

STATES OF JERSEY

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DRAFT HONORARY POLICE (PAROCHIAL DOMICILE) (AMENDMENT) (JERSEY) LAW 200-

**Lodged au Greffe on 11th May 2004
by the Legislation Committee**

STATES GREFFE



Jersey

**DRAFT HONORARY POLICE (PAROCHIAL DOMICILE)
(AMENDMENT) (JERSEY) LAW 200-**

European Convention on Human Rights

The President of the Legislation Committee has made the following statement –

In the view of the Legislation Committee the provisions of the Draft Honorary Police (Parochial Domicile) (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Connétable of St. Clement**

REPORT

In the late 1990s the (then) Attorney General was asked to express an opinion as to whether it was possible for a member of the Honorary Police, who moved to another Parish during his or her term of office, to serve out the remainder of the term of office or whether that member had to resign. The opinion was given that members of the Honorary Police had to be *domiciliés* in their Parish. In other words, their home, in the sense of the dwelling house in which they had their residence, had to be in the Parish.

In view of that, the States enacted the Honorary Police (Parochial Domicile) (Jersey) Law 1999, which enabled a member of the Honorary Police who, during his or her term of office, ceased to be resident in the Parish to continue in office for the remainder of that term provided that the Attorney General –

- (a) was notified by the Connétable that that member would cease to be resident in the Parish; and
- (b) consented to that member continuing to hold office for the remainder of his or her term.

The Law of 1999 did not, however, go so far as to enable a member of the Honorary Police who benefited from it to seek re-election at the end of his or her term of office.

Some of the Connétables recently approached the (present) Attorney General to urge that the scope of the Law of 1999 be widened so that a member of the Honorary Police who benefited from it could stand again for election in his or her previous Parish. The Attorney General was sympathetic to the proposal and the Legislation Committee now believes that it would be desirable to facilitate continued membership of the Honorary Police in this way.

This *projet de loi* has, therefore, been drafted so that a member of the Honorary Police, who has moved Parish and who (with the consent of the Attorney General) has remained in office in his or her previous Parish, can (again subject to the consent of the Attorney General) stand –

- (a) for re-election to that office; or
- (b) for election to another office in the Honorary Police of that Parish,
on one or more subsequent occasions.

Neither the Law of 1999 nor this amendment applies to the term of office of the Connétable of a Parish.

With the safeguard of requiring the consent of the Attorney General to obtain the benefit of the Law, the Legislation Committee considers that this *projet de loi* would assist the Parishes to meet their legal obligation to sustain their full quota of members of the Honorary Police and that, therefore, the proposed amendment would further the interests of the Island's Parochial and policing administration.

Financial/manpower statement

This Draft Law has no implications for the financial or manpower resources of the States.

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 6th May 2004 the Legislation Committee made the following statement before Second Reading of this *projet* in the States Assembly –

In the view of the Legislation Committee the provisions of the Draft Honorary Police (Parochial Domicile) (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law amends the Honorary Police (Parochial Domicile) (Jersey) Law 1999. That Law already enables a member of the Honorary Police of a Parish (other than the Connétable) who has moved out of the Parish during his or her term of office to continue to serve for the remainder of his or her term if the Attorney General so agrees.

Article 1 is the interpretation provision.

Article 2 amends the 1999 Law so as to restate the rule that a person must be resident in a Parish in order to be elected as a member of the Honorary Police of the Parish.

Article 3 amends the 1999 Law to enable a person who has served continuously in the Honorary Police of a Parish, after moving out of the Parish, to either stand for re-election or for election to another office in the Honorary Police of that Parish (other than the office of Connétable) if the Attorney General so agrees.

Article 4 is the citation and commencement provision.



Jersey

DRAFT HONORARY POLICE (PAROCHIAL DOMICILE) (AMENDMENT) (JERSEY) LAW 200-

A LAW to amend the Honorary Police (Parochial Domicile) (Jersey) Law 1999. ^[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 Interpretation

In this Law “principal Law” means the Honorary Police (Parochial Domicile) (Jersey) Law 1999. ^[2]

2 Article A1 inserted

Before Article 1 of the principal Law ^[3] there shall be inserted the following Article –

“A1

A person shall only be qualified for election as a member of the Honorary Police of a Parish if he or she resides in the Parish.”

3 Article 1 amended

In Article 1 of the principal Law –

(a) in paragraph (1) ^[4] for the words “Notwithstanding any enactment or rule of customary law to the contrary, but subject to this Law,” there shall be substituted the words “Notwithstanding Article A1 of this Law or any other enactment or any rule of customary law to the contrary,”;

(b) after paragraph (2) ^[5] there shall be inserted the following paragraphs –

“(2A) Notwithstanding Article A1 of this Law or any other enactment or any rule of customary law to the contrary, a person who (not being the Connétable) is a member of the Honorary Police who has ceased to reside in the Parish in which he or she holds office but has continued in office by virtue of paragraph (1) shall not be disqualified from standing for re-election to that office or election to another office in the Honorary Police of the Parish (other than the office of Connétable) by reason only that he or she is

not resident in the Parish if –

- (a) since ceasing to reside in the Parish, he or she has served continuously as a member of its Honorary Police; and
- (b) the conditions in paragraph (2B) have been fulfilled.

(2B) The conditions referred to in paragraph (2A) are that –

- (a) the Connétable has notified the Attorney General of the circumstances described in paragraph (2A) concerning the person; and
- (b) the Attorney General has consented to the person, if elected, taking office.”;

- (c) in paragraph (3)^[6] for the words “Nothing in paragraph (1) of this Article shall affect’ there shall be substituted the words “Article A1 and the foregoing provisions of this Article shall not’.

4 Citation and commencement

This Law may be cited as the Honorary Police (Parochial Domicile) (Amendment) (Jersey) Law 200- and shall come into force on the seventh day following its registration.

[\[1\]](#) *Volume 1999, page 1.*

[\[2\]](#) *Volume 1999, page 1.*

[\[3\]](#) *Volume 1999, page 1.*

[\[4\]](#) *Volume 1999, page 1.*

[\[5\]](#) *Volume 1999, page 2.*

[\[6\]](#) *Volume 1999, page 2.*