

# The Police Powers and Criminal Evidence (Bailiwick of Guernsey) (Amendment) Ordinance, 2024

THE STATES, in pursuance of their Resolution of the 26<sup>th</sup> September, 2024<sup>a</sup>, and in exercise of the powers conferred on them by section 93 of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003<sup>b</sup> and all other powers enabling them in that behalf, hereby order:-

## Amendment of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003.

1. (1) The Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 ("**the Law**") is amended as follows.

(2) After section 86 (Part VII – interpretation), insert -

### "PART VIIA VICARIOUS LIABILITY FOR ACTIONS OF POLICE OFFICERS

#### "Vicarious liability for actions of police officers.

86A. (1) For the purposes only of civil proceedings brought in respect of any allegedly unlawful conduct by a police officer in the performance or purported performance of the officer's functions, the officer shall be deemed to be an employee of the States of Guernsey.

(2) For the avoidance of doubt, subsection (1) –

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<sup>a</sup> Article I of Billet d'État No. XVII of 2024.

<sup>b</sup> Order in Council No. XXIII of 2003; this enactment has been amended.

- (a) has effect notwithstanding that the officer was not under the direction and control of the States of Guernsey at the time of the allegedly unlawful conduct,
  - (b) is not limited in its application to the performance or purported performance of functions under this Law,
  - (c) does not otherwise affect the employment or other status of the officer, and
  - (d) does not apply in respect of criminal proceedings.
- (3) In this section, a "**police officer**" means –
- (a) a member of the salaried police force of the Island of Guernsey (including a trainee or cadet), and
  - (b) within the limits of their jurisdiction, a member of the special constabulary of the Island of Guernsey, and a member of the Alderney Special Constabulary."

**Extent.**

2. This Ordinance has effect throughout the Bailiwick of Guernsey.

**Citation.**

3. This Ordinance may be cited as the Police Powers and Criminal Evidence (Bailiwick of Guernsey) (Amendment) Ordinance, 2024.

**Commencement.**

4. This Ordinance shall come into force on the day appointed for this purpose by regulations made by the States of Guernsey Committee for Home Affairs; and different dates may be appointed for different provisions and for different purposes.