

STATES OF JERSEY

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DRAFT POLICE FORCE (AMENDMENT No. 10) (JERSEY) LAW 200 (P.9/2004): AMENDMENT

**Lodged au Greffe on 3rd February 2004
by the Deputy of St. Martin**

STATES GREFFE

DRAFT POLICE FORCE (AMENDMENT No. 10) (JERSEY) LAW 200- (P.9/2004): AMENDMENT

PAGE 7, ARTICLE 1 –

In Article 1, in the substituted Form 1, for the words “you will serve the Queen and will carry out your duties as a member of the States of Jersey Police Force” substitute the words “well and faithfully you will exercise the office of a Member of the States of Jersey Police Force, that you will faithfully serve Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, and that you will carry out your duties”.

DEPUTY OF ST. MARTIN

REPORT

On 4th November 2003 the Home Affairs Committee lodged P.150/2003 seeking to amend the present Oath of Office of Member of the States of Jersey Police Force. The fifteen line Report contained so little by way of explanation as to why an amended oath was necessary. The present oath was not included in the Report therefore one would not have readily known that the proposed amended oath would delete all reference to Her Majesty. The Report also failed to give a reason for the deletion.

The present Oath of Office is as follows

“You swear and promise before God that well and faithfully you will exercise the office of a member of the States of Jersey Police Force; that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law; and that you will uphold and maintain the laws and usages of this Island.”

The Oath was to be amended to

“You swear and promise before God that well and faithfully you 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 law of the Island, cause the peace to be kept, prevent offences against people and property and seek to bring offenders to justice according to the Law.”

I had been aware that about 3 years previously in England, the Home Secretary had proposed deleting reference to the Queen in a new “modern” Police Oath. This proposal had been strongly opposed by serving and former Police Officers. I therefore contacted several Police Forces and Police Federations, the Police Advisory Board for England and Wales and the Home Office to find out how the issue had been resolved.

My enquiries revealed that the Home Secretary had accepted the Police Federation’s objection and a revised oath which included reference to the Queen was put forward. The Queen’s private secretary was consulted on the new wording, even though there was no statutory requirement for such consultation, Her Majesty was happy with the wording and the former oath has been replaced with the following,

“I
of
do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the Office of Constable, with fairness, integrity, diligence and impartiality, upholding the fundamental human rights and according equal respect to all people and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to the Law.”

The Home Affairs Committee claimed the reason for changing the current oath was because it believed it would resolve the Nationality issue and remove any ambiguity. It also claimed the new oath would be a modern one emphasizing the role of the service in upholding the Island’s laws and protecting human rights. Whilst I had no difficulty in supporting that view, I certainly felt that reference to Her Majesty should form part of a modern oath.

Jersey has had a long and close relationship with the Crown. This year we shall be celebrating 800 years of the origins of the unique constitutional position of Jersey and our “peculiar” relationship with the Crown. Police Officers are proud to be associated with the Crown. This is endorsed by symbols of a crown, which appear on officer’s uniform buttons, headgear, vehicles and documentation. They are also proud “to keep the Queen’s Peace”.

I was of the opinion that to remove all reference to Her Majesty from the proposed amended oath was unnecessary, untimely and insensitive. As such on the 9th December 2003 I lodged an amendment.

My version of the new modern oath was as follows,

“You swear and promise before God that well and faithfully you will exercise the office of a Member of the States of Jersey Police Force, that you will faithfully serve Her Majesty Queen Elizabeth the Second, her heirs and successors according to law, and that you will carry out your duties 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 this Island, cause the peace to be kept, prevent offences against people and property and seek to bring offenders to justice according to Law.”

It will be noted the oath retained the words “Her Majesty Queen Elizabeth the Second, her heirs and successors” which are peculiar to Jersey and should be retained.

Given that my version was like, Home Affairs, modern and included our peculiar reference to Her Majesty, I would have anticipated that Home Affairs might have accepted my amendment.

However on 27th January, Home Affairs withdrew P.150/2003 and lodged another version, P.9/2004. As a consequence my amendment falls away. Whilst the proposed amended version does make reference to The Queen, no explanation is given as to why it was not included in P.150/2003. Nor is any explanation given as to why my amended version could not be accepted. Even more importantly no reason is given as to why Home Affairs has chosen to remove reference to Her Majesty’s heirs and successors.

As previously mentioned our Police Oath is particular to Jersey. I believe that when reference to Her Majesty’s heirs and successors was drafted into the Police Force (Jersey) Law 1974 it was to demonstrate our loyalty, affection and respect not only to Queen Elizabeth the Second but also to her heirs and successors. There can be few communities in the Commonwealth that have been honoured by the frequency of visits by Her Majesty, Princes Charles, Andrew and Edward and Princess Anne. Their visits are much appreciated not only because our Island is being honoured by their visits but also for the way in which they give their support to a variety of charities and community projects.

I ask where is the justification to remove Her Majesty’s heirs and successors from the oath? I am of the opinion that to delete the reference to them is disloyal.

The Home Affairs Committee has made heavy weather of its renewal of the Police Oath. Neither of its amendments has been thought through. Its amended version should not be supported.

My proposed version is modern in that it acknowledges a commitment to human rights; it removes any ambiguity concerning the ability of a person who is not a British National to take the oath. It also retains reference to Her Majesty Queen Elizabeth the Second, her heirs and successors. The oath is unique to Jersey.

Financial Costs

There will be no financial or manpower implications.