



Jersey

CRIME (PUBLIC ORDER) (JERSEY) LAW 2024

Contents

Article

PART 1	2
PRELIMINARY	2
1 Interpretation	2
PART 2	3
PUBLIC ORDER OFFENCES	3
2 Riot.....	3
3 Affray	3
4 Threats to kill, rape or cause serious physical injury.....	4
5 Threatening, abusive or disorderly conduct.....	4
6 Harassment.....	5
7 Prohibition on having an offensive weapon in a public place or on school premises without lawful authority or reasonable excuse	5
PART 3	6
MISCELLANEOUS	6
8 Restraining orders	6
9 Breach of restraining order	6
10 Amendment or revocation of restraining order.....	7
11 Power to impose fines summarily	7
12 Offences by bodies corporate etc.	7
13 Repeals and minor amendments	8
14 Abolition of customary law offence	9
15 Citation and commencement.....	9



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CRIME (PUBLIC ORDER) (JERSEY) LAW 2024

A **LAW** to create statutory offences relating to public order, to consolidate offences on disorderly conduct, to enable Centeniers to impose fines for certain minor offences, to repeal redundant Laws and to make minor amendments to other Laws, and for connected purposes.

<i>Adopted by the States</i>	<i>7th February 2024</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>2 October 2024</i>
<i>Registered by the Royal Court</i>	<i>11 October 2024</i>
<i>Coming into force</i>	<i>18 October 2024</i>

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

PART 1

PRELIMINARY

1 Interpretation

In this Law –

“dwelling” means that part of a structure used by anyone as living accommodation;

“intoxication” means any intoxication, whether caused by drink, drugs or other means, or by a combination of means;

“motor vehicle” has the same meaning as in the [Motor Vehicle Registration \(Jersey\) Law 1993](#);

“structure” includes a tent, caravan, vehicle, vessel and other temporary or movable structure.

PART 2

PUBLIC ORDER OFFENCES

2 Riot

- (1) A person commits an offence if –
 - (a) the person is present at a riot;
 - (b) at the riot, the person uses unlawful violence for the common purpose of the riot; and
 - (c) the person intends to use violence or is aware that their conduct may be violent.
- (2) In this Article, “riot” means an occasion when –
 - (a) 12 or more people (the “rioters”) are present and use or threaten to use unlawful violence for a common purpose; and
 - (b) taken together the conduct of the rioters would cause anyone of reasonable firmness also present to fear for their safety.
- (3) In determining whether a riot has occurred, it is immaterial whether –
 - (a) the rioters use or threaten unlawful violence simultaneously;
 - (b) the rioters intend to use or threaten violence, or are aware that their conduct may be violent or threaten violence;
 - (c) the riot occurs in a public or private place; and
 - (d) a person of reasonable firmness is present or is likely to be present.
- (4) If a person’s awareness is impaired by intoxication, for the purpose of paragraph 1(c) the person is taken to have the same awareness that they would have were they not intoxicated, unless the person shows that the intoxication –
 - (a) was induced without the person’s knowledge or consent; or
 - (b) was caused solely by the taking or administering of a substance in the course of medical treatment.
- (5) Whether an action was taken for a common purpose may be inferred from conduct.
- (6) A person who commits an offence under this Article is liable to imprisonment for 10 years and to a fine.

3 Affray

- (1) A person commits an offence if –
 - (a) the person uses or threatens (other than by words alone) to use unlawful violence against another person;
 - (b) this conduct (whether by the person alone or jointly with other people) would cause anyone of reasonable firmness present at the scene to fear for their safety; and
 - (c) the person intends to use or threaten violence, or is aware that their conduct may be violent or threaten violence.
- (2) In determining whether an offence under this Article has been committed it is immaterial whether –

- (a) the offence occurs in a public or private place; or
 - (b) a person of reasonable firmness is present or is likely to be present.
- (3) If a person's awareness is impaired by intoxication, for the purpose of paragraph (1)(c) the person is taken to have the same awareness that they would have were they not intoxicated, unless the person shows that the intoxication –
- (a) was induced without the person's knowledge or consent; or
 - (b) was caused solely by the taking or administering of a substance in the course of medical treatment.
- (4) A person who commits an offence under this Article is liable to imprisonment for 5 years and to a fine.

4 Threats to kill, rape or cause serious physical injury

- (1) A person commits an offence if –
- (a) without lawful excuse, the person threatens another person by any means, intending the other person to believe that the threat would be carried out; and
 - (b) the threat is to kill, rape or cause serious physical injury to any person.
- (2) A person who commits an offence under paragraph (1) is liable to imprisonment for 10 years and to a fine.

5 Threatening, abusive or disorderly conduct

- (1) A person commits an offence if the person, within the hearing or sight of another person likely to be caused alarm or distress by the person doing so –
- (a) uses words that are threatening or abusive intending the words to be, or being aware that they may be, threatening or abusive;
 - (b) behaves in a threatening or abusive way intending the behaviour to be, or being aware that it may be, threatening or abusive; or
 - (c) engages in disorderly behaviour intending the behaviour to be, or being aware that it may be, disorderly.
- (2) The offence may be committed in a public or a private place (including a dwelling), but no offence is committed if the words or behaviour are used by a person inside a dwelling and the other person is also inside that dwelling.
- (3) If a person's awareness is impaired by intoxication, for the purpose of paragraph (1) the person is to have the same awareness that they would have were they not intoxicated, unless the person shows that the intoxication –
- (a) was induced without the person's knowledge or consent; or
 - (b) was caused solely by the taking or administering of a substance in the course of medical treatment.
- (4) It is a defence for the accused to prove that –
- (a) they had no reason to believe that there was a person within hearing or sight who was likely to be caused alarm or distress;
 - (b) they were inside a dwelling and had no reason to believe that the words or behaviour used would be heard or seen by a person outside that dwelling; or
 - (c) their conduct was reasonable.

- (5) A person who commits an offence under paragraph (1) is liable to imprisonment for 12 months and a fine of level 3 on the standard scale.

6 Harassment

- (1) A person commits an offence if the person pursues a course of conduct –
- (a) that amounts to harassment of another person; and
 - (b) that the person ought to know amounts to harassment of another person.
- (2) For the purposes of this Article, a person ought to know that a course of conduct amounts to or involves harassment of another person if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person.
- (3) It is a defence for a person charged with an offence under paragraph (1) in relation to a course of conduct pursued by the person to prove that –
- (a) the course of conduct was pursued for the purpose of preventing or detecting an offence;
 - (b) the course of conduct was pursued under an enactment or customary law or to comply with a condition or requirement imposed by a person under an enactment or customary law; or
 - (c) in the particular circumstances the pursuit of the course of conduct was reasonable.
- (4) A person who commits an offence under paragraph (1) is liable to imprisonment for 5 years and to a fine.
- (5) In this Article –
- (a) to harass a person includes to cause them alarm or distress;
 - (b) a course of conduct –
 - (i) includes speech,
 - (ii) includes conduct of a kind that occurs on one occasion and conduct of a different kind that occurs on another occasion, but
 - (iii) does not include conduct that occurs on only one occasion.

7 Prohibition on having an offensive weapon in a public place or on school premises without lawful authority or reasonable excuse

- (1) A person who has an offensive weapon in a public place or on school premises commits an offence.
- (2) It is a defence for a person charged with the offence to prove that the person had good reason or lawful authority to have the offensive weapon in a public place or on school premises.
- (3) Without limiting paragraph (2) it is a defence for a person charged with an offence under this Article to prove that the person had the offensive weapon –
- (a) for use at work;
 - (b) for religious reasons;
 - (c) as part of a national costume; or
 - (d) in the case of school premises only, for educational purposes.

- (4) A person who commits an offence under paragraph (1) is liable to imprisonment for a term of 5 years and to a fine and the court may make an order for the forfeiture or disposal of the weapon concerned.
- (5) In this Article –
- “offensive weapon” means an article –
- (a) that is made or adapted to cause injury to a person, or intended by the person who has it, for that use by that person or anyone else; or
- (b) that has a blade or is sharply pointed, other than a folding pocketknife with a blade that has a cutting edge of no more than 3 inches;
- “public place” includes a highway, premises or other place to which, at the material time, the public or a section of the public have or are permitted to have access, whether on payment or otherwise;
- “school premises” means land consisting of an institution providing full or part-time education but does not mean land occupied solely as a dwelling by a person employed at the school.

PART 3

MISCELLANEOUS

8 Restraining orders

- (1) A person presenting or prosecuting a case against a person convicted of an offence (whether under this Law, any other enactment or customary law) may apply to the court to make a restraining order against the convicted person.
- (2) The court may, in addition to any other order or penalty that it may make or impose, make a restraining order against the person to whom the application relates if paragraph (3) is met.
- (3) The court must be satisfied on the balance of probabilities that it is appropriate to make a restraining order for the purpose of protecting the victim of the offence, or any other person named in the order, from conduct by the person against whom the order is made, that would, if carried out –
- (a) amount to harassment of the victim or other person named in the order; or
- (b) be likely to cause the victim or that other person to be in fear of being subjected to violence.
- (4) A restraining order prohibits the person against whom it is made from engaging in conduct of the kind specified in the order.
- (5) A restraining order may prohibit the driving of a motor vehicle by the person or another person other than in circumstances specified in the order, if a motor vehicle was used by the person in committing an offence under Article 6(1).
- (6) A restraining order must specify the period for which it is to remain in force or provide for it to remain in force indefinitely.

9 Breach of restraining order

- (1) A person against whom an order is made under Article 8 who breaches the order commits an offence.

- (2) A person who commits an offence under paragraph (1) is liable to imprisonment for a term of 5 years and to a fine.

10 Amendment or revocation of restraining order

- (1) An order under Article 8 may be amended or revoked by the court that made the order either of its own motion or on the application of –
 - (a) the Attorney General; or
 - (b) the person against whom the order was made.
- (2) The court to which an application is made under paragraph (1) may amend or revoke the order if (and to the extent that) the court is satisfied that it is appropriate to do so.

11 Power to impose fines summarily

- (1) If a person is charged with an offence set out in paragraph (2) and accepts the decision of a Centenier having jurisdiction in the matter, that Centenier may impose summarily a fine of level 1 on the standard scale.
- (2) The offences are –
 - (a) an offence under Article 5 (threatening, abusive or disorderly conduct);
 - (b) an offence of being in an intoxicated condition at an aerodrome contrary to Regulation 13 of the [Aerodromes \(Jersey\) Regulations 1965](#); or
 - (c) the customary law offences of being drunk and disorderly, committing a breach of the peace or common assault.
- (3) A Centenier who has imposed a fine under this Article –
 - (a) must give a receipt for it; and
 - (b) must, as soon as reasonably practicable, inform the Chief Officer of the States of Jersey Police Force of the details of the fine.
- (4) A fine imposed under this Article is to be paid –
 - (a) as to one half, to the Consolidated Fund continued under Article 3(1) of the [Public Finances \(Jersey\) Law 2019](#); and
 - (b) as to the other half, to the parish in which the Centenier who imposed it had jurisdiction.
- (5) The States may by Regulations amend paragraph (2) to vary the offences set out in that paragraph.

12 Offences by bodies corporate etc.

- (1) In this Article –

“relevant offence” means an offence under this Law that is committed by a limited liability partnership, a separate limited partnership, an incorporated limited partnership or another body corporate;

“relevant person” means –

 - (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
 - (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –

- (i) a general partner, or
 - (ii) a limited partner who is participating in the management of the partnership;
- (c) if the relevant offence is committed by a body corporate other than an incorporated limited partnership –
 - (i) a director, manager, secretary or other similar officer of the body corporate, and
 - (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member's functions of management; and
- (d) a person purporting to act in any capacity described in sub-paragraphs (a) to (c) in relation to the partnership or body that commits the relevant offence.
- (2) If a relevant offence is proved to have been committed with the consent or connivance of a relevant person, that relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (3) Paragraph (4) applies if a relevant offence –
 - (a) is an offence that may be committed by neglect; and
 - (b) is proved to be attributable to any neglect on the part of a relevant person.
- (4) The relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

13 Repeals and minor amendments

- (1) The following Laws are repealed –
 - (a) the [Loi \(1797\) sur les rassemblements tumultueux](#);
 - (b) the [Crime \(Disorderly Conduct and Harassment\) \(Jersey\) Law 2008](#).
- (2) In Schedule 3 to the [Road Traffic \(Jersey\) Law 1956](#) the items and entries relating to Article 4(1) and 25 are deleted.
- (3) After Article 28 (penalties) of the [Misuse of Drugs \(Jersey\) Law 1978](#), there is inserted –

“28A Power to impose fines summarily

- (1) If a person is charged with an offence under Article 8(1) (restrictions on possession of controlled drugs) in relation to the possession of a Class B drug or a Class C drug and accepts the decision of a Centenier having jurisdiction in the matter, that Centenier may impose a fine of level 1 on the standard scale.
- (2) A Centenier who has imposed a fine under this Article –
 - (a) must give a receipt for it; and
 - (b) must, as soon as reasonably practicable, inform the Chief Officer of the States of Jersey Police Force of the details of the fine.
- (3) A fine imposed under this Article is to be paid –
 - (a) as to one half, to the Consolidated Fund continued under Article 3(1) of the [Public Finances \(Jersey\) Law 2019](#); and

- (b) as to the other half, to the parish in which the Centenier who imposed it had jurisdiction.”.
- (4) In the [Firearms \(Jersey\) Law 2000](#) –
- (a) in Article 1(1) the definition “school premises” is deleted;
 - (b) in the heading to Part 5 for “UNLAWFUL, PROHIBITED AND OFFENSIVE WEAPONS” there is substituted “UNLAWFUL AND PROHIBITED WEAPONS”;
 - (c) Article 43 is deleted.

14 Abolition of customary law offence

The customary law offence of affray is abolished.

15 Citation and commencement

This Law may be cited as the Crime (Public Order) (Jersey) Law 2024 and comes into force 7 days after it is registered.