



Jersey

TORTURE (JERSEY) LAW 1990

Official Consolidated Version

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Showing the law from 1 January 2019 to Current



Jersey

TORTURE (JERSEY) LAW 1990**Contents****Article**

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Jersey

TORTURE (JERSEY) LAW 1990

A **LAW** to declare that torture shall be an offence in Jersey

Commencement [[see endnotes](#)]

1 Torture

- (1) A public official or person acting in an official capacity, whatever the person's nationality, commits the offence of torture if in Jersey or elsewhere the person intentionally inflicts severe pain or suffering on another in performance or purported performance of his or her official duties.
- (2) A person not falling within paragraph (1) commits the offence of torture, whatever the person's nationality, if –
 - (a) in Jersey or elsewhere the person intentionally inflicts severe pain or suffering on another at the instigation or with the consent or acquiescence –
 - (i) of a public official, or
 - (ii) of a person acting in an official capacity; and
 - (b) the official or other person is performing or purporting to perform the person's official duties when he or she instigates the commission of the offence or consents to or acquiesces in it.
- (3) It is immaterial whether the pain and suffering is physical or mental and whether it is caused by an act or an omission.
- (4) It shall be a defence for a person charged with an offence under this Article in respect of any conduct of the person's to prove that he or she had lawful authority, justification or excuse for that conduct.
- (5) For the purposes of this Article "lawful authority, justification or excuse" means –
 - (a) in relation to pain or suffering inflicted in Jersey, lawful authority, justification or excuse under the law of Jersey;
 - (b) in relation to pain and suffering inflicted outside Jersey –
 - (i) if it was inflicted by an official of Jersey acting under the law of Jersey or by a person acting in an official capacity under that law, lawful authority, justification or excuse under that law,

- (ii) in any other case, lawful authority, justification or excuse under the law of the place where it was inflicted.
- (6) A person who commits the offence of torture shall be liable on conviction to imprisonment for life.

2 Requirement of Attorney General's consent for prosecutions

Proceedings for an offence under Article 1 shall not be begun except by, or with the consent of, the Attorney General.

3 Citation

This Law may be cited as the Torture (Jersey) Law 1990.

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement |
|---------------------------|--------------------------|------------------|
| Torture (Jersey) Law 1990 | L.1/1990 | 23 February 1990 |

Table of Endnote References

There are currently no endnote references