



Jersey

**STATES OF JERSEY POLICE FORCE  
(GENERAL PROVISIONS) (JERSEY)  
ORDER 2016**

**Official Consolidated Version**

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## STATES OF JERSEY POLICE FORCE (GENERAL PROVISIONS) (JERSEY) ORDER 2016

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Jersey

## STATES OF JERSEY POLICE FORCE (GENERAL PROVISIONS) (JERSEY) ORDER 2016

**THE MINISTER FOR HOME AFFAIRS**, in pursuance of Articles 10, 13, 32 and 33 of the [States of Jersey Police Force Law 2012](#) and after consultation with the States Employment Board, the Jersey Police Authority, the Chief Officer and the States of Jersey Police Association, orders as follows –

Commencement [\[see endnotes\]](#)

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### 1 Appointment

- (1) A candidate for appointment to the Force must –
  - (a) produce satisfactory references as to character;
  - (b) have attained the age of 18 years and 6 months;
  - (c) on medical examination be certified to be in good health, of sound constitution and fitted both physically and mentally to perform the duties of his or her office after appointment, including having a satisfactory standard of eyesight;
  - (d) have such educational and professional qualifications as may be determined by the Minister;
  - (e) pass such assessment processes, including written and oral examinations, as may be determined by the Minister;
  - (f) give such information as may be required by the Minister about his or her previous employment or history or any other matter relevant to his or her appointment to the Force; and
  - (g) be subject to appropriate vetting checks, including the checks relating to fingerprints and samples referred to in Article 7.
- (2) If a candidate for appointment to the Force has previously served in the police force, armed forces or civil service of any of the British Islands or has been a seaman within the meaning of the [Shipping \(Jersey\) Law 2002](#) the candidate must produce satisfactory evidence of his or her good conduct whilst so serving.
- (3) A notice specifying the terms and conditions of service must be drawn to the attention of every candidate for appointment to the Force.

### 2 Duties

A police officer shall –

- (a) carry out all lawful orders; and
- (b) at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his or her office.

### **3 Ranks**

The Force shall have the following ranks –

- (a) Chief Officer;
- (b) Deputy Chief Officer;
- (c) superintendent;
- (d) chief inspector;
- (e) inspector;
- (f) sergeant;
- (g) constable.

### **4 Business interest precluding appointment to the Force**

- (1) A candidate is not eligible for appointment to the Force if any of the following hold a licence granted under the [Licensing \(Jersey\) Law 1974](#) or the [Gambling \(Jersey\) Law 2012](#) or has any pecuniary interest in any such licence –
  - (a) the candidate;
  - (b) a wife, husband or civil partner of the candidate or any person living with the candidate as if he or she were such a person;
  - (c) any other member of the candidate's family who is living with the candidate.
- (2) For the purposes of paragraph (1) there shall be disregarded any residential licence or off-licence under the [Licensing \(Jersey\) Law 1974](#) held by a person described in sub-paragraph (b) or (c) of that paragraph.

### **5 Probation**

- (1) A police officer shall be on probation for the first 2 years after his or her appointment to the Force.
- (2) Paragraph (1) does not apply to a police officer who, immediately before appointment to the Force, was a member of another police force in the British Islands.
- (3) The Chief Officer may extend, reduce or dispense with the period of probation and shall record his or her reasons for doing so in writing.<sup>1</sup>
- (4) Subject to paragraph (5), the Chief Officer may terminate the appointment of a police officer at any time during that police officer's probation if the Chief Officer considers that the officer is not fitted, physically or mentally, to perform the duties of his or her office or that he or she is not likely to become an efficient and effective member of the Force.<sup>2</sup>
- (5) A police officer whose appointment is terminated under paragraph (4) shall be entitled to receive one month's notice or one month's pay in lieu of such notice.

## **6 Promotion**

- (1) The Chief Officer may promote any police officer on permanent or temporary promotion.<sup>3</sup>
- (2) Promotion shall be by selection, subject to any examinations in police duties which the Minister may from time to time determine.
- (3) When any officer has successfully passed a promotion examination while serving in another police force in the British Islands, he or she shall be deemed to have passed the equivalent examination for promotion in Jersey.
- (4) A police officer who is promoted to a permanent vacancy in a higher rank shall be on probation in that rank for a period of one year.
- (5) A police officer who is promoted in a temporary or permanent vacancy and has, less than 2 years before the date of promotion, held the same rank on a temporary promotion shall, for the purpose of increments in the scale of pay for that rank, be entitled to aggregate all his or her former service in that rank on temporary promotion.
- (6) A police officer who –
  - (a) is participating in the high potential development scheme (known as the “HPD scheme”) recognized by the Secretary of State for the purposes of the Police (Promotion) Regulations 1996 (S.I. 1996/1685) of the United Kingdom; and
  - (b) is determined by the Chief Officer to be competent to perform the duties of a higher rank,may be promoted to that higher rank, whether or not there is a vacancy for that higher rank, without affecting any existing or subsequent vacancy at that higher rank unless the person promoted is designated to fill it.<sup>4</sup>

## **7 Fingerprints and samples prior to appointment**

- (1) Where a candidate for appointment to the Force is to be offered an appointment, subject to paragraph (2), the offer is subject to the following conditions –
  - (a) the candidate must have fingerprints and a sample taken;
  - (b) the candidate must consent to the fingerprints and sample taken being the subject of a speculative search; and
  - (c) the Chief Officer must be satisfied that the candidate is suitable for appointment following the results of a speculative search.
- (2) Paragraph (1) does not apply to a candidate from another police force in the British Islands.
- (3) In a case to which paragraph (1) applies, the candidate shall notify the Chief Officer in writing whether the candidate consents –
  - (a) to the taking of the fingerprints and a sample; and
  - (b) to such fingerprints and sample being the subject of a speculative search.
- (4) If a candidate is appointed to the Force any fingerprints and sample taken under this Article shall be treated as if they had been taken under Article 8.
- (5) In this Article –
  - (a) “sample” means –
    - (i) a sample of hair, other than pubic hair, complete with roots,

- (ii) saliva, or
  - (iii) a swab taken from the mouth; and
- (b) “speculative search” has the same meaning as in Article 1 of the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#).

## **8 Fingerprints and samples following appointment**

- (1) Each police officer shall have his or her fingerprints taken in accordance with the directions of the Chief Officer.
- (2) Each police officer, other than a police officer transferred to the Force from another police force in the British Islands shall have a sample taken in accordance with the directions of the Chief Officer.
- (3) Fingerprints and samples, including information derived from such samples, of police officers taken by virtue of this Article shall be kept separate from the fingerprints and samples taken other than by virtue of this Article.
- (4) Subject to paragraph (5), the fingerprints and sample, including the information derived from such a sample, of a police officer taken under this Article and all copies and records of those fingerprints and sample shall be destroyed upon the police officer ceasing to be a member of the Force.
- (5) If a police officer is transferred to another police force in the British Islands, his or her fingerprints, sample and information derived from that sample shall be transferred to the chief officer, or person of equivalent rank, of that police force.
- (6) A police officer who has –
  - (a) fingerprints taken under Article 7 is not required to have fingerprints taken under this Article; or
  - (b) a sample taken under Article 7 is not required to have a sample taken under this Article.
- (7) In this Article “sample” has the same meaning as in Article 7.

## **9 Clothing and equipment**

- (1) Each police officer shall provide himself or herself with clothing, other than uniform, which is sufficient for his or her health and suitable to a person employed in the Force.
- (2) The Chief Officer shall provide free of charge each police officer with all articles of uniform and equipment necessary for the performance of police duty by that officer.
- (3) All articles of uniform and equipment issued to a police officer are for use in the performance of police duty by that officer and must be returned to the Force when no longer required.
- (4) In the event of an article of uniform or equipment issued to a police officer becoming unserviceable before the expiry of such minimum period of wear or use as may be communicated to that police officer, the police officer may be required to pay a proportion of the cost of replacement.
- (5) Replacement or repairs of lost, damaged, faulty or ill-fitting articles of uniform or equipment issued to a police officer (other than repairs that he or she can

satisfactorily do himself or herself) shall be made or done without cost to the police officer, except in the case of loss or damage caused by the police officer's default.

## **10 Personal records**

- (1) The Chief Officer shall ensure that a personal record of each police officer is kept.
- (2) If a police officer becomes a member of another police force in the British Islands, the Chief Officer shall, on request by the chief officer of that other force, or person of equivalent rank, provide him or her with a copy of the police officer's record.
- (3) The personal record shall contain entries of the following particulars relating to the police officer –
  - (a) physical description (for example, height, weight, build, hair and eye colour and any distinguishing physical features);
  - (b) place and date of birth;
  - (c) marriage or civil partnership (if any);
  - (d) children (if any);
  - (e) any service in any of the armed forces in the British Islands or in any other police force in the British Islands;
  - (f) all promotions, commendations, rewards and punishments, other than a caution;
  - (g) all special or sick leave taken; and
  - (h) the date of his or her ceasing to be a member of the Force with the reason for such cessation.
- (4) Subject to paragraph (5), on leaving the Force (except in the case of transfer with the written consent of the Minister to another police force in the British Islands) each police officer shall be given a certificate showing his or her rank and setting out the period of his or her service and the reason for his or her leaving the Force.
- (5) Where a police officer was required to resign or was dismissed, the certificate shall not contain any description of the circumstances in which he or she was required to resign or was dismissed.
- (6) The Chief Officer may append to the certificate any recommendation which the Chief Officer feels justified in giving.
- (7) A police officer shall, if he or she so requests, be entitled to inspect his or her personal record.

## **11 Restrictions on the private life of police officers**

- (1) The restrictions on private life referred to in paragraph (2) shall apply to all police officers.
- (2) Those restrictions are –
  - (a) a police officer shall at all times abstain from any activity which is likely to –
    - (i) interfere with the impartial discharge of his or her duties, or
    - (ii) give rise to the impression amongst members of the public that it may so interfere;
  - (b) a police officer shall not –

- (i) take any active part in politics, or
  - (ii) belong to any organization specified or described in a determination of the Minister;
- (c) a police officer shall not receive a lodger in a dwelling in which the police officer resides or sub-let any such dwelling without giving prior notice to the Chief Officer; and
- (d) a police officer shall not wilfully refuse or neglect to discharge any lawful debt.
- (3) No other restriction shall be imposed by the Chief Officer on the private lives of police officers except –
  - (a) such as may be necessary temporarily; or
  - (b) such as may be approved by the Minister after consultation with the body designated under Article 11 of the [States of Jersey Police Force Law 2012](#).

## 12 Business interests of police officers and relatives

- (1) For the purposes of this Article, a person has a business interest if –
  - (a) the person is a police officer and holds any office or employment for hire or gain (otherwise than as a police officer) or carries on any business; or
  - (b) the person is any of the following and holds a licence granted under the [Licensing \(Jersey\) Law 1974](#) or the [Gambling \(Jersey\) Law 2012](#) or has any pecuniary interest in any such licence –
    - (i) a police officer,
    - (ii) a wife, husband or civil partner of the police officer or any person living with the police officer as if he or she were such a person,
    - (iii) any other member of the police officer's family who is living with the police officer.
- (2) If a police officer –
  - (a) has or proposes to have a business interest which has not previously been disclosed; or
  - (b) is or becomes aware that a person described in paragraph (1)(b)(ii) or (iii) has or proposes to have a business interest which, in the police officer's opinion, interferes or could be seen as interfering with the impartial discharge of the police officer's duties and such interest has not previously been disclosed,

the police officer shall immediately give written notice of that business interest to the Chief Officer.
- (3) On receipt of a notice under paragraph (2), the Chief Officer shall direct a police officer authorized by him or her to exercise functions under this Article (such person being referred to as an "appropriate officer") to decide whether or not the business interest is compatible with the police officer remaining a member of the Force.
- (4) In deciding whether the business interest is compatible with the police officer remaining a member of the Force, the appropriate officer shall decide whether, as a result of the business interest, the police officer's conduct breaches or would breach the Discipline Code set out in Schedule 1 to the [Police \(Complaints and Discipline Procedure\) \(Jersey\) Order 2000](#).



- (5) Where the appropriate officer is minded to decide that the business interest is not compatible with the police officer concerned remaining a member of the Force, or is not so compatible unless conditions are imposed, the appropriate officer shall –
  - (a) notify the police officer of his or her preliminary view and the reasons for it; and
  - (b) give the police officer the opportunity to make representations in writing, at a meeting, or both, at the police officer's discretion.
- (6) The appropriate officer shall, within 28 days of receipt of notice by the police officer concerned under paragraph (5), notify the police officer in writing of the appropriate officer's decision in relation to the business interest, having taken into account any representations made by virtue of paragraph (5).
- (7) Where the decision is that the business interest is compatible with the police officer concerned remaining a member of the Force, the notification under paragraph (6) may include a requirement for the police officer to furnish particulars of changes in the business interest as respects its nature, extent or otherwise.
- (8) Where the decision is that the business interest is not compatible with the police officer remaining a member of the Force, or is not so compatible unless conditions are imposed, the notification under paragraph (6) shall –
  - (a) include a statement of reasons for the decision;
  - (b) be accompanied by copies of any document on which the appropriate officer relies in support of the decision; and
  - (c) inform the police officer of the existence of the right of appeal under paragraph (10).
- (9) Where a police officer is required to furnish particulars of changes in a business interest under paragraph (7), then in the event of any such change being proposed or occurring, this Article shall have effect as though the changed business interest were a newly proposed or newly acquired business interest.
- (10) Within 10 days of being notified of an appropriate officer's decision under paragraph (6), or within such longer period as the Chief Officer may, in all the circumstances allow, a police officer may appeal against that decision by sending written notice of appeal to the Chief Officer.
- (11) On receiving a notice of appeal under paragraph (10), the Chief Officer shall give the police officer the opportunity to make representations in writing, at a meeting, or both, at the police officer's discretion.
- (12) The Chief Officer shall, within 28 days of receipt of the notice of appeal under paragraph (10), notify the police officer in writing of the outcome of the appeal and provide a written statement of the reasons for the decision.
- (13) The Chief Officer may extend the period referred to in paragraph (12) if he or she considers that it would be in the interests of justice to do so and shall provide written notification of the reasons for such decision to the police officer concerned.
- (14) Where a business interest has been held by the appropriate officer under paragraph (6) to be incompatible with continued membership of the Force and either –
  - (a) no appeal has been made under this Article; or
  - (b) an appeal has been made and the Chief Officer has upheld the decision of the appropriate officer,

the decision of the appropriate officer shall be regarded as a lawful order for the purposes of paragraph 7 of the Discipline Code in Schedule 1 to the [Police \(Complaints and Discipline Procedure\) \(Jersey\) Order 2000](#) (“2000 Order”) and, in the event of any failure to abide by the 2000 Order, the [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#) and the 2000 Order shall apply as if the Chief Officer had determined under Article 9 of that Order to prefer a disciplinary charge against the police officer.

### **13 Police Force (General Provisions) (Jersey) Order 1974 savings provision**

Notwithstanding the repeal of Article 8 of the Police Force (Jersey) Law 1974 by the [States of Jersey Police Force Law 2012](#), any person who, immediately before the date that this Order comes into force, is or would become entitled to payment of a pension under Article 10 of the Police Force (General Provisions) (Jersey) Order 1974, shall continue to be so entitled as if that Article remained in force.

### **14 <sup>5</sup>**

### **15 Citation**

This Order may be cited as the States of Jersey Police Force (General Provisions) (Jersey) Order 2016.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
States of Jersey Police Force (General Provisions) (Jersey) Order 2016	<a href="#">R&amp;O.133/2016</a>	26 December 2016
States of Jersey Police Force (Amendment No. 3) Law 2021	<a href="#">L.10/2021</a>	30 July 2021

### Table of Endnote References

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<sup>1</sup> Article 5(3)	<i>amended by L.10/2021</i>
<sup>2</sup> Article 5(4)	<i>amended by L.10/2021</i>
<sup>3</sup> Article 6(1)	<i>amended by L.10/2021</i>
<sup>4</sup> Article 6(6)	<i>amended by L.10/2021</i>
<sup>5</sup> Article 14	<i>spent, omitted</i>