

STATES OF JERSEY



DRAFT CONNÉTABLES (MISCELLANEOUS PROVISIONS – CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 15th May 2014
by the Comité des Connétables**

STATES GREFFE



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REPORT

1 Introduction

1/1 The Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (“the **2012 Law**”) was registered by the Royal Court on 26th October 2012, and has yet to be brought into force. Its principal purposes are –

- to repeal the policing functions of the Connétables (which, technically, still exist); and
- to enable a Procureur du Bien Public to deputise for the Connétable in certain circumstances (rather than the Chef de Police).

1/2 Article 7 of the 2012 Law conferred wide powers on the States to make Regulations to repeal or amend legislation, including Laws sanctioned by Her Majesty in Council, which conferred any policing function on a Connétable. This included *vires* for such Regulations to confer powers instead on a Centenier or, specifically, on the Chef de Police; and to adjust any legislation to reflect the new deputising rôle of the Procureur du Bien Public.

1/3 These draft Regulations contain the repeals and amendments contemplated by Article 7 of the 2012 Law.

2 The amendments already made by the 2012 Law

2/1 Before describing the effect of such repeals and amendments, it will be helpful to outline the effect of some of the amendments already made by the 2012 Law itself.

2/2 The 2012 Law expressly¹ did not derogate in any way from –

- (a) the responsibility of the Connétable to supervise the Honorary Police within his or her Parish; and
- (b) the Connétable’s powers and duties associated with that responsibility.

2/3 The amendments of the Code of Laws of 1771 therefore omitted references to the Connétables being required to bring wrongdoers to Justice, but kept references that were consistent with the supervisory rôle being retained by them.

¹ See Article 4 of the 2012 Law

2/4 Accordingly, under the heading CONNÉTABLES, the Code now reads in its revised form (in translation) as follows –

“The Connétables shall be required to assemble the officers of the Parish, once a month, in order better to acquaint themselves with any offences committed in the Parish, and to be able to know of wrongdoers, in accordance with the express terms of their oath of office.”

2/5 The oath itself was modified so as to read (again in translation):

“You swear and promise before God that well and faithfully you will exercise the office of Connétable in the Parish of . . . ; you will cause the peace to be kept; you will conserve and maintain to the best of your ability the rights appertaining to the said Parish, following in matters concerning the property of the said Parish the advice and counsel of the Principals and other officers of the said Parish, which officers you will ... cause to be assembled ... regularly to advise as necessary on any matters concerning the said Parish; you will carry into effect the directions of the Lieutenant-Governor, of the Bailiff, and of his Deputy and of the Judges and Jurats of the Royal Court in their respective capacities, attending the States whenever required to do so: all of which you solemnly promise, on your conscience.”

2/6 All reference to a Connétable was removed from paragraphs (2), (3) and (4) of Article 3 of the Police Force (Jersey) Law 1974 (“the **1974 Law**”) which will now read as follows in their amended form –

“(2) Subject to the provisions of any other enactment, there shall be expressly reserved to a Centenier the powers of –

- (a) the granting of bail to any person;*
- (b) the formal charging of any person with an offence, without prejudice to the customary powers of the Attorney General in the prosecution of offences;*
- (c) conducting and deciding a parish hall inquiry into an allegation that an offence has been committed; and*
- (d) presenting a person charged with an offence before a court.*

(3) Subject to the provisions of paragraph (2), a police officer shall have all other powers and privileges relating to policing which a Centenier has by virtue of the customary law or of any enactment for the time being in force.

(4) Where a Centenier declines to charge any person, a member of the Force may refer the matter to the Attorney General, who may give such directions to such persons as the Attorney General thinks appropriate.”

2/7 Article 4(1) of the 1974 Law will read in the following amended form –

“The Honorary Police shall comprise such number of Centeniers, Vingteniers and Constable’s Officers for each parish or Vingtaine as the States shall specify by Law.”

2/8 Under Part 1 of the Schedule to the Interpretation (Jersey) Law 1954, “police officer” is defined for the purposes of enactments generally as “a member of the Honorary Police or a member of the States of Jersey Police Force.” Once the Connétables have ceased to rank as members of the Honorary Police, all

references to a “police officer” in any enactment will cease to include a Connétable.

2/9 The 2012 Law also amended Articles 4 and 5 of the *Loi (1937) sur l’atténuation des peines et sur la mise en liberté surveillée*, i.e. the Probation Law so as to replace certain references to the Connétable with references to a Centenier. Those Articles in their amended form will read as follows (in translation) –

“4

It shall be the duty of the Probation Officer –

- (a) *to visit, and to receive visits from, the defendant under the Officer’s supervision at such intervals as the officer may think fit, subject to any orders which the Court shall make;*
- (b) *to ensure that the defendant observes the conditions of his or her undertaking;*
- (c) *to notify the Centenier concerned whenever necessary in accordance with Article 5; and*
- (d) *generally to advise and help the defendant, and to assist him or her to find suitable employment.*

5

(1) *Whenever the Probation Officer considers it desirable for the Court to reconsider the terms of the defendant’s probation order, the Officer shall notify in writing (giving his or her reasons) –*

- (a) *the Attorney General, in the case of an order made by the Royal Court, or*
- (b) *the Centenier concerned, in the case of an order made by any other court,*

and the Attorney General may, or the Centenier concerned shall, as the case may be, present the defendant before the court that made the order for it to review the terms of the probation order.

(2) *The sureties, if any, of the defendant shall be summoned at the instance of the Attorney General or of the Centenier concerned, as the case may be, to appear in Court to hear its finding.*

(3) *The Court shall hear the Probation Officer and the defendant and, after having also heard the conclusions of the Attorney General or the observations of the Centenier concerned, as the case may be, may –*

- (a) *extend or diminish the duration of the undertaking of the defendant, alter the conditions of the undertaking or add supplementary conditions thereto:*

Provided that the duration shall in no case exceed three years from the date of the original order of the Court; or

- (b) *if it considers that the conduct of the defendant is such as to make it no longer necessary that his or her liberty be supervised, discharge the defendant, and his or her sureties, if any, from their respective undertakings; or*

(c) *if it considers that the defendant has failed to observe any of the terms or conditions of his or her undertaking, condemn the defendant to undergo the punishment and penalties appropriate to the offence when he or she was placed on probation:*

(4) ***

(5) *The Attorney General or the Centenier concerned, as the case may be, may order the arrest of the defendant, if he or she considers it necessary in order to ensure the defendant's appearance in Court, for the purposes of this Article."*

2/10 Corresponding amendments were made by the 2012 Law to the Criminal Justice (Community Service Orders) (Jersey) Law 2001 in relation to the variation or revocation of community service orders due to changes in circumstances, and breaches of community service orders.

2/11 The 2012 Law also deleted paragraphs (4) and (5) of the Firearms (Jersey) Law 2000, which made the Chef de Police responsible for the grant, variation and revocation of a firearms certificate when the Connétable was unable to perform his or her duties on account of illness or absence from Jersey for a given period. That responsibility will now fall upon the Procureur du Bien Public, who deputises for the Connétable under the 2012 Law.

2/12 A similar amendment – removing reference to the Chef de Police – was made to the *Loi (1905) au sujet des Assemblées Paroissiales*, the relevant part of which will now read (in translation):

"The Rector, or the Vicar duly appointed ... and residing in the Parish, shall convene and preside at Parish Assemblies for ecclesiastical matters, and the Connétable shall convene and preside at Parish Assemblies for all other matters, each President of the Assembly giving the other notice, before publication, of the date fixed for the holding of the Assembly and taking into account the convenience of the other when fixing the date as regards the respective discharge of their public functions."

2/13 The deputising function of the relevant Procureur du Bien Public in relation to the convening of Parish Assemblies takes effect by virtue of the 2012 Law and does not require to be restated in the *Loi* of 1905.

2/14 Finally, the 2012 Law also amended Article 4 of the *Loi (1842) sur les publications dans les Eglises*, again for the purpose of removing reference to the Chef de Police. Article 4 in its amended form will read as follows (in translation):

"Each Connétable shall be required to place and secure in a convenient location in the wall of the Parish Cemetery, next to the main gate, a 'boîte grillée'², for the placing of notices ...; and shall be required to maintain it, as necessary, out of Parish funds."

² The expression *boîte grillée* is still used in ordinary parlance – effectively a notice board.

3 The amendments to be made by the draft Regulations

Aerodromes (Administration) (Jersey) Law 1952

3/1 Articles 3 and 5 of the 1952 Law will be amended to read as follows –

“3

- (1) *The Airport Director shall, within the territorial limits of every aerodrome, have the same powers of detention and arrest and of enforcing the maintenance of public order as are possessed by a Centenier.*
- (2) *The prosecution of any person arrested by the Airport Director under the powers conferred upon the Airport Director by this Article shall be undertaken by a Centenier having jurisdiction in the matter.”*

“5

- (3) *Where a person is charged with any offence under Regulations made under Article 4 and accepts the decision of a Centenier having jurisdiction in the matter, that Centenier may inflict and levy summarily a fine of an amount not exceeding two fifths of level 2 on the standard scale or the maximum fine provided for the offence, whichever is the lower.*
- (4) *Where any fine is levied by a Centenier in pursuance of the powers conferred on the Centenier by this Article, the Centenier shall give a receipt for the same.”*

Consumer Safety (Jersey) Law 2006

3/2 Article 28(2) of this Law will be amended to read as follows –

- “(2) *Where in any proceedings against any person for such an offence the defence provided by paragraph (1)³ involves an allegation that the commission of the offence was due to –*
- (a) *the act or default of another; or*
 - (b) *reliance on information given by another,*
- that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than 7 clear days before the hearing of the proceedings, he or she has served a notice under paragraph (3) on a Centenier having jurisdiction in the matter or the Attorney General as the case may be.”*

Criminal Justice (Anonymity in Sexual Offence Cases) (Jersey) Law 2002

3/3 Article 1(5) of this Law will be amended to read as follows –

- “(5) *For the purposes of this Law, a person is accused of an offence if –*
- (a) *the person is presented before the Magistrate’s Court by a Centenier having jurisdiction in the matter; or*
 - (b) *the person is brought before or committed for trial before the Royal Court on a charge for the offence,*
- and references in this Law to an accusation alleging an offence shall be construed accordingly.”*

³ *i.e. the defence of due diligence*

Criminal Justice (Compensation Orders) (Jersey) Law 1994

3/4 Article 2(2) of this Law will be amended to read as follows –

“(2) a compensation order shall be of such amount as the court considers appropriate, having regard to any evidence and any representations that are made by or on behalf of the offender, any person who appears to the court to have suffered any personal injury, loss or damage resulting from the offence for which the offender has been convicted or the Attorney General or the Centenier who presented the offender before the court.”

Criminal Procedure (Connétables and Centeniers) (Jersey) Law 1996⁴

3/5 See Regulation 5 of the draft Regulations in which Articles 2, 3, 4, 5, 6 and 7 of this Law are set out in their substituted form. Their content is self-explanatory.

Customs and Excise (Jersey) Law 1999

3/6 Article 65(1) of this Law will be amended to read as follows –

“Where the Agent of the Impôts considers that a person has committed an offence under this Law in relation to the importation or exportation of goods, the Agent may, instead of referring the matter to a Centenier with a view to such person being prosecuted for that offence, accept such sum by way of a penalty, not exceeding 3 times the level of duty payable or the value of the goods, whichever is the greater, as the Agent of the Impôts.”

Dogs (Jersey) Law 1961

3/7 Article 5(1) of this Law will be amended to read as follows –

“(1) If any person keeps a dog for which a licence under this Part is not in force, not being a dog exempted by virtue of Article 3, he or she shall be guilty of an offence:

Provided that a Centenier may accept payment of double the amount of the duty chargeable instead of instituting proceedings in respect of the offence.”

Employment (Jersey) Law 2003

3/8 Article 9(2) of this Law relates to offences under Part 2 of the Law (which deals with Employment Particulars) and Article 9(2) will be amended to read as follows –

“(2) On the issue of a summons, or on the arrest and charge of a person, in respect of an offence under paragraph (1) the Centenier responsible shall notify the Minister and the Tribunal in writing of the fact.”

Extradition (Jersey) Law 2004

3/9 Article 88 of this Law applies if a person has been arrested under an extradition arrest warrant. Article 88(9) and (10) will be amended to read as follows –

“(9) The power to enter and search [under Article 88] may be exercised only if a police officer of a rank not lower than that of inspector, or

⁴ The short title of the Law will henceforth read ‘Criminal Procedure (Centeniers) (Jersey) Law 1996’.

a Centenier of the parish, has given written authorization for its exercise, or –

- (a) the power is exercised before the person arrested is taken to a police station; and*
- (b) the presence of the person at a place other than a police station is necessary for the effective exercise of the power to search.*

(10) A Centenier who gives written authorization for the exercise of the power that is conferred by paragraph (2) shall send a copy of the authorization to the Chief Officer of Police.”

Fertilisers and Feeding Stuffs (Jersey) Law 1950

3/10 The definition “prosecutor” in Article 1(1) of this Law will be amended to read as follows –

“ ‘prosecutor’ means the person who or the body which has required a prosecution for an offence against this Law to be instituted, or, if no person or body has required the prosecution to be instituted, a Centenier having jurisdiction in the matter”.

Food Safety (Jersey) Law 1966

3/11 The definition “authorized officer” in Article 1(1) of this Law will be amended to read as follows –

“ ‘authorized officer’ means a police officer and any officer generally or specially authorized in that behalf by the Minister”.

Harbours (Administration) (Jersey) Law 1961

3/12 Article 3(2) of this Law will be substituted to read as follows –

“(2) The prosecution of any person arrested by the Harbour Master under the powers conferred on him or her by this Article shall be undertaken by a Centenier having jurisdiction in the matter or, if the arrest took place within the territorial waters of Jersey, by a Centenier of St. Helier.”

3/13 Articles 5(1) and (2) will be amended to read as follows –

“(1) Where a person is charged with any offence under Regulations made under Article 4 and accepts the decision of a Centenier having jurisdiction in the matter, that Centenier may inflict and levy summarily a fine of an amount not exceeding two fifths of level 2 on the standard scale or the maximum fine provided for the offence, whichever is the lower.

(2) A Centenier shall give a receipt for any fine which he or she levies under this Article.”

Health and Safety at Work (Jersey) Law 1989

3/14 Article 20(3) makes an exception to the restrictions on the disclosure of information under Article 20 and will be amended to read as follows –

“(3) Paragraph (2) shall not apply to –

- (a) disclosure of information to the Minister;*
- (b) without prejudice to sub-paragraph (a), disclosure by the recipient of information to –*

- (i) *any person for the purpose of any function conferred on the recipient by or under any of the relevant statutory provisions,*
- (ii) *a police officer authorized to receive it by the Chief Officer of the States of Jersey Police Force or a Chef de Police, as the case may be;*
- (c) *disclosure by the recipient of information in a form calculated to prevent it from being identified as relating to a particular person or case;*
- (d) *disclosure of information for the purposes of any legal proceedings or any investigation or inquiry held by virtue of Article 18(2) or for the purposes of a report of any such proceedings or inquiry or of a special report made by virtue of that paragraph.”*

Loi (1797) sur les rassemblements tumultueux⁵

3/15 Article 2 empowers the Connétable or a Centenier in relation to an unlawful assembly to make an oral proclamation ordering its dispersal. Article 2 will be amended to confine this power to a Centenier.

Loi (1804) au sujet des assemblées paroissiales

3/16 Article 13 will read in its amended form as follows (in translation) –

“13

Each Vingtenier, within the limits of his or her vingtaine, and in the absence of Centeniers, shall be empowered, and shall be required to keep the peace whenever there is a need to do so; and he or she shall be entitled to enlist the help of Constable’s Officers, and required to arrest all persons who breach the public peace, or who break the law, and bring them without delay before the Chef de Police of the Parish.”

Loi (1840) augmentant les pouvoirs des officiers de Police Honorifique

3/17 Article 2 will read in its amended form as follows (in translation) –

“2

Vingteniers and Constable’s Officers shall be empowered in the case of a flagrant breach of the law, within the boundaries of their respective Parishes, exercise all the powers of a police officer that a Centenier may exercise, subject to informing a Centenier without delay of having done so; they shall also be required to take any person seized by them to a Centenier, to be dealt with by the latter.”

Loi (1853) au sujet des centeniers et officiers de police

3/18 Articles 7, 8, 12 and 13 will be amended to read as follows (in translation) –

“7 *When a complaint is made to a Centenier of a Parish that an offence has been committed, the Centenier may require the complainant to take oath before the Bailiff or a Jurat deposing to the facts to his or her knowledge, and upon which the complaint is based.*

⁵ Loosely based on The Riot Act (1714) (1 Geo.1 St.2 c.5)

8 *The Centenier may also require a witness, who has knowledge of any facts in support of the information received, to appear before the Bailiff or a Jurat to take oath and depose to the facts within his or her knowledge.*

... ..

12 *If a complaint is not supported by the oath of the complainant or of a witness, the Centenier to whom it was brought shall not be obliged to take cognisance of it.*

13 *Vingteniers and Constable's Officers, in cases of 'flagrant délit', may exercise the policing powers of Centeniers, subject to informing a Centenier of the Parish without delay of having done so. An offence which is in the course of being committed, or which has just been committed, ranks as a flagrant délit.*

The following shall also rank as flagrant délit: cases in which the accused is spontaneously pursued by the public, and those in which the suspect is found with effects, arms, instruments, or papers, in his or her possession, leading to a presumption that he or she is the guilty party or an accomplice, provided that this happens within a short time of the offence."

Loi (1853) établissant la Cour pour la répression des moindres délits

3/19 Articles 2 and 3 will be amended to read as follows (in translation) –

"2 *The Centenier in charge of the matter shall warn, or cause to be warned by a member of the Police, the witnesses to appear before the Magistrate on the day that the Centenier must present his or her report, whether or not the witnesses are resident in the Centenier's Parish. A witness who, without offering any valid cause, does not appear as warned, shall be brought before the Court, and shall be liable to a fine not exceeding £50, and shall moreover be liable to the costs occasioned by his or her non-appearance.*

3 *The accused must likewise warn any witnesses for the defence, either by giving their names to the Centenier, who shall warn them to appear, or by giving their names to the [Viscount]."*

Loi (1864) réglant la procédure criminelle

3/20 Article 14 and 15 will be amended to read as follows (in translation) –

"14 *Any person arrested on suspicion of having committed an offence shall be presented before the Magistrate's Court as soon as possible by the Centenier in charge of the case, with a report setting out particulars of the charge.*

15 *The Centenier in charge of the case shall warn the witnesses whom he or she considers should be heard, or shall cause them to be warned by such police officer or officers as he or she shall nominate, to appear before the Magistrate on the day on which his report is due to be presented.*

The Centenier shall also warn or cause to be warned in like manner the witnesses whom the accused wishes to call.

The accused may, if he or she deems it expedient, cause his or her witnesses to be warned by the Viscount.

It shall be the duty of the Centenier to deliver his or her report to the Magistrate together with a list of the witnesses who have been warned.”

3/21 Articles 21, 22, and 23 will be amended to read as follows (in translation) –

“21 *When the Magistrate sends the case to the Royal Court he or she shall, without delay, cause to be deposited at the Judicial Greffe the original copies of the depositions which have been taken down pursuant to the provisions of Article 18 or tendered in evidence pursuant to the provisions of Article 9 of the Criminal Justice (Evidence and Procedure) (Jersey) Law 1998, which the Magistrate shall attest by his or her signature.*

If any exhibits have been produced before the Magistrate they shall be delivered to the Centenier who presented the report so that the Centenier may deposit them at the Judicial Greffe when the accused is presented before the Royal Court.

22 *As soon as possible after the examination has been completed, the Centenier who presented the accused before the Magistrate shall deliver to the Attorney General the Centenier’s report and the Act recording that the case has been sent before the Royal Court, and an early date shall be fixed for the appearance of the accused before the Royal Court.*

23 *On the appointed day the Centenier shall present the accused and the exhibits which the Centenier wishes to produce.*

The Attorney General shall produce the indictment and the Judicial Greffier shall read it.

The accused shall plead.”

3/22 Articles 26 and 27 will be amended to read as follows (in translation) –

“26 *After the indictment, the exhibits produced by the Centenier shall be lodged at the Judicial Greffe to be reproduced at the trial at the Assizes.*

The report presented by the Centenier shall also be lodged at the Judicial Greffe, but for information only, and it shall not be produced to the jury.

27 *The Attorney General and the accused’s advocate shall have free access to the report presented by the Centenier against the accused and to the depositions taken before the Magistrate or tendered pursuant to Article 9 of the Criminal Justice (Evidence and Procedure) (Jersey) Law 1998, at any time after these documents have been deposited at the Judicial Greffe.”*

Loi (1884) sur le prêt sur gages

3/23 Article 12 requires a pawnbroker to produce certain records when required to do so by the Connétable or a Centenier to whom a complaint has been made. Article 12 will be amended to remove the reference to the Connétable.

3/24 Article 14 requires a pawnbroker, who suspects that any object offered as security may have been stolen, forthwith to notify the Connétable or a

Centenier. Article 14 will be amended to remove the reference to the Connétable.

- 3/25 Article 20 refers to criminal proceedings under the 1884 Law being brought to the Magistrate's Court by the Connétable. That reference will be replaced by a reference to the Centenier in charge of the matter bringing such proceedings.

Loi (1885) touchant l'Administration des Marchés Publics

- 3/26 Article 2 will be amended to read as follows (in translation) –

“2 *The States or the Transport and Technical Services Minister, under delegation from the States, shall name one or more Inspectors whose duty it shall be to secure observance of the Regulations made from time to time for the better running of the Markets, and this under the direction of the said Minister. The Centeniers of the Parish of St. Helier shall be equally responsible for keeping law and order in the said markets.”*

Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949

- 3/27 In Article 1 the definition of “Connétable” will be deleted.

- 3/28 Article 9(1) will be amended to read as follows –

“9 Summons

(1) Any person who has committed or is suspected of having committed an offence may, instead of being arrested, be summoned, at the instance of a Centenier having jurisdiction in the matter, to appear before the Magistrate's Court.”

Motor Traffic (Third Party Insurance) (Jersey) Law 1948

- 3/29 Article 20 confers power on the Connétable and a Centenier to inflict and levy a fine summarily for an offence – under Article 16 of the Law – of failing to display an insurance disc. Article 20 will be amended to read as follows –

“20 Power to inflict and levy fines summarily

- (1) Subject to the provisions of this Article, where a person is charged with an offence under Article 16 and accepts the decision of the Centenier having jurisdiction in the matter, then that Centenier may inflict and levy summarily a fine of two fifths of level 2 on the standard scale.*
- (2) Where a fine is levied by a Centenier in pursuance of the powers conferred on the Centenier by this Article –*
- (a) the Centenier shall give a receipt for it;*
- (b) the Centenier shall as soon as practicable inform the Chief Officer of the States of Jersey Police Force of the matter giving such details as the Chief Officer may request; and*
- (c) one half of the fine shall be awarded for the benefit of the parish in which the offence was committed and shall be applied towards the cost of maintenance of the by-roads of the parish and the other half shall be paid into the consolidated fund.”*

Motor Vehicle Registration (Jersey) Law 1993

- 3/30 Article 14 (together with the Schedule) confers power on the Connétable and a Centenier to inflict and levy a fine summarily for an offence of failing to notify the Inspector of Motor Traffic of details concerning a registered motor vehicle.
- 3/31 Article 14 (together with the Schedule) will be amended so that that power is restricted henceforth to a Centenier.

Nursing and Residential Homes (Jersey) Law 1994

- 3/32 Article 18 will be amended to read as follows –

“18 Defences

- (1) *In any proceedings for an offence under this Law, subject to paragraph (2), it shall be a defence for the person charged to prove –*
- (a) *that the commission of the offence was due to a mistake or to reliance on information supplied to him or her or to the act or default of another person, an accident or some other cause beyond his or her control; and*
- (b) *that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or herself or any person under his or her control.*
- (2) *If in any such case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he or she has served on the Centenier who instituted proceedings or, if the case is before the Royal Court, the Attorney General, a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his or her possession”*

Official Secrets (Jersey) Law 1952

- 3/33 Article 3(5) will be amended to read as follows –

- “(5) *Where the Attorney General is satisfied that there is reasonable ground for suspecting that an offence under this Article [of spying] has been committed and for believing that any person is able to furnish information as to the offence or suspected offence, the Attorney General may authorize a Centenier to require the person believed to be able to furnish information to give any information in the person’s power relating to the offence or suspected offence, and, if so required and on tender of the person’s reasonable expenses, to attend at such reasonable time and place as may be specified by the Centenier; and if a person required in pursuance of such an authorization to give information, or to attend as aforesaid, fails to comply with any such*

requirement or knowingly gives false information, the person shall be guilty of a misdemeanour.”

3/34 Article 5 will be amended to read as follows –

“5 Penalty for harbouring spies

If any person knowingly harbours any person whom he or she knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under Article 3 or 4, or knowingly permits to meet or assemble in any premises in the person’s occupation or under his or her control any such persons, or if any person having harboured any such person, or permitted to meet or assemble in any premises in the person’s occupation or under his or her control any such persons, wilfully omits or refuses to disclose to a Centenier any information which it is in the person’s power to give in relation to any such person, the person shall be guilty of a misdemeanour.”

3/35 Article 9 will be amended to read as follows –

“9 Search warrants

(1) *If the Bailiff is satisfied by information on oath that there is reasonable ground for suspecting that an offence under Article 3, 4 or 5 has been or is about to be committed, the Bailiff may grant a search warrant authorizing any officer of police, whether honorary or paid, named therein to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note or document, or anything of a like nature or anything which is evidence of such an offence having been or being about to be committed, which the officer may find on the premises or place or on any such person, and with regard to or in connection with which the officer has reasonable ground for suspecting that such an offence has been or is about to be committed.*

(2) *Where it appears to a Centenier that the case is one of great emergency and that in the interests of the State immediate action is necessary, he or she shall have the like authority to exercise any of the powers set out in paragraph (1) as if such authority had been given by a warrant granted by the Bailiff under this Article.”*

Places of Refreshment (Jersey) Law 1967

3/36 Article 12(5) will be amended to read as follows –

“(5) A police officer may enter on any registered premises within the parish for the purpose of ascertaining whether the provisions of this Law are being complied with, and any person who obstructs a police officer in the exercise of the police officer’s powers under this paragraph shall be liable to a fine not exceeding £50:

Provided that, if the Court is satisfied that the person committed the offence with intent to prevent the discovery of some other offence,

whether under this Law or under any other enactment, the person shall be liable to the penalties provided by Article 16.”

Police Procedures and Criminal Evidence (Jersey) Law 2003

3/37 Article 12 is concerned with the duty to make records concerning searches. Article 12(11) will be amended to read as follows –

“(11) An honorary police officer who makes a record of a search shall forward a copy to the Chef de Police of the parish to which the officer is appointed who shall send it to the Chief Officer for record-keeping and reporting purposes.”

3/38 Article 13 will be amended to read as follows –

“13 Vehicle checks

- (1) *This Article shall have effect in relation to the conduct of vehicle checks by police officers for the purpose of ascertaining whether a vehicle is carrying –*
 - (a) *a person who has committed an offence, other than an offence under the Road Traffic (Jersey) Law 1956 which is not a serious offence;*
 - (b) *a person who is a witness to such an offence;*
 - (c) *a person intending to commit such an offence; or*
 - (d) *a person who is unlawfully at large.*
- (2) *Subject to paragraph (4), there shall only be a vehicle check if an officer of the Force of at least the rank of chief inspector or a Chef de Police in connection with a road in his or her parish authorizes it in writing.*
- (3) *An officer or a Chef de Police may only authorize a vehicle check under paragraph (2) –*
 - (a) *for the purpose of ascertaining whether a vehicle is carrying a person specified in paragraph (1)(a), if he or she has reasonable grounds –*
 - (i) *for believing that the offence is a serious offence, and*
 - (ii) *for suspecting that the person is, or is about to be, in the locality in which vehicles would be stopped if the vehicle check were authorized;*
 - (b) *for the purpose of ascertaining whether a vehicle is carrying a person specified in paragraph (1)(b), if he or she has reasonable grounds for believing that the offence is a serious offence;*
 - (c) *for the purpose of ascertaining whether a vehicle is carrying a person specified in paragraph (1)(c), if he or she has reasonable grounds –*
 - (i) *for believing that the offence would be a serious offence, and*
 - (ii) *for suspecting that the person is, or is about to be, in the locality in which vehicles would*

be stopped if the vehicle check were authorized;

- (d) for the purpose of ascertaining whether a vehicle is carrying a person specified in paragraph (1)(d), if he or she has reasonable grounds for suspecting that the person is, or is about to be, in that locality.*
- (4) An officer of the Force below the rank of chief inspector or a Centenier in connection with a road in his or her parish may authorize a vehicle check if it appears to the officer or Centenier that it is required as a matter of urgency for one of the purposes specified in paragraph (1).*
- (5) If an authorization is given under paragraph (4), the officer or Centenier who gives it shall as soon as possible –*
 - (a) make a written record of the time at which he or she gives it; and*
 - (b) cause an officer of the Force of at least the rank of chief inspector or the Chef de Police, as the case may be, to be informed that it has been given.*
- (6) An officer of the Force or Chef de Police to whom a report is made under paragraph (5) may, in writing, authorize the vehicle check to continue.*
- (7) If such an officer or Chef de Police considers that the vehicle check should not continue, he or she shall record in writing –*
 - (a) the fact that it took place; and*
 - (b) the purpose for which it took place.*
- (8) An officer of the Force or Chef de Police giving an authorization under this Article shall specify the locality in which vehicles are to be stopped.*
- (9) An officer of the Force or Chef de Police giving an authorization under this Article, other than an authorization under paragraph (4), shall specify a period, not exceeding 7 days, during which the vehicle check may continue and may direct that the vehicle check shall be continuous or shall be conducted at specified times, during that period.*
- (10) If it appears to an officer of the Force of at least the rank of chief inspector or a Chef de Police that a vehicle check ought to continue beyond the period for which it has been authorized he or she may, from time to time, in writing specify a further period, not exceeding 7 days, during which it may continue.*
- (11) Every written authorization shall specify –*
 - (a) the name of the officer of the Force or Chef de Police giving it;*
 - (b) the purpose of the vehicle check; and*
 - (c) the locality in which vehicles are to be stopped.*

- (12) *The duties to specify the purposes of a vehicle check imposed by paragraphs (7) and (11) include duties to specify any relevant serious offence.*
- (13) *Where a vehicle is stopped in a vehicle check, the person in charge of the vehicle at the time when it is stopped shall be entitled to obtain a written statement of the purpose of the vehicle check if he or she applies for that statement not later than the end of the period of 3 months from the day on which the vehicle was stopped.*
- (14) *Nothing in this Article shall affect the exercise by police officers of any power to stop vehicles for purposes other than those specified in paragraph (1).*
- (15) *A Chef de Police who authorizes a vehicle check under this Article or who is informed of an authorization pursuant to paragraph (5)(b) shall promptly inform the Chief Officer of the authorization for record keeping and recording purposes.”*

3/39 Article 20 will be amended to read as follows –

“20 Entry and search after arrest

- (1) *Subject to this Article, a police officer may enter and search any premises occupied or controlled by a person who is under arrest for a serious offence or for any other offence the punishment for which is imprisonment for a term of one year or more, if the officer has reasonable grounds for suspecting that there is on the premises evidence, other than items subject to legal privilege, that relates –*
 - (a) *to that offence; or*
 - (b) *to some other offence which is connected with or similar to that offence.*
- (2) *A police officer may seize and retain anything for which he or she may search under paragraph (1).*
- (3) *The power to search conferred by paragraph (1) is only a power to search to the extent that it is reasonably required for the purpose of discovering that evidence.*
- (4) *Subject to paragraph (5), the powers conferred by this Article may not be exercised unless, in the case of the Force, an officer of at least the rank of inspector, or in the case of an honorary police officer, a Centenier in respect of premises in his or her parish, has authorized them in writing.*
- (5) *A police officer may conduct a search under paragraph (1) before taking the person to a police station and without obtaining an authorization under paragraph (4), if the presence of that person at a place other than a police station is necessary for the effective investigation of the offence.*
- (6) *If a police officer conducts a search by virtue of paragraph (5), the police officer shall inform, in the case of the Force, an officer of at least the rank of inspector or, in*

the case of an honorary police officer, a Centenier in respect of premises in his or her parish, that the police officer has made the search as soon as practicable after he or she has made it.

- (7) *An officer of the Force or Centenier who authorizes a search or is informed of a search under paragraph (6) shall make a record in writing of the grounds for the search and of the nature of the evidence that was sought.*
- (8) *A Centenier who authorizes or is informed of a search shall notify the Chief Officer for record keeping and recording purposes.*
- (9) *If the person who was in occupation or control of the premises at the time of the search is in police detention at the time the record is to be made, the officer shall make the record as part of the person's custody record."*

3/40 Articles 30, 35, 36 and 38 are contained in Part 5 of the Law and relate to Bail and Detention.

3/41 Article 30 deals with conditions of bail and, as amended, will read as follows but it should be noted that only Article 30(1) is currently in force –

“30 Conditions of bail

- (1) *Where a person arrested for but not charged with an offence is released on bail by a Centenier or, pursuant to this Part, by an officer of the Force, the bail may be subject to a condition only for the person's appearance at a police station or parish hall inquiry on a day and at a time notified to him, unless he previously receives written notice from the police officer who granted bail that his attendance is not required.*
- (2) *Where a person charged with an offence is released on bail by a Centenier that officer, where it appears to him that it is necessary to do so for the purpose of preventing that person from –*
 - (a) *failing to surrender to custody; or*
 - (b) *committing an offence while on bail; or*
 - (c) *interfering with witnesses or otherwise obstructing the course of justice, whether in relation to himself or any other person,*

may impose such conditions of bail, including taking a recognizance or surety for the person's surrender to custody, as appear to the officer to be necessary for that purpose.

- (3) *Where a Centenier has granted bail to a person charged with an offence the officer may, at the request of that person, vary the conditions of bail and, in doing so, may impose conditions or more onerous conditions.*
- (4) *Where a Centenier, pursuant to paragraph (2), imposes any condition of bail or, pursuant to paragraph (3), varies or imposes new conditions of bail, he shall, with a view to*

enabling the accused to consider requesting him or the Magistrate to vary the conditions, give reasons for imposing or varying the conditions and give notice of the reasons to the accused.

- (5) *Where a Centenier grants bail to a person charged with an offence, varies the conditions of that person's bail or, upon a request by that person for variation, refuses to vary the conditions of bail, the Magistrate may, on application by or on behalf of that person, grant bail or vary the conditions of bail and, in doing so, may remove or impose conditions or impose more onerous conditions.*
- (6) *An application described in paragraph (5) shall be heard as soon as is practicable and in any event not later than the first sitting after it is made.*

3/42 Articles 35, 36 and 38 relate to detention conditions and duration but are not yet in force. However, when enacted Articles 35(7), 36(1), 36(10) and 38(1) will read in the amended form as follows –

“35 Duties of custody officer before charge

- (7) *Subject to Article 39(3), if the custody officer determines that there is, in his opinion, sufficient evidence to charge the person arrested with the offence for which he was arrested, that officer –*
 - (a) *shall arrange for a Centenier to attend the police station as soon as reasonably practicable to consider whether the person should be charged; and*
 - (b) *may either detain the person arrested to await the arrival of the Centenier or release that person, with or without bail, to return to the police station.*

36 Duties of Centenier after charge

- (1) *Where a person arrested for an offence is charged with an offence, the Centenier who prefers the charge shall order his release from police detention, either on bail or without bail, unless –*
 - (a) *if the person arrested is not a juvenile –*
 - (i) *his name or address cannot be ascertained or the officer has reasonable grounds for doubting whether a name or address given by him as his name or address is his real name or address,*
 - (ii) *the officer has reasonable grounds for believing that the person arrested will fail to appear in court to answer bail,*
 - (iii) *the officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from committing an offence,*
 - (iv) *in the case of a person of full age, the officer has reasonable grounds for believing that*

the detention of the person is necessary to enable a sample to be taken from him under Article 59,

(v) *the officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from interfering with the administration of justice or with the investigation of offences or of a particular offence, or*

(vi) *the officer has reasonable grounds for believing that the detention of the person arrested is necessary for his own protection;*

or

(b) *if he is a juvenile –*

(i) *any of the requirements of subparagraph (a) is satisfied, or*

(ii) *the officer has reasonable grounds for believing that he ought to be detained in his own interests.*

(10) *In this Article –*

.....

“officer” means the Centenier who prefers the charge under paragraph (1);

.....

38 Review of police detention

(1) *Reviews of the detention of each person in police detention in connection with the investigation of an offence shall be carried out in accordance with this Article –*

(a) *in the case of a person who has been arrested and charged, by the honorary police officer who prefers the charge or, if he is not immediately available, another Centenier; and*

(b) *in the case of a person who has been arrested but not charged, by an officer of the Force of at least the rank of inspector who has not been directly involved in the investigation.”*

Police Procedures and Criminal Evidence (Application to Customs and Excise) (Jersey) Order 2004

3/43 Article 3 will be amended to read as follows –

“3 Limitation of application regarding charging and detention

Nothing in the application of the Law to customs and excise shall be construed as conferring upon an officer of the Impôts any power –

(a) *to charge a person with any offence;*

- (b) *to detain a person for an offence after a person has been charged with the offence unless –*
 - (i) *the detention is authorized by a Centenier for the purpose of a sample being taken from the person under Article 59 of the Law, and*
 - (ii) *the period of detention does not exceed 6 hours beginning when the person is charged with the offence.”*

3/44 Article 3A of Schedule 2 will be amended to read as follows –

“3A Article 30 modified

In Article 30(1) of the Law –

- (a) *for the words “by a Centenier or, pursuant to this Part, by an officer of the Force” there shall be substituted the words “, pursuant to this Part, by an officer of the Impôts”;*
- (b) *for the words “a police station or parish hall inquiry” there shall be substituted the words “a customs office”.”*

Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004

3/45 Paragraphs 2.4 and 3.3 of Code B will be amended to read as follows –

“2.4 No application for a search warrant may be made without the authority of an officer of at least the rank of Inspector or in the case of the Honorary Police a Centenier (or, in the case of urgency where no officer of this rank is readily available, the senior officer on duty). No application for a production order or warrant under Schedule 5, paragraph 1 or paragraph 4 of the Terrorism (Jersey) Law 2002, may be made without the authority of an officer of at least the rank of Inspector and any application made under Schedule 5 paragraph 2 can only be made by a Chief Inspector or above.”

“3.3 The specific powers of an officer to search premises occupied or controlled by a person who has been arrested for a serious offence or any other offence the punishment for which is imprisonment for a term of one year or more, are as set out in Article 20 of the Police Procedures and Criminal Evidence (Jersey) Law 2003. They may not (unless paragraph (5) of Article 20 applies) be exercised unless an officer of the rank of Inspector or above has given authority in writing, or in the case of an Honorary Police officer, a Centenier. If possible the authorising officer should record the authority on the Notice of Powers and Rights (see paragraph 5.7(1)) and subject to paragraph 1.8 sign the notice. The record of the grounds of the search, required by Article 20(7) of the Law, shall be made in the custody record, where there is one, otherwise in the officer’s pocket book or the search record. In the case of enquiries linked to the investigation of terrorism, the authorising officer shall use his or her warrant or other identification number.”

3/46 Paragraph 17.1 of Code C will be amended to read as follows –

“17.1 When an officer considers that there is sufficient evidence to prosecute a detained person, and that there is sufficient evidence for a prosecution to succeed, and that the person has said all that he or she wishes to say about the offence, the person should without delay (and

subject to the following qualification) be brought before the custody officer who shall then be responsible for considering whether or not there is sufficient evidence to provide a realistic prospect of conviction. If the custody Sergeant is of the opinion that there is sufficient evidence, he or she shall without delay arrange for a Centenier to attend the police station. The Centenier shall attend the police station as soon as reasonably practicable and shall be responsible for considering whether the detainee should be charged. When a person is detained in respect of more than one offence it is permissible to delay bringing the person before the custody officer until the above conditions are satisfied in respect of all the offences, (but see paragraph 12.4). Any resulting action should be taken in the presence of the appropriate adult if the person is a juvenile, or mentally disordered or mentally vulnerable. [See Note 17H]”

3/47 Paragraphs 17G and 17I of the Notes for Guidance in Code C will be amended to read as follows –

“17G

(a) *If the custody officer determines that there is before him or her sufficient evidence for a charge to be preferred against the person arrested, for the offence for which he was arrested, the relevant Centenier shall be invited to consider that the person arrested –*

(i) shall be charged; or

(ii) shall be released without charge, with or without bail.

(b) *Where a person is released under Note 17G(a)(ii) above and at the time of the person’s release a decision whether he or she should be prosecuted for the offence for which he or she was arrested has not been taken, it shall be the duty of the custody officer to so inform the person.*

(c) *If the person arrested is not in a fit state to be dealt with under Note 17G(a) above, the person may be kept in police detention until he or she is in a fit state.”*

“17I

(a) *Where a Centenier is unavailable to charge a person in police detention, an officer not below the rank of Inspector will authorise the release of the person in police detention, without charge, unless the provisions of paragraph 17H (a) or (b) above apply.*

(b) *Where such person is further detained the custody officer will make a written record of the grounds for detention in the custody record.*

(c) *The written record shall be made in the presence of that person who will at the same time be informed by the custody officer of the grounds.*

(d) *Paragraph 17I(c) will not apply where that person is, at that time –*

(i) incapable of understanding what is said to him or her;

(ii) violent, or likely to become violent;

(iii) in urgent need of medical attention.”

Policing of Beaches (Jersey) Regulations 1959

3/48 Regulation 7 confers power to inflict and levy a fine summarily for offences under the Regulations and will be amended so that that power is restricted henceforth to a Centenier.

Policing of Parks (Jersey) Regulations 2005

3/49 Regulation 10 confers power to inflict and levy a fine summarily for offences under the Regulations and will be amended so that that power is restricted henceforth to a Centenier.

Policing of Roads (Jersey) Regulations 1959

3/50 Regulation 5 confers power to inflict and levy a fine summarily for offences under the Regulations and will be amended so that that power is restricted henceforth to a Centenier.

Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957

3/51 Article 1(2) and (3) will be amended to read as follows –

“1

(2) *Where a person –*

(a) *is charged with an offence under Regulations made under the relevant powers which is not punishable with imprisonment, other than for default; and*

(b) *accepts the decision of a Centenier having jurisdiction in the matter,*

that Centenier may inflict and levy summarily a fine of up to either an amount not exceeding two-fifths of level 2 on the standard scale or the maximum fine for the offence, whichever is the lower.

(3) *Where any fine is levied by a Centenier in exercise of powers conferred upon the Centenier by virtue of this Article, the Centenier shall give a receipt for the same.”*

Rates (Jersey) Law 2005

3/52 Article 3(8) confers power to inflict and levy a fine summarily under this Law for failure to make a rates return to the Parish and will be amended so that that power is restricted henceforth to a Centenier.

Road Traffic (Jersey) Law 1956

3/53 Article 86(1) will be amended to read as follows –

“86 ***Duty to give information as to person in charge of vehicle***

(1) *Where an offence is alleged to have been committed in connection with a vehicle being on a road –*

(a) *the owner of the vehicle shall give such information as the owner may be required by a Centenier to give as to the identity of the person in charge of the vehicle at the time of the commission of the alleged offence, and, if the owner fails to do so, shall be liable to a fine not exceeding £500, unless the owner shows to the satisfaction of the court that he or she did not know and could not with reasonable diligence have*

ascertained who was the person in charge of the vehicle as aforesaid; and

- (b) *any other person shall, if required as aforesaid, give any information which it is in his or her power to give and which may lead to the identification of the person in charge of the vehicle as aforesaid, and, if the person fails to do so, he or she shall be liable to a fine not exceeding £500.”*

3/54 Articles 89 and 90 will be amended to read as follows –

“89 Power to inflict and levy fines summarily

- (1) *Subject to the provisions of this Article, where a person is charged with any offence under this Law or under any Order and accepts the decision of the Centenier having jurisdiction in the matter, then that Centenier may inflict and levy summarily a fine up to either an amount not exceeding two fifths of level 2 on the standard scale or the maximum fine provided for that offence, whichever is the lower.*
- (2) *Paragraph (1) shall not apply where the offender is charged with any offence specified in Schedule 3 to the extent specified therein in relation to that offence.*
- (3) *Where any fine is levied by a Centenier in pursuance of the powers conferred on them by this Article, the Centenier shall give a receipt for it.*
- (4) *Where any fine is levied by a Centenier in pursuance of the powers conferred by this Article, the Centenier shall, as soon as reasonably practicable, inform the Chief Officer of the States of Jersey Police Force of the details of the fine.*

90 Application of fines

- (1) *A fine imposed for an offence under Articles 18, 20, 21, 22, 23, 25, 26, 27, 51 and 53 shall be awarded for the benefit of Her Majesty.*
- (2) *Despite paragraph (1), if a fine in relation to an offence under Article 21 is inflicted and levied summarily by a Centenier of the parish where the offence was committed, the fine shall be awarded for the benefit of the parish and shall be applied towards the general expenses of the parish.*
- (3) *A fine imposed for –*
- (a) *an offence under this Law, other than an offence specified in paragraph (1); or*
- (b) *an offence under any Order,*
- shall be awarded for the benefit of the annual income of the States.*
- (4) *Despite paragraph (3), if a fine in relation to –*
- (a) *an offence under this Law, other than an offence specified in paragraph (1); or*
- (b) *an offence under any Order,*

is inflicted and levied summarily by a Centenier of the parish where the offence was committed –

- (i) half of the fine shall be awarded for the benefit of the annual income of the States; and*
- (ii) half of the fine shall be awarded for the benefit of the parish and shall be applied towards the cost of maintaining by-roads of the parish.”*

3/55 In Schedule 3, the entry relating to Article 25 will be amended to read as follows –

“Article 25 – *careless driving; except where each person who has suffered personal injury or damage to property as a result of the offence has agreed to accept the decision of a Centenier having jurisdiction in the matter and the offence was committed more than 5 years since the date on which the defendant was last convicted for an offence under any of Article 21, 22, 25, 27, 28, 29, 30, 30B or 52;”.*

4 Concluding comments

In preparing the draft Regulations, the Comité des Connétables has consulted with the Comité des Chefs de Police and has been greatly assisted by H.M. Attorney General and staff of the Law Officers’ Department, who have trawled through all Jersey legislation to identify the amendments required. The Senior Assistant Law Draftsman has undertaken considerable work on this drafting request alongside the extensive work being done simultaneously for the Minister for Home Affairs in connection with the States of Jersey Police Force Law 2012.

The Regulations, if approved, will come into force on the same day as the Connétables (Miscellaneous Provisions) (Jersey) Law 2012 and will finally implement the 1998 Resolution of the States concerning the residual policing functions of the Connétables. The legislation will formally remove operational policing powers from the Connétable, and in turn will remove various civil duties from the *Chef de Police* and place these on the senior *Procureur du Bien Public*.

The formal removal from the Connétable of operational policing powers within the Parish in fact does little more in practical terms than affirm the *status quo*; but it is nonetheless an important, and proper, step to take in relation to a member of the legislature.

The *Comité* is confident that the proposed legislation will complete the implementation of the 1998 Resolution of the States, and that the resulting team of *Connétables*, *Procureurs du Bien Public* and *Chef de Police* will be able successfully and efficiently to manage the parish administration to the benefit of its parishioners.

Financial and manpower implications

There are no financial or manpower implications for the States or for the parishes arising from these draft Regulations.

Explanatory Note

These Regulations amend enactments consequential to the Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (“2012 Law”). One of the main effects of the 2012 Law is to repeal the policing powers of Connétables under customary law. These Regulations make the necessary consequential amendments to existing enactments. In the main, the changes comprise the removal of existing references to the Connétables or the replacement of such references with references to Centeniers.

With some exceptions, these Regulations will come into force on the same day that the 2012 Law comes into force. The latter comes into force by an Appointed Day Act. The exceptions relate to certain amendments to provisions in the Police Procedures and Criminal Evidence (Jersey) Law 2003 that have not been brought into force. The amendments made by these Regulations come into force on the same date or dates that the corresponding provisions in the Police Procedures and Criminal Evidence (Jersey) Law 2003 are brought into force.



Jersey

DRAFT CONNÉTABLES (MISCELLANEOUS PROVISIONS – CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 201-

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Jersey

DRAFT CONNÉTABLES (MISCELLANEOUS PROVISIONS – CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 201-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 7 of the Connétables (Miscellaneous Provisions) (Jersey) Law 2012¹, have made the following Regulations –

1 Aerodromes (Administration) (Jersey) Law 1952 amended

In the Aerodromes (Administration) (Jersey) Law 1952² –

- (a) in Article 3(2) for the words “the Connétable of the parish in which the person was arrested” there shall be substituted the words “a Centenier having jurisdiction in the matter”;
- (b) in Article 5 the words “Connétable or” in each place they appear shall be deleted.

2 Consumer Safety (Jersey) Law 2006

In Article 28(2) of the Consumer Safety (Jersey) Law 2006³, for the words “the Connétable” there shall be substituted the words “a Centenier having jurisdiction in the matter”.

3 Criminal Justice (Anonymity in Sexual Offence Cases) (Jersey) Law 2002 amended

In Article 1(5)(a) of the Criminal Justice (Anonymity in Sexual Offence Cases) (Jersey) Law 2002⁴ for the words “the Connétable of the parish where the offence is presumed to have been committed” there shall be substituted the words “a Centenier having jurisdiction in the matter”.

4 Criminal Justice (Compensation Orders) (Jersey) Law 1994

In Article 2(2) of the Criminal Justice (Compensation Orders) (Jersey) Law 1994⁵ for the word “Connétable in whose name the offender has been

presented before the court” there shall be substituted the words “Centenier who presented the offender before the court”.

5 Criminal Procedure (Connétables and Centeniers) (Jersey) Law 1996

In the Criminal Procedure (Connétables and Centeniers) (Jersey) Law 1996⁶ –

- (a) in the title and in the long title the words “Connétables and” shall be deleted;
- (b) for Articles 2, 3, 4, 4A, 5, 6 and 7 there shall be substituted the following Articles –

“2 Exercise of powers reserved to Centeniers

The powers reserved to a Centenier by Article 3(2) of the Police Force (Jersey) Law 1974⁷ may be exercised by a Centenier of a parish other than that in which the offence was committed if the Centenier of that other parish has been authorized, by a Centenier of the parish in which the offence was committed, to act on the latter’s behalf.

3 Presentation of accused by Centenier

In any case before the Magistrate’s Court, a Centenier of one parish may present before the Court a person accused of the commission of an offence in another parish if the Centenier has been authorized by a Centenier of that other parish to act on the latter’s behalf.

4 Extension of functions etc. of Centenier

A Centenier acting pursuant to Article 3 shall, with regard to the case before the Court, fulfil the same functions and have the same powers and duties (including the ability to amend, substitute or add a charge) as the Centenier would have had if the offence had been committed in the Centenier’s own parish and Articles 14, 15, 21, 22 and 23 of the Loi (1864) réglant la procédure criminelle⁸ shall be construed accordingly.

5 Parish hall inquiry

The Centenier of a parish shall have, in another parish, all the powers to conduct and decide an inquiry into an allegation that an offence has been committed in that other parish that he or she would have in respect of such an inquiry in his or her own parish if he or she has been authorized, by a Centenier of the other parish, to conduct the inquiry.

6 Authority of Centenier

A Centenier acting in purported exercise of an authority under Article 2, 3 or 5 shall be presumed to have acted with due authority unless the contrary is proved.

7 Citation

This Law may be cited as the Criminal Procedure (Centeniers) (Jersey) Law 1996.”.

6 Customs and Excise (Jersey) Law 1999

In Article 65(1) of the Customs and Excise (Jersey) Law 1999⁹ the words “Connétable or” shall be deleted.

7 Dogs (Jersey) Law 1961

In Article 5(1) of the Dogs (Jersey) Law 1961¹⁰ for the word “Connétable” there shall be substituted the word “Centenier”.

8 Employment (Jersey) Law 2003

In Article 9(2) of the Employment (Jersey) Law 2003¹¹ the words “Connétable or” shall be deleted.

9 Extradition (Jersey) Law 2004

In Article 88 of the Extradition (Jersey) Law 2004¹² –

- (a) in paragraph (9) the words “the Connétable or” shall be deleted;
- (b) in paragraph (10) the words “Connétable or” shall be deleted.

10 Fertilisers and Feeding Stuffs (Jersey) Law 1950

In Article 1(1) of the Fertilisers and Feeding Stuffs (Jersey) Law 1950¹³ in the definition “prosecutor” for the words “the Connétable of the parish in which the offence is alleged to have been committed” there shall be substituted the words “a Centenier having jurisdiction in the matter”.

11 Food Safety (Jersey) Law 1966

In Article 1(1) of the Food Safety (Jersey) Law 1966¹⁴ in the definition “authorized officer” for the words “any Constable or” there shall be substituted the word “a”.

12 Harbours (Administration) (Jersey) Law 1961

In the Harbours (Administration) (Jersey) Law 1961¹⁵ –

- (a) for Article 3(2) there shall be substituted the following paragraph –
 - “(2) The prosecution of any person arrested by the Harbour Master under the powers conferred on him or her by this Article shall be undertaken by a Centenier having jurisdiction in the matter or, if the arrest took place within the territorial waters of Jersey, by a Centenier of St. Helier.”;

- (b) in Article 5(1) and (2) the words “Connétable or” in each place they appear shall be deleted.

13 Health and Safety at Work (Jersey) Law 1989

In Article 20(3)(b)(ii) of the Health and Safety at Work (Jersey) Law 1989¹⁶ for the word “Connétable” there shall be substituted the words “Chef de Police”.

14 Loi (1797) sur les rassemblements tumultueux

In Article 2 of the Loi (1797) sur les rassemblements tumultueux¹⁷ the words “Connétable ou” shall be deleted.

15 Loi (1804) au sujet des assemblées paroissiales

In Article 13 of the Loi (1804) au sujet des assemblées paroissiales¹⁸ the words “du Connétable et” shall be deleted.

16 Loi (1840) augmentant les pouvoirs des officiers de Police Honorifique

In Article 2 of the Loi (1840) augmentant les pouvoirs des officiers de Police Honorifique¹⁹ –

- (a) the words “du Connétable et” shall be deleted;
(b) the words “au Connétable ou” shall be deleted.

17 Loi (1853) au sujet des centeniers et officiers de police

In the Loi (1853) au sujet des centeniers et officiers de police²⁰ –

- (a) in Article 7 the words “au Connétable ou” shall be deleted;
(b) in Article 8 for the words “Le Connétable ou Centenier” there shall be substituted the words “Le Centenier”;
(c) in Article 12 the words “Connétable ou” shall be deleted;
(d) in Article 13 the words “le Connétable ou” shall be deleted.

18 Loi (1853) établissant la Cour pour la répression des moindres délits

In the Loi (1853) établissant la Cour pour la répression des moindres délits²¹ –

- (a) in Article 2 for the word “Connétable” there shall be substituted the words “Centenier chargé de l’affaire”;
(b) in Article 3 the words “au Connétable ou” shall be deleted.

19 Loi (1864) réglant la procédure criminelle

In the Loi (1864) réglant la procédure criminelle²² –

- (a) in Article 14 for the words “le Connétable de la paroisse où le crime est suppose avoir été commis” there shall be substituted the words “un Centenier chargé de l’affaire”;
- (b) in Article 15 –
 - (i) for the word “Connétable” in each place it appears there shall be substituted the word “Centenier”,
 - (ii) the words “de sa paroisse” shall be deleted;
- (c) in Articles 21, 22, 23, 26 and 27 for the word “Connétable” in each place it appears there shall be substituted the word “Centenier”.

20 Loi (1884) sur le prêt sur gages

In the Loi (1884) sur le prêt sur gages²³ –

- (a) in Article 12 –
 - (i) the words “Connétable ou” in the first place they appear shall be deleted,
 - (ii) the words “le Connétable ou” where they appear after “l’examen,” shall be deleted;
- (b) in Article 14 the words “le Connétable ou” shall be deleted;
- (c) in Article 20 for the words “le Connétable” there shall be substituted the words “un Centenier chargé de l’affaire”.

21 Loi (1885) touchant l’Administration des Marchés Publics

In Article 2 of the Loi (1885) touchant l’Administration des Marchés Publics²⁴, for the words “Le Connétable et les” there shall be substituted the word “Les”.

22 Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949

In the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949²⁵ –

- (a) in Article 1 the definition “Connétable” shall be deleted;
- (b) in Article 9(1) for the words “the Connétable” there shall be substituted the words “a Centenier having jurisdiction in the matter”.

23 Motor Traffic (Third Party Insurance) (Jersey) Law 1948

In Article 20(1) and (2) of the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948²⁶ the words “Connétable or” in each place they appear shall be deleted.

24 Motor Vehicle Registration (Jersey) Law 1993

In the Motor Vehicle Registration (Jersey) Law 1993²⁷ –

- (a) in Article 14(1) and (2) the words “Connétable or” in each place they appear shall be deleted;

- (b) in the heading to the Schedule the words “Connétable or” shall be deleted;
- (c) in the heading to column 2 of the table in the Schedule the words “Connétable or” shall be deleted.

25 Nursing and Residential Homes (Jersey) Law 1994

In Article 18(2) of the Nursing and Residential Homes (Jersey) Law 1994²⁸ for the words “Connétable in whose name the proceedings have been instituted” there shall be substituted the words “Centenier who instituted proceedings”.

26 Official Secrets (Jersey) Law 1952

In the Official Secrets (Jersey) Law 1952²⁹ –

- (a) in Article 3(5) the words “Connétable or” in each place they appear shall be deleted;
- (b) in Article 5 the words “Connétable or” shall be deleted;
- (c) in Article 9(2) the words “Connétable or” shall be deleted.

27 Places of Refreshment (Jersey) Law 1967

In Article 12(5) of the Places of Refreshment (Jersey) Law 1967³⁰ for the words “The Connétable or a Centenier of any parish and, with the permission of the Connétable, any other police officer” there shall be substituted the words “A police officer”.

28 Police Procedures and Criminal Evidence (Jersey) Law 2003

In the Police Procedures and Criminal Evidence (Jersey) Law 2003³¹ –

- (a) in Article 12(11) for the word “Connétable” there shall be substituted the words “Chef de Police”;
- (b) in Article 13(2), (3), (5), (7) (10) and (15) for the word “Connétable” there shall be substituted the words “Chef de Police”;
- (c) in Article 13(6), (8), (9) and (11) for the word “Connétable” there shall be substituted the words “the Chef de Police”;
- (d) in Article 20(4), (6) and (8) the words “Connétable or” shall be deleted;
- (e) in Article 20(7) –
 - (i) the word “, Connétable” shall be deleted, and
 - (ii) the comma after the words “paragraph (6)” shall be deleted;
- (f) in Article 30(1), (2), (3), (4) and (5) the words “Connétable or” shall be deleted;
- (g) in Article 35(7)(a) the words “the Connétable or” shall be deleted;
- (h) in Article 35(7)(b) and (8) the words “Connétable or” shall be deleted;
- (i) in the heading to Article 36 the word “Connétable or” shall be deleted;

- (j) in Article 36(1) the words “Connétable or” shall be deleted;
- (k) in Article 36(10), in the definition “officer” the words “Connétable or” shall be deleted;
- (l) in Article 38(1)(a) the words “the Connétable or” shall be deleted.

29 Police Procedures and Criminal Evidence (Application to Customs and Excise) (Jersey) Order 2004

In the Police Procedures and Criminal Evidence (Application to Customs and Excise) (Jersey) Order 2004³² –

- (a) in Article 3(b)(i) the words “Connétable or” shall be deleted;
- (b) in paragraph 3A(a) of Schedule 2, the words “Connétable or” shall be deleted.

30 Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004

In the Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004³³ –

- (a) in paragraphs 2.4 of Code B for the words “the Connétable or” there shall be substituted the word “a”;
- (b) in paragraph 3.3 of Code B the words “Connétable or” shall be deleted;
- (c) in paragraph 17.1 of Code C –
 - (i) after the words “delay arrange for” the words “the Connétable or” shall be deleted,
 - (ii) the words “Connétable or the” shall be deleted;
- (d) in paragraphs 17G(a) and 17I(a) of the Notes for Guidance in Code C the words “Connétable or” shall be deleted.

31 Policing of Beaches (Jersey) Regulations 1959

In Regulation 7 of the Policing of Beaches (Jersey) Regulations 1959³⁴ the words “Connétable or” shall be deleted in each place they appear.

32 Policing of Parks (Jersey) Regulations 2005

In Regulation 10 of the Policing of Parks (Jersey) Regulations 2005³⁵ the words “Connétable or” shall be deleted.

33 Policing of Roads (Jersey) Regulations 1959

In Regulation 5 of the Policing of Roads (Jersey) Regulations 1959³⁶ the words “Connétable or” shall be deleted in each place they appear.

34 Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957

In Article 1(2) and (3) of the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957³⁷ the words “Connétable or” in each place they appear shall be deleted.

35 Rates (Jersey) Law 2005

In Article 3(8) of the Rates (Jersey) Law 2005³⁸ –

- (a) the words “the Connétable or” in the first place they appear shall be deleted; and
- (b) the words “Connétable or” where they appear after the words “in the matter the” shall be deleted.

36 Road Traffic (Jersey) Law 1956

In the Road Traffic (Jersey) Law 1956³⁹ –

- (a) in Article 86(1) the words “or on behalf of the Connétable of a parish or” shall be deleted;
- (b) in Article 89(1) the words “Connétable or” in each place they appear shall be deleted;
- (c) for Article 89(3) and (4) there shall be substituted the following paragraphs –
 - “(3) Where any fine is levied by a Centenier in pursuance of the powers conferred by this Article, the Centenier shall give a receipt for it.
 - (4) Where any fine is levied by a Centenier in pursuance of the powers conferred by this Article, the Centenier shall, as soon as reasonably practicable, inform the Chief Officer of the States of Jersey Police Force of the details of the fine.”.
- (d) in Article 90(2) and (4) the words “Connétable or” shall be deleted;
- (e) In Schedule 3 in the item relating to Article 25 the words “Connétable or” shall be deleted.

37 Citation and commencement

- (1) These Regulations may be cited as the Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 201-.
- (2) On such day as any provision amended by Regulation 28(g) to (l) comes into force, Regulation 28(g) to (l) shall come into force to the extent that such provision is amended.
- (3) The remainder of these Regulations shall come into force on the same date that the Connétables (Miscellaneous Provisions) (Jersey) Law 2012⁴⁰ comes into force.

1	<i>L.30/2012</i>
2	<i>chapter 03.035</i>
3	<i>chapter 05.100</i>
4	<i>chapter 08.160</i>
5	<i>chapter 08.200</i>
6	<i>chapter 08.420</i>
7	<i>chapter 23.375</i>
8	<i>chapter 08.740</i>
9	<i>chapter 24.660</i>
10	<i>chapter 02.550</i>
11	<i>chapter 05.255</i>
12	<i>chapter 17.325</i>
13	<i>chapter 01.800</i>
14	<i>chapter 20.225</i>
15	<i>chapter 19.060</i>
16	<i>chapter 05.300</i>
17	<i>chapter 08.800</i>
18	<i>chapter 16.100</i>
19	<i>chapter 23.725</i>
20	<i>chapter 23.050</i>
21	<i>chapter 07.140</i>
22	<i>chapter 08.740</i>
23	<i>chapter 13.625</i>
24	<i>chapter 05.525</i>
25	<i>chapter 07.595</i>
26	<i>chapter 25.250</i>
27	<i>chapter 25.350</i>
28	<i>chapter 20.725</i>
29	<i>chapter 16.450</i>
30	<i>chapter 11.600</i>
31	<i>chapter 23.750</i>
32	<i>chapter 23.750.10</i>
33	<i>chapter 23.750.20</i>
34	<i>chapter 22.600.25</i>
35	<i>chapter 22.600.50</i>
36	<i>chapter 22.600.75</i>
37	<i>chapter 22.600</i>
38	<i>chapter 24.950</i>
39	<i>chapter 25.550</i>
40	<i>L.30/2012</i>