

**WRITTEN QUESTION TO THE ATTORNEY GENERAL
BY DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR**

ANSWER TO BE TABLED ON TUESDAY, 21st NOVEMBER 2006

Question

Article 4 of the Police (Jersey) Law 1974 states that ‘the Honorary Police shall be under the general supervision of the Attorney General’. The term ‘Titular Head’ of the Honorary Police is frequently used. Would the Attorney General advise members what is meant by the term ‘Titular Head’ in regard to the Honorary Police?

Answer

1. The Attorney General is frequently referred to as the titular head of the Honorary Police. This is a convenient, but loose, description of the relationship that has developed over several centuries between Her Majesty’s Attorney General and the Honorary Police. The expression is not to be found in customary law or in statute.
2. On being sworn to office, the Connétables and Centeniers undertake to keep the Queen’s peace (*garder et faire garder la paix de Sa Majesté*) and to arrest and prosecute criminals. But they do not exercise absolute powers in this respect; the Attorney General has always had a supervisory jurisdiction over them. This is only natural because it is part of the duties of the Crown under the Royal Prerogative to maintain the Queen’s peace, and because the Attorney General has authority over all criminal prosecutions in the Island.
3. This is now reflected in terms in the Oath which requires Connétables and Centeniers in the performance of their duty to abide by the directions of Her Majesty’s Attorney General (*vous conformant ... aux instructions de Monsieur le Procureur Général de la Reine*). However, this amendment to the Oath in 2002 did not in my opinion do more than set out expressly what had previously been the position.
4. It was only in the latter part of the 20th century that the relationship between the Attorney General and the Honorary Police came to be set out more formally in statute.
5. Article 3(4) of the Police Force (Jersey) Law, 1974, provides that the Attorney General may give such directions as he thinks appropriate where a member of the States Police refers to him a decision of a Centenier not to charge a person with a criminal offence; and Article 4(3) of the same Law provides that “*the Honorary Police shall be under the general supervision of the Attorney General*”. A number of Directives have been issued to the Honorary Police, consistent with this supervisory power.
6. Article 4(4) of the 1974 Law also empowered the States to make Regulations as to the administration and conditions of service of members of the Honorary Police including qualifications for election and matters relating to retirement.
7. The Honorary Police (Jersey) Regulations, 1977, [R&O 6480] made provision for an Association of Centeniers and a separate Association of Vingteniers and Constable’s Officers, as well as provision for the investigation by the Attorney General of complaints against the Honorary Police and certain other matters relating to the Honorary Police in respect of which the Attorney General had jurisdiction.
8. The 1977 Regulations were eventually replaced by the Honorary Police (Jersey) Regulations, 2005, which established the Honorary Police Association of which every member of the Honorary Police must be a member. A decision of the Association made in accordance with its Rules binds all members of the Association. However, pursuant to Regulation 4(6), the Attorney General may set aside any decision of the Association at any time. There are a number of other provisions in these Regulations which confer duties, powers or functions on or concerning the Attorney General.
9. The supervision of the Honorary Police exercised by the Attorney General is reflected in a number of duties, powers or functions under the Police (Complaints and Discipline) (Jersey) Law, 1999, and Regulations made thereunder.

10. It is clear that the Attorney General does not exercise day to day management control over the Honorary Police of each Parish. This function is exercised by the Parish itself with its own honorary force through the Connétable and/or the Chef de Police. The commonly used expression "*titular head*" connotes a supervisory control, exercised as has been set out above.