

# STATES OF JERSEY

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## **DRAFT PRISON (AMENDMENT No. 5) (JERSEY) LAW 200-**

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**Lodged au Greffe on 23rd March 2004  
by the Home Affairs Committee**

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**STATES GREFFE**



Jersey

## **DRAFT PRISON (AMENDMENT NO. 5) (JERSEY) LAW 200**

### **European Convention on Human Rights**

The President of the Home Affairs Committee has made the following statement –

In the view of the Home Affairs Committee the provisions of the Draft Prison (Amendment No. 5) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

## **REPORT**

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This amendment to the Prison (Jersey) Law 1957 has been written to enable prison officers to detain visitors suspected of trying to smuggle contraband into the prison, pending the arrival of the States Police.

Prison Officers in England and Wales are able to arrest and detain visitors suspected of attempting to bring contraband into a prison by authority of section 8 of the Prison Act 1952. Prison officers in Jersey do not have this power. They are therefore only able to refuse entry, which results in the visitor having the opportunity to dispose of the offending item before the Police can arrive to arrest them. Even if a visitor is found in possession of contraband, such as drugs, members of staff at the prison have no power to detain them pending the arrival of the States Police.

This amendment seeks to rectify this situation by giving prison officers the same powers as a member of the States of Jersey Police Force whilst on duty.

There are no financial or manpower implications arising from this proposed amendment.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 16th March 2004 the Home Affairs Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Home Affairs Committee, the provisions of the Draft Prison (Amendment No. 5) (Jersey) Law 200- are compatible with the Convention Rights.

## **Explanatory Note**

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This Law will give a prison officer whilst on duty the same powers as a member of the States of Jersey Police Force.





Jersey

## **DRAFT PRISON (AMENDMENT NO. 5) (JERSEY) LAW 200**

A LAW to amend further the Prison (Jersey) Law 1957.<sup>[1]</sup>

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*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

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### **1 Article 7A inserted**

After Article 7 of the Prison (Jersey) Law 1957<sup>[2]</sup> there shall be inserted the following Article –

#### **“7A Powers of prison officers**

Every prison officer while acting as such shall have all the powers, authority, protection and privileges of a member of the States of Jersey Police Force.”.

### **2 Citation and commencement**

This Law may be cited as the Prison (Amendment No. 5) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

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[1] *Tome VIII, page 657, Volume 1979-1981, page 365, Volume 1986-1987, page 20, Volume 1994-1995, page 61 and Volume 1996-1997, page 801.*

[2] *Tome VIII, page 659 and Volume 1994-1995, page 66.*