

STATES OF JERSEY

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DRAFT POLICE FORCE (AMENDMENT No. 10) (JERSEY) LAW 200-

Lodged au Greffe on 27th January 2004
by the Home Affairs Committee

STATES GREFFE



Jersey

DRAFT POLICE FORCE (AMENDMENT No. 10)(JERSEY) LAW 200-

European Convention on Human Rights

The President of the Home Affairs Committee has made the following statement –

In the view of the Home Affairs Committee the provisions of the Draft Police Force (Amendment No. 10, (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

This draft Law replaces the draft lodged as P.150/2003.

As before, the principal purpose of the draft Law is to remove any ambiguity concerning the ability of a person who is not a British national to take the oath of office as a member of the States of Jersey Police Force. At the same time, the opportunity is taken to achieve a modern oath which emphasizes the role of the Force in upholding the Island's laws and protecting human rights.

The oath incorporated in draft Law previously lodged omitted any reference to the Crown. This revised draft now requires the officer to swear to serve the Crown but falls short of requiring the officer to swear allegiance to the Crown. In this way the principal purpose of the draft is achieved, in that it places it beyond doubt that the oath may be taken by persons who are not British nationals, whilst preserving the association with the Crown.

As before, the oath is a religious oath. It is the established practice of the Royal Court to administer oaths in this form. A person who does not wish to make a religious oath may, instead, make an affirmation, by virtue of the Solemn Affirmations (Jersey) Law 1963.

There are no financial or manpower implications for the States arising from the adoption of this draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 26th January 2004 the Home Affairs Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Home Affairs Committee the provisions of the Draft Police Force (Amendment No. 10, (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This draft Law amends the Police Force (Jersey) Law 1974 so as to provide that a person taking office as a member of the States of Jersey Police Force is no longer required to swear allegiance to the Crown. Instead, the person will be required to swear to serve the Crown. This change would enable persons who are not British nationals to be appointed as members of the States of Jersey Police Force.



Jersey

DRAFT POLICE FORCE (AMENDMENT No. 10)(JERSEY) LAW 200-

A LAW to amend further the Police Force (Jersey) Law 1974.^[1]

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

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

1 First Schedule amended

In the First Schedule to the Police Force (Jersey) Law 1974^[2] for Form 1 there shall be substituted the following Form –

“FORM 1

OATH OF OFFICE OF MEMBER OF FORCE

You swear and promise before God that you will serve the Queen and will carry out your duties as a member of the States of Jersey Police Force with courage, fairness and integrity, protecting human rights and according equal respect to all people. You will to the best of your ability uphold the laws and usages of Jersey, cause the peace to be kept, prevent offences against people and property and seek to bring offenders to justice according to law.”.

2 Citation and commencement

This Law may be cited as the Police Force (Amendment No. 10) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

[1] *Volume 1973-1974, page 375, Volume 1979-1981, page 171, Volume 1982-1983, page 55, Volume 1986-1987, pages 81 and 293, Volume 1992-1993, page 119, Volume 1996-1997, page 603, Volume 1998, page 603, Volume 1999, page 41 and Volume 2000, page 763.*

[2] *Volume 1973-1974, page 382, Volume 1982-1983, page 63 and Volume 2000, page 764.*