

# STATES OF JERSEY



## **DRAFT STATES OF JERSEY POLICE FORCE LAW 2012 (APPOINTED DAY) ACT 201-**

---

**Lodged au Greffe on 18th June 2013  
by the Minister for Home Affairs**

---

**STATES GREFFE**





Jersey

## **DRAFT STATES OF JERSEY POLICE FORCE LAW 2012 (APPOINTED DAY) ACT 201-**

### **REPORT**

---

The States of Jersey Police Force Law 2012 ('the Law') was adopted by the States on 15th May 2012, sanctioned by Order of Her Majesty in Council on 17th October 2012 and registered by the Royal Court on 26th October 2012.

The Law provides, *inter alia*, for the administration and supervision of the States of Jersey Police Force and the establishment of a Police Authority for Jersey.

The Law clearly sets out the role to be played by the Minister for Home Affairs, the Police Authority and the Chief Officer, States of Jersey Police in relation to the States of Jersey Police. These roles are expanded upon in the report that accompanied the Law when it was placed before the States for approval (P.182/2011).

There are a number of pieces of subordinate legislation which need to be drafted before the whole Law can be brought into force. These are the Regulations under Article 9, which provide for the appointment of the Chief Officer and Deputy Chief Officer, and the Order under Article 10 which provides for the appointment and promotion of police officers. In addition, there are a number of minor amendments to other legislation which will need to be made.

There are also other pieces of subordinate legislation which will be needed, but which can follow the full implementation of the Law. Because it is clearly desirable that the setting-up of the Police Authority should not be further delayed, this Proposition seeks to bring into force those Articles of the Law which establish the Jersey Police Authority (JPA) and set out its responsibilities and its relationship to the Minister, and to the Chief Officer of Police in advance of the remainder of the Law. These are Articles 1 and 2, Article 3 – paragraphs (1)–(4), Articles 4–7, Article 17 – paragraphs (1)–(4), Articles 18–20 and Article 34.

Article 3 does not directly relate to the establishment of the JPA, but it is necessary to bring it into force as it relates to the functions of the Minister and sets out the role of the JPA in relation to the Minister. Paragraph (5) of that Article does not, however, need to be brought into force at this juncture. Similarly, paragraph (5) of Article 17 does not need to be brought into force as it refers to Article 8 of the Law, which is not being brought into force at this point in time.

In order to bring the Articles detailed above into force, it is necessary to repeal certain Articles of the Police Force (Jersey) Law 1974 (the "1974 Law"). These are as follows –

- Article 8(1) of the 1974 Law, which relates to the duties of the Minister to secure the maintenance of an adequate and efficient Police Force, because

under the Law it is the duty of the JPA to ensure that the Police Force is 'efficient and effective' and Articles 3(1) and 4(1) of the Law clearly set out the respective roles of the JPA and the Minister.

- Article 8(2) of the 1974 Law, because it relates to the duties and powers of the Minister and does not require the Minister to consult with the Chief Officer when determining the membership of the Force. This conflicts with Article 3(4) of the Law.
- Article 9(3) of the 1974 Law, because it refers to the Port Control Unit, which no longer exists.

The JPA will be an independent body, comprising not less than 5 members and not more than 7 members. There will be a Chairperson, who may not be an elected member of the States, who will be appointed by the Minister for Home Affairs; up to 4 members who are not elected members of the States, who have been appointed by the Minister and the Chairperson; and up to 2 members who are elected members of the States, appointed by the States by secret ballot. The Appointments Commission will be consulted in relation to the appointment of those members of the JPA who are not States members. It should be noted that certain categories of people are precluded from membership of the JPA. These are set out in Article 5(6) of the Law and include the Minister for Home Affairs and the Assistant Minister for Home Affairs; Connétables; States employees and people who are police officers or honorary police officers, or have been so during the previous 5 years.

The Chairperson and non-States members are appointed for a maximum period of 4 years, but can be re-appointed. In relation to the members of the Authority who are States members, their membership expires on the day on which the States are reconstituted or when they cease to be a member of the JPA, whichever is soonest. They are also eligible for re-appointment.

The appointment of the members of the JPA will not take place until a Chairperson has been appointed. Thereafter, the Minister proposes to write to all States members and to place the appointment of States members of the JPA at Item F on a future Order Paper. Because of the criteria detailed above, quite a few States members will be ineligible to become members of the JPA (the Minister, Assistant Minister and Connétables). If more than 2 nominations for membership of the JPA are received, a secret ballot will take place with each States member able to cast up to 2 votes. It is intended that an advertisement will be placed for other members of the Authority thereafter.

The JPA will have responsibility for the following –

- Ensuring that the States of Jersey Police is an efficient and effective police force, and delivers the key aims and objectives and acts in accordance with the management policies set in consultation with the Minister and the Chief Officer.
- Ensuring that an Annual Policing Plan for the following year is produced before 1st December each year, and presented to the Minister.
- Ensuring that an Annual Policing Report is prepared within 3 months after the end of each year, and submitted to the Minister.
- Ensuring that the JPA works as an effective and coherent corporate body to make sure that the JPA's business is run effectively and in accordance with the JPA's constitution.

- Liaising with the Comité des Connétables and the Comité des Chefs de Police as necessary, recognising that the JPA has no role in overseeing the function of the Honorary Police.
- Seeking, from the Minister, any additional resources needed to enable the States of Jersey Police Force to deliver its key aims and objectives.

The Authority has been allocated a budget of up to £100,000 per annum. Whilst the role of Chairperson is an honorary role, it is anticipated that the Chairperson and members will be able to claim reasonable out-of-pocket expenses. Also, the Authority will receive professional support from an Executive Officer on a part-time basis and the Authority will require some offices from which to operate. Jersey Property Holdings are currently working in conjunction with the Home Affairs Department to identify suitable accommodation, which will need to provide an office for the Executive Officer and Chair, and a suitable meeting room for the meetings of the Authority that must be held in accordance with Article 6 of the Law.

An advertisement was placed on 22nd April and 29th April 2013, inviting applicants who have been resident in Jersey for 5 or more consecutive years to apply as Chairperson for the Authority. As stated above, the role is an honorary one, but it is anticipated that it will be a rewarding opportunity for someone who has an interest in the States of Jersey Police. They will need to be able to work effectively as a member of a team, discharging their duties to the highest standards of conduct and ethics.

#### **Financial and manpower implications**

An annual budget of up to £100,000 has been allocated to the JPA. The salary and on-costs for the part-time Executive Officer will be met from within that budget.

## **Explanatory Note**

---

This Act brings into force specified provisions of the States of Jersey Police Force Law 2012 concerning –

- (a) the functions of the Minister for Home Affairs;
- (b) the establishment of the Jersey Police Authority;
- (c) the functions and accountability of the Chief Officer, and
- (d) the requirements relating to the Annual Policing Plan and Annual Policing Report.

This Act also brings into force the repeal of the provisions in the Police Force (Jersey) Law 1974 that are inconsistent with the above provisions.



Jersey

## **DRAFT STATES OF JERSEY POLICE FORCE LAW 2012 (APPOINTED DAY) ACT 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 34(2) of the States of Jersey Police Force Law 2012<sup>1</sup>, have made the following Act –

### **1 Commencement of Law**

The following provisions of the States of Jersey Police Force Law 2012<sup>2</sup> shall come into force on the date that is 7 days after this Act is made –

- (a) Articles 1 and 2;
- (b) Article 3(1) to (4);
- (c) Articles 4 to 7;
- (d) Article 17(1) to (4);
- (e) Articles 18 to 20;
- (f) Article 34; and
- (g) Schedule 1, paragraph 11(9) to the extent that it repeals the following provisions of the Police Force (Jersey) Law 1974<sup>3</sup> –
  - (i) Article 8(1) and (2),
  - (ii) Article 9(3).

### **2 Citation**

This Act may be cited as the States of Jersey Police Force Law 2012 (Appointed Day) Act 201-.

- 
- <sup>1</sup> *L.37/2012*
  - <sup>2</sup> *L.37/2012*
  - <sup>3</sup> *chapter 23.375*