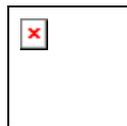


**INTERCEPTION OF COMMUNICATIONS (JERSEY) LAW 1993: REPORT OF THE COMMISSIONER FOR  
1999**

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**Presented to the States on 4th July 2000**

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**STATES OF JERSEY**

**STATES GREFFE**

150

2000

R.C.27

Price code: A

## **Report**

1. This is my second report as the Commissioner appointed under Article 9(1) of the Interception of Communications (Jersey) Law 1993. This report concerns the year 1999. It represents the first full year of my term of office, my predecessor having retired during the course of 1998. In my first report I set out my duties under the Law and will not repeat them in detail in this document.
2. As I indicated in my report for the year 1998, my functions are -
  - (a) to review the way in which the Attorney General carried out the functions conferred on him by Articles 3 to 6 and the adequacy of any arrangements made for the purposes of Articles 7; and
  - (b) to give to the Tribunal all such assistance as it may require for the purpose of enabling it to carry out its functions under the Law.

I have not been asked to give any assistance to the Tribunal during 1999.

3. This report is made to the Bailiff pursuant to the provisions of Article 9(6) with respect to the carrying out of my functions. During his term of office my predecessor considered that it was appropriate to permit the Bailiff where it appeared to him that the publication of any matters in an Annual report would be prejudicial to national security or to the prevention or detection of serious crime, to exclude such matters from the copy of the report laid before the States under Article 9(8). Accordingly, I have submitted to the Bailiff a confidential appendix.
4. A careful consideration of the operation of this Law since its inception in 1993 has convinced me that intelligence obtained by interception makes a significant contribution to the prevention and detection of serious crime where the information cannot reasonably be acquired by other means.
5. I have investigated the circumstances of every application for a warrant made to the Attorney General during the course of 1999 and I have followed the progress of the warrants after they have been issued. Both the Attorney General and the Deputy Bailiff, who was in office as Attorney General for most of the period with which this report is concerned, as well as the Solicitor General and others in the Department have given me every assistance in the work that I have carried out. I am satisfied that I have had access to all relevant documentation.
6. I have visited Police Headquarters and I have met all the officers most nearly concerned with interceptions. They include the Chief Officer, States of Jersey Police in whose name all applications for warrants are made, and others on his staff. I was also given assistance by a senior officer of Customs and Excise.
7. I am grateful for the assistance which everyone has given me in carrying out my duties.
8. I have been consistently impressed in my dealings with all those concerned of their awareness of the sensitive, often secret, and invariably intrusive nature of their work, which they have carried out with conscientiousness, care and strict obedience to the Law. I am also satisfied that everyone concerned with interception in Jersey is rightly conscious that this aspect of their work constitutes a grave infringement of the rights of the individual and that interception should be used only when all other investigate methods have been tried or failed or have been considered and for sound and persuasive reasons rejected. I am also satisfied that procedures are in place to ensure the security of all intercepted material and that any information which is of no significance to the investigation in progress is destroyed. I was assured and have no reason to doubt that knowledge of any intercepted material is imparted on a need to know basis. Finally I am satisfied that all concerned understand the requirement to restrict any period of interception to the minimum.

**SIR JOHN NUTTING Bt., Q.C.**