

**DRAFT CRIMINAL HOAXES (JERSEY) LAW 199**

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**Lodged au Greffe on 8th June 1999  
by the Defence Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

## Report

In 1977 the United Kingdom Parliament enacted section 51 of the Criminal Law Act 1977 relating to bomb hoaxes. The section created two new offences by way of a response to what was then described as “a particular and rather urgent gap in the law which has been revealed” by the practice of bomb hoaxing. In the 1970s, in the United Kingdom, bomb hoaxes were taking place on a large scale. Whilst many hoaxes could be prosecuted as offences of wasting police time or as offences under the Post Office Act or as a public nuisance at common law, those offences did not cover all varieties of the mischief, nor did they all provide adequate penalties or emphasize the true gravamen of the conduct involved.

In Jersey no legislation similar to section 51 of the Criminal Law Act 1977 has ever been enacted, partly because the activities involved in hoaxes can (in a manner similar to English law) be prosecuted as offences of wasting police time or as offences under the Jersey Postal legislation, or as the separate offence at Jersey customary law of public nuisance. However, an incident in 1998 at the Airport drew attention to the potential limitations of seeking to bring a prosecution under existing statutory or customary law provisions. The Defence Committee (with the concurrence of the Attorney General and the Legislation Committee) has brought forward this legislation in the belief that there ought to be a separate statutory offence of criminal hoaxes to deal with such potential problems and to emphasize the true seriousness of the conduct involved.

The Law Draftsman’s Explanatory Note sets out the effect of *Article 1*, which would create two offences -

- (a) the first concerning the placing or sending of any thing by way of hoax;
- (b) the second concerning hoax communications.

Both the Defence Committee and the Legislation Committee believe that, in the light of the recent incident at the Airport, this legislation ought to be enacted as soon as possible. It has been the subject of widespread consultation, the results of which have demonstrated a clear wish to make provision designed to combat the mischief of hoaxes which, for an Island dependent upon air and sea travel, could in certain circumstances have serious consequences.

### **Explanatory Note**

The purpose of the draft Law is to make it an offence, punishable by a fine or imprisonment for a term not exceeding seven years or both -

- (a) to place any thing in a place, or despatch to another place any thing, with the intention of inducing a person to believe that it will explode or ignite, or be released or exposed, causing injury or damage; or
- (b) to communicate false information to a person to induce him to believe there is any thing in any place that is liable to explode or ignite, or if released or exposed, to cause personal injury or damage to property.

**CRIMINAL HOAXES (JERSEY) LAW 199**

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**A LAW** to create certain offences in respect of criminal hoaxes; sanctioned by Order of Her Majesty in Council of the

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*(Registered on the      day of      199 )*

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**STATES OF JERSEY**

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The      day of      199

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

**ARTICLE 1**

- (1) A person who -
  - (a) places any thing in any place; or
  - (b) despatches any thing from one place to another,

with the intention (in either case) of inducing in some other person a false belief that it is likely to explode or ignite, or to be released or exposed, and thereby cause personal injury or damage to property is guilty of an offence and liable to a fine or imprisonment for a term not exceeding seven years, or both.

(2) A person who communicates any information that he knows or believes to be false to another person with the intention of inducing in him or any other person a false belief that any thing liable to explode or ignite or, if released or exposed, to cause personal injury or damage to

property is present in any place is guilty of an offence and liable to a fine or imprisonment for a term not exceeding seven years, or both.

(3) For a person to be guilty of an offence under paragraph (1) or (2) of this Article it is not necessary for him to have any particular person in mind as the person in whom he intends to induce the belief.

## ARTICLE 2

This Law may be cited as the Criminal Hoaxes (Jersey) Law 199 .