

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 24th MARCH 2015**

Question

Will H.M. Attorney General advise members whether any Enforcement Officers employed by States Departments or Andium Homes have any legal powers similar to the police under the Police Procedures and Criminal Evidence (Jersey) Law 2003, and if not, whether, as head of the prosecution service, he would recommend they should be given such powers or be issued with specific guidance as to how they should conduct their investigations.

Answer

The Police Procedures and Criminal Evidence (Jersey) Law 2003 provides the police with a range of investigatory powers including the power to search property pursuant to a warrant in order to obtain relevant evidence during a criminal investigation.

Parts 5 and 6 of the Control of Housing and Work (Jersey) Law 2012 [the 2012 Law] regulates the ownership and occupation of property. Article 9 of the 2012 Law requires individuals to provide the Chief Minister with relevant information. Article 10 enables the Chief Minister to obtain relevant information from other States Departments about an individual. It can be seen that the Chief Minister has the power to obtain relevant information albeit he does not have the power to apply for a search warrant in order to enter and search premises.

In so far as the question seeks to propose that the Chief Minister should be provided with a search power then one would wish in the first instance to better understand why such a power might be needed. A search power is a strong thing that raises human rights considerations and questions of proportionality.