

Jersey Law 46/1998

POWERS OF ARREST (INJUNCTIONS) (JERSEY) LAW 1998

A LAW to provide the Viscount and police officers with powers of arrest for breach of certain injunctions, and for connected purposes; sanctioned by Order of Her Majesty in Council of the

17th day of NOVEMBER 1998

(Registered on the 18th day of December 1998)

STATES OF JERSEY

The 16th day of June 1998

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

ARTICLE 1

Interpretation

(1) In this Law –

“the Court”, except in paragraph (8) of Article 3, means the Inferior Number of the Royal Court or the Bailiff;

“police officer” has the meaning given to it by the Police Force (Jersey) Law 1974.¹

(2) A reference in this Law to an enactment is a reference to that enactment as amended from time to time.

¹ Volume 1973–1974, page 375.

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(3) A reference in this Law to a numbered Article without further identification is a reference to the Article so numbered in this Law.

(4) A reference in any Article of this Law to a paragraph, sub-paragraph or clause by number or letter only, and without further identification, is a reference to the paragraph, sub-paragraph or clause of that number or letter contained in the Article of this Law in which such reference occurs.

ARTICLE 2

Application of the Law

This Law applies to an injunction containing a provision (in whatever terms) –

- (a) restraining a person from using violence against or molesting another; or
- (b) excluding a person from specified premises or from a specified area.

ARTICLE 3

Powers of arrest

(1) Where the Court grants an injunction to which this Law applies, it may, if it considers it necessary to do so for the protection of any person referred to in the injunction, attach a power of arrest to the injunction.

(2) Where the Court attaches a power of arrest to an injunction to which this Law applies, it shall specify the period for which the power has effect.

(3) Where a power of arrest attached to an injunction to which this Law applies has effect, the Viscount or a police officer may, if

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he has reasonable cause to suspect that the person against whom the injunction was granted has acted, is acting or is about to act in breach of the injunction, arrest him without warrant.

(4) Where a power of arrest is not attached to an injunction to which this Law applies or has ceased to have effect, the Bailiff may, if satisfied by information on oath that a person named in the injunction is in breach of it, issue a warrant for his arrest.

(5) A warrant issued under paragraph (4) may be executed by the Viscount or by any police officer.

(6) Subject to paragraph (7), where the Viscount or a police officer executes a warrant issued under paragraph (4), he may do so notwithstanding that it is not in his possession at the time.

(7) Where the Viscount or a police officer acts in pursuance of paragraph (6) the warrant shall, on the demand of the person arrested, be shown to him as soon as possible.

(8) A person arrested under paragraph (3) or (4) –

- (a) shall be brought before the Court as soon as may be after his arrest; and
- (b) shall not be released except by direction of the Court.

(9) In paragraph (8) “the Court” means the Inferior Number of the Royal Court.

ARTICLE 4

Short title

This Law may be cited as the Powers of Arrest (Injunctions) (Jersey) Law 1998.

G.H.C. COPPOCK

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Greffier of the States.