

**WRITTEN QUESTION TO H.M. ACTING ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 14th APRIL 2015**

Question

Will H.M. Acting Attorney General outline the procedure for prosecutions brought in the Magistrate's Courts by Centeniers and in particular explain -

- (a) whether offences committed in a particular Parish have to be brought by a Centenier of that Parish;
- (b) whether there is any provision for the Chef de Police/Centeniers in St. Helier to bring prosecutions for offences committed in another Parish, whether or not requested to do so by the Centeniers of that other Parish, and will he further state in which legislation the provisions are contained; and,
- (c) who was responsible for bringing prosecutions before the Magistrate's Court before the policing role of the Connétables was removed?

Answer

Most prosecutions are instituted when a person is charged with an offence by a Centenier.

- a) The principal law which governs the powers of the Honorary Police to exercise their powers and bring alleged offenders to court is the Honorary Police (Jersey) Law 1974 ("the 1974 Law"). As a general rule, charges are brought by the Centenier of the Parish in which an alleged offence has been committed. Under the law, the Honorary Police are empowered to act within the territorial boundaries of their Parish and this includes the power to charge and present a person before the Court.
- b) Article 2 Criminal Procedure (Centeniers) (Jersey) Law 1996 ("the 1996 Law") enables Centeniers (which would include Chefs de Police) from all Parishes to bring charges for offences committed in another parish when authorised to do so by a Centenier from the Parish in which the offence is committed. Article 3 of the 1996 Law provides a similar power in relation to presenting offenders at Court when authorised by another Parish. These powers apply to all Parishes.
- c) Before the enactment of the Connétables (Miscellaneous Provisions) (Jersey) Law 2012 ("the 2012 Law"), the powers now expressly reserved to Centeniers by article 3 of the 1974 Law were exercisable by both Connétables and Centeniers. The 2012 Law amended the 1974 Law to remove the Connétables' powers to charge or bring alleged offenders before the Magistrate's Court.