

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Special Constabulary (Alderney) Ordinance, 2002 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from the Greffier, The Court of Alderney, Queen Elizabeth II Street, Alderney, GY9 3TB.

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* Alderney Ordinance No. VII of 2002. See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

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ARRANGEMENT OF SECTIONS

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SCHEDULE

(Made on the 19th June, 2002.)

The Special Constabulary (Alderney) Ordinance, 2002

THE STATES OF ALDERNEY, in exercise of the powers conferred on them by section 46A of the Government of Alderney Law, 1987^a and all other powers enabling them, hereby order: –

Establishment of the Alderney Special Constabulary.

1. There is established a special constabulary known as the "**Alderney Special Constabulary**".

Composition of the Alderney Special Constabulary.

2. (1) The Alderney Special Constabulary shall be composed of such number or type of divisions or other administrative units as the Chief Officer of Police may determine.

(2) The ranks that may be held in the Alderney Special Constabulary shall be those of inspector, sergeant and constable, or such other ranks as the Chief Officer of Police may determine.

Power to appoint special constables.

3. (1) The Chief Officer of Police may appoint any person as a special constable –

(a) at such rank,

(b) for such period,

^a Ordres en Conseil Vol. XXX, p. 37; Vol. XXXI, pp. 83 and 306; No. XI of 1993; No. IX of 1995; No. IV of 1996; No. IV of 1998; and No. I of 2000.

- (c) upon such terms and conditions as to service, and
- (d) subject to such limitations upon his functions as a special constable,

as he thinks fit.

(2) A special constable appointed under subsection (1) shall be under the direction and control of the Chief Officer of Police.

Functions of special constables.

4. (1) Subject to any limitations under section 3(1)(d), a special constable shall carry out those functions which may be carried out in respect of Alderney by a Guernsey police officer.

(2) The functions of a special constable include the duty to assist a Guernsey police officer on duty in Alderney.

Oath or affirmation.

5. An appointment under section 3 shall not be effective until an oath or affirmation in the form set out in the schedule to this Ordinance has been taken or made by the relevant appointee before the Court of Alderney.

Annual review.

6. (1) The Chief Officer of Police shall, as soon as possible after the end of the year 2003 and each year thereafter, cause there to be undertaken and submitted to the Committee a review ("**the annual review**") of the Alderney Special Constabulary.

(2) The annual review shall consist of a report on the policing of Alderney and include –

- (a) an assessment of the efficiency of the special constables in meeting the policing needs of Alderney, and
- (b) any proposals for enhancing the efficiency of the special constables.

Removal from office.

7. (1) Subject to the provisions of the following subsections, a special constable may be removed from his office by the Chief Officer of Police on the grounds that –

- (a) he is unfit or unable to carry out the functions of his office by reason of ill-health, misconduct or some other material cause, or
- (b) it is no longer necessary for his functions to be carried out.

(2) Before removing a special constable from his office, the Chief Officer of Police shall cause there to be served upon him a written notice –

- (a) setting out the grounds and reasons for the intended removal, and
- (b) specifying a period within which the constable may, if he so chooses, make representations to the Chief Officer of Police concerning the intended removal.

(3) Upon the expiry of the period specified under subsection (2)(b) (or such further period as the Chief Officer of Police may allow) the Chief Officer of

Police shall determine whether or not to remove the special constable in question from his office and, where he decides so to remove that constable, provide the constable with a written record of the grounds and reasons for the removal.

Suspension from office.

8. (1) The Chief Officer of Police may by notice in writing suspend a special constable (with or without pay) for such period as the Chief Officer of Police thinks fit.

(2) A suspension under subsection (1) shall suspend a special constable from the carrying out of –

- (a) all the functions of his office, or
- (b) such functions of his office as are specified in the notice.

Resignation from office.

9. (1) A special constable may resign his office by giving written notice to the Chief Officer of Police of his intention to resign upon the expiry of the appropriate period of notice.

(2) In this section "**the appropriate period of notice**" means –

- (a) the period of notice specified in the appointment made under section 3(1), or
- (b) in the absence of any such specified period in the appointment –
 - (i) a period of 3 months, or

- (ii) such shorter period as the Chief Officer of Police may determine.

Record of appointment.

10. The Chief Officer of Police shall maintain a register containing the following particulars in respect of every special constable –

- (a) his name and address,
- (b) the date of his appointment,
- (c) the period and terms and conditions of his appointment,
- (d) any limitations upon his functions, and
- (e) such other particulars as the Chief Officer of Police may determine.

Badge, uniform and accoutrements.

11. (1) It shall be lawful for a special constable when on duty, and on such other occasion as the Chief Police Officer may determine, to wear or carry such uniform and accoutrements and display or possess such badge or other insignia of office as the Chief Officer of Police may issue that constable.

(2) A special constable shall, when on duty, carry with him the badge of office issued to him by the Chief Officer of Police and shall, other than in circumstances where its production would prejudice the proper carrying out of the constable's functions, produce the same to any person upon request.

(3) A badge, uniform or accoutrement issued to a special constable

by the Chief Officer of Police shall remain the property of the Committee and, upon that constable ceasing to hold the office of special constable, he, or in the event of his death, any person into whose possession any such badge, uniform or accoutrement may come, shall, as soon as reasonably possible, return the same to the Chief Officer of Police or the Committee.

(4) A person who, without good cause, fails to return a badge, uniform or accoutrement in contravention of subsection (3) is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 3 months, a fine not exceeding level 5 on the Alderney uniform scale, or to both.

Interpretation.

12. (1) In this Ordinance, unless the context otherwise requires –

"the Alderney Special Constabulary" means the constabulary established by section 46A of the Government of Alderney Law, 1987 and section 1 of this Ordinance,

"the Chief Officer of Police" means the chief officer of the salaried police force of the Island of Guernsey,

"Guernsey police officer" means a member of the salaried police force of the Island of Guernsey, and

"a special constable" means a person appointed as a special constable under section 3(1).

(2) In this Ordinance, unless the context otherwise requires –

(a) a reference to the carrying out of a function includes the performance of a duty and the exercise of a power, and

- (b) a reference to a power includes a power exercisable under or by virtue of any enactment or customary law.

(3) The provisions of the Interpretation (Guernsey) Law, 1948^b shall apply to the interpretation of this Ordinance as they apply to the interpretation of a Guernsey enactment.

(4) Unless the context otherwise requires –

- (a) a reference in this Ordinance to a numbered section or subsection is a reference to the section or subsection of this Ordinance which is so numbered, and
- (b) a reference in a provision of this Ordinance to a numbered subsection is a reference to the subsection of that provision which is so numbered.

NOTES

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Exercise of powers by Chief Officer of Police.

^b Ordres en Conseil Vol. XIII, p. 355.

13. Any power conferred upon the Chief Officer of Police under this Ordinance may be exercised –

- (a) from time to time,
- (b) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (c) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.

Saving and transitional provisions.

14. (1) Upon the coming into force of this Ordinance, an appointment as a special constable under section 15 of the Law is deemed to have been made by the Chief Officer of Police in exercise of his powers under section 3, such that the special constable is deemed to be a member of the Alderney Special Constabulary.

(2) For the purposes of subsection (1) "**the Law**" means the Government of Alderney Law, 1987, immediately before its amendment by the Government of Alderney (Amendment) Law, 2000.

NOTE

The Government of Alderney Law, 1987 and the Government of Alderney (Amendment) Law, 2000 have since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Citation.

15. This Ordinance may be cited as the Special Constabulary (Alderney) Ordinance, 2002.

NOTE

The Ordinance was made and came into operation on 19th June, 2002.

Bringing into force of the remaining provisions of the Government of Alderney (Amendment) Law, 2000.

16. Paragraphs (a), (g) and (i) of section 1, and section 2 of the Government of Alderney (Amendment) Law, 2000 shall come into force on the 19th of June 2002.

NOTE

The Government of Alderney (Amendment) Law, 2000 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

SCHEDULE

Section 5

Oath

"I swear and promise to our Sovereign Lady the Queen and upon the faith and truth I owe to God that well and faithfully I will discharge the office of special constable when on duty in accordance with the terms of my appointment."

Affirmation

"I solemnly and sincerely declare and affirm to our Sovereign Lady the Queen that well and faithfully I will discharge the office of special constable when on duty in accordance with the terms of my appointment."