



Jersey

INTERNATIONALLY PROTECTED PERSONS ACT 1978 (JERSEY) ORDER 1979

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APPENDIX



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INTERNATIONALLY PROTECTED PERSONS ACT 1978 (JERSEY) ORDER 1979

Jersey Order in Council 14/1979

INTERNATIONALLY PROTECTED PERSONS ACT 1978 (JERSEY) ORDER 1979.

(Registered on the 15th day of June, 1979).

At the Court at Buckingham Palace.

14th March, 1979.

PRESENT

The Queen's Most Excellent Majesty in Council.

HER MAJESTY, in exercise of the powers conferred upon Her by section 4(2) of the Internationally Protected Persons Act 1978 is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

1. This Order may be cited as the Internationally Protected Persons Act 1978 (Jersey) Order 1979 and shall come into operation on 24th May, 1979.
2. In this Order "Jersey" means the Bailiwick of Jersey and the territorial waters adjacent thereto.
3. The Internationally Protected Persons Act 1978 shall extend to Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

N.E. LEIGH,

Clerk of the Privy Council.

SCHEDULE**(Article 3)****EXCEPTIONS TO AND ADAPTATIONS AND MODIFICATIONS OF THE INTERNATIONALLY
PROTECTED PERSONS ACT 1978 AS IT HAS EFFECT IN JERSEY**

1. Save where the context otherwise requires, any reference to any enactment shall be construed as a reference to that enactment as it has effect in Jersey.
2. Save in the reference to a citizen of the United Kingdom and Colonies, for any reference to the United Kingdom or any part thereof shall be substituted a reference to Jersey.
3. In section 1(1) in paragraphs (a) and (b) for the words “guilty of” there shall be substituted the words “guilty there of an offence equivalent to”.
4. In section 1(3) the words “on indictment” shall be omitted.
5. For section 2 there shall be substituted the following provision: -
 - “2. Proceedings for an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978) would not be an offence apart from the preceding section shall not be begun in Jersey except by or with the consent of the Attorney General.”.
6. Sections 3 and 4 shall be omitted.
7. In section 5 –
 - (a) subsections (3) and (5) shall be omitted;
 - (b) in subsection 4(b) the reference to section 4(5) of the Suppression of Terrorism Act 1978 shall be omitted.

ELIZABETH II**1978 CHAPTER 17**

AN ACT to implement the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons adopted by the United Nations General Assembly in 1973. [30th June 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: -²

ATTACKS AND THREATS OF ATTACKS ON PROTECTED PERSONS

1.-(1) If a person, whether a citizen of the United Kingdom and Colonies or not, does outside [Jersey] –

- (a) any act to or in relation to a protected person which, if he had done it in any part of [Jersey] would have made him [guilty there of an offence equivalent to] the offence of murder, manslaughter, culpable homicide, rape, assault occasioning actual bodily harm or causing injury, kidnapping, abduction, false imprisonment or plagium or an offence under section 18, 20, 21, 22, 23, 24, 28, 29, 30 or 56 of the Offences against the Person Act 1861 or section 2 of the Explosive Substances Act 1883; or
- (b) in connection with an attack on any relevant premises or on any vehicle ordinarily used by a protected person which is made when a protected person is on or in the premises or vehicle, any act which, if he had done it in any part of [Jersey], would have made him [guilty there of an offence equivalent to] an offence under section 2 of the Explosive Substances Act 1883, section 1 of the Criminal Damage Act 1971 or article 3 of the Criminal Damage (Northern Ireland) Order 1977 or the offence of wilful fire-raising,

he shall in any part of [Jersey] be guilty of the offences aforesaid of which the act would have made him guilty if he had done it there.

(2) If a person in [Jersey] or elsewhere, whether a citizen of the United Kingdom and Colonies or not –

- (a) attempts to commit an offence which, by virtue of the preceding subsection or otherwise, is an offence mentioned in paragraph (a) of that subsection against a protected person or an offence mentioned in paragraph (b) of that subsection in connection with an attack so mentioned; or

² Deletions and words in brackets indicate adaptations and modifications made by the Internationally Protected Persons Act 1978 (Jersey) Order 1979.

- (b) aids, abets, counsels or procures, or is art and part in, the commission of such an offence or of an attempt to commit such an offence,

he shall in any part of [Jersey] be guilty of attempting to commit the offence in question or, as the case may be, of aiding, abetting, counselling or procuring, or being art and part in, the commission of the offence or attempt in question.

(3) If a person in [Jersey] or elsewhere, whether a citizen of the United Kingdom and Colonies or not –

- (a) makes to another person a threat that any person will do an act which is an offence mentioned in paragraph (a) of the preceding subsection; or
- (b) attempts to make or aids, abets, counsels or procures or is art and part in the making of such a threat to another person,

with the intention that the other person shall fear that the threat will be carried out, the person who makes the threat or, as the case may be, who attempts to make it or aids, abets, counsels or procures or is art and part in the making of it, shall in any part of [Jersey] be guilty of an offence and liable on conviction * * * * to imprisonment for a term not exceeding ten years and not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the act threatened at the place where the conviction occurs and at the time of the offence to which the conviction relates.

(4) For the purposes of the preceding subsections it is immaterial whether a person knows that another person is a protected person.

(5) In this section –

“act” includes omission;

“a protected person” means, in relation to an alleged offence, any of the following, namely –

- (a) a person who at the time of the alleged offence is a Head of State, a member of a body which performs the functions of Head of State under the constitution of the State, a Head of Government or a Minister for Foreign Affairs and is outside the territory of the State in which he holds office;
- (b) a person who at the time of the alleged offence is a representative or an official of a State or an official or agent of an international organisation of an intergovernmental character, is entitled under international law to special protection from attack on his person, freedom or dignity and does not fall within the preceding paragraph;
- (c) a person who at the time of the alleged offence is a member of the family of another person mentioned in either of the preceding paragraphs and –
 - (i) if the other person is mentioned in paragraph (a) above, is accompanying him,

- (ii) if the other person is mentioned in paragraph (b) above, is a member of his household;

“relevant premises” means premises at which a protected person resides or is staying or which a protected person uses for the purpose of carrying out his functions as such a person; and

“vehicle” includes any means of conveyance;

and if in any proceedings a question arises as to whether a person is or was a protected person a certificate issued by or under the authority of the Secretary of State and stating any fact relating to the question shall be conclusive evidence of that fact.

PROVISIONS SUPPLEMENTARY TO SECTION 1

[2. Proceedings for an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978³) would not be an offence apart from the preceding section shall not be begun in Jersey except by or with the consent of the Attorney General.]

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SUPPLEMENTAL

5.-(1) This Act may be cited as the Internationally Protected Persons Act 1978.

(2) Any reference in this Act to an enactment is a reference to it as amended by or under any other enactment.

* * * * *

(4) Section 4 of the Suppression of Terrorism Act 1978⁴ (which relates to certain offences committed outside [Jersey]) shall have effect with the following amendments (which are consequential on provisions of this Act) namely –

(a) subsections (2) and (6) are hereby repealed; and

(b) in subsections (4) * * * * after the words “offence which” there shall be inserted the words “(disregarding the provisions of the Internationally Protected Persons Act 1978)”.

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³ Page 95 of this Volume.

⁴ Page 98 of this Volume.