level 2 on the standard scale. ^[19] ”.

-
- [1] *Volume 1992-1993, page 407 and Volume 1994-1995, page 295.*
- [2] *Volume 1992-1993, page 407 and Volume 1994-1995, page 295.*
- [3] *Volume 1992-1993, page 422 and Volume 1994-1995, page 296.*
- [4] *Volume 1992-1993, page 437.*
- [5] *Volume 1992-1993, page 437.*
- [6] *Volume 1992-1993, page 423.*
- [7] *Volume 1992-1993, page 437.*
- [8] *Volume 1992-1993, page 437.*
- [9] *Volume 1992-1993, page 437.*
- [10] *Volume 1992-1993, page 437.*
- [11] *Volume 1992-1993, page 437.*
- [12] *Volume 1992-1993, page 425.*
- [13] *Volume 1992-1993, page 437.*
- [14] *Volume 1992-1993, page 425.*
- [15] *Volume 1992-1993, page 427.*
- [16] *Volume 1992-1993, page 437.*
- [17] *Volume 1992-1993, page 428.*
- [18] *Volume 1992-1993, page 429.*
- [19] *Volume 1992-1993, page 437.*