

DRAFT PUBLIC ORDER (JERSEY) REGULATIONS 200-

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by the Home Affairs Committee**



STATES OF JERSEY

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Report

The Home Affairs Committee has been notified by the States of Jersey Police that there is a plan for a public demonstration in the Island by over 200 demonstrators from the French group 'ATTAC' during June this year. Previous demonstrations by other groups (City of London, May 1999, Washington 2000, Prague 2000 and Quebec 2001), involved violence after being "high-jacked" by a small number of extremists. This particular group is expected to travel to the Island by ferry from St. Malo and comprises, largely, people of French nationality. There is expected to be a peaceful demonstration but, there is clearly a risk that the French group may be joined by others from the United Kingdom whose intentions may not be peaceful.

This news has caused the Home Affairs Committee to examine what powers exist under present legislation or customary law to prevent and/or deal with violent disorder in the Island and to control large public demonstrations and marches which are likely to lead to disorder.

The examination has shown that such powers as exist are insufficient. There are some powers over marches and processions on public roads (the Policing of Roads (Jersey) Regulations 1959) and some over public events in parks (the Policing of Parks (Jersey) Regulations 1962). There is also a Jersey version of the old Riot Act 1714 in the Loi (1797) sur les Rassemblements Tumultueux, and at customary law the police have power to act to prevent a breach of the peace, which public disorder would clearly be. But there is nothing which gives a general power to control public marches or assemblies and, if necessary, take action to prohibit processions on public roads or trespassory assemblies on private land.

The plan is to enact Triennial Regulations (as there is insufficient time for a permanent Law) to supply the need. The Regulations are modelled on, but do not go as far as, the United Kingdom Public Order Act 1986.

The proposed Regulations have no implications for the financial or manpower resources of the States.

Explanatory Note

The purpose of these draft triennial Regulations is to make new provision for public order offences and regulating public processions and assemblies.

Introductory

Regulation 1 is the interpretation provision.

Public order offences

Regulation 2 is a new offence committed where 3 or more persons use or threaten unlawful violence. The persons must be present together, but they need not use or threaten such violence simultaneously. Their conduct must be such as would cause another person to fear for his personal safety. The offence may be committed in a public or private place. Each of the persons would be guilty of an offence, for which the penalty is up to 5 years' imprisonment or an unlimited fine, or both.

Regulation 3 is a new offence committed where a person uses threatening, abusive or insulting words or behaviour or distributes or displays any writing or sign which is threatening, abusive or insulting, with intent to cause another person to believe that immediate unlawful violence will be used or to provoke the immediate use of unlawful violence. The penalty for the offence is up to 6 months' imprisonment or a fine up to level 4 on the standard scale, or both.

Regulation 4 supplements *Regulations 2 and 3*. A person only commits an offence under *Regulation 2* if he intends to use or threaten violence or is aware that his conduct may be violent or threaten violence. A person only commits an offence under *Regulation 3* if he intends his words or behaviour, or the writing or sign, to be threatening, abusive or insulting, or is aware that it may be so.

Public processions

Regulation 5 requires written notice to be given to the Chief Officer of the States of Jersey Police Force (the "Chief Officer") of any procession in a public place which is a demonstration, for publicity or to mark an event. Notice need not be given for a funeral procession, any procession of the Royal Court or any other procession commonly or customarily held in the Island. Six clear days' notice of the route, date, time and organizers of the procession must be given. If six clear days' notice is not reasonably practicable, notice must be given as soon as is so practicable. The Chief Officer must give a copy of a notice to each Connétable of a Parish in which the procession is proposed to take place and, if different, to each authority whose permission would be required for the procession according to existing law (the "appropriate authority").

Each organizer of the procession is guilty of an offence if notice is not given or if the procession starts on a different day or at a different time or takes a different route. There is a defence if the organizer can show that he did not know or suspect that notice had not been given or of the different day, time or route or if he can show that the change of time or route for the procession was either beyond his control or was agreed with or directed by a police officer. The penalty for the offence is a fine not exceeding level 3 on the standard scale.

Regulation 6 empowers the Chief Officer to give directions imposing conditions on the conduct of a public procession. He may do so only if he believes that a procession may result in serious public disorder, damage to property or disruption to community life, or that the purpose of the organizers is to intimidate and thereby affect the lawful acts of others, for the purpose of preventing such consequences. He must consult first with the Connétable of a Parish through which a procession will pass and, if different, with the appropriate authority. He need not consult if the procession is already taking place and there is not time to consult if the consequences described are to be avoided. The directions apply to the organizers of and participants in the procession.

An organizer or participant who knowingly fails to comply with a condition in directions commits an offence, unless he can establish that the failure arose from circumstances beyond his control. A person who incites a participant to commit such an offence is also guilty of an offence. The penalty in each case is up to 3 months' imprisonment or a fine up to level 3 on the standard scale or both.

Regulation 7 empowers the Home Affairs Committee ("the Committee") to make an Order, after consultation with the Connétable, prohibiting the holding of public processions in any Parish or part of a Parish, for up to 3 months. The Committee may make an Order only if it believes that the powers in *Regulation 6* would be insufficient to prevent serious public disorder. A person who organizes or participates in, or incites another to participate in, a prohibited procession commits an offence for which the penalty is up to 3 months' imprisonment or a fine up to level 3 on the standard scale, or both.

Assemblies

Regulation 8 empowers the Chief Officer to give directions imposing conditions on the holding of an assembly of 20 or more people in a public place which is wholly or partly open to the air (a “public assembly”). He may do so only if he believes that an assembly may result in serious public disorder, damage to property or serious disruption to community life, or that the purpose of the organizers is to intimidate and thereby affect the lawful acts of others, for the purpose of preventing such consequences. He must consult first with the Connétable of the Parish in which the assembly is to be held and, if different, with the appropriate authority. He need not consult if the assembly is already being held and there is not time to consult if the consequences described are to be avoided. The directions apply to the organizers of and participants in the assembly.

An organizer or participant who knowingly fails to comply with a condition in directions commits an offence, unless he can establish that the failure arose from circumstances beyond his control. A person who incites a participant to commit such an offence is also guilty of an offence. The penalty in each case is up to 3 months’ imprisonment or a fine up to level 3 on the standard scale, or both.

Regulation 9 empowers the Committee to make an Order prohibiting, for up to 4 days, the holding of an assembly of 20 or more persons on private land. It may do so only after consultation with the Connétable of the Parish in which the land is situated and if it believes that the assembly may be held without or exceed the permission of the occupier of the land and may result in serious disruption of community life or significant damage to land, a building or monument of historical, architectural, archaeological or scientific importance.

Regulation 10 makes it an offence for a person to organize or participate in an assembly prohibited by an Order under *Regulation 9* or to incite a person to participate in such an assembly. The penalty for an offence is up to 3 months’ imprisonment or a fine up to level 3 on the standard scale, or both.

Regulation 11 empowers an officer in the States of Jersey Police Force (“the Force”), who is in uniform and within an area to which an Order under *Regulation 9* applies to stop a person he believes to be en route to an assembly on private land which is prohibited by that Order and to direct that person not to proceed further.

Miscellaneous

Regulation 12 makes it clear that permission granted for use of a public road or place under any other enactment or by custom does not have the effect of authorizing a procession or assembly prohibited by Order for the purpose of preventing serious public disorder. It also specifies that a person who does not comply with conditions attached to a permission does not commit an offence if he is acting in accordance with conditions given by the Chief Officer under these Regulations.

Regulation 13 empowers an officer of the Force of at least the rank of chief inspector to authorize, in writing, the use of enhanced powers of stop and search within a specified locality, for a specified period of up to 24 hours. The power may be exercised only if the officer believes that incidents of serious violence may take place in that locality and that use of the power may prevent their occurrence. If those incidents are imminent, and no chief inspector is available, the power may be exercised by an inspector. If offences have been, or are suspected to have been, committed in the locality, a chief inspector may extend the authorization for 6 hours.

The authorization empowers any officer of the Force to stop and search any person or vehicle for offensive weapons or dangerous instruments and to require a person to remove an item worn to conceal his identity. He may seize any dangerous instrument or suspected offensive weapon or item of concealment. It is an offence for a person to fail to stop, or stop a vehicle, or remove an item, when so required by an officer of the Force, for which the penalty is up to one months’ imprisonment or a fine up to level 2 on the standard scale, or both.

Regulation 14 provides for aiding, abetting, counselling or procuring the commission of an offence under these Regulations and for the commission of offences by bodies corporate and limited liability partnerships.

Regulation 15 applies the Subordinate Legislation (Jersey) Law 1960 to Orders made under these Regulations.

Regulation 16 is the citation and commencement provision.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1994, level 1 is £50, level 2 is £500, level 3 is £2,000 and level 4 is £5,000.

PUBLIC ORDER (JERSEY) REGULATIONS 200-

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PUBLIC ORDER (JERSEY) REGULATIONS 200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, by virtue and in exercise of the powers conferred on them by the Order in Council of the twenty-eighth day of March 1771,^[1] have made the following Regulations -

Introductory

Interpretation

1.-(1) In these Regulations, unless the context otherwise requires

“appropriate authority” means -

- (a) in relation to a sea beach, including a slipway, the Tourism Committee;
- (b) in relation to a park, the park authority;
- (c) in relation to the Royal Square, the Bailiff;
- (d) in relation to any other public place, the Connétable of the Parish in which it is situated;

“Chief Officer” means the Chief Officer of the Force;

“Committee” means the Home Affairs Committee;

“dwelling” means any structure or part of a structure occupied as a person’s home or as other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied and, for this purpose, “structure” includes a tent, caravan, vehicle, vessel or other temporary movable structure;

“Force” means the States of Jersey Police Force;

“offensive weapon” means any article -

- (a) made or adapted for use for causing injury to persons; or
- (b) intended by the person having it with him for that use by him or by some other person;

“park” and “park authority” have the same meaning as in the Policing of Parks (Jersey) Regulations 1962,^[2]

“police officer” means an officer of the Force or a member of the Honorary Police;

“public assembly” means an assembly of 20 or more persons in a public place which is wholly or partly open to the air;

“public place” means -

- (a) any road;
- (b) any place to which, at the material time, the public or any section of the public has access, on payment or

otherwise, as of right or by virtue of express or implied permission;

“public procession” means a procession in a public place but does not include any procession of the Royal Court;

“road” has the same meaning as in the Road Traffic (Jersey) Law 1956; ^[3]

“violence” means any violent conduct so that -

- (a) it includes violent conduct towards property as well as violent conduct towards persons; and
- (b) it is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct (for example, throwing at or towards a person a missile of a kind capable of causing injury which does not hit or falls short).

(2) A reference in these Regulations to a Regulation by number only and without further identification is a reference to the Regulation of that number in these Regulations.

(3) A reference in a Regulation to a paragraph, sub-paragraph or clause by number or letter only and without further identification is a reference to the paragraph, sub-paragraph or clause of that number or letter in the Regulation.

(4) Unless the context otherwise requires, a reference in these Regulations to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another enactment, including another provision of these Regulations.

Public order offences

Violent disorder

2.-(1) Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening unlawful violence shall be guilty of an offence.

(2) It is immaterial whether or not the 3 or more persons use or threaten unlawful violence simultaneously.

(3) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(4) An offence under this Regulation may be committed in private as well as in public places.

(5) A person guilty of an offence under this Regulation shall be liable to imprisonment for a term not exceeding five years or a fine, or both.

(6) If, on the trial of a person charged with an offence under this Regulation, the court is of the opinion that he is not guilty of that offence, but is guilty of an offence under Regulation 3, he may be found guilty of an offence under that Regulation.

Fear or provocation of violence

3.-(1) A person shall be guilty of an offence if he

(a) uses towards another person threatening, abusive or insulting words or behaviour; or

(b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting,

with intent to cause that person to believe that immediate unlawful violence will be used against him or another person by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.

(2) An offence under this Regulation may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is distributed or

displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.

(3) A person guilty of an offence under this Regulation shall be liable to imprisonment for a term not exceeding 6 months or a fine not exceeding level 4 on the standard scale,^[4] or both.

Mental element for offences

4.-(1) A person shall be guilty of an offence under Regulation 2 only if he intends to use or threaten violence or is aware that his conduct may be violent or threaten violence.

(2) A person shall be guilty of an offence under Regulation 3 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting.

(3) For the purposes of this Regulation, a person whose awareness is impaired by intoxication, whether caused by drink, drugs or other means, or by a combination of means, shall be taken to be aware of that which he would be aware if not intoxicated, unless he shows either that his intoxication was not self-induced or that it was caused solely by the taking or administration of a substance in the course of medical treatment.

(4) Paragraph (1) shall not affect the determination, for the purposes of Regulation 2, of the number of persons who use or threaten violence.

Public processions

Advance notice of public processions

5.-(1) Written notice shall be delivered to the Chief Officer, in accordance with this Regulation, of any proposal to hold a public procession intended -

- (a) to demonstrate support for or opposition to the views or actions of any person or body of persons;
- (b) to publicize a cause or campaign; or
- (c) to mark or commemorate an event,

unless it is not reasonably practicable to give any advance notice of the procession.

(2) Paragraph (1) shall not apply to -

- (a) any funeral procession organized by a funeral director acting in the normal course of his business ;
- (b) any procession commonly or customarily held in the Island.

(3) The notice must specify the date when it is intended to hold the procession, the time when the procession is intended to start, the proposed route of the procession and the name and address of the person (or of one of the persons) proposing to organize it.

(4) If delivered not less than 6 clear days before the date when the procession is intended to be held, the notice may be delivered by post by the recorded delivery service, but Article 12 of the Interpretation (Jersey) Law 1954^[5] shall not apply in that case.

(5) If not delivered in accordance with paragraph (4), the notice must be delivered by hand not less than 6 clear days before the date when the procession is intended to be held or, if that is not reasonably practicable, as soon as delivery is reasonably practicable.

(6) The Chief Officer shall, as soon as is practicable, provide each Connétable of a Parish in which the procession is proposed to take place with a copy of a notice delivered to him.

(7) Where a public procession is held, each of the persons organizing it shall be guilty of an offence if -

(a) the requirements of this Regulation as to notice have not been satisfied; or

(b) the date when it is held, the time when it starts or its route differs from the date, time or route specified in the notice.

(8) It shall be a defence for the accused to prove that he did not know of and neither suspected, nor had reason to suspect, the failure to satisfy the requirements or (as the case may be) the difference of date, time or route.

(9) To the extent that an alleged offence turns on a difference of date, time or route, it shall be a defence for the accused to prove that the difference arose from circumstances beyond his control or from something done with the agreement of a police officer or by his direction.

(10) A person guilty of an offence under paragraph (7) shall be liable to a fine not exceeding level 3 on the standard scale.^[6]

Imposing conditions on public processions

6.-(1) If the Chief Officer, having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes -

(a) that the procession may result in serious public disorder, serious damage to property or serious disruption to the life of the community; or

(b) that the purpose of the persons organizing the procession is the intimidation of others, with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,

he may, after consultation with the Connétable of each Parish in which the procession is taking place or is proposed to take place and, where the Connétable is not also the appropriate authority for any place or road where the procession is taking place or is proposed to take place, with the appropriate authority for that place or road, give directions imposing on the persons organizing or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the directions.

(2) The Chief Officer shall not be required to consult with a Connétable or appropriate authority in a case where the procession is taking place and it is not reasonably practicable for him to consult before giving directions in order to prevent the consequences described in paragraph (1).

(3) A person who organizes a public procession and knowingly fails to comply with a condition imposed under this Regulation shall be guilty of an offence, but it shall be a defence for him to prove that the failure arose from circumstances beyond his control.

(4) A person who takes part in a public procession and knowingly fails to comply with a condition imposed under this Regulation shall be guilty of an offence, but it shall be a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person who incites another to commit an offence under paragraph (4) shall be guilty of an offence.

(6) A person guilty of an offence under paragraph (3), (4) or (5) shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale,^[7] or both.

Prohibiting processions

7.-(1) If, at any time, the Committee reasonably believes that, because of the particular circumstances existing in any Parish or part of a Parish, the powers under Regulation 6 will not be sufficient to prevent the holding of public processions in the Parish or part from resulting in serious public disorder, the Committee may, after consultation with the Connétable of that Parish, make an Order prohibiting for such period, not exceeding 3 months, as may be specified in the Order, the holding of all public processions (or of any public procession or class of public processions specified in the Order) in the Parish or part concerned.

(2) Subject to the requirement for consultation, an Order may be made in respect of more than one Parish or part of a Parish.

(3) A person who organizes a public procession the holding of which is prohibited by virtue of an Order under this Regulation shall be guilty of an offence.

(4) A person who takes part in a public procession the holding of which is prohibited by virtue of an Order under this Regulation shall be guilty of an offence.

(5) A person who incites another to commit an offence under paragraph (4) shall be guilty of an offence.

(6) A person guilty of an offence under paragraph (3), (4) or (5) shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale,^[8] or both.

Assemblies

Imposing conditions on public assemblies

8.(1) If the Chief Officer, having regard to the time or place at which and the circumstances in which any public assembly is being held or is intended to be held, reasonably believes that -

- (a) the assembly may result in serious public disorder, serious damage to property or serious disruption to the life of the community; or
- (b) the purpose of the persons organizing the assembly is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,

he may, after consultation with the Connétable of the Parish in which the assembly is being held or is intended to be held and, where the Connétable is not also the appropriate authority for the place or road where the assembly is being held or is intended to be held, with the appropriate authority for that place or road, give directions imposing on the persons organizing or taking part in the assembly such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent such disorder, damage, disruption or intimidation.

(2) The Chief Officer shall not be required to consult with the Connétable or appropriate authority in a case where the assembly is being held and it is not reasonably practicable for him to consult before giving directions in order to prevent the consequences described in paragraph (1).

(3) A person who organizes a public assembly and knowingly fails to comply with a condition imposed under this Regulation shall be guilty of an offence but it shall be a defence for him to prove that the failure arose from circumstances beyond his control.

(4) A person who takes part in a public assembly and knowingly fails to comply with a condition imposed under this Regulation shall be guilty of an offence, but it shall be a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person who incites another to commit an offence under paragraph (5) shall be guilty of an offence.

(6) A person guilty of an offence under paragraph (3), (4) or (5) shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale,^[9] or both.

Prohibiting trespassory assemblies

9.(1) If at any time the Committee reasonably believes that an assembly is intended to be held in any Parish at place on land to which the public has no right of access or only a limited right of access and that the assembly -

- (a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of the occupier or the limits of the public's right of access; and

- (b) may result -
 - (i) in serious disruption of the life of the community, or
 - (ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,

the Committee may, after consultation with the Connétable of each Parish in which it believes such an assembly is intended to be held, make an Order prohibiting, for a period specified in the Order, the holding of all trespassory assemblies in the Parish or a part of it, as specified in the Order.

- (2) Subject to the requirement for consultation, an Order may be made in respect of more than one Parish.
- (3) An Order under this Regulation shall prohibit any assembly which -
 - (a) is held on land to which the public has no right of access or only a limited right of access; and
 - (b) takes place in the prohibited circumstances, that is to say, without the permission of the occupier of the land or so as to exceed the limits of any permission of his or the limits of the public's right of access.
- (4) No Order under this Regulation shall prohibit the holding of assemblies for a period exceeding 4 days.
- (5) In this Regulation and Regulations 10 and 11 -

“assembly” means an assembly of 20 or more persons;

“land” means land in the open air;

“limited”, in relation to a right of access by the public to land, means that their use of it is restricted to use for a particular purpose (as in the case of a road) or is subject to other restrictions;

“occupier” includes, in paragraph (1), the person reasonably believed by the Committee to be the occupier;

“public” includes a section of the public.

Offences in connection with trespassory assemblies and arrest for such offences

10.-(1) A person who organizes an assembly the holding of which is prohibited by an Order under Regulation 9 shall be guilty of an offence.

(2) A person who takes part in an assembly which is prohibited by an Order under Regulation 9 shall be guilty of an offence.

(3) A person who incites another to commit an offence under paragraph (2) shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (1), (2) or (3) shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, ^[10] or both.

Stopping persons from proceeding to trespassory assemblies

11.-(1) If an officer of the Force in uniform reasonably believes that a person is on his way to an assembly within an area to which an Order under Regulation 9 applies which the officer reasonably believes is likely to be an assembly which is prohibited by that Order, he may, subject to paragraph (2) -

- (a) stop that person; and
- (b) direct him not to proceed in the direction of the assembly.

(2) The power conferred by paragraph (1) may only be exercised within an area to which the Order applies.

(3) A person who fails to comply with a direction under paragraph (1) which he knows has been given to him

shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.^[11]

Miscellaneous

Effect of Order or conditions on permission under another enactment etc.

12.-(1) Where a public procession or an assembly is prohibited by an Order made under Regulation 7 or 9, an permission granted for it under any other enactment or according to customary law shall be of no effect.

(2) A person shall not be guilty of an offence of failure to comply with any condition subject to which permission for the holding of a public procession or public assembly is granted under any other enactment or according to customary law where the failure is by reason only of his compliance with conditions imposed by the Chief Officer pursuant to Regulation 6 or 8.

Powers to stop and search in anticipation of violence

13.-(1) Where an officer of the Force of at least the rank of chief inspector reasonably believes that incident involving serious violence may take place in any locality, and it is expedient to do so to prevent their occurrence, he may give an authorization that the powers to stop and search persons and vehicles conferred by this Regulation shall be exercisable at any place within that locality for a period not exceeding 24 hours.

(2) The power conferred by paragraph (1) may be exercised by an inspector if he reasonably believes that incidents involving serious violence are imminent and no chief inspector is available.

(3) If it appears to an officer of the Force of at least the rank of chief inspector that it is expedient to do so, having regard to offences which have, or are reasonably suspected to have, been committed in connection with any incident falling within the authorization, he may direct that the authorization shall continue in being for a further 6 hours.

(4) This Regulation confers on any officer of the Force in uniform power -

- (a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments; and
- (b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

(5) This Regulation also confers on any officer of the Force in uniform power -

- (a) to require any person to remove any item which the officer reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
- (b) to seize any item which the officer reasonably believes any person intends to wear wholly or mainly for that purpose.

(6) An officer of the Force may, in the exercise of any of the powers referred to in paragraph (4), stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

(7) If in the course of a search under this Regulation an officer of the Force discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.

(8) Any things seized by an officer of the Force pursuant to this Regulation may be retained in accordance with an Order made by the Committee.

(9) The Committee may, by Order, regulate the retention and safe keeping, and the disposal and destruction, in circumstances specified in the Order, of things seized pursuant to this Regulation.

(10) An Order made under paragraph (9) may make different provision for different classes of things or for different circumstances.

(11) This Regulation applies, with necessary modifications, to vessels, aircraft and hovercraft as it applies to

vehicles.

- (12) A person who fails -
 - (a) to stop, or to stop a vehicle; or
 - (b) to remove an item worn by him,

when required to do so by an officer of the Force in the exercise of his powers under this Regulation shall be guilty of an offence and liable to imprisonment for a term not exceeding one month or to a fine not exceeding level 2 on the standard scale,^[12] or both.

(13) Any authorization under this Regulation shall be in writing signed by the officer giving it and shall specify the locality in which and the period during which the powers conferred by this Regulation are exercisable and a direction under paragraph (3) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(14) In this Regulation, any reference to a dangerous instrument means an instrument which has a blade or is sharply pointed.

Aiders, abettors, bodies corporate, etc.

14.-(1) Any person who aids, abets, counsels or procures the commission of an offence under these Regulation shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

(2) Where an offence under these Regulations committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
- (b) any person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Orders

15. The Subordinate Legislation (Jersey) Law 1960^[13] shall apply to Orders made under these Regulations.

Citation and commencement

16. These Regulations may be cited as the Public Order (Jersey) Regulations 200- and shall come into force on the day following promulgation.

^[1] Recueil des Lois, Tomes I-III, page 1.

^[2] Nos. 4332, 6743, 7114, 7291, 7930, 8017, 8080, 8388, 8551, 8822, 8878, 9088 and 9309.

^[3] Recueil des Lois, Tome VIII, page 579 and Nos. 6998, 7004, 7020, 7072, 7081, 7219, 7229, 7411, 7472, 7495, 7878, 7917, 8016, 8077, 8096, 8150, 8160, 8196, 8340, 8457, 8624, 8722, 9116, 9180, 9205, 9294 and 9308.

^[4] Recueil des Lois, Volume 1992-1993, page 437.

^[5] Recueil des Lois, Tome VIII, page 381.

- [6] Recueil des Lois, Volume 1992-1993, page 437.
- [7] Recueil des Lois, Volume 1992-1993, page 437.
- [8] Recueil des Lois, Volume 1992-1993, page 437.
- [9] Recueil des Lois, Volume 1992-1993, page 437.
- [10] Recueil des Lois, Volume 1992-1993, page 437.
- [11] Recueil des Lois, Volume 1992-1993, page 437.
- [12] Recueil des Lois, Volume 1992-1993, page 437.
- [13] Recueil des Lois, Tome VIII, page 849, and Volume 2001, pages 3 and 4.