

3.11 The Deputy of St. Martin of the Chief Minister regarding the bringing in to force of the Human Rights (Jersey) Law 2000:

On approving the draft Human Rights (Jersey) Law (P.197/99) in 2000, the Assembly was advised that it could not come into force until certain laws were Convention Compliant. Would the Chief Minister advise whether audits of Loi (1864) réglant la procédure criminelle, Criminal Procedures (Connétables and Centeniers) (Jersey) Law 1996, and the Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949 were undertaken? If so, when, and were they deemed Convention Compliant?

Senator F.H. Walker (The Chief Minister):

When the States passed the Human Rights Law, Members knew there would be things which needed to be addressed before the Law came in. We also knew that other things might crop-up from time to time which needed attention. However, it would have been inappropriate to have delayed bringing the Human Rights Law into force until there was complete certainty that all laws were compliant in every respect. The laws to which the Deputy has referred were not the subject of an audit before the Human Rights Law came in. My understanding is that the Education and Home Affairs Scrutiny Panel are undertaking a review of the Centeniers' function in the Magistrate's Court and that some legal issues have arisen in the context of that work. There is, therefore, nothing more for me to say until that Panel's report is published.

3.11.1 The Deputy of St. Martin:

I am not aware of what the new Panel is going to look into or not look into, but could I ask the Chief Minister, is there any reason why these particular laws were not looked into? Because, having looked at page 9 of the proposition of 1999 - and I agree with the Chief Minister, it was delayed until these laws were looked at - is there any particular reason as to why these were not looked at?

Senator F.H. Walker:

No, I cannot. I think that is either a question for the Attorney General, or to be addressed by the new Education and Home Affairs Scrutiny Panel in their review.

3.11.2 The Deputy of St. Martin:

Bearing in mind that these were not checked, and also bearing in mind the public interest in this particular matter, would the Chief Minister give an undertaking that these laws would be looked at now to see whether indeed they are compliant with Convention rights?

Senator F.H. Walker:

I believe that is one of the things, although the Panel themselves will, of course, make their own decisions. I believe that is one of the issues that will be looked at by the new Panel, and in common with the Deputy, I await their report.