

STATES OF JERSEY

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DRAFT POLICE FORCE (AMENDMENT No. 10) (JERSEY) LAW 200-

**Lodged au Greffe on 4th November 2003
by the Home Affairs Committee**

STATES GREFFE



Jersey

DRAFT POLICE FORCE (AMENDMENT No. 10)(JERSEY) LAW 200-

European Convention on Human Rights

The President of the Home Affairs Committee has made the following statement –

In the view of the Home Affairs Committee the provisions of the Draft Police Force (Amendment No. 10, (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

The Home Affairs Committee agreed, at its September 2003 meeting, that it would seek to amend the Oath of Office for States of Jersey Police officers in order to remove any remaining ambiguity concerning the status of officers who were not U.K. citizens.

Subsequent to that meeting the Law Draftsman's Office, in consultation with the Attorney General, produced the necessary amendment to the Police Force (Jersey) Law 1974. The amendment is intended to resolve the nationality issue and achieve a modern oath which emphasizes the role of the service in upholding the Island's laws and protecting human rights.

The amendment changes the secular declaration agreed by the Committee into a religious oath. It is the established practice of the Royal Court to administer oaths in this form and the Solemn Affirmations (Jersey) Law 1963 allows a person to "solemnly and sincerely declare and affirm etc..." instead of "swearing".

There are no financial or manpower implications for the States arising from the adoption of this draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 30th October 2003 the Home Affairs Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Home Affairs Committee the provisions of the Draft Police Force (Amendment No. 10) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This draft Law amends the Police Force (Jersey) Law 1974 so as to provide that a person taking office as a member of the States of Jersey Police Force is no longer required to swear allegiance to the Crown. This change would enable persons who are not British nationals to be appointed as members of the States of Jersey Police Force.



Jersey

DRAFT POLICE FORCE (AMENDMENT No. 10)(JERSEY) LAW 200-

A LAW to amend further the Police Force (Jersey) Law 1974.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

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

1 First Schedule amended

In the First Schedule to the Police Force (Jersey) Law 1974^[1] for Form 1 there shall be substituted the following Form –

“FORM 1

OATH OF OFFICE OF MEMBER OF FORCE

You swear and promise before God that well and faithfully you will carry out your duties as a member of the States of Jersey Police Force with courage, fairness and integrity, protecting human rights and according equal respect to all people. You will, to the best of your ability, uphold the law of the Island, cause the peace to be kept, prevent offences against people and property and seek to bring offenders to justice according to the Law.”

2 Citation and commencement

This Law may be cited as the Police Force (Amendment No. 10) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

[\[1\]](#) *Volume 1973-1974, page 382, Volume 1982-1983, page 63 and Volume 2000, page 764.*