

**DRAFT HONORARY POLICE (PAROCHIAL DOMICILE)
(JERSEY) LAW 199**

**Lodged au Greffe on 22nd September 1998
by the Legislation Committee**



STATES OF JERSEY

STATES GREFFE

Report

In the course of 1997 the Attorney General was asked to express an opinion as to whether an Honorary Police Officer who moves from the parish in which he serves can continue to serve the remainder of his term or whether he must resign immediately.

The advice of the Attorney General was that all Honorary Police Officers must be “*domicilié*” in their parish. In other words, their home, in the sense of the dwelling house in which they have their residence, must be in the parish.

In the case of Constable’s Officers, the position is governed by Article 5 of the *Loi (1853) au sujet des centeniers et officiers de police*, the relevant part of which provides (in translation) that -

“..... elections for Constable’s Officers shall take place when they have served the period stipulated by the Law or upon the death of such Officers, or when they shall have ceased to have their domicile in the parish in which they were elected.”.

It is clear from this wording that elections must be held upon an Officer ceasing to have his domicile in the parish and, in a series of decisions, the Royal Court has held that the same test is applicable in respect of Connétables, Centeniers and Vingteniers. It follows that it is the duty of the Connétable to hold a new election as soon as possible after the relevant Officer has ceased to have his domicile in the parish. There is an exception in the case of St. Helier. Under the Parish of St. Helier (Qualifications for Office) (Jersey) Law 1976, as amended, a person may hold honorary office in the parish notwithstanding that he does not reside there so long as he continues to be a rate-payer.

The purpose of this draft Law is to introduce a reform to enable serving officers of the Honorary Police who move parish to complete their elected term of office (assuming that they are willing and able to do so) but not to permit them to stand for that office for another term if they continue living outside the parish. This reform would not, however, apply to the Connétable because, in the view of the Committee, his position as ‘Father of the parish’ is such that he ought to continue to be resident in the parish so long as he holds office. It also would not apply

to Honorary Officers such as Roads Inspectors, *Procureurs du Bien Publique*, etc. who do not rank as *police* officers. The other exception, as already indicated, is the parish of St. Helier, which has for many years been governed by its own separate Law. The Committee does not propose to disturb the existing position governing Honorary Officers in St. Helier.

As there may be circumstances in which it would be impracticable for an Officer to continue in office after moving to another parish (for example an Officer moving home to a more distant parish resulting in difficulties of transport or communication), the Connétable will be required to notify the Attorney General if one of his Officers intends to move parish. The relevant Officer would then be able to continue in office after ceasing to be domiciled in the parish if the Attorney General agreed. It is contemplated that the Attorney General's consent would be granted other than in rare cases where an Officer's move from one parish to another made it particularly difficult for him or her to discharge the duties of office.

This draft Law, which it is hoped will assist the Honorary Police, has been the subject of consultation with the *Comité des Connétables*, the Centeniers' Association and the Association of Vingteniers and Constable's Officers, for all of whom this has been a matter of concern for some time.

Explanatory Note

This draft Law enables a member of the Honorary Police, other than the Connétable, who ceases to be resident in the parish in which he holds office to continue, with the consent of the Attorney General, to hold office for the remainder of his term.

This does not affect the provisions of the Parish of Saint Helier (Qualifications for Office) (Jersey) Law 1976, as amended, under which honorary officers of St. Helier may remain in office if they continue to be ratepayers in the parish although not residing therein.

**HONORARY POLICE (PAROCHIAL DOMICILE) (JERSEY)
LAW 199**

A LAW to modify the requirement of Parochial domicile for serving as a member of the Honorary Police, sanctioned by Order of Her Majesty in Council of the

(Registered on the day of 199)

STATES OF JERSEY

The day of 199

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

ARTICLE I

(1) Notwithstanding any enactment or rule of customary law to the contrary, but subject to this Law, a person who (not being the Connétable) is a member of the Honorary Police but who, during his term of office, ceases to be resident in the Parish in which he holds office shall not for that reason alone be disqualified from continuing to hold office for the remainder of his term if the conditions set out in paragraph (2) of this Article have been fulfilled.

(2) The conditions referred to in paragraph (1) of this Article are that the Attorney General -

- (a) has been notified by the Connétable of the fact that the member of the Honorary Police concerned will cease to be resident in the Parish in which he holds office; and

(b) has consented to that member continuing thereafter to hold office for the remainder of his term.

(3) Nothing in paragraph (1) of this Article shall affect the provisions of the Parish of St. Helier (Qualifications for Office) (Jersey) Law 1976,¹ as amended.²

ARTICLE 2

In Article 5 of the *Loi (1853) au sujet des centeniers et officiers de police*³ the words “, ou lorsqu’ils auront cessé d’avoir leur domicile dans la paroisse où ils auront été élus” shall be deleted.

ARTICLE 3

This Law may be cited as the Honorary Police (Parochial Domicile) (Jersey) Law 199 .

¹ Recueil des Lois, Volume 1975-1978, page 105.

² Recueil des Lois, Volume 1984-1985, page 137.

³ Tomes I-III, page 202.