

STATES OF JERSEY

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DRAFT HONORARY POLICE (JERSEY) REGULATIONS 200

**Lodged au Greffe on 9th November 2004
by the Legislation Committee**

STATES GREFFE



Jersey

DRAFT HONORARY POLICE (JERSEY) REGULATIONS 200

REPORT

On 19th May 1998 the States approved a number of the recommendations of the Report of the Working Party on Policing in the Island dated 5th December 1997 including –

- (a) that the office of Chef de Police for each parish, be established by law to have charge of the honorary police within the parish and perform such other duties as may be prescribed by law; and that the Connétables should cease to fulfil an operational policing role but retain overall responsibility for the effective and efficient policing of their parish;
- (b) that posts of Chairman, and Deputy Chairman, of the Honorary Police, and the responsibilities of the respective posts, be established by law;
- (c) that the Centeniers Association and the Association of Vingteniers and Constables Officers be recommended to merge into a single association;
- (d) that the senior Procureur du Bien Public in a parish should be empowered by law to deputise for the Connétable in the event of the latter's incapacity or absence from the Island;

These Regulations bring into force some of those decisions.

Historically, the Chef de Police is the Connétable of the Parish. In recent times, as the senior Centenier deputised for the Connétable in his incapacity or absence from the Island, the senior Centenier became known as the Chef de Police. The Regulations provide for the Connétable to appoint a Chef de Police from among the Centeniers of the parish after consulting with the Honorary Police of the parish.

The Chef de Police has charge of the honorary police within the parish and the Regulations provide for the establishment of '*Le Comité des Chefs de Police*' of which every Chef de Police shall be a member. The Comité will make rules to regulate its management, proceedings and business and this will include the appointment of the Chairman and Deputy Chairman. A shadow Comité des Chefs de Police has been in operation since 2002 and its formal establishment, together with the merging of the two Associations, will enable a streamlined structure for the Honorary Police to be created.

The Regulations provide for the Centeniers' Association and Vingteniers' and Constables Officers' Association to merge to form the Honorary Police Association. Every Centenier, Vingtenier and Constable's Officer will be a member of the Honorary Police Association and the Association's role is to promote efficiency in the Honorary Police. The Association will come into being on 1st April 2005.

Law drafting work to provide for other decisions including that the senior Procureur du Bien Public in a parish should be empowered by law to deputise for the Connétable in the event of the latter's incapacity or absence from the Island is more extensive and will follow in due course as law-drafting time is made available.

Financial and manpower statement

These Draft Regulations have no implications for the financial or manpower resources of the States.

Explanatory Note

These Regulations replace with amendments the Honorary Police (Jersey) Regulations 1977.

Part 1 and *Regulation 1* consists of the interpretation provisions.

Part 2 is concerned with the age limits for election, and requirement for candidates to declare that they are not disqualified for election, to the Honorary Police (*Regulations 2 and 3*). *Regulation 4* establishes the Honorary Police Association, which replaces the Association of Centeniers and the Association of Vingteniers and Constable's Officers, and sets out a framework for its operation. *Regulation 5* provides for members of the honorary police to resign from office if they so wish.

Part 3 provides the procedure for the appointment of Chefs de Police (*Regulations 6 and 7*). The Comité des Chefs de Police is established with a framework for its operation in *Regulation 8*. *Regulation 9* provides for the vacation of office of Chefs de Police.

Part 4 provides for *Part 3* to apply to future appointments of Chefs de Police but for *Regulation 9* to apply to existing appointments (*Regulation 10*). *Regulation 11* deals with consequential matters and *Regulation 12* repeals the previous Regulations. *Regulation 13* names the Regulations and provides for them to come into force 7 days after they were made, except for the provisions concerning the Honorary Police which are to come into force on 1st April 2005.



Jersey

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Jersey

DRAFT HONORARY POLICE (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,^[1] have made the following Regulations –

PART 1

PRELIMINARY

1 Interpretation

In these Regulations, unless the context otherwise requires –

“Association” means the Honorary Police Association;

“Chef de Police” means the Centenier of a parish appointed by the Connétable of that parish to be the Chef de Police for that parish;

“Comité” means Le Comité des Chefs de Police;

“Law” means the Police Force (Jersey) Law 1974;^[2]

“member of the Honorary Police” means a Centenier, a Vingtenier or a Constable’s Officer.

PART 2

HONORARY POLICE

2 Age limits for candidates for election

A person is disqualified for being elected a member of the Honorary Police if, on the day of nomination as a candidate for election, the person is less than 20 years of age or has attained 70 years of age.

3 Declaration by candidates for election

A person seeking election as a member of the Honorary Police shall, at the time of nomination, make a declaration in writing to the Connétable of the parish concerned that he or she is not disqualified, by virtue of these Regulations or any other enactment, for being so elected.

4 Honorary Police Association

- (1) There is established an association known as the Honorary Police Association of which every member of the Honorary Police shall be a member.
- (2) The Association shall promote efficiency in the Honorary Police.
- (3) The Association shall –
 - (a) make rules to regulate its management, proceedings and business; and
 - (b) establish a code of conduct to be observed by its members.
- (4) Rules or any code of conduct made under paragraph (3) must not conflict with the Law, these Regulations and any Regulations made under the Police (Complaints and Discipline) (Jersey) Law 1999.^[3]
- (5) A decision of the Association made in accordance with its rules binds all the members of the Association.
- (6) The Attorney General may set aside any decision of the Association at any time.

5 Resignation

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 of the parish concerned and the Attorney General of the reasons for wishing to do so; and
- (b) those reasons are accepted by the Attorney General.

PART 3

CHEFS DE POLICE

6 Appointment

- (1) The power of a Connétable to appoint a Chef de Police shall be exercised whenever the office of Chef de Police for the parish concerned is vacant.
- (2) The Chef de Police may be appointed for a specified term (not exceeding the remainder of the person's term of office as Centenier).
- (3) If no term is specified in the appointment of a person as Chef de Police, the person is taken to have been appointed for a term equal to the remainder of the person's term of office as Centenier.
- (4) The Connétable shall inform the Attorney General in writing of his or her appointment of a Chef de Police within 7 days after the appointment.

7 Consultation before appointment

- (1) The Connétable shall consult the members of the Honorary Police of the parish concerned before appointing a Chef de Police.
- (2) The Connétable may conduct the consultation in any way that the Connétable thinks fit.
- (3) The Connétable shall consider the advice of the members of the Honorary Police on the appointment, but is not bound to follow that advice.

8 Comité des Chefs de Police

- (1) There is established a Committee, known as “Le Comité des Chefs de Police” of which every Chef de Police shall be a member.
- (2) The Comité shall –
 - (a) seek to strengthen and uphold the Honorary Police by fostering and maintaining the unity of its members;
 - (b) oversee the management of resources made available to the Honorary Police;
 - (c) co-ordinate the provision of advice and guidance to members of the Honorary Police;
 - (d) promote consistency in operational practice between the Honorary Police of each parish; and
 - (e) foster continued co-operation with the States of Jersey Police Force and other agencies.
- (3) The Comité shall –
 - (a) make rules to regulate its management, proceedings and business; and
 - (b) establish a code of conduct to be observed by its members.
- (4) Rules or any code of conduct made under paragraph (3) must not conflict with the Law, these Regulations and any Regulations made under the Police (Complaints and Discipline) (Jersey) Law 1999.^[4]
- (5) The quorum for a meeting of the Comité is 6 members.
- (6) A decision of the Comité made in accordance with its rules binds all the members of the Comité.
- (7) The Attorney General may set aside any decision of the Comité at any time.

9 Vacation of office

- (1) A person vacates office as Chef de Police –
 - (a) if the term of the office comes to an end;
 - (b) if the person resigns from the office;
 - (c) if the person is removed from the office by the Connétable of the parish concerned; or
 - (d) if the person ceases to be a Centenier of the parish concerned.
- (2) A Connétable who removes a person from the office of Chef de Police shall inform the Attorney General in writing of the removal and shall do so within 7 days after the removal.
- (3) A person who vacates office as Chef de Police shall, while the person is a Centenier of the parish concerned, be eligible for re-appointment as Chef de Police.

PART 4

CONCLUDING PROVISIONS

10 Application and saving

- (1) Part 3 shall apply to or in respect of an appointment to the office of Chef de Police made at any time after commencement of Part 3 and to or in respect of a person who is the subject of such an appointment so made.
- (2) In addition, Regulation 9 shall apply to or in respect of a person who, after commencement of Part 3 holds the office of Chef de Police by virtue of an appointment to that office made before such commencement, but shall not have any effect during, or in respect of, the period before commencement.
- (3) These Regulations do not affect the operation of any rule of customary law that is not inconsistent

with them.

11 Consequential provisions

- (1) In Regulation 7(e) of the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000,^[5] for the words “Association of Centeniers or the Association of Vingteniers and Constable’s Officers, as may be appropriate” there shall be substituted the words “Honorary Police Association”.
- (2) The Association of Centeniers and the Association of Vingteniers and Constable’s Officers shall be dissolved.

12 Repeals

The following Regulations shall be repealed –

- (a) the Honorary Police (Jersey) Regulations 1977;^[6]
- (b) the Honorary Police (Amendment) (Jersey) Regulations 2000;^[7] and
- (c) the Honorary Police (Amendment No. 2) (Jersey) Regulations 2002.^[8]

13 Citation and commencement

- (1) These Regulations may be cited as the Honorary Police (Jersey) Regulations 200-.
- (2) Subject to paragraph (3), these Regulations shall come into force 7 days after they are made.
- (3) Part 2 and Regulations 11 and 12 shall come into force on 1st April 2005.

[1] *Recueil des Lois, Volume 1973-1974, page 376 and Volume 1999, page 41.*

[2] *Recueil des Lois, Volume 1973-1974, page 375, Volume 1979-1981, page 171, Volume 1982-1983, page 55, Volume 1986-1987, pages 81 and 293, Volume 1992-1993, page 119, Volume 1996-1997, page 603, Volume 1998, page 603, Volume 1999, page 41, Volume 2000, page 763 and Volume 2004, page 711.*

[3] *Recueil des Lois, Volume 1999, page 11.*

[4] *Recueil des Lois, Volume 1999, page 11.*

[5] *No. 110/2000.*

[6] *No. 6480.*

[7] *No. 44/2000.*

[8] *No. 124/2002.*