

STATES OF JERSEY

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DRAFT SOCIAL SECURITY (AMENDMENT No. 18) (JERSEY) LAW 200

**Lodged au Greffe on 28th June 2005
by the Employment and Social Security Committee**

STATES GREFFE



Jersey

DRAFT SOCIAL SECURITY (AMENDMENT No. 18) (JERSEY) LAW 200

European Convention on Human Rights

The President of the Employment and Social Security Committee has made the following statement –

In the view of the Employment and Social Security Committee the provisions of the Draft Social Security (Amendment No. 18) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Senator P.F. Routier**

REPORT

In order to ensure consistency between the Social Security (Jersey) Law 1974 and the Social Security (Collection of Contributions) (Jersey) Order 2001 the Committee, on the advice of the Attorney General, proposes that both legislations should apply the same level of fines.

There are no financial or manpower implications to these proposals and they should not be a cost to business. All employers should return schedules containing the earnings details of employees by the prescribed times and provided they comply with that requirement then no sanction would be applicable.

This Draft Law has no implications for the financial or manpower resources of the States.

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 23rd June 2005 the Employment and Social Security Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Employment and Social Security Committee the provisions of the Draft Social Security (Amendment No. 18) (Jersey) Law 200 are compatible with the Convention Rights.

Explanatory Note

This Law amends Article 36(4) of the Social Security (Jersey) Law 1974 (General provisions as to offences and penalties) by increasing the fine that may be imposed in an Order for the recovery of monetary penalties that relate to an offence under the 1974 Law.

Article 1 amends Article 36(4) of the 1974 Law by increasing the fine for breach of an Order under the Law from level 2 to level 3.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1994, level 1 is £50, level 2 is £500, level 3 is £2,000 and level 4 is £5,000.

Article 16A of the Interpretation (Jersey) Law 1954 has the effect that –

- (a) where the penalty for an offence is expressed as a specified term of imprisonment or specified fine, a penalty not exceeding the specified term or amount may be imposed for the offence;
- (b) where no amount or level on the standard scale is specified for a fine, the fine is to be construed as a fine of an unlimited amount;
- (b) where the penalty for an offence is expressed as a term of imprisonment and a fine, either or both of the term of imprisonment and the fine may be imposed for the offence.

Article 2 provides for the name of this Law and that it will come into force 7 days after it is registered.



Jersey

DRAFT SOCIAL SECURITY (AMENDMENT No. 18) (JERSEY) LAW 200

A **LAW** to amend further the Social Security (Jersey) Law 1974.

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 Article 36 amended

In Article 36(4) of the Social Security (Jersey) Law 1974,^[1] for the words “level 2” in both places where they appear there shall be substituted the words “level 3”.

2 Citation and commencement

This Law may be cited as the Social Security (Amendment No. 18) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

[1] Chapter 26.900.