

# STATES OF JERSEY



## **DRAFT PASSPORTS (FALSE STATEMENTS AND FORGERY) (JERSEY) LAW 201- (P.14/2014): AMENDMENT**

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**Lodged au Greffe on 9th April 2014  
by the Minister for Home Affairs**

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**STATES GREFFE**

DRAFT PASSPORTS (FALSE STATEMENTS AND FORGERY) (JERSEY)  
LAW 201- (P.14/2014): AMENDMENT

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**1 PAGE 11, ARTICLE 1(1) –**

Omit the definition “police officer”.

**2 PAGE 12, ARTICLE 2 –**

(a) for the heading to Article 2, substitute –

**“Offences of dishonesty in relation to applications for passports”;**

(b) for paragraph (1), substitute –

“(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.”;

(c) in paragraph (2), for the words “if the person” substitute the words “if any person”;

(d) in sub-paragraphs (2)(a) and (2)(c), omit the words “or recklessly”.

MINISTER FOR HOME AFFAIRS

## **REPORT**

After lodging P.14/2014, the Minister for Home Affairs attended a public Scrutiny hearing with the Education and Home Affairs Scrutiny Panel. In preparation for that hearing, and in discussion with the Panel during that hearing, some issues came to light with the Draft Passports (False Statements and Forgery) (Jersey) Law 201- (“the draft Law”). This Amendment addresses those issues.

In the Interpretation Article of the draft Law, “police officer” is defined as a member of the States of Jersey Police Force. It is intended that any police officer, whether Honorary or States of Jersey Police, should have powers under the Law and, therefore, the specific definition has been removed because “police officer” is defined in the Schedule to the Interpretation (Jersey) Law 1954 as meaning a member of the Honorary Police or a member of the States of Jersey Police Force.

It was the intention of the Minister that the draft Law should not only apply to the person who is applying for the passport, but also to any person who makes a false or misleading statement in relation to an application, for example a counter-signatory. However, this was not conveyed to the Law Draftsman’s Office and the draft Law was prepared in line with the instructions received. Currently, therefore, the draft Law would only apply to the applicant for the passport, whether they are applying for the passport for their own use, or for use by another person, for example a parent applying on behalf of their child.

In order to extend the scope of the offence Article 2(1) of the draft Law is substituted by this Amendment to remove reference to “a person” applying for a passport and using the more generic phrase “where an application is made”.

Article 2(2) of the draft Law refers to “the person”, which is taken to mean the applicant for the passport. This amendment changes that to “any person” so that the counter-signatory would also be covered.

The Amendment also removes the words “or recklessly” from paragraphs 2(2)(a) and 2(2)(c) of the draft Law. The rationale for this is to protect somebody who is asked to be a counter-signatory for a passport application and, although they have known the person for the requisite amount of time in order to act as the counter-signatory, they don’t know the person particularly well but have taken what the applicant has said at face value. Therefore, they would only commit an offence if they actually knew that the application was false, or contained a false or misleading statement.

### **Financial and manpower implications**

There are no additional financial or manpower implications associated with this amendment.