

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 1ST NOVEMBER 2016**

Question

Will H.M. Attorney General advise Members to whom Centeniers are accountable for their actions (a) as Honorary Police Officers and (b) as prosecutors, and will he further advise how, and on whom, legal papers in civil actions may be served on them and those who are liable for them?

Answer

(a) Accountability as honorary police officers

The Attorney General has a supervisory role over the Honorary Police at customary law. This role is confirmed in statute. Article 4(3) of The Honorary Police (Jersey) Law 1974 ('the 1974 Law') provides that "...*the Honorary Police shall be under the general supervision of the Attorney General.*"

Moreover the Police (Complaints and Discipline) (Jersey) Law 1999 ('the 1999 Law') and the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 ('the 2000 Regulations') made thereunder, made provision among other things for the investigation of complaints about, and the procedures, rights and powers relating to disciplinary charges against, members of the Honorary Police, which of course includes Centeniers.

Under the 2000 Regulations the Attorney General may impose any of the following punishments, that is to say –

- (a) dismissal from the Honorary Police;
- (b) requirement to resign from the Honorary Police, as an alternative to dismissal, taking effect either forthwith or on such date as may be specified in the decision;
- (c) suspension;
- (d) censure;
- (e) reprimand.

(b) Accountability as prosecutors

The 1974 Law confirms the power of Centeniers to charge, but "*without prejudice to the customary powers of the Attorney General in the prosecution of offences*".

Any failures on the part of a Centenier in respect of his or her role as prosecutor will be considered and determined by the Attorney General pursuant to his customary and statutory powers referred to above, having regard to the relevant provisions of the disciplinary code contained in the Schedule to the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000.

Service of legal papers

As to the service of legal papers on a Centenier in civil actions, the rules of service on an individual who is a Centenier are no different from the rules of service on an individual who is not a Centenier, assuming that the right of action claimed is a right of action against that individual in his or her private capacity. If however it is alleged that a tort has been committed by a member of the Honorary Police in performance or purported performance of their functions as members, then Article 22 of the 1974 Law provides that: "*The Connétable ... shall be liable in respect of torts committed by members of the Honorary Police of the*

Connétable's parish in performance or purported performance of their functions in the same manner as a master is liable in respect of torts committed by the master's servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor." Where Article 22 is relied upon, therefore, service of any legal proceedings needs to be effected on the Connétable (or, in the case of a vacancy in that office, against the senior officer of the Honorary Police of the parish).