

PROJET DE LOI

ENTITLED

The Police Force (Guernsey) Law, 1986 *

[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.

© States of Guernsey

* Ordres en Conseil Vol. XXIX, p. 207; as amended by 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). See also the Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); the Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)). This Law is modified, and applied temporarily to the Bailiwick of Guernsey, by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020 (G.S.I. No. 163 of 2020) (as amended by the European Union (Sea Fisheries, etc.) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021 (G.S.I. No. 26 of 2021); the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2021 (G.S.I. No. 124 of 2021)). This Law is prospectively amended by the Police Force (Bailiwick of Guernsey) (Amendment) Law, 2021 (No. ** of 2022).

PROJET DE LOI

ENTITLED

The Police Force (Guernsey) Law, 1986

ARRANGEMENT OF SECTIONS

1. Power of Committee to make an agreement with other police forces.
2. Duties and powers of members of other police forces.
3. Interpretation.
4. Citation.

PROJET DE LOI

ENTITLED

The Police Force (Guernsey) Law, 1986

THE STATES, in pursuance of their Resolution of the 28th day of November, 1985, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Power of Committee to make an agreement with other police forces.

1. The [States Committee for Home Affairs] (hereinafter referred to as "**the Committee**") may make an agreement[, whether directly or through any coordinating body,] with a police force in the United Kingdom, or with the States of Jersey Police Force, whereby there will, at the request of the Committee, but subject to obtaining the authorisation of the Bailiff, be placed at its disposal, members of that force for the purpose of enabling the Island Police Force to meet any special demand on its resources[, whether in the Island of Guernsey or elsewhere in the Bailiwick].

NOTES

In section 1, the words in the second and third pairs of square brackets were inserted as modifications by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 10(2), respectively paragraph (a) and paragraph (b), with effect from 11 p.m. on 31st December, 2020; and these modifications shall have effect in accordance with the provisions of regulation 12 of the 2020 Regulations (as amended by the European Union (Sea Fisheries, etc.) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021, regulation 2, with effect from 11 p.m. on 31st March, 2021 and the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2021, regulation 1, with effect from 2nd November, 2021).

In accordance with the provisions of the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, regulation 11, with effect from 11 p.m. on 31st December, 2020 and subject to the provisions of

regulation 12 of the 2020 Regulations (as amended by the European Union (Sea Fisheries, etc.) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021, regulation 2, with effect from 11 p.m. on 31st March, 2021 and the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2021, regulation 1, with effect from 2nd November, 2021), this Law and any regulations under it shall apply to the Bailiwick of Guernsey, including the territorial sea adjacent to it, and any reference to in or within the Bailiwick shall be construed accordingly.

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 Law 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 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.

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 reference herein to the Bailiff included a reference to the Deputy Bailiff.

Duties and powers of members of other police forces.

2. (1) [During their period of duty in the Bailiwick], members of a [force present in the Bailiwick] by virtue of an agreement made under section 1 of this Law shall be subject to the authority and under the control of the Chief Officer of the Island Police Force, shall carry out the duties and possess the powers and privileges of a member of the salaried police force of the Island of Guernsey, and shall at all times be subject to the authority and jurisdiction of [the appropriate Court in respect of their conduct within the Bailiwick].

[(1A) The "**appropriate Court**" in subsection (1) means –

- (a) the Court of Alderney, where a member of a force is within the jurisdiction of that Court,
- (b) the Court of the Seneschal, where a member of a force is within the jurisdiction of that Court, and
- (c) in any other case, the Magistrate's Court or, as the case may require, the Royal Court.]

(2) A reference in any enactment, however described, 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 Bailiwick] by virtue of an agreement made under section 1 of this Law.

(3) For the avoidance of doubt, members of a force present [in the Bailiwick] by virtue of an agreement made under section 1 of this Law shall not be required to be sworn before the Royal Court pursuant to Article III of the "Loi ayant rapport à la Police Salariée pour l'Île entière" as amended^a[, or to take any oath of

^a Ordres en Conseil Vol. VI, p. 176; Vol. XIII, p. 128; Vol. XIV, p. 64.

office before the Court of the Seneschal pursuant to any of sections 52 to 54 of the Reform (Sark) Law, 2008^{aa} or any oath or affirmation pursuant to section 47 of the Government of Alderney Law, 2004^h or any Ordinance thereunder].

NOTE

In section 2, the words in, first, the first, second, the second and, third, the third pairs of square brackets in subsection (1) were substituted, fourth, subsection (1A) was inserted, the words in, fifth, square brackets in subsection (2) were substituted, the words in, sixth, the first pair of square brackets in subsection (3) were substituted and, seventh, those in the second pair of square brackets therein were inserted, all these amendments being modifications, by the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) Regulations, 2020, respectively regulation 10(3)(a), regulation 10(3)(b), regulation 10(3)(c), regulation 10(4), regulation 10(5), regulation 10(6)(a) and regulation 10(6)(b), with effect from 11 p.m. on 31st December, 2020; and these modifications shall have effect in accordance with the provisions of regulation 12 of the 2020 Regulations (as amended by the European Union (Sea Fisheries, etc.) (Brexit) (Amendment) (Bailiwick of Guernsey) Regulations, 2021, regulation 2, with effect from 11 p.m. on 31st March, 2021 and the European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2021, regulation 1, with effect from 2nd November, 2021).

Interpretation.

3. In this Law "enactment" includes an Order or Regulations made under an enactment.

Citation.

4. This Law may be cited as the Police Force (Guernsey) Law, 1986.

^{aa} Order in Council No. V of 2008; amended by Nos. VI and XXVII of 2008; No. XIV of 2010; No. XII of 2011; No. XI of 2014; No. IX of 2016; No. II of 2017; Sark Ordinance Nos. II and VI of 2015; No. XI of 2017; No. XIII of 2018.

^h Order in Council No. III of 2005, Ordres en Conseil Vol. XLV, p. 26; there are amendments not relevant to these Regulations.

NOTE

The Law received Royal Sanction on 8th July, 1986 and was registered on the Records of the Island of Guernsey and came into force on 19th August, 1986.
