

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 18th JUNE 2013**

Question

Can members of the public be arrested by the Police for alleged planning infractions and, if so, can such individuals also be legally required by the Police to report to the police station on a daily basis whilst these allegations are investigated?

Answer

The Police have the power of arrest under Article 3 of the Police Force (Jersey) Law 1974 where they with reasonable cause suspect “that any person has committed, is committing or is about to commit, an offence...” That would, therefore, also include a planning offence.

However, in practice the Police do not carry out criminal investigations for infractions of the Planning legislation (Planning and Building (Jersey) Law 2002). These are ‘policed’ or investigated by the Planning and Building Department.

Planning officers do not have a power of arrest and any person who breaches Planning legislation would be invited for interview with Planning officers. If the person refuses to be interviewed, as is their right, Planning officers would submit a file to the Attorney General for consideration of prosecution, without the accused’s input. That person may then be warned or summoned for Court.

However, if the person were to refuse to answer to a summons to attend Court, their arrest could be ordered by the Court and they could then be arrested by the Police for failing to appear in Court. If, subsequently, they were released on conditions, these would be conditions imposed by the Court and not the Police or Planning officers. Such bail conditions imposed by a Court could include a requirement to report periodically to the Police. If they did not adhere to these conditions, the Court could order their arrest for breach of bail conditions and they could then be arrested by the Police.