

PROJET DE LOI

ENTITLED

Loi ayant rapport à la Police Salariée pour l'Île entière *

[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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* Ordres en Conseil Vol. VI, p. 176; as amended by the Loi sur la Constitution d'un Conseil de Nomination (1932) (Ordres en Conseil Vol. IX, p. 246); the Loi supplémentaire ayant rapport à la Police Salariée de l'Île de Guernesey (1938) (Ordres en Conseil Vol. IX, p. 246); the Loi supplémentaire ayant rapport à la Police Salariée de l'Île de Guernesey (1947) (Ordres en Conseil Vol. IX, p. 246); the States Committees (Amendment) Law, 1948 (Ordres en Conseil Vol. XIII, p. 245); the Island Police Force Establishment (Guernsey) Law, 1949 (Ordres en Conseil Vol. XIV, p. 64); the States Supervisor and Treasurer of the States (Transfer of Functions) Law, 1971 (Ordres en Conseil Vol. XXIII, p. 188); the Police Committee (Amendment) (Guernsey) Law, 1990 (Ordres en Conseil Vol. XXXII, p. 114); the Ordinance of 20th December, 1944 (not printed in the Bound Volumes). This Law is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247); and, with modifications, to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 280). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Police Committee (Amendment) (Guernsey) Law, 1990 (*supra*); 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); the Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)).

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ARRANGEMENT OF ARTICLES

- I. Fonctions du Corps de la Police Salariée.
- II. Corps de la Police Salariée sera sous la surveillance d'un Comité.
- III. ... Pouvoirs et devoirs ci-devant attribués à l'Inspecteur de Police.
- IV. Article IV.
- V. Article V.

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ATTENDU QUE jusqu'à cette date il a été du devoir des Connétables dans leurs paroisses respectives de s'occuper des affaires criminelles de l'île, de prendre toutes démarches nécessaires pour la tenue des levées de corps et de veiller à ce que les Lois et Ordonnances de la Cour Royale fussent observées.

ET ATTENDU QUE les États par leur délibération en date du 5 août 1919, furent d'avis de créer une Police Salariée pour l'Île entière.

Fonctions du Corps de la Police Salariée.

I. Il sera établi aux frais des États de cette île une Police Salariée pour l'île entière, lequel corps exercera à la place des Connétables de l'île les fonctions suivantes savoir –

- (a) la surveillance de toutes les affaires criminelles de l'île,
- (b) le maintien de la paix et du bon ordre de l'île,
- (c) la mise à exécution des lois et des ordonnances de la Cour Royale, à l'exception de celles qui sont purement civiles,
- (d) les démarches nécessaires à faire pour la tenue des levées de corps,

- (e) la surveillance des lois et ordonnances relatives à la circulation des véhicules sur les routes, rues et chemins de cette île,
- (f) la surveillance des havres de l'île, des lieux licenciés pour la vente de liqueurs spiritueuses, vins, bière et cidre, des côtes de l'île et de la pêche,
- (g) tous autres devoirs qui pourront lui être imposés de temps à autre par Ordonnance de la Cour Royale, sur la recommandation du Comité.

NOTES

The following cases have referred to this Law:

Le Huray v States of Guernsey (2011) (Unreported, Royal Court, 14th April) (Guernsey Judgment No 10/2011);

Le Huray v States of Guernsey (2012) (Unreported, Court of Appeal, 19th January) (Guernsey Judgment No 1/2012).

The Law is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part IF, with effect from 13th March, 1948.

The Law is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, with effect from 1st January, 1949, subject to the exceptions, adaptations and modifications set out in the First Schedule to the 1948 Ordinance.

In its application to the Island of Alderney, the Law is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part IV, with effect from 1st January, 1949.

Certain references in this Law shall have effect in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 3, with effect from 1st January, 1949 and, in particular, the expression "États de cette Île" herein shall, in accordance with the provisions of subsection (7) of the said section 3, refer only to the States of Guernsey.

In its application to the Island of Alderney, Article I is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part IV, with effect from 1st January, 1949.

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 63, with effect from 17th January, 1949, the powers and functions of a legislative nature previously exercised by the Royal Court (save for the making, variation, modification and revocation of Rules of Procedure) were transferred to and vested in the States of Deliberation, and thenceforth any enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall be construed as having conferred the like power on the States of Deliberation or (pursuant to amendments to that Article made by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016) on the States Policy & Resources Committee, as the case may be.

In accordance with the provisions of the Police Committee (Amendment) (Guernsey) Law, 1990, section 4, with effect from 10th July, 1990, that Law shall be construed as one with this Law.

Corps de la Police Salariée sera sous la surveillance d'un Comité.

II. [Le Corps de la Police Salariée sera sous la surveillance et l'autorité d'un Comité dont les statuts seront de temps en temps, prescrits par résolution des États de Guernesey:

Pourvu toutefois que les Jurés-Justiciers de la Cour Royale de Guernesey et les Officiers de la Reine de l'Île de Guernesey seront inéligibles au dit Comité.]

NOTES

Article II was substituted by the Police Committee (Amendment) (Guernsey) Law, 1990, section 1, with effect from 10th July, 1990, subject to the savings in section 2 of the 1990 Law.¹

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 II of this Law (as amended by 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 Law were then subsequently 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 Law 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.

Composition du Corps de la Police Salariée. Pouvoirs et devoirs ci-devant attribués à l'Inspecteur de Police.

III. [1. [...]

2. L'Officier en Chef de Police, l'Inspecteur de Police et tout Sergent et Agent de Police, avant d'entrer en fonctions, sera sermenté devant la Cour Royale au bon et fidèle exercice de sa charge.

3. Les pouvoirs ou devoirs ci-devant attribués par une Loi ou Ordonnance quelconque à l'Inspecteur de Police seront dorénavant censés être attribués à l'Officier en Chef de Police au lieu de l'Inspecteur de Police. [...]

NOTES

Article III was substituted by the Loi supplémentaire ayant rapport à la Police Salariée de l'Île de Guernesey (1947), Article 2, with effect from 19th August, 1947, subject to the saving in Article 4 of the 1947 Law.²

In Article III, paragraph 1, and the words omitted in square brackets in paragraph 3, were repealed by the Island Police Force Establishment (Guernsey) Law, 1949, respectively section 1(1) and section 1(2), with effect from 21st May, 1949.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(3), with effect from 19th August, 1986,

members of a police force present in the Island of Guernsey by virtue of an agreement made under section 1 of the 1986 Law shall not be required to be sworn before the Royal Court pursuant to this Article.

Article IV.

IV. Cette loi ne déroge aucunement soit à la prérogative de Monsieur le Baillif et des Officiers du Roi, dans les affaires criminelles, soit à l'exercice des fonctions civiles par les Connétables dans leurs paroisses respectives.

NOTE

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the references herein to the Bailiff included a reference to the Deputy Bailiff.

Article V.

V. Et viendra cette Loi en force à partir de trois mois de son enregistrement sur les Records de cette Île.

NOTE

The Law received Royal Sanction on 20th December, 1919 and was registered on the Records of the Island of Guernsey and came into force on 10th January, 1920.

1 Prior to its substitution, Article II was amended by the States Committees (Amendment) Law, 1948, Article 7, with effect from 22nd May, 1948; and amended in accordance with the provisions of the States Supervisor and Treasurer of the States (Transfer of Functions) Law, 1971, section 4, with effect from 1st April, 1972.

2 Prior to its substitution, Article III was amended in accordance with the provisions of the Loi sur la Constitution d'un Conseil de Nomination (1932), section 12(1), with effect from 2nd July, 1932; substituted by the Loi supplémentaire ayant rapport à la Police Salariée de l'Île de Guernesey (1938), Article 1, with effect from 10th September, 1938, subject to the saving in Article 3 of the 1938 Law; and amended by an Ordinance of 20th December, 1944.