

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS  
BY SENATOR S.C. FERGUSON  
ANSWER TO BE TABLED ON TUESDAY 5th NOVEMBER 2013**

**Question**

What are the services which the Department must supply as required and specified by statute (with references)?

**Answer**

The majority of the Services which make up the Home Affairs Department are front-line services, whose roles are prescribed by Law.

The Department has a legal responsibility to do the following:

- To maintain an adequate and efficient Police Force for the Island, as prescribed by the Police Force (Jersey) Law 1974, which is to be superseded in due course by the States of Jersey Police Force Law 2012, some Articles of which are already in force
- To provide a States of Jersey Fire and Rescue Service by virtue of the Fire and Rescue Service (Jersey) Law 2011
- To provide the Jersey Customs and Immigration Service by virtue of the Customs and Excise (Jersey) Law 1999 and the Immigration Act 1971 as extended to Jersey by the Immigration (Jersey) Order 1993
- To administer the Prison and provide for the establishment and administration of institutions for young offenders by virtue of the Prison (Jersey) Law 1957 and the Prison (Jersey) Rules 2007
- To solemnise marriages and civil partnerships under the Marriage and Civil Status (Jersey) Law 2001 and the Civil Partnership (Jersey) Law 2012.

The duties of officers of the States of Jersey Police are contained within Article 2 of the Police Force (Jersey) Law 1974 and are *“to the best of his her power to cause the peace to be kept and preserved and prevent all offences, whether common law or statutory, against the person and property of Her Majesty’s subjects and to take all such lawful measures as may be necessary for the purposes of bringing offenders with all due speed to justice.”*

Under the States of Jersey Police Force Law 2012, the Minister has the overall responsibility for the functioning of the States of Jersey Police; for determining the ranks in the Force and the number of officers in each rank; and for setting policies in relation to the key aims and objectives of the Force (Article 3).

The Minister also has the responsibility for appointing the Chairman and, jointly with the Chairman, the members of the Police Authority (Article 5); and for laying the Annual Policing Report before the States Assembly (Article 20).

Under the Fire and Rescue Service (Jersey) Law 2011 there is a statutory duty for the States of Jersey Fire and Rescue Service to promote fire safety in Jersey (Article 6); to maintain a firefighting capability (Article 7); to rescue people and protect them from harm in road traffic accidents (Article 8); and to rescue people from dangerous places (Article 9). The Fire and Rescue Service routinely provides other services, such as humanitarian services and dealing with other emergencies such as land search and rescue and dealing with hazardous substances.

Officers of the States of Jersey Fire and Rescue Service also have responsibility under the Fire Precautions (Jersey) Law 1977 for processing applications for and issuing fire certificates to designated premises which meet required fire safety standards and investigating offences under the same Law.

Officers of the States of Jersey Fire and Rescue Service also have responsibilities under the Licensing (Jersey) Law 1974 for conducting inspections and submitting technical reports to Connétables / the Licensing Assembly in relating to fire safety in premises in respect of which an application for a Liquor Licence has been made and for conducting enforcement inspections in relation to fire safety in licensed premises.

Under the Petroleum (Jersey) Law 1984, the Fire and Rescue Service is responsible for ensuring the safe storage and conveyance of petroleum.

Jersey Customs and Immigration Service carries out varied work and this is reflected in the large number of pieces of legislation which contain provisions relating to functions carried out by the Service.

Under the Customs and Excise (Jersey) Law 1999 officers from the Jersey Customs and Immigration Service are responsible for collecting, accounting for and otherwise managing the revenues of customs and excise (Article 5(1)); controlling the importation and exportation of any goods prohibited or restricted by that Law or other enactment (Article 5(2)); approving premises for the storage, manufacture, production or process of goods under customs control (Article 15(1)); and granting licences to persons for the growing, production or manufacture of goods liable to excise duty (Article 39(2)).

Under the Immigration Act 1971, as extended to Jersey by the Immigration (Jersey) Order 1993, officers from the Jersey Customs and Immigration Service have responsibility for giving or refusing leave to enter the Bailiwick of Jersey to non-EEA nationals (Article 4(1)(a)); giving leave to remain and vary any leave as regards duration to non-EEA nationals, on behalf of HE Lieutenant-Governor (Article 4(1)(b)); varying any leave other than as regards duration to non-EEA nationals, on behalf of the Minister (Article 4(1)(c)); and issue work permits to qualifying non-EEA nationals on behalf of the Minister (Article 1(4)).

The Service also administers the granting of British Nationality on behalf of HE Lieutenant-Governor under the British Nationality Act Part 1; issues passports on behalf of HE Lieutenant-Governor by Royal prerogative; and carries out the legalisation of documents under the Hague Apostille Convention.

Under the Goods and Services Tax (Jersey) Law 2007, Article 69(1), officers of Jersey Customs and Immigration Service collect, account for and otherwise manage the Goods and Services Tax on imported goods.

They also investigate the proceeds of criminal conduct under the Proceeds of Crime (Jersey) Law 1999 (Article 40(1)); and investigate drug trafficking under the Drug Trafficking Offences (Jersey) Law 1988 (Article 42(1)).

Under the Prison (Jersey) Law 1957 the Minister has responsibility for the general administration of the prison and prisoners (Article 3). He must present an annual report on the Prison to the States (Article 4); and must appoint a chaplain and a medical officer for the Prison (Article 7)

The Prison (Jersey) Rules set out the requirements which must be fulfilled in respect of the treatment of prisoners; their reception and records; accommodation; clothing; food; hygiene; medical treatment; welfare; property; religion; communications; work, education, counselling and recreation; discipline; security and control whilst in Prison.

The Department has further statutory duties, set out in other pieces of legislation (in alphabetical order):

#### **Adoption (Jersey) Law 1961**

- Maintenance of the Adopted Children Register and index and registers relating thereto (Article 24)
- Maintenance of the Adoption Contact Register (Article 27)
- Disclosure of birth records of adopted infants (Article 30)

#### **Civil Partnership (Jersey) Law 2012**

- Entries in the civil partnership notice book and display of a list of notices of civil partnerships (Article 7)
- Issue of licence of civil partnership (Article 9)
- Issue of certificate for solemnisation of civil partnership outside Jersey (Article 12)
- Approval of premises for the solemnisation of civil partnerships (Article 13)
- Solemnisation of civil partnerships on approved premises (Article 14)
- Appointment of delegates of the Superintendent Registrar for solemnisation of civil partnerships (Article 16)
- Keeping of books and registers relating to civil partnerships (notice book, registers of approved premises, delegates) (Article 17)
- Record and register civil partnerships (Article 18)
- All registrars to allow searches of registers in their keeping and to produce extracts in return for fees (Article 21)
- Minister to provide procedures for correction of errors (Article 22)
- Minister to specify by Order procedures and requirements for registration of civil partnerships (Article 25)
- Report to the States on the number of civil partnerships in the previous year (Article 26)
- Inspection of registers every five years (Article 26)

#### **Criminal Justice (Young Offenders) (Jersey) Law 1994**

Provision or arranging for the provision of remand centres (Article 15A)

### **Explosives (Jersey) Law 1970**

- Issuing of licences for the importation, manufacture, storage, use, sale, transfer, and conveyance of explosives (Articles 2, 3, 4, 5, 6 and 7)
- Preparation of a code of requirements relating to explosives (Article 17)

### **Firearms (Jersey) Law 2000**

- Granting, varying and revoking firearm certificates where the applicant is the Connétable of the Parish in which the Connétable resides or a close member of their family (Article 2A)
- Maintenance of the Central Firearms Index (Article 8)
- Registration of firearms dealers and issuing certificates of registration (Articles 20, 21 and 22)

### **Gender Recognition (Jersey) Law 2010**

- Re-registration of births (Schedule – paragraph 1)
- Amendment of entry in the Adopted Children Register (Schedule – paragraph 2)

### **Legitimacy (Jersey) Law 1973**

Re-registration of births (Article 10)

### **Marriage and Civil Status (Jersey) Law 2001**

- Entries in the marriage notice book and display of a list of notices of marriages (Article 8)
- Issue of licence (Article 11)
- Issue of certificate for solemnisation of marriage outside Jersey (Article 13)
- Entry in the register of buildings those buildings approved for the solemnisation of marriages (Article 15)
- Maintenance of a register of approved premises (Article 18)
- Appointment of delegates of the Superintendent Registrar (Article 19)
- Solemnisation of marriages on approved premises (Article 20)
- Keeping of book and registers relating to marriage (notice book, registers of buildings, authorised persons, delegates) (Article 22)
- Minister to appoint Superintendent Registrar and Deputy Superintendent Registrar (Article 41)
- Officers to take oath in Royal Court (Article 43)
- Provision of registers, forms and certificates (Article 47)
- Minister to specify by Order procedures and requirements for registration of births, stillbirths, marriages and deaths (Article 74)

- Report to the States on the number of births, stillbirths, marriages and deaths in the previous year (Article 75)
- Inspection of registers every 5 years (Article 75)
- All registrars to allow searches of registers in their keeping and to produce extracts in return for fee (Article 78)
- Minister to provide procedures for correction of errors (Article 79)

### **Police (Complaints and Discipline) (Jersey) Law 1999**

- Presentation of the Annual Report of the Jersey Police Complaints Authority to the States (Article 29)
- Matters relating to the establishment of the Jersey Police Complaints Authority (Schedule 1)

### **Police Procedures and Criminal Evidence (Jersey) Law 2003**

- Approval of devices for electronic fingerprinting (Article 55) and for taking electronic skin impressions (Article 57)
- Bringing into force Codes of Practice (Articles 61 and 62)

### **Regulation of Investigatory Powers (Jersey) Law 2007**

- Appointment of a Technical Advisory Board (Article 17)
- Provision of staff and technical facilities to the Investigatory Powers Commissioner (Article 43)

### **Repatriation of Prisoners (Jersey) Law 2012**

To make provision for facilitating the transfer of prisoners to jurisdictions outside the UK and the British Isles.

### **Road Traffic (Jersey) Law 1956**

Approval of device for taking specimens of breath (Article 30)

### **Sex Offenders (Jersey) Law 2010**

Responsibility for laying before the States the general agreement relating to the arrangements put into place to assess and manage people who pose a risk of sexual harm (JMAPP) and annual reports thereafter (Article 28)

### **Terrorism (Jersey) Law 2002**

- To make an Order prescribing the procedure for applications and deproscription (Article 7)
- To inform the Minister for Economic Development of any designations made relating to control areas (Schedule 8)
- Officers from Jersey Customs and Immigration Service act as examining officers for the prevention of terrorism (Schedule 8)
- Designation of places where a person may be detained under Article 37 or Schedule 8 of the Law (Schedule 9)
- Issue of code of practice and Order relating to the audio recording of interviews under the Law (Schedule 9)