

**DRAFT CHILDREN (AMENDMENT No. 5)
(JERSEY) LAW 199**

**Lodged au Greffe on 8th August 1995
by the Education Committee**



STATES OF JERSEY

STATES GREFFE

175

1995

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Explanatory Note

This Law amends further the Children (Jersey) Law 1969 ("the principal Law") by -

- (a) increasing penalties for offences under the Law; and
- (b) specifying the age of 18 years, instead of 17 years, for the purposes of Articles 100A, 100B and 100C of the principal Law, thus making those Articles consistent with the provisions of the Criminal Justice (Young Offenders) (Jersey) Law 1994 which deal with the jurisdiction of the Youth Court.

The revised penalties for offences are as follows -

<i>Article of principal Law creating offence</i>	<i>Present penalty</i>	<i>Proposed penalty (Level 1 = £50 Level 2 = £500 Level 3 = £2000 Level 4 = £5000)</i>
4(1) (employing children in contravention of minimum age restrictions on employment of children)	First offence £50 Second offence £100	Level 3
4(2) (failure to provide Committee with information in respect of employment of child)	£20	Level 2
7(1) (procuring etc. a child to take part in performance etc.)	First offence £100 Second offence £200 and/or 3 months	Level 3 and/or 3 months

7(2) (failure by licence holder to keep records of performances by children)	First offence £50 Second offence £100 and/or 3 months	Level 3 and/or 3 months
9(1) (cruelty to child under 16)	£500 and/or 5 years	Unlimited fine and/or 10 years
53(6) (failure to inform Committee of address of child in care)	£10	Level 2
64 (insuring life of foster child)	£500 and/or 6 months	Level 3 and/or 6 months
67(a) (failing to give notice required by Part VI)	First offence £25 Second offence £500 and/or 6 months	Level 2 and/or 6 months
67(b) (giving false information in a notice)	First offence £100 Second offence £500 and/or 6 months	Level 2 and/or 6 months
67(c) (failure to comply with Committee's requirement)	First offence £100 Second offence £500 and/or 6 months	Level 2 and/or 6 months
67(d) (maintaining a foster child when disqualified)	First offence £100 Second offence £500 and/or 6 months	Level 2 and/or 6 months

67(e) (refusal to comply with removal order or obstruction of execution of order)	First offence £100 Second offence £500 and/or 6 months	Level 2 and/or 6 months
71(6) (penalty for various regulatory offences under Article 71)	First offence £50 Second offence £100 and/or 3 months (Note for Article 71(3) penalty for first offence is £25)	Level 3 and/or 3 months
78 (carrying on an unregistered voluntary home)	£100 and £5 for each day offence continues	Level 4 and Level 1 for daily penalty
80(3) (failure to comply with order as to voluntary home)	£50	Level 2
84(8) (assisting etc. child subject to parental rights order to run away)	£50 and/or 3 months	Level 3 and/or 3 months
84(9) (preventing or delaying return of child after specified period)	£50 and/or 3 months	Level 3 and/or 3 months
87(2) (failure of parents of child in care to inform Committee of their address)	£10	Level 2

94(6) (failure of contributor to child's maintenance to give notice of address)	£10	Level 2
95(2) (failure by parent of child subject to fit person order to notify address)	£5	Level 2
98 (assisting etc. escape of child from remand centre)	£100 and/or 6 months	Level 4 and/or 6 months
100 (assisting etc. child to run away from care of fit person)	£50 and/or 3 months	Level 3 and/or 3 months
100A (publishing any matter in contravention of prohibition)	£500	Level 4
103 (obstruction of officers)	First offence £50 Second offence £200	Level 3

CHILDREN (AMENDMENT No. 5) (JERSEY) LAW 199

A LAW to amend further the Children (Jersey) Law 1969,
sanctioned by Order of Her Majesty in Council of the

(Registered on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In Article 4 of the Children (Jersey) Law 1969¹ (hereinafter referred to as "the principal Law") -

- (a) in paragraph (1) for the words "fifty pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds" there shall be substituted the words "level 3 on the standard scale²";
- (b) in paragraph (3) for the words "twenty pounds" there shall be substituted the words "level 2 on the standard scale".

1 Volume 1968-1969, page 253.

2 Volume 1992-1993, page 437.

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ARTICLE 2

In Article 7 of the principal Law³ -

- (a) in paragraph (1) for the words "one hundred pounds or in the case of a second or subsequent offence to a fine not exceeding two hundred pounds" there shall be substituted the words "level 3 on the standard scale";
- (b) in paragraph (2), for the words "fifty pounds or in the case of a second or subsequent offence to a fine not exceeding one hundred pounds" there shall be substituted the words "level 3 on the standard scale".

ARTICLE 3

In Article 9 of the principal Law⁴ -

- (a) in paragraph (1) for the words "not exceeding five hundred pounds or to imprisonment for a term not exceeding five years" there shall be substituted the words "or to imprisonment for a term not exceeding ten years";
- (b) paragraph (4) shall be deleted.

ARTICLE 4

In paragraph (6) of Article 53 of the principal Law⁵ for the words "ten pounds" there shall be substituted the words "level 2 on the standard scale".

ARTICLE 5

In Article 64 of the principal Law⁶ for the words "five hundred pounds" there shall be substituted the words "level 3 on the standard scale".

3 Volume 1968-1969, page 257.

4 Volume 1968-1969, page 259.

5 Volume 1968-1969, page 295.

6 Volume 1968-1969, page 305.

*Children (Amendment No. 5) (Jersey) Law 1995***ARTICLE 6**

In Article 67 of the principal Law⁷ for all the words after "he shall be liable to a fine not exceeding" to the end of the Article there shall be substituted the words "level 2 on the standard scale, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment."

ARTICLE 7

In paragraph (6) of Article 71 of the principal Law⁸ for all the words after "shall be liable to a fine not exceeding" to the end of the paragraph there shall be substituted the words "level 3 on the standard scale, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment."

ARTICLE 8

In paragraph (5) of Article 78 of the principal Law⁹ -

- (a) for the words "one hundred pounds" there shall be substituted the words "level 4 on the standard scale";
- (b) for the words "five pounds" there shall be substituted the words "level 1 on the standard scale".

ARTICLE 9

In paragraph (3) of Article 80 of the principal Law¹⁰ for the words "fifty pounds" there shall be substituted the words "level 2 on the standard scale".

7 Volume 1968-1969, page 307.

8 Volume 1968-1969, page 312.

9 Volume 1968-1969, page 316.

10 Volume 1968-1969, page 319.

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ARTICLE 10

In both paragraphs (8) and (9) of Article 84 of the principal Law¹¹ for the words "fifty pounds" there shall be substituted the words "level 3 on the standard scale".

ARTICLE 11

In paragraph (2) of Article 87 of the principal Law¹² for the words "ten pounds" there shall be substituted the words "level 2 on the standard scale".

ARTICLE 12

In paragraph (6) of Article 94 of the principal Law¹³ for the words "ten pounds" there shall be substituted the words "level 2 on the standard scale".

ARTICLE 13

In paragraph (2) of Article 95 of the principal Law¹⁴ for the words "five pounds" there shall be substituted the words "level 2 on the standard scale".

ARTICLE 14

In Article 98 of the principal Law¹⁵ for the words "one hundred pounds" there shall be substituted the words "level 4 on the standard scale".

ARTICLE 15

In paragraph (3) of Article 100 of the principal Law¹⁶ for the words "fifty pounds" there shall be substituted the words "level 3 on the standard scale".

11 Volume 1968-1969, page 324.

12 Volume 1968-1969, page 326.

13 Volume 1968-1969, page 331.

14 Volume 1968-1969, page 331, and Volume 1970-1972, page 512.

15 Volume 1968-1969, page 333.

16 Volume 1968-1969, page 335.

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ARTICLE 16

In Article 100A of the principal Law¹⁷ -

- (a) in both paragraphs (1) and (2) for the words "seventeen years" wherever they occur there shall be substituted the words "eighteen years";
- (b) in paragraph (4) for the words "five hundred pounds" there shall be substituted the words "level 4 on the standard scale".

ARTICLE 17

In Article 100B of the principal Law -

- (a) in the heading for the word "SEVENTEEN" there shall be substituted the word "EIGHTEEN";
- (b) in the Article for the words "seventeen years" there shall be substituted the words "eighteen years".

ARTICLE 18

In Article 100C of the principal Law -

- (a) in the heading for the word "SEVENTEEN" there shall be substituted the word "EIGHTEEN";
- (b) in paragraph (1) of the Article for the words "seventeen years" there shall be substituted the words "eighteen years".

ARTICLE 19

In Article 103 of the principal Law¹⁸ for all the words after "he shall be liable" to the end of the Article there shall be substituted the words "to a fine not exceeding level 3 on the standard scale".

¹⁷ Volume 1973-1974, page 371.

¹⁸ Volume 1968-1969, page 336.

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ARTICLE 20

This Law may be cited as the Children (Amendment No. 5) (Jersey) Law 199 and shall come into force on such day as the States may by Act appoint.