



Jersey

POLICE PROCEDURES AND CRIMINAL EVIDENCE (CODES OF PRACTICE) (AMENDMENT) (JERSEY) ORDER 2008

Made

5th June 2008

Coming into force

12th June 2008

THE MINISTER FOR HOME AFFAIRS, in pursuance of Article 62 of the Police Procedures and Criminal Evidence (Jersey) Law 2003¹, orders as follows –

1 Interpretation

In this Order, a reference to a Code is to the Code of that description in the Schedule to the Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004².

2 Revised codes C and E given effect

Codes C and E shall have effect as amended by Articles 3 and 4.

3 Code C amended

In Code C –

(a) for paragraph 16.5 there shall be substituted the following paragraphs –

“16.5 The detention of any person for a period in excess of 24 hours must be authorised by an officer of the rank of Chief Inspector or above, and the custody record will be endorsed to that effect by that officer. An officer of the rank of Chief Inspector or above may authorise a further period of detention of up to 12 hours from the time of the review and may conduct further reviews and authorise further periods of such detention. [See Note 16E]

16.6 An officer of the rank of Chief Inspector or above may only authorise a further period of detention where the case being investigated is a serious offence and the officer believes that further detention is necessary in order to secure or preserve

evidence, or obtain that evidence by questioning and that the investigation is being conducted diligently and expeditiously. At the end of that period any further period of detention must be authorised based on the same criteria.”;

(b) for paragraph 16.16 there shall be substituted the following paragraph –

“16.16 A review may be postponed –

(a) if, having regard to all the circumstances prevailing at the latest time for it specified above, it is not practicable to carry out the review at that time;

(b) without prejudice to the generality of sub-paragraph (a) –

(i) if at that time the person in detention is being questioned and the review officer is satisfied that an interruption of the questioning for the purpose of carrying out the review would prejudice the investigation in connection with which he or she is being questioned, or

(ii) if at that time no review officer is readily available.

If a review is postponed under this paragraph it shall be carried out as soon as practicable after the latest time specified for it.

If a review is carried out after such postponement the fact that it was so carried out shall not affect any requirement of this paragraph as to the time at which any subsequent review is to be carried out.

The review officer shall record the reasons for any postponement of a review in the custody record.”.

4 Code E amended

In Code E, the second paragraph numbered “4.10” shall be renumbered “4.11”.

5 Citation and commencement

This Order may be cited as the Police Procedures and Criminal Evidence (Codes of Practice) (Amendment) (Jersey) Order 2008 and shall come into force 7 days after it is made.

SENATOR W. KINNARD

Minister for Home Affairs

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- ¹ *chapter 23.750*
² *chapter 23.750.20*