

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Special Constabulary Ordinance, 1950 \***

[CONSOLIDATED TEXT]

### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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 Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome X, p. 78; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Special Constabulary (Amendment) Ordinance, 1973 (Recueil d'Ordonnances Tome XIX, p. 103); the Special Constabulary (Amendment) Ordinance, 1977 (Recueil d'Ordonnances Tome XXI, p. 47); the Special Constabulary (Amendment) Ordinance, 1984 (Recueil d'Ordonnances Tome XXIII, p. 81); the Special Constabulary (Amendment) Ordinance, 1985 (Recueil d'Ordonnances Tome XXIII, p. 303); the Special Constabulary (Amendment) Ordinance, 1993 (Recueil d'Ordonnances Tome XXVI, p. 169); the Special Constabulary (Amendment) (No 2) Ordinance, 1993 (Recueil d'Ordonnances Tome XXVI, p. 292); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Ordinance is applied to the Island of Herm by the Special Constabulary (Amendment) Ordinance, 1985 (*supra*). See also the Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (*supra*); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (*supra*).

# ORDINANCE OF THE STATES OF DELIBERATION

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## **The Special Constabulary Ordinance, 1950**

### ARRANGEMENT OF SECTIONS

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(Made on the 19th April, 1950.)

## The Special Constabulary Ordinance, 1950

**THE STATES**, on the representations of the Island Police Committee, hereby order: –

### **Repeals.**

1. The Special Constabulary Ordinances, 1939 and 1948, and the Ordonnance autorisant l'octroi d'insignes aux Connétables Spéciaux, of the 13<sup>th</sup> day of February, 1937, are hereby repealed.

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### **NOTE**

*In accordance with the provisions of the Special Constabulary (Amendment) Ordinance, 1985, section 2, with effect from 25th September, 1985, this Ordinance shall extend to the Island of Herm.*

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### **Designation of Force.**

2. The force of Special Constabulary constituted for service in [the Islands of Guernsey and Herm] is hereby designated "The Guernsey Special Constabulary", and is hereinafter in this Ordinance referred to as "**the Constabulary**".

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### **NOTE**

*In section 2, the words in square brackets were substituted by the Special Constabulary (Amendment) Ordinance, 1985, section 1(a), with effect from 25th September, 1985.*

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### **[Composition.**

3. The Constabulary shall consist of three Divisions hereby designated "Division A", "Division B" and "Division C" respectively.]

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### **NOTE**

*Section 3 was substituted by the Special Constabulary (Amendment)*

*Ordinance, 1993, section 1(1)(a), with effect from 30th June, 1993.*

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**Division A.**

4. (1) Division A shall consist of the persons nominated from time to time by a Military Authority, by any department of the States of Guernsey, by the officials of any parish and by other public and semi-public bodies, and approved as Special Constables by the Chief Officer of Police, and who [...] have taken the oath of Special Constable before the Royal Court [sitting as an ordinary Court] and have not ceased to hold the office of Special Constable.

(2) (a) The functions of a Special Constable of Division A shall be in accordance with the oath of Special Constable administered to him.

(b) Such a Special Constable shall, for the purposes of discipline and administration, be under the control of the Chief Officer of Police, who shall have the power, after consultation with the department or body by which the Special Constable was nominated, of terminating his appointment as Special Constable.

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**NOTES**

*In section 4,*

*the words omitted in the first pair of square brackets in subsection (1) were repealed by the Special Constabulary (Amendment) Ordinance, 1973, section 1(a), with effect from 27th September, 1973;*

*the words in the second pair of square brackets in subsection (1) were inserted by the Special Constabulary (Amendment) Ordinance, 1984, section 1, with effect from 28th November, 1984.*

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**[Division A—Duties of nominating department or body.]**

4A. Every department or body by which a Special Constable of Division A is nominated shall –

(a) annually review the appointment and functions of

every such Special Constable and shall, on such date as the [States Committee for Home Affairs] (hereinafter referred to as "**the Committee**") may from time to time determine, submit to the Committee a report in writing of such review,

- (b) as soon as may be after the receipt of any information affecting the suitability of any such Special Constable remaining in office, notify the Chief Officer of Police in writing of any such information.]

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**NOTES**

*Section 4A was inserted by the Special Constabulary (Amendment) Ordinance, 1973, section 1(b), with effect from 27th September, 1973, subject to the savings in section 2 of the 1973 Ordinance.*

*In accordance with their Resolution of 24th April, 1991, concerning Billet d'État No. XI, dated 12th April, 1991, the States directed that the Island Police Committee as established under Article 2 of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, the States Committees (Amendment) Law, 1948 and the Police Committee (Amendment) Law, 1990 should be the States Committee for Home Affairs. The functions, rights and liabilities of the States Committee for Home Affairs and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were subsequently transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

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**Division A—Duties of the Committee.**

**4B.** (1) The Committee shall maintain, in a book which may be a loose-leaf book kept solely for the purpose, a register containing the following particulars in respect of every Special Constable of Division A –

- (a) his name and address,

- (b) the date of his appointment,
- (c) his functions in accordance with the oath of Special Constable administered to him, and
- (d) such other particulars as the Committee may from time to time determine.

(2) The Committee shall annually, as soon as may be after receipt of the reports specified in paragraph (a) of the last preceding section, review the appointment and functions of every Special Constable of Division A.]

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**NOTE**

*Section 4B was inserted by the Special Constabulary (Amendment) Ordinance, 1973, section 1(b), with effect from 27th September, 1973, subject to the savings in section 2 of the 1973 Ordinance.*

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**Division A—Construction of references to annual review.**

**4C.** For the purposes of the annual review specified in paragraph (a) of section four A and subsection (2) of section four B of this Ordinance consideration shall be given to the physical fitness of every Special Constable, to the desirability of combining the functions of two or more Special Constables, to the need to abolish all or any of the functions of any Special Constable which may no longer be necessary, and to any other matter deemed to be appropriate.]

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**NOTE**

*Section 4C was inserted by the Special Constabulary (Amendment) Ordinance, 1973, section 1(b), with effect from 27th September, 1973, subject to the savings in section 2 of the 1973 Ordinance.*

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**Division B.**

**5.** (1) Division B shall be under the control of [the Committee] and shall consist of such number of Inspectors, Sergeants and Constables as the Committee may from time to time deem necessary.

(2) The power to nominate the members of Division B to their respective ranks may be exercised at any time by the Committee and the Committee may suspend or terminate the appointment of any member of that Division.

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**NOTE**

*In section 5, the words in square brackets in subsection (1) were substituted by the Special Constabulary (Amendment) Ordinance, 1973, section 1(c), with effect from 27th September, 1973.*

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**Division B—Duties and Oath.**

6. (1) Every member of Division B shall be appointed to perform in this Island the like duties as are from time to time performed by the members of the Island Police Force. The appointment of any such member shall not be effective until an oath or affirmation in the following form shall have been taken or made by him before the Bailiff or a Jurat of the Royal Court –

**Form of Oath (or Affirmation).**

"I swear and promise to our Sovereign Lady the Queen and upon the faith and truth I owe to God (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 instructions lawfully issued to me."]

(2) Every person after taking the above oath or making the above affirmation shall forthwith sign the Attestation Roll of members of Division B.

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**NOTE**

*In section 6, the marginal note thereto and subsection (1) were substituted by the Special Constabulary (Amendment) Ordinance, 1993, section 1(1)(b), with effect from 30th June, 1993.*

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**Division C—Duties and Oath.**

6A. (1) Division C shall consist of the persons nominated from time to time by any committee or department of the States of Guernsey and approved as

Special Constables by the Chief Officer of Police and who have taken the oath prescribed in subsection (3) [before the Royal Court sitting as an Ordinary Court] and have not ceased to hold the office of Special Constable.

- (2) The functions of a Special Constable of Division C shall be –
- (a) (i) in respect of persons [nominated] by the States [Committee for Home Affairs], to discharge such duties as are normally performed by members of the Island Police Force in connection with the control and regulation of traffic (including foot passengers) or vehicles and to discharge any other functions normally undertaken by the Island Police Force in connection with the control and regulation of traffic (including foot passengers) or vehicles,
  - (ii) in respect of persons [nominated] by the States of Guernsey and having responsibility for school crossings or the control of places on the public highway where children cross roads on their way to and from school or from one part of school premises to another, to discharge such duties in the course of their [deployment] on the public highway as are described in sub-paragraph (iii),
  - (iii) the duties referred to in sub-paragraph (ii) comprise the power to control the movement of traffic on the public highway, which will include causing a moving vehicle to stop, or a stationary vehicle to move generally or to some specific place,
  - (iv) in respect of persons [nominated] by the States of Guernsey [or] by any Committee or

department thereof, to discharge such duties conferred by law in relation to the facilitation of the movement on the public highway of vehicles which exceed length, width or weight restrictions, or those bearing abnormal loads which are deemed to require escort.

(3) The form of oath (or affirmation) for Special Constables of Division C shall be –

**Form of Oath (or Affirmation).**

"I swear and promise to our Sovereign Lady the Queen and upon the faith and truth I owe to God (do solemnly and sincerely declare and affirm to our Sovereign Lady the Queen) that well and faithfully I will discharge the office of Special Constable within the limits of the jurisdiction conferred by my employment when on duty in accordance with instructions lawfully issued to me." ]

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**NOTES**

*Section 6A was inserted by the Special Constabulary (Amendment) Ordinance, 1993, section 1(1)(c), with effect from 30th June, 1993.*

*In section 6A,*

*the words in square brackets in subsection (1) were inserted by the Special Constabulary (Amendment) (No 2) Ordinance, 1993, section 1(1), with effect from 13th December, 1993;*

*the words in the first pairs of square brackets in, first, subsection (2)(a)(i), second, subsection (2)(a)(ii) and, third, subsection (2)(a)(iv) were substituted by the Special Constabulary (Amendment) (No 2) Ordinance, 1993, respectively section 1(2)(a), section 1(2)(b) and section 1(2)(c), with effect from 13th December, 1993;*

*the words in the second pair of square brackets in subsection (2)(a)(i) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016;<sup>1</sup>*

*the words in the second pairs of square brackets in subsection (2)(a)(ii) and subsection (2)(a)(iv) were substituted by the Special Constabulary (Amendment) (No 2) Ordinance, 1993, respectively section 1(2)(b) and section 1(2)(c), with effect from 13th December, 1993.*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>2</sup>*

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**Resignation.**

7. A member of Division B may resign his office subject to his giving to the Chief Officer of Police notice of such period as may have been fixed by the Committee.

**Suspension.**

8. The Chief Officer of Police may at his discretion temporarily suspend any member of Division B and shall thereupon report such suspension to the Committee and the Committee shall, as soon as may be, consider such suspension and, after hearing the Chief Officer of Police and such other evidence as the Committee may deem necessary and after giving the member who has been suspended and any witnesses he may desire to call an opportunity of being heard, may confirm or terminate such suspension or may terminate the appointment of that member.

**Divisions A and B—Powers and duties.**

9. A member of Division A [or Division C] shall at all times, in the place or places to which his duties extend and for the purpose of the execution of those duties, have all the powers and duties of a police constable under customary or enacted law, or of any Ordinance, for the time being in force, and a member of Division B shall, when on duty in accordance with instructions lawfully issued to him, have throughout the Island of Guernsey all the powers and duties which any police constable has by virtue of customary or enacted law, or of any Ordinance, for the time being in force.

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**NOTE**

*In section 9, the words in square brackets were inserted by the Special Constabulary (Amendment) Ordinance, 1993, section 1(1)(d), with effect from 30th June, 1993.*

**Directions of Chief Officer.**

10. The Chief Officer of Police may give directions to any member of Division B and directions so given shall be complied with.

**Dress and badges.**

11. (1) The Committee may from time to time supply, and it shall be lawful for members of the Constabulary when on duty and on such other occasions as the Committee may prescribe, to wear –

- (a) in the case of members of Division A [or Division C] such badge[, dress and accoutrements], and
- (b) in the case of members of Division B, such dress and accoutrements,

as the Committee may direct.

(2) A member of Division A [or Division C] shall at all times when he is in the exercise of his duty have on his person the badge issued to him by the Committee and shall produce the same on request.

(3) A person who, not being a member of Division A [or Division C], wears a badge issued by the Committee, or who, not being a member of the Constabulary, represents himself to be such a member, shall be guilty of an offence and liable on conviction to a fine not exceeding [level 1 on the uniform scale].

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**NOTES**

*In section 11,*

*the words in, first, the first pair of square brackets in paragraph (a) of subsection (1), second, the square brackets in subsection (2) and, third, the first pair of square brackets in subsection (3) were inserted by the Special Constabulary (Amendment) Ordinance, 1993, section 1(1)(d), with effect from 30th June, 1993;*

*the words in the second pair of square brackets in paragraph (a) of subsection (1) were inserted by the Special Constabulary (Amendment) Ordinance, 1977, section 1, with effect from 27th April, 1977;*

*the words in the second pair of square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Return of dress and badges.**

**12.** All badges, articles of dress and accoutrements issued to any member of the Constabulary by the Committee shall remain the property of the Committee and, upon the termination of the appointment of that member, he, or in the event of his decease, any person into whose possession any such badge or article of dress or accoutrement may come, shall return the same in good order, subject to wear and tear resulting from fair and reasonable usage, to the Committee. A person wilfully failing to return any article of dress or accoutrement which under the provisions of this section he is bound to return shall be guilty of an offence and liable on conviction to a fine not exceeding in case of an offence relating only to a badge, [level 1 on the uniform scale], and in any other case, [level 1 on the uniform scale], and the Committee may, notwithstanding the imposition of such fine, take civil proceedings against such person for the return of such article or for its value.

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**NOTE**

*In section 12, the words in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Persons already in Force.**

**13.** On the coming into force of this Ordinance, every member of the Guernsey Special Constabulary as constituted immediately before the commencement of this Ordinance shall, if he was then a member of Division A thereof, become a member of Division A as hereunder constituted, and if he was then a member of Division B thereof, become a member of Division B as hereunder constituted.

**Interpretation.**

**13A.** In this Ordinance the expression "**the Island of Guernsey**" includes the Island of Herm and the expression "**this Island**" shall be construed accordingly.]

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**NOTE**

*Section 13A was inserted by the Special Constabulary (Amendment) Ordinance, 1985, section 1(b), with effect from 25th September, 1985.*

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**Commencement.**

**14.** This Ordinance shall come into force on the 9<sup>th</sup> day of April, 1950.

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<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004.

<sup>2</sup> The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Committee for Home Affairs and of its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.