

# STATES OF JERSEY

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## **DRAFT POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003 (APPOINTED DAY) (No. 2)ACT 200-**

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**Lodged au Greffe on 2nd November 2004  
by the Home Affairs Committee**

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**STATES GREFFE**





Jersey

## **DRAFT POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003 (APPOINTED DAY) (No. 2)ACT 200-**

### **REPORT**

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The draft Appointed Day Act will bring into force on 1st December 2004 some of the most significant provisions of the Police Procedures and Criminal Evidence (Jersey) Law 2003 (the 'Law').

These include the powers to stop and search suspects in Part 2 of the Law and the powers to obtain search warrants and to enter property and seize evidence in Part 3. As a consequence, the customary law power of search will be abolished.

Also commenced will be the provisions dealing with treatment of persons on arrest (Part 4) and questioning and treatment of persons by police officers, including the power to take samples and conduct intimate searches, the right to have someone informed of your arrest, and to be given access to legal advice.

Parts 10 and 12 dealing with preparatory hearings and rulings, and reporting of committal proceedings will also come into force.

As the Explanatory Note to the Act mentions, other provisions of the Law have been in force for some time. However, the Act will not mean that the whole of the Law will be in force. Part 5, on bail and detention, and Part 11, on intrusive surveillance, will remain to be brought into force at a later date.

The financial and manpower statement which accompanied the Law when lodged in draft form (P.89/2002) stated –

“The introduction of this legislation will result in increased revenue costs, estimated to be £140,000 in the first year, associated mainly with the DNA sampling of offenders (approximately 1,300 per annum), DNA profiling referrals to the United Kingdom and the necessary secretarial support. Although given a high priority in the recent decision conferencing exercise, no specific funds were allocated for this task. There are also additional costs associated with Class 'A' drug testing and the typing of taped interviews. There are no manpower implications emanating directly from the legislation.”

There is no change to this estimate of the cost of implementing the whole Law.

## **Explanatory Note**

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This Act brings into force the remaining provisions of the Police Procedures and Criminal Evidence (Jersey) Law 2003 apart from Parts 5 (Bail and detention) and 11 (Control of intrusive surveillance) and Article 108 (extended remand in custody of suspected drug offender).

The interpretation provisions in Part 1, and Parts 8 and 9 (evidence in criminal proceedings) and related provisions, were brought into force on 18th March 2003.





Jersey

## **DRAFT POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003 (APPOINTED DAY) (No. 2)ACT 200-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 114(2) of the Police Procedures and Criminal Evidence (Jersey) Law 2003,<sup>[1]</sup> have made the following Act –

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### **1 Commencement of Parts 2 to 4, 6, 7, 10 and 12 and ancillary provisions**

The following provisions of the Police Procedures and Criminal Evidence (Jersey) Law 2003 shall come into force on 1st December 2004 –

- (a) Parts 2, 3, 4, 6, 7, 10 and 12;<sup>[2]</sup>
- (b) Articles 107, 109, 110 and 111;<sup>[3]</sup>
- (c) Article 112(2)<sup>[4]</sup> to the extent that it relates to the repeal, in Schedule 6, in the Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949;<sup>[5]</sup>
- (d) Article 113;<sup>[6]</sup>
- (e) Schedules 1 to 3;<sup>[7]</sup>
- (f) in Schedule 6,<sup>[8]</sup> the repeal in the Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949.<sup>[9]</sup>

### **2 Citation**

This Act may be cited as the Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) (No. 2) Act 200.

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- [1] *Recueil des Lois, Volume 2003, page 105.*
- [2] *Recueil des Lois, Volume 2003, pages 29, 36, 44, 48, 80, 90 and 100.*
- [3] *Recueil des Lois, Volume 2003, pages 103 and 104.*
- [4] *Recueil des Lois, Volume 2003, page 104.*
- [5] *Recueil des Lois, Tome VII, page 547.*
- [6] *Recueil des Lois, Volume 2003, page 104.*
- [7] *Recueil des Lois, Volume 2003, pages 106 to 112.*
- [8] *Recueil des Lois, Volume 2003, page 118.*
- [9] *Recueil des Lois, Tome VII, page 547.*