

# STATES OF JERSEY



## DRAFT HONORARY POLICE (AMENDMENT) (JERSEY) REGULATIONS 200-

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Lodged au Greffe on 13th July 2009  
by the Comité des Connétables

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STATES GREFFE





Jersey

## **DRAFT HONORARY POLICE (AMENDMENT) (JERSEY) REGULATIONS 200-**

### **REPORT**

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These Regulations amend the Honorary Police (Jersey) Regulations 2005 (“the 2005 Regulations”). The purpose of the amendments is two-fold:

- Firstly, to replace provision – currently contained in the Honorary Police (Parochial Domicile) (Jersey) Law 1999 (“the 1999 Law”) – regarding the circumstances in which a person may serve in the Honorary Police of one Parish whilst residing in another Parish.
- Secondly, to empower the Connétable to appoint a Centenier to discharge the functions of Chef de Police when the Chef de Police is unable to do so for any reason.

#### *‘Parochial domicile’*

Insofar as ‘parochial domicile’ is concerned, this *projet* can be read in conjunction with P.114/2009 which contains the draft repeal of the 1999 Law. As the Report in that Proposition makes clear, the 1999 Law resulted, effectively, in members of the Honorary Police being able to quit office of their own volition – simply by moving Parish. This conflicted not only with the original customary law – under which a member of the Honorary Police could only be discharged (*déchargé*) from office by the Royal Court – but also with Regulation 5 of the 2005 Regulations under which –

*“A member of the Honorary Police may resign from office of his or her own volition only if –*

- (a) the member has notified the Connétable ... and the Attorney General of the reasons for wishing to do so; and*
- (b) those reasons are accepted by the Attorney General.”*

The draft Regulations would replace the provisions in the 1999 Law with new provisions in the 2005 Regulations. The new provisions make it clear to begin with that a person is qualified for election as a member of the Honorary Police of a Parish only if he or she resides in that Parish. But, under the new provisions, if a member of the Honorary Police, whilst in office, ceases to reside in the Parish, the member continues to hold office until he or she is –

- (a) permitted to resign in accordance with Regulation 5 (quoted above); or
- (b) discharged from office by the Royal Court.

Furthermore a member of the Honorary Police who has ceased to reside in the Parish is not disqualified for re-election to his or her present office in that Parish; neither is the member disqualified for election to another office (other than that of Connétable) in the Honorary Police of his or her former Parish.

But under no circumstances could a person be a member of the Honorary Police of more than one Parish at a time.

#### *Functions of Chef de Police – temporary discharge*

The 2005 Regulations are silent as to what the position is should the *Chef de Police* of any Parish be unable temporarily to perform his or her duties. There is no provision enabling anyone to be appointed to deputise temporarily for the *Chef de Police*. This has had the result that, at meetings of the *Comité des Chefs de Police*, no-one can ‘stand in’ for a *Chef* who is *absent de l’Île* or *malade* – not even a Centenier appointed by the Connétable of the relevant Parish.

The draft Regulations would remedy this by inserting a new provision in the 2005 Regulations under which –

*“A Connétable may, at any time when the Connétable is satisfied that the Chef de Police is, or is about to be, unable for any reason to discharge the functions of the Chef de Police, appoint a Centenier to discharge those functions.”*

A Centenier so appointed would discharge the functions of the *Chef de Police* only for so long as the Connétable was satisfied that the *Chef* was unable to do so. The Connétable would be required to inform the Attorney General in writing of the appointment of any Centenier under these provisions and also of the date when the temporary arrangements would come to an end.

#### **Financial and manpower statement**

There are no financial or manpower implications.

## Explanatory Note

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These Regulations amend the Honorary Police (Jersey) Regulations 2005.

*Regulation 1* is the interpretation provision.

*Regulations 2 and 3* are to be considered in conjunction with the repeal of the Honorary Police (Parochial Domicile) (Jersey) Law 1999. The requirement for a candidate for election as a member of the honorary police to be resident in the parish, and the relaxation of that requirement which allows an honorary police officer to serve out his or her term of office after ceasing to reside in the parish, are relocated from that Law to these Regulations. This brings together, in a single legislative location, the requirements as to residence and age for honorary police officers.

In addition, the requirement as to residence is further relaxed by allowing an honorary police officer who has ceased to reside in the parish to stand for re-election, or for election to another honorary police post, in the parish.

*Regulation 4* enables a Connétable to appoint a Centenier to discharge the functions of Chef de Police when the Chef de Police is unable to do so for any reason.

*Regulation 5* provides for the citation and commencement of the Regulations. The power to appoint a Centenier to discharge the functions of Chef de Police will come into force 7 days after the Regulations are made. The provisions as to qualification for election and continuance in office and re-election after ceasing to reside in the parish will come into force upon the repeal of the Honorary Police (Parochial Domicile) (Jersey) Law 1999.





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## **DRAFT HONORARY POLICE (AMENDMENT) (JERSEY) REGULATIONS 200-**

### **Arrangement**

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#### **Regulation**

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## **DRAFT HONORARY POLICE (AMENDMENT) (JERSEY) REGULATIONS 200-**

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 4 of the Police Force (Jersey) Law 1974<sup>1</sup>, have made the following Regulations –

### **1 Interpretation**

In these Regulations, “principal Regulations” means the Honorary Police (Jersey) Regulations 2005<sup>2</sup>.

### **2 Regulation 2 substituted**

For Regulation 2 of the principal Regulations there shall be substituted the following Regulation –

#### **“2 Qualification for election**

- (1) A person shall only be qualified for election as a member of the Honorary Police of a parish if –
  - (a) the person resides in the parish; and
  - (b) on the day of nomination as a candidate for election, the person has attained 20 years of age but has not attained 70 years of age.
- (2) The requirement for residence in paragraph (1) is subject to the Parish of St. Helier (Qualifications for Office) (Jersey) Law 1976<sup>3</sup>.”

### **3 Regulation 4A inserted**

After Regulation 4 there shall be inserted the following Regulation –

**“4A Continuation in and election to office after ceasing to reside in parish**

- (1) Notwithstanding the requirement for residence in Regulation 2(1), a member of the Honorary Police who, during his or her term of office, ceases to reside in the parish for which he or she was elected shall continue to hold that office until –
  - (a) his or her resignation in accordance with Regulation 5; or
  - (b) his or her discharge from office by the Royal Court.
- (2) Notwithstanding the requirement for residence in Regulation 2(1), a member of the Honorary Police who has ceased to reside in the parish for which he or she was elected shall not, by reason only of ceasing to be resident there, be disqualified –
  - (a) for re-election to that office; or
  - (b) whilst in office as a member of the Honorary Police of that parish, for election to another office in the Honorary Police of that parish (other than the office of Connétable).
- (3) Paragraphs (1) and (2) do not permit a person to hold office as a member of the Honorary Police of more than one parish.”.

**4 Regulation 7A inserted**

After Regulation 7 of the principal Regulations there shall be inserted the following Regulation –

**“7A Appointment of Centenier to discharge functions of Chef de Police**

- (1) A Connétable may, at any time when the Connétable is satisfied that the Chef de Police is, or is about to be, unable for any reason to discharge the functions of the Chef de Police, appoint a Centenier to discharge those functions.
- (2) A Centenier appointed under paragraph (1) shall discharge the functions of the Chef de Police only for so long as the Connétable is satisfied that the Chef de Police is unable to do so.
- (3) The Connétable shall, as soon as may be practicable, inform the Attorney General in writing of –
  - (a) the appointment of a Centenier to discharge the functions of the Chef de Police and the date from which the Centenier discharges those functions; and
  - (b) the date from which the Chef de Police resumes the discharge of those functions.”.

**5 Citation and commencement**

- (1) These Regulations may be cited as the Honorary Police (Amendment) (Jersey) Regulations 200- .
- (2) This Regulation and Regulations 1 and 4 shall come into force 7 days after these Regulations are made.

- (3) Regulations 2 and 3 shall come into force upon the repeal of the Honorary Police (Parochial Domicile) (Jersey) Law 1999.

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- <sup>1</sup> *chapter 23.375*  
<sup>2</sup> *chapter 23.375.15*  
<sup>3</sup> *chapter 16.500*