



Jersey

PASSPORTS (FALSE STATEMENTS AND FORGERY) (JERSEY) LAW 2014

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PASSPORTS (FALSE STATEMENTS AND FORGERY) (JERSEY) LAW 2014

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PASSPORTS (FALSE STATEMENTS AND FORGERY) (JERSEY) LAW 2014

A LAW to create offences relating to false applications for passports, and for connected purposes.

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Law –

“Immigration Act” means the Immigration Act 1971 of the United Kingdom Parliament, as it applies in Jersey by virtue of the Immigration (Jersey) Order 1993;

“customs office” means a place for the time being occupied by officers of the Impôts;

“document” includes a stamp or label;

“immigration officer” means an officer appointed as such for the purposes of the Immigration Act in accordance with paragraph 1(1) of Schedule 2 to that Act;

“items subject to legal privilege” means communications between a professional legal adviser and client or client’s representative, made in connection with –

- (a) the giving of legal advice to the client; or
- (b) in connection with or in contemplation of legal proceedings, for the purposes of such proceedings,

together with items enclosed with or referred to in such communications, except that items held with the intention of furthering a criminal purpose are not items subject to legal privilege;

“officer”, except where otherwise specifically stated, means an immigration officer or a police officer;

“United Kingdom passport” means a current passport issued by –

- (a) the Government of the United Kingdom;
- (b) the Lieutenant-Governor of any of the Channel Islands or the Isle of Man; or

- (c) the Government of any territory which is for the time being a British overseas territory within the meaning of the British Nationality Act 1981.
- (2) In this Law, reference to forging a passport or document means making a false passport or document with the intention that it shall be used as genuine.

2 Offences of dishonesty in relation to applications for passports

- (1) This Article applies where an application is made, or is purported to be made, for the purpose of obtaining or renewing a United Kingdom passport.
- (2) Where this Article applies it is an offence if any person –
 - (a) knowingly makes a false or misleading statement, or a false or misleading representation;
 - (b) signs any document which the person knows to be false in a material particular or to contain a material omission;
 - (c) knowingly alters or falsifies any document;
 - (d) utters a forged passport or produces or furnishes any document, or a copy of any document, which the person knows to be false in any material particular or forged.
- (3) For the purpose of proving that an offence under this Article has been committed, it does not matter whether the application in question is for a United Kingdom passport for the use of the person charged with the offence or for the use of any other person.
- (4) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 2 years and a fine.

3 Other offences of forgery relating to passports

- (1) A person shall be guilty of an offence if, for any purpose, the person –
 - (a) forges a passport or utters a forged passport;
 - (b) knowingly or recklessly purchases or receives a forged passport from any other person;
 - (c) knowingly or recklessly possesses a forged passport.
- (2) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 2 years and a fine.

4 Powers of arrest and detention: general

- (1) If an officer has reasonable grounds to suspect that a person has committed or attempted to commit an offence under Article 2 or 3, the officer may –
 - (a) detain the person for questioning with a view to ascertaining whether or not an offence has been committed;
 - (b) arrest the person without warrant.

- (2) A person detained under paragraph (1)(a) may not be detained at a place other than a police station or a customs office, for any continuous period lasting longer than 6 hours.
- (3) Powers conferred on an officer by this Law are additional to and shall not affect any powers which the officer has at customary law or by virtue of any other enactment.
- (4) Nothing in this Law shall be construed as conferring on an immigration officer any power –
 - (a) to charge a person with any offence; nor
 - (b) to detain a person except in accordance with this Article.
- (5) The [Police Procedures and Criminal Evidence \(Application to Customs and Excise\) \(Jersey\) Order 2004](#) shall apply in relation to detention or arrest of a person by an immigration officer under this Article as it does in relation to detention or arrest of a person by the Agent of the Impôts or an officer of the Impôts.

5 Entry to premises and search of premises before arrest

- (1) If the Bailiff is satisfied, on an application made by an officer, that there are reasonable grounds to believe that –
 - (a) an offence under Article 2 or 3 has been committed;
 - (b) there is, on premises specified in the application, material which is likely to be of substantial value (whether by itself or together with other material) to the investigation of such an offence;
 - (c) the material is likely to be relevant evidence and does not consist of or include items subject to legal privilege; and
 - (d) any of the conditions in paragraph (2) is fulfilled,the Bailiff may issue a warrant authorizing an officer to enter and search the specified premises.
- (2) The conditions mentioned in paragraph (1)(d) are that –
 - (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) it is practicable to communicate with a person entitled to grant entry to the premises, but not practicable to communicate with any person entitled to grant access to the material;
 - (c) entry to the premises will not be granted unless a warrant is produced;
 - (d) the purpose of a search would be frustrated or seriously prejudiced unless an officer arriving at the premises could secure immediate entry to them.
- (3) An officer may seize and retain any material for which a search is authorized under this Article.
- (4) Entry to or search of any premises by an immigration officer under a warrant is not lawful unless it complies with Articles 8 and 9 of this Law.

6 Entry and search without warrant: powers of immigration officer

- (1) This Article applies where a person (“D”) –
 - (a) is arrested for an offence under Article 2 or 3; or
 - (b) is detained for questioning in respect of such an offence, at a place other than a police station or a customs office.
- (2) Subject to paragraph (3), an officer may enter and search for relevant evidence any premises in which D was when arrested or was immediately before being arrested.
- (3) The power in paragraph (2) may be exercised by an immigration officer only if a senior officer has authorized its exercise in writing, having been satisfied that –
 - (a) there are reasonable grounds to believe that there is relevant evidence on the premises; and
 - (b) the search is reasonably required for the purpose of discovering such evidence.
- (4) An officer searching premises under this Article may seize and retain any material which the officer reasonably believes to be relevant evidence.
- (5) In this Article –

“relevant evidence” means evidence relating to the offence in respect of which D is arrested or detained, which does not consist of items subject to legal privilege; and

“senior officer” means an immigration officer not below the rank of chief immigration officer.

7 Seized material: access and copying

- (1) This Article applies where an officer has seized and retained any material under Article 5(3) or Article 6(4).
- (2) A person who –
 - (a) is the occupier of the premises where the material was seized; or
 - (b) had control or custody of the material immediately before it was seized,may request a record, photograph or copy of the material, or to have access to the material for the purpose of photographing or copying it.
- (3) An officer who receives a request for a record of seized material must provide the record to the person making the request within a reasonable time.
- (4) An officer who receives a request for a photograph or copy of, or for access to, seized material must, within a reasonable time –
 - (a) arrange for the person making the request to have access to the material for the purpose of photographing or copying the material under the supervision of an immigration officer or a police officer; or
 - (b) arrange for the material to be photographed or copied, and provide the photograph or copy to the person making the request.

- (5) Nothing in this Article imposes any duty to arrange for access to, or the supply of a photograph or copy of, any material where there are reasonable grounds to suspect that doing so would prejudice –
 - (a) the exercise of any functions in connection with which the material was seized; or
 - (b) an investigation being conducted or criminal proceedings being brought under this Law.

8 Search warrants: safeguards

- (1) An application for a warrant may be made by an officer *ex parte* and shall be supported by an information in writing, identifying –
 - (a) the premises to be entered and searched; and
 - (b) so far as practicable, the material to be sought.
- (2) The officer who makes the application shall answer on oath any question asked by the Bailiff when hearing the application.
- (3) A warrant shall authorize entry on one occasion only.
- (4) A warrant shall specify –
 - (a) that it is issued under Article 5 of this Law;
 - (b) the date on which it is issued;
 - (c) the premises to be entered and searched;
 - (d) so far as practicable, the material to be sought.
- (5) A warrant may authorize persons to accompany the officer executing it.
- (6) Two copies, which must be clearly identified as such, shall be made of a warrant issued under this Law.

9 Execution of warrant by immigration officer

- (1) A warrant may be executed by any immigration officer.
- (2) Entry and search under a warrant must take place –
 - (a) within one month from the date of issue of the warrant;
 - (b) at a reasonable hour, unless it appears to the officer executing the warrant that compliance with this requirement would frustrate the purpose of a search authorized by the warrant; and
 - (c) only to the extent required for the purpose for which the warrant is issued.
- (3) If, at the time when the officer seeks to execute the warrant, any person is present on the premises to which the warrant applies, the officer must –
 - (a) produce identification showing that he or she is an immigration officer; and
 - (b) show the person the warrant and provide the person with a copy of it.
- (4) If there is no person present on the premises who appears to the officer to be in occupation or control of the premises, the officer shall leave a copy of the warrant displayed in a prominent place on the premises.

- (5) The officer executing the warrant must make an endorsement on the warrant stating –
 - (a) whether the material sought was found;
 - (b) if so, whether any material was seized; and
 - (c) if so, a description of the material.
- (6) A warrant which has been executed, or a warrant which has not been executed within the time authorized by paragraph (2)(a) for its execution, must be returned to the Bailiff's Secretary.
- (7) A warrant returned under paragraph (6) shall be retained by the Bailiff's Secretary for 12 months beginning with the date of its return; and during that period the occupier of premises to which the warrant applies shall, on so requesting, be permitted to inspect the warrant.

10 Citation

This Law may be cited as the Passports (False Statements and Forgery) (Jersey) Law 2014.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Passports (False Statements and Forgery) (Jersey) Law 2014	L.33/2014	24 October 2014

Table of Endnote References

There are currently no endnote references