

Jersey Law 24/1974

POLICE FORCE (JERSEY) LAW, 1974,

SANCTIONED BY

ORDER OF HER MAJESTY IN COUNCIL

dated 6th September, 1974.

(Registered on 25th October, 1974).

ARRANGEMENT OF ARTICLES.

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POLICE FORCE (JERSEY) LAW, 1974.

A LAW to make new provision in relation to the policing of the Island, sanctioned by Order of Her Majesty in Council of the

6th day of SEPTEMBER, 1974.

(Registered on the 25th day of October, 1974).

STATES OF JERSEY.

The 11th day of June, 1974.

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

PART I

GENERAL

ARTICLE 1

INTERPRETATION

In this Law, unless the context otherwise requires –

“the Chief Officer” means the Chief Officer of the Force;

“the Committee” means the Defence Committee;

“the Force” means the States of Jersey Police Force;

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“police officer” means a member of the Honorary Police or a member of the Force;

“prescribed” means prescribed by order.

ARTICLE 2

DUTY OF POLICE OFFICER

It shall be the duty of a police officer 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 and to take all such lawful measures as may be necessary for the purposes of bringing offenders with all due speed to justice.

ARTICLE 3

POWER OF POLICE OFFICER

(1) Where a police officer with reasonable cause suspects that any person has committed, is committing or is about to commit, an offence he may arrest that person.

(2) There shall be expressly reserved to a Connétable and a Centenier the powers of –

- (a) the customary right of search;
- (b) the granting of bail to any person;
- (c) the formal charging of any person with an offence, without prejudice to the customary powers of the Attorney General in the prosecution of offences.

(3) Subject to the provisions of paragraph (2) of this Article, a police officer shall have all other powers and privileges relating to policing which a Connétable or Centenier has by virtue of the common law or of any enactment for the time being in force.

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(4) Where a Connétable or, in his absence, a Centenier declines to charge any person, a member of the Force may refer the matter to the Attorney General, who may give such directions to such persons as he thinks appropriate.

PART II

THE HONORARY POLICE

ARTICLE 4

COMPOSITION OF HONORARY POLICE

(1) The Honorary Police shall comprise, as hitherto, one Connétable for each Parish in the Island and such number of Centeniers, Vingteniers and Constable's Officers for each Parish or Vingtaine as the States shall specify by law.

(2) Members of the Honorary Police shall continue to be elected in the manner specified prior to the coming into force of this Law.

(3) Subject to paragraph (4) of this Article, the Honorary Police shall be under the general supervision of the Attorney General.

(4) The States may make Regulations as to the administration and conditions of service of members of the Honorary Police and in particular, but without prejudice to the generality of the foregoing, as to the qualifications for election, the retirement and the suspension of members of the Honorary Police.

ARTICLE 5

JURISDICTION

(1) A member of the Honorary Police shall be empowered to act within the territorial limits of the Parish for which he is elected and, for this purpose, the headquarters for the time being of the Force shall be deemed to form part of the said limits:

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Provided that he shall be empowered –

- (a) to pursue into any other Parish and there arrest any person who has committed, or whom he has reasonable cause to suspect of having committed or of having been about to commit any offence; and
- (b) to continue investigations into any matter in any other Parish where those investigations started in the Parish for which he is elected.

(2) A Connétable may request a Connétable of another Parish (who shall to the best of his ability comply with such request) to place at his disposal members of the Honorary Police of that Parish for the purpose of meeting any special demand on the resources of the Honorary Police of his Parish and any members so placed shall for the time being possess the powers of a member of the Honorary Police of that Parish.

ARTICLE 6

PRESCRIBED OFFENCES

Where a member of the Honorary Police on investigating any occurrence has cause to believe that any prescribed offence has been or is about to be committed he shall immediately request the assistance of the Force.

ARTICLE 7

REPORT OF OCCURRENCES

(1) The Chief Officer shall inform a Connétable as soon as may be of the details of any occurrence in his Parish which required action by the Force and of any investigations which are being conducted by the Force in his Parish.

(2) The Connétable of each Parish shall inform the Chief Officer as soon as may be of the details of any occurrence (other than one

of a trivial nature) in his Parish which required action by the Honorary Police.

PART III

THE STATES OF JERSEY POLICE FORCE

ARTICLE 8

DUTIES AND POWERS OF COMMITTEE

(1) It shall be the duty of the Committee to secure the maintenance of an adequate and efficient Force in the Island and for this purpose the Committee may –

- (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 ranks in the Force, the number of persons of each rank which is to constitute the establishment of the Force and, after consultation with the Establishment Committee, the appropriate scale of pay for each rank.

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

- (a) the retirement of members of the Force and for the payment of pensions and gratuities;
- (b) the qualifications for appointment and promotion of members of the Force;

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- (c) 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 member of the Force who is found to have committed any such offence;
 - (d) the determination by the appropriate prescribed authority of any complaint by a member of the public against a member of the Force.
- (4) 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 9

THE CHIEF OFFICER

- (1) The Chief Officer shall be appointed by the States on such terms as to salary and conditions of service as the Committee may from time to time determine.
- (2) The Chief Officer may be suspended from office by the Committee which shall refer the matter to the States at their next Sitting and may be dismissed from office by the States.
- (3) The Chief Officer shall be responsible to the Committee for the general administration and the discipline, training and organisation of the Force.
- (4) Any discussion in the States regarding the appointment, suspension or dismissal of the Chief Officer shall take place in camera.
- (5) 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.

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ARTICLE 10

JURISDICTION

A member of the Force shall be empowered to act within the territorial limits of the Bailiwick.

ARTICLE 11

RESTRICTION ON TAKING OTHER EMPLOYMENT

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

ARTICLE 12

THE POLICE ASSOCIATION

(1) There shall be a States of Jersey Police Association for the purpose of representing members of the Force 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, a member of the Force shall not be a member of any trade union, or of any association having for its effect, or one of its effects, to control or influence the pay, pensions or conditions of service of the Force.

ARTICLE 13

OATH OF OFFICE

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

PART IV

MISCELLANEOUS

ARTICLE 14

PROPERTY IN POSSESSION OF POLICE

(1) The States may make Regulations for the disposal of property which has come into the possession of a police officer in cases where the owner of the property cannot be ascertained or found.

(2) Without prejudice to the generality of paragraph (1) of this Article, any such Regulations may include a power to dispose of such property by sale and for the proceeds of such sale to be credited to such account as the Regulations may specify.

(3) For the avoidance of doubt it is hereby declared that any such Regulations may apply to any property which came into the possession of a police officer before the coming into force of this Law.

ARTICLE 15

IMPERSONATION ETC. OF POLICE OFFICER

(1) Any person who with intent to deceive impersonates a police officer, or makes any statement or does any act calculated falsely to suggest that he is a police officer, shall be guilty of an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding £100, or to both.

(2) Any person who, not being a police officer, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a police officer as to be calculated to deceive shall be guilty of an offence and liable to a fine not exceeding £100.

(3) Any person who, not being a police officer, has in his possession any article of police uniform shall, unless he proves that he

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obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable to a fine not exceeding £20.

(4) In this Article “article of police uniform” means any article of uniform or any distinctive badge or mark or document of identification usually issued to a police officer or anything having the appearance of such an article, badge, mark or document.

ARTICLE 16

ORDERS

(1) The Committee may make Orders for any matter which by this Law is to be prescribed:

Provided that no Order shall be made under Article 6 of this Law except after consultation with the Connétables of the Island.

(2) The Subordinate Legislation (Jersey) Law, 1960,¹ shall apply to any order made under this Law.

ARTICLE 17

REPEALS

The Police Force (Jersey) Law, 1951,² and the Police Force (Amendment) (Jersey) Law, 1960,³ are hereby repealed.

ARTICLE 18

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Police Force (Jersey) Law, 1974.

¹ Tome 1957–1960, page 519.

² Tome 1951–1953, page 59.

³ Tome 1957–1960, page 433.

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(2) This Law shall come into force on the first day of January, 1975.

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SCHEDULE

(Article 13)

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.

R.S. GRAY,

Deputy Greffier of the States.