

Jersey Law 10/1997

POLICE FORCE (AMENDMENT No. 6) (JERSEY) LAW 1997

A LAW to amend further the Police Force (Jersey) Law 1974, sanctioned by Order of Her Majesty in Council of the

19th day of MARCH 1997

(Registered on the 18th day of April 1997)

STATES OF JERSEY

The 8th day of October 1996

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

ARTICLE 1

After Article 14 of the Police Force (Jersey) Law 1974,¹ as amended (hereinafter referred to as “the principal Law”) there shall be inserted the following Articles –

“ARTICLE 14A

Remedies against members of the Force and Port Control Officers

(1) The Chief Officer shall be liable in respect of torts committed by members of the Force and Port Control officers in the performance or purported performance of their functions in the same manner as a master is liable in respect of torts committed by his servants in the course of their employment,

¹ Volume 1973–1974, page 380.

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and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

(2) There shall be paid out of funds provided by the Committee –

- (a) any damages or costs awarded against the Chief Officer in any proceedings brought against him by virtue of this Article and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
- (b) any sum required in connection with the settlement of any claim made against the Chief Officer by virtue of this Article, if the settlement is approved by the Committee.

(3) Any proceedings in respect of a claim made by virtue of this Article shall be brought against the Chief Officer for the time being, or in the case of a vacancy in that office, against the person for the time being performing the functions of the Chief Officer; and references in paragraphs (1) and (2) of this Article to the Chief Officer shall be construed accordingly.

(4) The Committee may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the Force or a Port Control officer in proceedings for a tort committed by him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings; and any sum required for making a payment under this paragraph shall be paid out of funds provided by the Committee.

ARTICLE 14B

Remedies against members of the Honorary Police

(1) The Connétable of each Parish shall be liable in respect of torts committed by members of the Honorary Police of his Parish in performance or purported performance of their functions in the same manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

(2) There shall be paid out of funds provided by each Parish –

- (a) any damages or costs awarded against the Connétable of the Parish in any proceedings brought against him by virtue of this Article and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
- (b) any sum required in connection with the settlement of any claim made against the Connétable of the Parish by virtue of this Article if the settlement is approved by the Procureurs du Bien Public of the Parish.

(3) Any proceedings in respect of a claim made by virtue of this Article shall be brought against the Connétable for the time being or, in the case of a vacancy in that office, against the senior officer of the Honorary Police of the Parish; and references in paragraph (1) and (2) of this Article to the Connétable shall be construed accordingly.

(4) A Parish may, in such cases and to such extent as the Parish Assembly shall think fit, pay any damages or costs awarded against a member of the Honorary Police of that parish, in proceedings for a tort committed by him, any costs incurred and not recovered by him in such proceedings, and any sum

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required in connection with the settlement of any claim that has or might have given rise to such proceedings; and any sum required for making a payment under this paragraph shall be paid out of funds provided by that Parish.”.

ARTICLE 2

Articles 14A and 14B of the principal Law shall apply only to proceedings commenced after the date on which the said Articles come into force and any proceedings in respect of a tort committed by a police officer or Port Control officer which are pending at that date shall be continued and dealt with in all respects as if those Articles had not come into force.

ARTICLE 3

This Law may be cited as the Police Force (Amendment No. 6) (Jersey) Law 1997.

C.M. NEWCOMBE

Deputy Greffier of the States.