

Jersey Law 15/1982

POLICE FORCE (AMENDMENT No. 2) (JERSEY) LAW, 1982.

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

27th day of OCTOBER, 1982.

(Registered on the 19th day of November, 1982).

STATES OF JERSEY.

The 28th day of April, 1981.

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

ARTICLE 1

In Article 1 of the Police Force (Jersey) Law, 1974,¹ as amended (hereinafter referred to as “the principal Law”) after the definition of “police officer” there shall be inserted the following definitions –

“ ‘port control officer’ means a member of the Port Control Unit;

‘Port Control Unit’ means the Port Control Unit established by Article 13B of this Law;”.

ARTICLE 2

In Article 8 of the principal Law² paragraph (4) shall be deleted.

¹ Volume 1973–1974, page 375.

² Volume 1973–1974, page 378.

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ARTICLE 3

Article 9 of the principal Law³ shall be repealed and replaced by the following Article –

“ARTICLE 9

The Chief Officer and Deputy Chief Officer

(1) The Chief Officer shall be appointed by the Committee, subject to the approval of the States, on such terms as to salary and conditions of service as the Committee, after consultation with the Establishment Committee, may from time to time determine, and any discussion in the States on the appointment shall take place in camera.

(2) The Deputy Chief Officer shall be appointed by the Committee on such terms as to salary and conditions of service as the Committee, after consultation with the Establishment Committee, may from time to time determine.

(3) The Chief Officer shall be responsible to the Committee for the general administration and the discipline, training and organisation of the Force and the Port Control Unit.

(4) In the event of the absence, incapacity, suspension or vacancy in the office of the Chief Officer, the functions of his office shall be discharged by the Deputy Chief Officer.

(5) The Committee shall by Order make provision for the determination by the appropriate prescribed disciplinary authority of any question whether an offence against discipline has been committed by the Chief Officer or Deputy Chief Officer and for the punishment of any such offence.”.

³ Volume 1973–1974, page 379.

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ARTICLE 4

Articles 11, 12 and 13 of the principal Law⁴ shall be repealed.

ARTICLE 5

After Part III of the principal Law⁵ there shall be inserted the following Part –

“PART IIIA

PORT CONTROL UNIT

ARTICLE 13A

Interpretation

For the purposes of this Part of this Law –

‘aerodrome’ has the meaning assigned to it by the Aerodromes (Administration) (Jersey) Law, 1952, as amended;

‘Airport Commandant’ has the meaning assigned to it by Article 1 of the Aerodromes (Administration) (Jersey) Law, 1952, as amended, and also means a person appointed under paragraph (2) of Article 2 of that Law;

‘harbour’ means any harbour, whether natural or artificial, and includes any port, dock, pier, jetty or quay;

‘Harbour Master’ has the meaning assigned to it by Article 1 of the Harbours (Administration) (Jersey) Law, 1961, as amended, and also means a person

⁴ Volume 1973–1974, pages 379 and 380.

⁵ Volume 1973–1974, page 380.

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appointed under paragraph (2) of Article 2 of that Law.

ARTICLE 13B

Establishment of Port Control Unit

There is established by this Law a Port Control Unit (in this Part of this Law referred to as ‘the Unit’) comprised of port control officers having the duties and powers specified in Articles 13E and 13F of this Law.

ARTICLE 13C

Duties and powers of Committee

- (1) The Committee may for the purpose of maintaining an adequate and efficient Unit –
 - (a) provide and maintain such buildings, structures and premises and make such alterations to any buildings, structures or premises already provided, as may be required;
 - (b) provide and maintain such vehicles, apparatus, clothing, equipment and other articles as may be required.
- (2) The Committee shall determine the number of persons which is to constitute the establishment of the Unit and, after consultation with the Establishment Committee, the scale of pay for the Unit.
- (3) The Committee may determine a rank structure for the Unit and the number of persons in each rank and, after consultation with the Establishment Committee, the scale of pay for each rank.

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(4) The Committee may by Order make provision for any matter which it considers necessary for the proper administration of the Unit and generally for carrying this Part of this Law into effect and, in particular, but without prejudice to the generality of the foregoing, for –

- (a) the qualifications for appointment and promotion of port control officers;
- (b) the determination by the appropriate prescribed disciplinary authority of any question whether an offence against discipline has been committed and for the punishment by that authority of any port control officer who is found to have committed any such offence;
- (c) the determination by the appropriate prescribed authority of any complaint by a member of the public against a port control officer.

ARTICLE 13D

Jurisdiction

A port control officer shall be empowered to act within the limits of every aerodrome and harbour in the Bailiwick:

Provided that he shall be empowered to pursue beyond those limits and there arrest any person who has committed, or whom he has reasonable cause to suspect of having committed, or having been about to commit, an offence within those limits, and has absconded.

ARTICLE 13E

Duty of port control officer

(1) It shall be the duty of a port control officer within the limits of his jurisdiction and subject to the provisions of paragraph (2) of this Article and Article 13F of this Law, to the best of his power to cause the peace to be kept and preserved and prevent all offences, whether common law or statutory, against the person and property of Her Majesty's subjects.

(2) A port control officer shall act in accordance with directions given by or on behalf of the Chief Officer and shall obey a lawful order of any police officer of the rank of sergeant or above.

ARTICLE 13F

Powers of port control officer

(1) Subject to the provisions of Article 13D of this Law –

- (a) if a port control officer with reasonable cause suspects that any person has committed, is committing, or is about to commit an offence he shall demand that the person furnishes to him his name and address and shall report the matter to a member of the Force and the Airport Commandant or the Harbour Master, as the case may be;
- (b) if a person whom a port control officer with reasonable cause suspects has committed, is committing, or is about to commit, an offence, refuses, on being so required by that officer, to give his name and address, or gives a name and address which the officer believes to be false or tries to abscond, the officer may arrest that person and shall

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immediately inform a member of the Force and the Airport Commandant or the Harbour Master, as the case may be, of the action he has taken;

- (c) a port control officer may arrest a person whom he, with reasonable cause, suspects to have committed, or to be committing, or to be about to commit a serious offence and shall immediately inform a member of the Force and the Airport Commandant or the Harbour Master, as the case may be, of the action he has taken.

- (2) For the purposes of paragraph (1) of this Article –

‘serious offence’ means an offence for which the sentence is fixed by law or for which a person, not previously convicted, may be sentenced to a term of imprisonment.

ARTICLE 13G

Property in possession of port control officer

Any property which comes into the possession of a port control officer in the course of his duties, and the owner of which cannot be ascertained or found, shall immediately be forwarded to the headquarters for the time being of the Force, and the provisions of Article 14 of this Law shall apply to such property.

ARTICLE 13H

Offences

- (1) Article 15 of this Law shall apply to a port control officer as it applies to a police officer, and Article 15A of this Law shall apply to the Port Control Unit as it applies to the police.

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(2) Any person who fails to comply with the lawful orders or directions of a port control officer shall be guilty of an offence and liable to a fine not exceeding £50.”.

ARTICLE 6

After Article 15A of the principal Law⁶ there shall be inserted the following Articles –

“ARTICLE 15B

Oath of office

(1) A member of the Force shall, on taking office, take oath in the form set out in Form 1 in the Schedule to this Law.

(2) A port control officer shall, on being appointed, take oath in the form set out in Form 2 in the Schedule to this Law.

ARTICLE 15C

Restriction on taking other employment

No member of the Force or port control officer shall engage in any undertaking, trade, profession, occupation or employment of any nature without the consent of the Chief Officer.

ARTICLE 15D

Associations

(1) There shall be a –

(a) States of Jersey Police Association; and

⁶ Volume 1979–1981, page 171.

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(b) Port Control Officers' Association,

for the purposes of representing members of the Force or port control officers, as the case may be, in all matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals.

(2) Subject to the provisions of paragraph (1) of this Article, no member of the Force or port control officer shall be a member of any trade union, or of any association having for its object, or one of its objects, to control or influence the pay, pensions or conditions of service of the Force or the Port Control Unit as the case may be.”.

ARTICLE 7

After Article 16 of the principal Law⁷ there shall be inserted the following Article –

“ARTICLE 16A

Attendance at meetings of the Committee

The Attorney General and the Solicitor General shall be entitled to attend, in a consultative capacity, any meeting of the Committee at which any matter arising under this Law is to be considered.”.

ARTICLE 8

For the Schedule to the principal Law⁸ there shall be substituted the following Schedule –

“SCHEDULE

(Article 15B)

⁷ Volume 1973–1974, page 381.

⁸ Volume 1973–1974, page 382.

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FORM 1

Oath of office of member of Force

You swear and promise before God that well and faithfully you will exercise the office of a member of the States of Jersey Police Force; that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law; and that you will uphold and maintain the laws and usages of this Island.

FORM 2

Oath of office of port control officer

You swear and promise before God that well and faithfully you will discharge the duties of a port control officer and that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law.”.

ARTICLE 9

This Law may be cited as the Police Force (Amendment No. 2) (Jersey) Law, 1982 and shall come into force on such day as the States may by Act appoint.

R.S. GRAY,

Deputy Greffier of the States