



Jersey

R&O – 138/2004

**POLICE PROCEDURES AND CRIMINAL
EVIDENCE (JERSEY) LAW 2003 (AMENDMENT)
(JERSEY) REGULATIONS 2004**

Arrangement

Regulation

- 1 Interpretation
- 2 Article 1(1) amended
- 3 Article 2(1)(a) amended
- 4 Article 3(5) deleted
- 5 Article 28(11)(b) substituted
- 6 Article 29(10) amended
- 7 Article 48(b) substituted
- 8 Article 52 amended
- 9 Article 54 amended
- 10 Article 55(14)(b) amended
- 11 Article 56(14) substituted
- 12 Article 57(17) amended
- 13 Article 59(9) amended
- 14 Schedule 5 paragraph 3 deleted
- 15 Citation and commencement



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POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003 (AMENDMENT) (JERSEY) REGULATIONS 2004

Made

24th November 2004

Coming into force

in accordance with Regulation 15(2)

THE STATES, in pursuance of Article 2 of the Legislation (Amending Power) (Jersey) Law 1999,¹ following the passing of the Terrorism (Jersey) Law 2002,² have made the following Regulations –

1 Interpretation

In these Regulations, the “Law” means the Police Procedures and Criminal Evidence (Jersey) Law 2003.³

2 Article 1(1) amended

In Article 1(1) of the Law –

- (a) the definition “1996 Law”⁴ shall be deleted;
- (b) in the definition “terrorism”,⁵ for the words “assigned to it by the 1996 Law” there shall be substituted the words “given in Article 2 of the Terrorism (Jersey) Law 2002⁶”;
- (c) in the definition “terrorism provisions”,⁷ for the words “Article 13(1) of the 1996 Law and any provision of the Second or Fifth Schedules to that Law conferring a power of arrest or detention” there shall be substituted the words “Article 37 of the Terrorism (Jersey) Law 2002⁸ and any provision of Schedule 8 to that Law⁹ conferring a power of detention”.

3 Article 2(1)(a) amended

In Article 2(1)(a) of the Law,¹⁰ for the words “under Article 13 of the 1996 Law or under paragraph 6 of the Fifth Schedule to that Law by an examining officer who is a police officer” there shall be substituted the words “under Article 37 of the Terrorism (Jersey) Law 2002¹¹”.

4 Article 3(5) deleted

Article 3(5) of the Law¹² shall be deleted.

5 Article 28(11)(b) substituted

For Article 28(11)(b) of the Law¹³ there shall be substituted the following subparagraph –

“(b) any provision of the Terrorism (Jersey) Law 2002;¹⁴”.

6 Article 29(10) amended

In Article 29(10) of the Law,¹⁵ for the words “the powers conferred by Article 14(2), (3) and (4) of the 1996 Law” there shall be substituted the words “the power conferred by Article 39 of the Terrorism (Jersey) Law 2002¹⁶”.

7 Article 48(b) substituted

For Article 48(b) of the Law¹⁷ there shall be substituted the following paragraph –

“(b) the powers conferred by virtue of Article 37 of or Schedule 8 to the Terrorism (Jersey) Law 2002;¹⁸”.

8 Article 52 amended

In Article 52 of the Law,¹⁹ for paragraphs (11) and (12) there shall be substituted the following paragraph –

“(11) Nothing in this Article shall apply to a person detained under the terrorism provisions.”.

9 Article 54 amended

In Article 54 of the Law,²⁰ for paragraphs (13) to (17) there shall be substituted the following paragraph –

“(13) Nothing in this Article shall apply to a person detained under the terrorism provisions”.

10 Article 55(14)(b) amended

In Article 55(14)(b) of the Law,²¹ the words “except as provided in Article 14(7) of, and paragraph 7(5) of the Fifth Schedule to, the 1996 Law,” shall be deleted.

11 Article 56(14) substituted

For Article 56(14) of the Law²² there shall be substituted the following paragraph –

“(14) Nothing in this Article applies to a person arrested or detained under the terrorism provisions and paragraph (2) shall not apply

where the non-intimate samples mentioned in that paragraph were taken under paragraph 11 of Schedule 9 to the Terrorism (Jersey) Law 2002;²³".

12 Article 57(17) amended

In Article 57(17) of the Law²⁴ the words “, except as provided in Article 14(9) and (10) of and paragraph 7(7) and (8) of the Fifth Schedule to the 1996 Law,” shall be deleted.

13 Article 59(9) amended

In Article 59(9) of the Law²⁵ the words “, except as provided in Article 14(8) and (10) of, and paragraph 7(6) and (8) of the Fifth Schedule to, the 1996 Law” shall be deleted.

14 Schedule 5 paragraph 3 deleted

Paragraph 3 of Schedule 5 to the Law²⁶ shall be deleted.

15 Citation and commencement

- (1) These Regulations may be cited as the Police Procedures and Criminal Evidence (Jersey) Law 2003 (Amendment) (Jersey) Regulations 2004.
- (2) These Regulations shall come into force on 1st December 2004, with the exception of Regulation 7, which shall come into force on the same day as Article 48 of the Police Procedures and Criminal Evidence (Jersey) Law 2003.

A.H. HARRIS

Deputy Greffier of the States.

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- ¹ *Recueil des Lois, Volume 1999, page 660.*
² *Recueil des Lois, Volume 2002, page 645 and No. 69/2003.*
³ *Recueil des Lois, Volume 2003, page 13 and Volume 2004, page 945.*
⁴ *Recueil des Lois, Volume 2003, page 19.*
⁵ *Recueil des Lois, Volume 2003, page 22.*
⁶ *Recueil des Lois, Volume 2002, page 653.*
⁷ *Recueil des Lois, Volume 2003, page 22.*
⁸ *Recueil des Lois, Volume 2002, page 685.*
⁹ *Recueil des Lois, Volume 2002, page 761.*
¹⁰ *Recueil des Lois, Volume 2003, page 23.*
¹¹ *Recueil des Lois, Volume 2002, page 685.*
¹² *Recueil des Lois, Volume 2003, page 24.*
¹³ *Recueil des Lois, Volume 2003, page 45.*
¹⁴ *Recueil des Lois, Volume 2002, page 645 and R&O 69/2003.*
¹⁵ *Recueil des Lois, Volume 2003, page 47.*
¹⁶ *Recueil des Lois, Volume 2002, page 686.*
¹⁷ *Recueil des Lois, Volume 2003, page 62.*
¹⁸ *Recueil des Lois, Volume 2002, pages 685 and 761.*
¹⁹ *Recueil des Lois, Volume 2003, page 67.*
²⁰ *Recueil des Lois, Volume 2003, page 69 and 70.*
²¹ *Recueil des Lois, Volume 2003, page 72.*
²² *Recueil des Lois, Volume 2003, page 73.*
²³ *Recueil des Lois, Volume 2002, page 781.*
²⁴ *Recueil des Lois, Volume 2003, page 74.*
²⁵ *Recueil des Lois, Volume 2003, page 78.*
²⁶ *Recueil des Lois, Volume 2003, page 114.*