



Jersey

# **CRIME AND SECURITY (JERSEY) LAW 2003**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

08.110

Showing the law from 11 January 2024 to Current



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## CRIME AND SECURITY (JERSEY) LAW 2003

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Jersey

## CRIME AND SECURITY (JERSEY) LAW 2003<sup>1</sup>

A **LAW** to create new offences regarding the use of weapons of mass destruction and noxious things and confer powers of entry in relation thereto; and to confer a power to make orders freezing the assets of a person outside Jersey engaged in acts detrimental to the economy or which threaten life or property

Commencement [[see endnotes](#)]

### PART 1

#### INTRODUCTORY

#### 1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “freezing order” means an Order made by the Minister under Article 8;
  - “Island person” means –
    - (a) a national of the United Kingdom who is ordinarily resident in Jersey;
    - (b) a body incorporated under the laws of Jersey;
    - (c) a limited liability partnership registered under the [Limited Liability Partnerships \(Jersey\) Law 2017](#);
    - (d) a limited liability company registered under the [Limited Liability Companies \(Jersey\) Law 2018](#);
  - “Minister” means the Minister for External Relations;
  - “nuclear weapon” includes a nuclear explosive device that is not intended for use as a weapon;
  - “police officer” means an officer of the States of Jersey Police force or a member of the Honorary Police.<sup>2</sup>
- (2) For the purposes of this Law a national of the United Kingdom is an individual who is –

- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas Citizen;
  - (b) a person who under the British Nationality Act 1981 of the United Kingdom Parliament is a British subject; or
  - (c) a British protected person within the meaning of that Act.
- (3) For the purposes of this Law, a reference to a resident of a country or territory outside Jersey is –
- (a) an individual who is ordinarily resident in such a country or territory;
  - (b) a body incorporated under the law of such a country or territory; or
  - (c) an unincorporated body having a separate legal personality registered under the law of such a country or territory.<sup>3</sup>
- (4) For the purposes of paragraph (3)(b) in its application to Part 3, a branch situated in a country or territory outside Jersey of an Island company or limited liability partnership shall be treated as a body incorporated under the law of the country or territory where the branch is situated.
- (4A) For the purposes of paragraph (3)(c) in its application to Part 3, a branch situated in a country or territory outside Jersey of an Island person that is a limited liability company registered under the [Limited Liability Companies \(Jersey\) Law 2018](#) is taken to be a body having separate legal personality registered under the law of the country or territory where the branch is situated.<sup>4</sup>
- (5) In this Law a reference to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another enactment, including another provision of this Law.
- (6) For the purposes of paragraph (5), “enactment” includes an Act of the United Kingdom Parliament.

## PART 2

### WEAPONS OF MASS DESTRUCTION

#### 2 Use etc. of nuclear weapons

- (1) It shall be an offence for a person to –
- (a) knowingly cause a nuclear weapon explosion;
  - (b) develop or produce, or participate in the development or production of, a nuclear weapon;
  - (c) have a nuclear weapon in his or her possession;
  - (d) participate in the transfer of a nuclear weapon; or
  - (e) engage in military preparations, or in preparations of a military nature, intending to use or threaten to use, a nuclear weapon.
- (2) Paragraph (1) is subject to any exception specified under paragraph (6) and to the defences in Article 3.

- (3) For the purposes of paragraph (1)(b) a person participates in the development or production of a nuclear weapon if the person does any act which –
  - (a) facilitates the development by another person of the capability to produce or use a nuclear weapon; or
  - (b) facilitates the making by another person of a nuclear weapon, knowing or having reason to believe that his or her act has (or will have) that effect.
- (4) For the purposes of paragraph (1)(d) a person participates in the transfer of a nuclear weapon if the person –
  - (a) buys or otherwise acquires it or agrees with another person to do so;
  - (b) sells or otherwise disposes of it or agrees with another person to do so; or
  - (c) makes arrangements under which another person either acquires or disposes of it or agrees with a third person to do so.
- (5) A person guilty of an offence under this Article shall be liable to imprisonment for life.
- (6) The States may by Regulations specify acts to which paragraph (1) does not apply.
- (7) This Article applies to acts done outside Jersey, but only if they are done by an Island person.
- (8) Nothing in paragraph (7) affects any criminal liability arising otherwise than under that paragraph.

### **3 Defences for Article 2**

- (1) In proceedings for an offence under Article 2(1)(c) or (d) relating to an object it is a defence for the accused to show that he or she did not know and had no reason to believe that the object was a nuclear weapon and the accused shall be taken to have shown that fact if –
  - (a) sufficient evidence is adduced to raise an issue with respect to it; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (2) In proceedings for an offence under Article 2(1)(c) or (d) it shall also be a defence for the accused to show that he or she knew or believed that the object was a nuclear weapon but, as soon as reasonably practicable after the accused first knew or believed that fact, the accused took all reasonable steps to inform an officer of the States of Jersey Police Force of his or her knowledge or belief.

### **4 Assisting or inducing certain weapons - related acts overseas**

- (1) It shall be an offence for a person to aid, abet, counsel or procure or incite another person, who is not an Island person, to do a relevant act outside Jersey.
- (2) A relevant act is an act that, if done by an Island person, would be an offence under –
  - (a) Article 2;
  - (b) section 1 of the Biological Weapons Act 1974 of the United Kingdom as it is extended to Jersey by Order in Council; or

- (c) section 2 of the Chemical Weapons Act 1996 of the United Kingdom as it is extended to Jersey by Order in Council.
- (3) A person accused of an offence under this Article in relation to a relevant act may raise any defence which would be open to a person accused of an offence mentioned in paragraph (2) in respect of that act.
- (4) A person guilty of an offence under this Article shall be liable to imprisonment for life.
- (5) This Article applies to acts done outside Jersey, but only if they are done by an Island person.
- (6) Nothing in this Article affects any criminal liability arising apart from this Article.

## **5 Use of noxious things to cause harm and intimidate**

- (1) It shall be an offence for a person to take any action which –
  - (a) involves the use of any noxious thing;
  - (b) has or is likely to have an effect falling within paragraph (2); and
  - (c) is designed –
    - (i) to influence the States of Jersey or the government of any other place or country, or
    - (ii) to intimidate the public or a section of the public of Jersey or of any other place or country.
- (2) Action has an effect falling within this paragraph if it –
  - (a) causes serious violence against a person anywhere in the world;
  - (b) causes serious damage to property anywhere in the world;
  - (c) endangers human life or creates a serious risk to the health or safety of the public or a section of the public; or
  - (d) induces in members of the public the fear that the action is likely to endanger their lives or create a serious risk to their health or safety,but any effect on the person taking the action is to be disregarded.
- (3) It shall be an offence for a person to make a threat that he or she or another person will take any action which constitutes an offence under paragraph (1), intending, by the threat, to induce in any person, whether in Jersey or elsewhere, the fear that the threat is likely to be carried out.
- (4) For a person to be guilty of an offence under paragraph (3), it is not necessary for that person to have any particular person in mind.
- (5) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 14 years or to a fine, or both.

## **6 Powers of entry**

- (1) If the Bailiff is satisfied on information on oath that there are reasonable grounds for suspecting that evidence of the commission of an offence under Article 2, 4 or 5 is to be found on any premises, the Bailiff may issue a warrant authorizing a police

- officer to enter the premises, if necessary by force, at any time within one month from the date of issue of the warrant and to search the premises.
- (2) The powers of a police officer who enters premises under the authority of a warrant include power –
- (a) to take with the officer such other persons and such equipment as appear to him or her to be necessary;
  - (b) to inspect, seize and retain any substance, equipment or document found on the premises;
  - (c) to require any document or other information which is held in electronic form and is accessible from the premises to be produced in a form –
    - (i) in which the officer can read and copy it, or
    - (ii) from which it can readily be produced in a form in which the officer can read and copy it;
  - (d) to copy any document which the officer has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under Article 2, 4 or 5.
- (3) A police officer who enters premises under the authority of a warrant or by virtue of paragraph (2)(a) may search or cause to be searched any person on the premises who the officer has reasonable cause to believe may have in his or her possession any document or other thing which may be required as evidence for the purposes of proceedings in respect of an offence under Article 2, 4 or 5.
- (4) A police officer shall not search a person of the opposite sex.
- (5) It shall be an offence for a person to –
- (a) wilfully obstruct a police officer in the exercise of a power conferred by a warrant under this Article; or
  - (b) fail, without reasonable excuse, to comply with a reasonable request made by a police officer for the purpose of facilitating the exercise of such a power.
- (6) A person guilty of an offence under paragraph (5) shall be liable to imprisonment for a term not exceeding 2 years or to a fine, or both.

### **PART 3**

#### **FREEZING ORDERS**

##### **7 Power to make freezing order**

- (1) The Minister may by Order make a freezing order if the following 2 conditions are satisfied.
- (2) The first condition is that the Minister believes that –
- (a) action to the detriment of Jersey's economy (or part of it) has been or is likely to be taken by a person or persons; or
  - (b) action constituting a threat to the life or property of one or more individuals ordinarily resident in Jersey, Island companies, limited liability partnerships



or limited liability companies has been or is likely to be taken by a person or persons.<sup>5</sup>

- (3) If one person is believed to have taken or to be likely to take the action the second condition is that the person is –
  - (a) the government of a country or territory outside Jersey; or
  - (b) a resident of a country or territory outside Jersey.
- (4) If 2 or more persons are believed to have taken or to be likely to take the action the second condition is that each of them falls within sub-paragraph (a) or (b) of paragraph (3); and different persons may fall within different sub-paragraphs.

## 8 Contents of order

- (1) A freezing order must provide that a person is a designated person for the purpose of Part 3 of the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#).<sup>6</sup>
- (2) <sup>7</sup>
- (3) The order may specify the following (and only the following) as the designated person or persons –
  - (a) the person or persons reasonably believed by the Minister to have taken or to be likely to take the action referred to in Article 7(2);
  - (b) any person the Minister reasonably believes has provided or is likely to provide assistance (directly or indirectly) to that person or any of those persons.<sup>8</sup>
- (4) A person may be specified under paragraph (3) by –
  - (a) being named in the order; or
  - (b) falling within a description of persons set out in the order.
- (5) The description must be such that a reasonable person would know whether he or she fell within it.
- (6) <sup>9</sup>
- (7) <sup>10</sup>
- (8) The Schedule contains further provisions about the contents of freezing orders but nothing in the Schedule affects the generality of paragraph (1).

## 9 Review and duration of freezing order

- (1) The Minister shall keep a freezing order under review.
- (2) A freezing order shall cease to have effect at the end of the period of 2 years beginning with the day on which it is made.

## 10 The Crown

- (1) A freezing order binds the Crown, subject to the following provisions of this Article.
- (2) No contravention by the Crown of a provision of a freezing order makes the Crown criminally liable but the Royal Court may, on the application of a person appearing

to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.

- (3) Nothing in this Article affects His Majesty in his private capacity.<sup>11</sup>

## **PART 4**

### **CLOSING PROVISIONS**

#### **11 Offences: general**

- (1) Proceedings for an offence under this Law or included in a freezing order shall not be instituted except by or with the consent of the Attorney General.
- (2) Any person who aids, abets, counsels or procures the commission of an offence under this Law or included in a freezing order shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.
- (3) Where an offence under this Law committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
- (b) any person purporting to act in any such capacity,
- the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (4) Where the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

#### **12** <sup>12</sup>

#### **13 Citation**

This Law may be cited as Crime and Security (Jersey) Law 2003.

**SCHEDULE<sup>13</sup>**

(Article 8(8))

**FREEZING ORDERS****1****2****3****4****5****6****7****8****9 Compensation**

- (1) A freezing order may include provision for the award of compensation to or on behalf of a person on the grounds that the person has suffered loss as a result of –
- (a) the order;
  - (b) the fact that a licence has not been granted under the order;
  - (c) the fact that a licence under the order has been granted on particular terms rather than others;
  - (d) the fact that a licence under the order has been varied or revoked.
- (2) In particular, the order may include –
- (a) provision about the person who may make a claim for an award;
  - (b) provision about the person to whom a claim for an award is to be made (which may include provision that it is to be made to the Royal Court);
  - (c) provision for the procedure for making and deciding a claim;

- (d) provision that no compensation is to be awarded unless the claimant has behaved reasonably (which may include provision requiring the claimant to mitigate his or her loss, for instance by applying for a licence);
- (e) provision that compensation must be awarded in specified circumstances or may be awarded in specified circumstances (which may include provision that the circumstances involve negligence or other fault);
- (f) provision about the amount that may be awarded;
- (g) provision for any compensation awarded to be paid out of the annual income of the States;
- (h) provision about how compensation is to be paid (which may include provision for payment to a person other than the claimant).

## **10 Minister's duty to give reasons**

A freezing order shall include the provision that if –

- (a) a person is specified in the order as a designated person; and
- (b) that person makes a written request to the Minister to state the reason why he or she is so specified,

as soon as is practicable the Minister must give the person the reason in writing.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Crime and Security (Jersey) Law 2003	<a href="#">L.32/2003</a>	14 November 2003	<a href="#">P.210/2002</a>
States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005	<a href="#">R&amp;O.42/2005</a>	9 December 2005	<a href="#">P.56/2005</a>
States of Jersey (Minister for External Relations) (Jersey) Regulations 2013	<a href="#">R&amp;O.125/2013</a>	10 September 2013	<a href="#">P.67/2013</a>
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )	<a href="#">P.87/2015</a>
Limited Liability Partnerships (Jersey) Law 2017	<a href="#">L.2/2017</a>	1 August 2018 ( <a href="#">R&amp;O.74/2018</a> )	<a href="#">P.95/2016</a>
Sanctions and Asset-Freezing (Jersey) Law 2019	<a href="#">L.2/2019</a>	19 July 2019 ( <a href="#">R&amp;O.54/2019</a> )	<a href="#">P.119/2018</a>
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	<a href="#">R&amp;O.29/2021</a>	2 March 2021	
Limited Liability Companies (Consequential Amendments) (Jersey) Regulations 2022	<a href="#">R&amp;O.38/2022</a>	1 September 2022	<a href="#">P.33/2022</a>
States of Jersey (Transfer of Financial Services Functions – External Relations to Chief Minister) Order 2023	<a href="#">R&amp;O.28/2023</a>	12 April 2023	

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
1(5),(6)	spent, omitted from this revised edition
(7)	(5)
(8)	(6)
7	spent, omitted from this revised edition
8	7
9	8
10	9
11	10
12	11

Original	Current
13	12
14	13

### Table of Endnote References

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- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government.*
- <sup>2</sup> *Article 1(1) amended by R&O.125/2013, L.2/2017, R&O.29/2021, R&O.38/2022, R&O.28/2023*
- <sup>3</sup> *Article 1(3) amended by R&O.38/2022*
- <sup>4</sup> *Article 1(4A) inserted by R&O.38/2022*
- <sup>5</sup> *Article 7(2) amended by R&O.38/2022*
- <sup>6</sup> *Article 8(1) substituted by L.2/2019*
- <sup>7</sup> *Article 8(2) deleted by L.2/2019*
- <sup>8</sup> *Article 8(3) amended by L.2/2019*
- <sup>9</sup> *Article 8(6) deleted by L.2/2019*
- <sup>10</sup> *Article 8(7) deleted by L.2/2019*
- <sup>11</sup> *Article 10(3) revised on 11 January 2024 by Law Revision Board item [2023/1](#)*
- <sup>12</sup> *Article 12 deleted by L.2/2019*
- <sup>13</sup> *Schedule amended by L.1/2016, L.2/2019*