



Jersey

# **ARMED FORCES (OFFENCES AND JURISDICTION) (JERSEY) LAW 2017**

## **Official Consolidated Version**

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# ARMED FORCES (OFFENCES AND JURISDICTION) (JERSEY) LAW 2017

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Jersey

## **ARMED FORCES (OFFENCES AND JURISDICTION) (JERSEY) LAW 2017**

A **LAW** to provide for the jurisdiction of the police, courts and other authorities of British and other armed forces over members of those forces in Jersey, to empower civilian police to arrest and detain members of the British armed forces in connection with that jurisdiction, to create offences relating to those forces, to make provision for members of those forces in relation to civilian police and courts, and for connected purposes

Commencement [[see endnotes](#)]

### **PART 1**

#### **INTERPRETATION**

#### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –

“Armed Forces Act” means the Armed Forces Act 2006 of the United Kingdom;

“civilian court” means any court or tribunal exercising a criminal or civil jurisdiction under the law of Jersey, and, despite Articles 2 and 3, does not include –

- (a) a service court; or
- (b) a court that is a relevant authority under the relevant law of a listed country, within the meaning of Article 3;

“civilian offence” means an offence under the law of Jersey, and, despite Articles 2 and 3, does not include –

- (a) a forces offence; or
- (b) an offence under the relevant law of a listed country, within the meaning of Article 3;

“force”, other than in the expression “police force”, means a naval, military or air force;

“forces law” means –

- (a) the Armed Forces Act;

- (b) the Reserve Forces Act 1980 and the Reserve Forces Act 1996 of the United Kingdom;
- (c) section 113 of the Police and Criminal Evidence Act 1984 of the United Kingdom; and
- (d) any enactment of the United Kingdom made under any of those Acts or that section;

“forces offence” means an offence in respect of which a service authority or service court has jurisdiction under forces law;

“forces powers” is to be construed in accordance with paragraph (2)(c);

“Minister” means the Minister for Justice and Home Affairs;

“Police Procedures Law” means the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#);

“service authority” means a service police force, within the meaning of the Armed Forces Act, or any other authority of a force whose members are subject to service law;

“service court” means a court established under forces law, or any other court to which an appeal is taken from such a court;

“service custody” means the custody, under forces law, of a service authority or service court;

“service law” is to be construed in accordance with paragraph (2)(a);

“service person” has the meaning given by paragraph (2)(b).<sup>1</sup>

(2) For the purposes of this Law –

- (a) a person is “subject to service law” if that person is so subject under the definition of that expression in section 374 of the Armed Forces Act;
- (b) a person is a “service person” if that person is –
  - (i) a person who is subject to service law,
  - (ii) a member of a reserve force, within the meaning of the Armed Forces Act, who is not subject to service law, or
  - (iii) any other person who is liable to recall for the purpose of the Reserve Forces Act 1980 or the Reserve Forces Act 1996 of the United Kingdom; and
- (c) a person is “subject to forces powers” if that person falls within Article 2(2), other than by virtue of Article 2(3).

(3) For the purposes of this Law –

- (a) a reference to an enactment of the United Kingdom is a reference to that enactment as from time to time amended, excluding any provision that is extended (with or without modification) to Jersey;
- (b) “amend”, in relation to such an enactment, includes repeal; and
- (c) if a provision of such an enactment is repealed or expires, and is re-enacted (with or without modification), a reference in this Law to the repealed or expired provision is to be construed as a reference to the provision so re-enacted.

(4) The Minister may, without prejudice to the generality of Article 18, by Order amend paragraph (1) or (2) to the extent that it appears to the Minister to be necessary or expedient to amend a definition in that paragraph in consequence of

any amendment, made after the coming into force of this Law, to an enactment of the United Kingdom forming part of forces law.

- (5) An Order under paragraph (4) may contain such transitional, consequential, incidental or supplementary provision as appears to the Minister to be necessary or expedient for the purposes of the Order, including provision by way of amendment of any provision of this Law.

## PART 2

### JURISDICTION OF COURTS AND AUTHORITIES OF ARMED FORCES

#### 2 Exercise of powers under forces law

- (1) The service courts and service authorities may within Jersey exercise, over persons falling within paragraph (2), all the powers that are exercisable in the United Kingdom under forces law by those courts and authorities over those persons.
- (2) A person falls within this paragraph if he or she –
- (a) is a service person; or
  - (b) has ceased to be a service person, but is liable under forces law to prosecution for an alleged forces offence committed while he or she was a service person.
- (3) For the purpose of paragraph (1), a person who is not a service person, but whom a service authority reasonably believes to be a service person, is to be treated as a person falling within paragraph (2) in relation to the exercise in Jersey by that service authority of a power that is exercisable by a service authority in the United Kingdom under forces law in relation to a person who is reasonably believed to be a service person.
- (4) A certificate issued by a service authority, stating that a person is a service person, or was a service person at a time specified in the certificate, is to be taken as sufficient evidence of the fact so stated for the purpose of proceedings in a civilian court, unless the contrary is proved.
- (5) Without prejudice to the generality of paragraph (1) –
- (a) the powers that may be exercised under that paragraph include any power exercisable by a service court or service authority under forces law –
    - (i) to detain a person, in service custody or otherwise, or
    - (ii) to remove a person from Jersey; and
  - (b) any place where a person is lawfully held in service custody, or is otherwise lawfully detained in exercise of a power under paragraph (1), is to be taken to be a legal place of detention for the purposes of the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#).
- (6) Without prejudice to the generality of paragraph (1), if a sentence has been passed (whether in or outside Jersey) by a service court on a person who, when that sentence was passed, was subject to forces powers, then for the purpose of any proceedings in a civilian court –
- (a) that service court is deemed to have been properly constituted;
  - (b) the sentence is deemed to be within the jurisdiction of that court and in accordance with forces law; and

- (c) the sentence is deemed to have been lawfully executed if it is executed according to its tenor.
- (7) Subject to paragraph (3), nothing in paragraph (1) is to be construed as permitting the exercise of a power over a person who is not subject to forces powers (a “civilian”).
- (8) Accordingly, and without prejudice to the generality of paragraph (7), the exercise of a power under paragraph (1) does not limit any right of a civilian in relation to any property.
- (9) For the purpose of paragraph (8) –
  - (a) the reference to a right in relation to property includes a right of an owner or tenant of premises that are entered or searched, a right of an owner or hirer of a vehicle that is stopped or searched, a right of an owner of an item or document that is found or seized in a search, and any other right in relation to any other property; and
  - (b) it is irrelevant whether a person who is subject to forces powers shares the right mentioned in that paragraph as a joint owner or in any manner, or has any other right in relation to the property mentioned in that paragraph.

### **3 Exercise of powers under laws of visiting forces**

- (1) In this Article –
  - “home force” means any of the regular forces or the reserve forces, within the meaning of those terms in the Armed Forces Act;
  - “listed country” means a country that –
    - (a) is specified in section 1(1)(a) of the Visiting Forces Act 1952 of the United Kingdom; or
    - (b) is designated by an enactment of the United Kingdom under section 1(2) of that Act as a country to which section 2 of that Act applies;
  - “relevant authority”, in relation to a listed country, means a court, police force or other authority of that country, that has jurisdiction over members of the forces of that country under the relevant law of that country;
  - “relevant law”, in relation to a listed country, means the law governing all or any of the forces of that country.
- (2) The relevant authorities of a listed country may within Jersey exercise, over persons falling within paragraph (3), all the powers that are exercisable by them, over those persons, according to the relevant law of that listed country.
- (3) A person, other than a person subject to forces powers, falls within this paragraph in relation to a listed country if he or she is –
  - (a) a member of a visiting force of that listed country;
  - (b) a relevant civilian accompanying a visiting force of that listed country; or
  - (c) a member of a force of that listed country who is a visiting member of a headquarters.
- (4) For the purpose of paragraph (3) –
  - (a) a body, contingent or detachment of a force is a visiting force if –
    - (i) it is visiting Jersey at the invitation of any of the home forces, and

- (ii) a jurisdiction authorization, being an authorization issued by the Minister under paragraph (5), is in effect for the time being for that visit;
  - (b) a relevant civilian is a person who –
    - (i) is subject to the relevant law of the listed country, otherwise than as a member of that country's forces, and
    - (ii) is neither a British citizen nor ordinarily resident in Jersey or the United Kingdom;
  - (c) a person is a visiting member of a headquarters if the person –
    - (i) is for the time being appointed to serve in the United Kingdom under the orders of a headquarters, within the meaning of the International Headquarters and Defence Organisations Act 1964 of the United Kingdom, and
    - (ii) is visiting Jersey in connection with that service, on a visit for which a jurisdiction authorization is in effect for the time being under paragraph (5);
  - (d) a person is not to be treated as a member of a force if that person became, or last became, a member of that force at a time when he or she –
    - (i) was in Jersey or in the United Kingdom, and
    - (ii) did not consent to becoming such a member; and
  - (e) if a force is in the nature of a reserve or auxiliary force (by whatever name called), a person is a member of that force so long as, but only so long as, the person is called into actual service (by whatever expression described) or is called out for training.
- (5) The Minister –
- (a) may issue a jurisdiction authorization for –
    - (i) a particular visit,
    - (ii) all visits within a particular period by a particular force or by a particular listed country's forces,
    - (iii) any other description of visits, whether by reference to periods, forces, listed countries or otherwise, or
    - (iv) all visits by all forces of all countries that are listed countries at the time the authorization is issued;
  - (b) must, before deciding whether to issue a jurisdiction authorization in relation to any listed country –
    - (i) have particular regard to any agreement, as to visits by forces, to which the United Kingdom and that listed country are parties (including an agreement that does not apply in respect of Jersey), and
    - (ii) be satisfied that in all the circumstances it appears likely that the relevant authorities of that listed country will not, in the exercise of their powers under paragraph (2), act in a way which is incompatible with a Convention right, as defined by Article 1(1) of the [Human Rights \(Jersey\) Law 2000](#);
  - (c) may attach to a jurisdiction authorization any condition appearing necessary or expedient to the Minister in relation to the matters mentioned in sub-

- paragraph (b), including a condition that imposes a limit on the powers that may be exercised under paragraph (2);
- (d) must give one or more of the home forces written notice of an issued jurisdiction authorization; and
  - (e) may revoke a jurisdiction authorization at any time, by giving written notice to –
    - (i) the home force or forces to which notice was given under sub-paragraph (d), and
    - (ii) if a member of a force of a listed country is present in Jersey on a visit for which the jurisdiction authorization was issued, to a person appearing to be a relevant authority of that listed country.
- (6) Without prejudice to the generality of paragraph (2) or to any limit imposed under paragraph (5)(c) –
- (a) the powers that may be exercised under paragraph (2) include any power exercisable by a relevant authority under the relevant law of the listed country –
    - (i) to detain a person, in custody or otherwise, or
    - (ii) to remove a person from Jersey; and
  - (b) any place where a person is lawfully held in custody by a relevant authority, or is otherwise lawfully detained in exercise of a power under paragraph (2), is to be taken to be a legal place of detention for the purposes of the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#).
- (7) Without prejudice to the generality of paragraph (2) or to any limit imposed under paragraph (5)(c), if a sentence has been passed (whether in or outside Jersey) by a court that is a relevant authority of a listed country (the “relevant court”) on a person who, when that sentence was passed, fell within paragraph (3) in relation to that listed country, then for the purpose of any proceedings in a civilian court –
- (a) that relevant court is deemed to have been properly constituted;
  - (b) the sentence is deemed to be within the jurisdiction of that relevant court and in accordance with the relevant law of that listed country; and
  - (c) the sentence is deemed to have been lawfully executed if it is executed according to its tenor.
- (8) Articles 2(7) to (9), 4, 5 and 6 apply in respect of the powers of a relevant authority of a listed country under this Article over a person falling within paragraph (3), as they apply in respect of the powers of a service court or service authority under Article 2 over a person subject to forces powers.

#### **4 Service proceedings barring subsequent civilian proceedings**

- (1) This Article applies to a person who –
  - (a) has been convicted or acquitted of a forces offence; or
  - (b) has had such an offence taken into consideration when being sentenced under forces law.
- (2) A civilian court may not try that person for any civilian offence for which, under the law of Jersey, it would be debarred from trying the person if he or she had been convicted, or (as the case may be) acquitted, of the corresponding offence by a civilian court.

- (3) For the purpose of paragraph (2) the “corresponding offence” is the civilian offence, if any, that is constituted by the act, or alleged act, that constitutes the forces offence mentioned in paragraph (1).
- (4) In paragraph (1) the references to a person being convicted, acquitted or sentenced are to be read in accordance with the forces law applicable to the forces offence.

## **5 Decision of Attorney General on overlapping jurisdiction**

- (1) This Article applies to a person subject to forces powers who –
  - (a) is suspected of an act that constitutes both a forces offence and a civilian offence; and
  - (b) is not protected by Article 4 from prosecution for that civilian offence.
- (2) The Attorney General may issue a certificate that states that he or she –
  - (a) is considering whether it is more appropriate for the person to be dealt with for the civilian offence; or
  - (b) has decided that it is more appropriate for the person to be dealt with for the civilian offence.
- (3) The certificate is valid during a period starting with the issue of the certificate and ending (without prejudice to the power to issue a further certificate) on a date specified in the certificate.
- (4) The Attorney General –
  - (a) may withdraw a certificate at any time; and
  - (b) must withdraw a certificate –
    - (i) on deciding that it is not more appropriate for the person to be dealt with for the civilian offence,
    - (ii) on deciding not to commence any proceedings for that offence, or
    - (iii) on the conclusion of the proceedings for that offence.
- (5) During the period of validity of a certificate a service court or service authority may not take any step that would prejudice or obstruct the investigation and prosecution of the civilian offence.
- (6) Without prejudice to the generality of paragraph (5), and irrespective of whether the person is in service custody, the steps that may not be taken include –
  - (a) obstructing access to the person by the police;
  - (b) obstructing the production of the person to a civilian court dealing with his or her prosecution for the civilian offence;
  - (c) removing the person from Jersey; or
  - (d) dealing with the forces offence in such a way that the person becomes protected by Article 4 from prosecution for the civilian offence.
- (7) The Attorney General must, in considering under paragraph (2) whether to issue a certificate and whether it is more appropriate for a person to be dealt with for a civilian offence, have particular regard to –
  - (a) whether the offence was solely against the property of the Crown or against national security;
  - (b) whether the offence was solely against the person or property of a person who was subject to service law at the time of the offence;

- (c) whether the offence arose out of an act in the performance of official duty;
  - (d) if the person suspected of the offence is not subject to service law, whether that person is ordinarily resident in the United Kingdom; and
  - (e) whether a service authority has indicated that it considers it to be of particular importance that, before the person is dealt with for the civilian offence, the person should –
    - (i) be dealt with for the forces offence, or
    - (ii) take part in active service, within the meaning of section 8 of the Armed Forces Act.
- (8) A written statement by a service authority, stating that an act was in the performance of official duty, is to be taken as sufficient evidence of the fact so stated for the purpose of paragraph (7)(c), unless the Attorney General is satisfied to the contrary.
- (9) For the purpose of paragraph (1)(a), the person remains suspected of the act after being charged for the civilian or forces offence constituted by the act, and accordingly nothing in paragraph (1)(a) prevents the Attorney General from issuing a certificate after such a charge but before the conclusion of any proceedings on such a charge.

## **6 Detention pending decision on overlapping jurisdiction**

- (1) In this Article “relevant suspect” means a person –
- (a) who is in police detention within the meaning of Article 2 of the Police Procedures Law;
  - (b) who is suspected of a civilian offence, but who has not yet been charged with that offence; and
  - (c) in respect of whom there are reasonable grounds for believing that he or she may be a person subject to forces powers.
- (2) To the extent that grounds are required under the Police Procedures Law for police detention before charge, there are to be taken to be such grounds in relation to a relevant suspect at any time when the conditions in both of paragraphs (4) and (5) are met.
- (3) The grounds provided by paragraph (2) are in addition to any other grounds for police detention that may apply in respect of a relevant suspect.
- (4) The first condition is that there are reasonable grounds for believing that enquiries are being conducted diligently and expeditiously into whether –
- (a) the relevant suspect is a person subject to forces powers;
  - (b) if so, whether a service authority wishes to take any action over any forces offence constituted by the act on suspicion of which the relevant suspect was detained by the police;
  - (c) if so, whether and for what reasons that authority wishes to request the delivery of the relevant suspect into service custody for the purpose of that action; and
  - (d) if so, whether the Attorney General wishes to accede to that request.
- (5) The second condition is that there are reasonable grounds for believing that the relevant suspect’s detention is necessary –

- (a) to enable those enquiries to be completed; or
- (b) to ensure that a decision can be made, and carried out, as to whether the person is delivered into service custody.

### **PART 3**

#### **CIVILIAN OFFENCES AND POLICE POWERS RELATED TO DESERTION, ABSENCE WITHOUT LEAVE AND MALINGERING**

#### **7 Interpretation of Part 3**

In this Part –

“absence without leave” and “desertion” in relation to a person have the meanings they have under the forces law applicable to that person, and it is irrelevant whether the service from which that person is absent is in Jersey or elsewhere;

“unlawful absentee” means a service person who –

- (a) has deserted; or
- (b) is absent without leave.

#### **8 Offences related to desertion, absence without leave and malingering**

(1) In this Article –

“injury” includes any disease and any impairment of a person’s physical or mental condition;

“relevant civilian” means a person who –

- (a) is not subject to forces powers; and
- (b) is in Jersey, or is elsewhere but is resident in Jersey.

(2) A relevant civilian commits an offence if, knowing that another person is a service person or knowing the circumstances by virtue of which that other person is a service person, the relevant civilian –

- (a) intentionally causes the service person to be absent without leave;
- (b) aids, abets, counsels or procures the service person to commit an offence under forces law of –
  - (i) desertion, or
  - (ii) absence without leave;
- (c) knowing or believing the service person to have committed such an offence, intentionally impedes the service person’s apprehension or prosecution;
- (d) intending to cause the service person to avoid service or any particular duty or kind of duty –
  - (i) causes, aggravates or prolongs an injury to the service person, or
  - (ii) pretends to any person (including the service person) that the service person has an injury; or
- (e) knowing or believing that the service person intends to avoid service or any particular duty or kind of duty, aids, abets, counsels or procures the service person to –

- (i) cause, aggravate or prolong an injury to the service person, or
  - (ii) pretend to any other person that the service person has an injury.
- (3) A relevant civilian who commits an offence under paragraph (2) is liable to imprisonment for a term of 2 years and to a fine.

## **9 Arrest of deserter or absentee without leave**

- (1) A police officer may, in compliance with a request (whether specific or general) of a service authority to do so, arrest without warrant a person reasonably suspected of being an unlawful absentee.
- (2) The Magistrate may issue a warrant, addressed to a police officer, for the arrest of a person if satisfied by evidence given under oath or affirmation that –
  - (a) that person is or is reasonably suspected of being an unlawful absentee who is present in Jersey; and
  - (b) a service authority has made a request (whether specific or general) for the arrest of that person by a police officer.
- (3) A person arrested under this Article must as soon as practicable be transferred to service custody.

## **10 Deserter or absentee without leave surrendering to civilian police**

- (1) This Article applies if a person surrenders to a police officer as being an unlawful absentee.
- (2) If the surrender occurs at a place which is not a police station, the police officer must, subject to paragraph (8), detain the person and take the person, or secure that the person is taken, to –
  - (a) a designated police station; or
  - (b) a police station other than a designated police station, if to do so would have been lawful under Article 28 of the Police Procedures Law if the person had been arrested by the police officer for an offence.
- (3) Paragraph (4) applies to the custody officer at the police station –
  - (a) at which the surrender occurs; or
  - (b) to which the person is brought under paragraph (2).
- (4) The custody officer must, subject to paragraph (8), detain the person for as long as is necessary for the custody officer to –
  - (a) consider the case and take action under paragraph (5); or
  - (b) arrange for the person to be brought, as soon as practicable, before the Magistrate for the case to be considered and action taken under paragraph (5).
- (5) The custody officer or the Magistrate, after considering the case under paragraph (4)(a) or (b) respectively, must –
  - (a) if it appears that the person is not an unlawful absentee, order that the person should no longer be detained under this Article (without prejudice to whether he or she is to continue to be detained on any other basis); or
  - (b) if it appears that the person is an unlawful absentee –

- (i) arrange for the person to be transferred to service custody, and, if necessary, continue the person's detention pending that transfer,
  - (ii) if the person is also in custody for some other cause, notify a service authority, of the force from which the person appears to be absent, that it may make representations to the Attorney General as to whether the person should be transferred to service custody, or
  - (iii) if the person is not also in custody for some other cause, release the person subject to a condition that he or she reports, at or by such time as may be specified in the condition, to such place or person as may be so specified for the purpose of enabling him or her to be taken into service custody.
- (6) If a person who is released under paragraph (5)(b)(iii) fails to comply with the condition subject to which the person was released, the Magistrate may issue a warrant for his or her arrest.
- (7) A person arrested under a warrant issued under paragraph (6) must as soon as practicable be transferred to service custody.
- (8) A police officer or custody officer detaining a person under paragraph (2) or (4) must –
  - (a) ensure that prompt and reasonable efforts are made to seek evidence from a service authority as to whether the person is an unlawful absentee; and
  - (b) cease to detain the person under that paragraph if satisfied, on information from a service authority, that the person is not an unlawful absentee.
- (9) In this Article “custody officer”, “designated police station” and “police station” have the meanings that they have in the Police Procedures Law.

## PART 4

### OTHER CIVILIAN PROVISIONS

#### **11 Arrest by police of person specified in judge advocate warrant**

- (1) In this Article –
  - “judge advocate warrant” means a warrant issued under section 313 of the Armed Forces Act;
  - “relevant overseas officer” means the officer of a UK police force, or of a British overseas territory police force, within the meaning of that section, to whom a judge advocate warrant is addressed;
  - “wanted person” means the person for whose arrest a judge advocate warrant is issued.
- (2) The Magistrate may, on the application of a police officer, issue a warrant for the arrest of a wanted person if –
  - (a) the police officer or the relevant overseas officer produces or repeats the evidence given under oath or affirmation on which the judge advocate warrant was issued; and
  - (b) the Magistrate has reasonable grounds for believing –
    - (i) that the wanted person is in Jersey, and

- (ii) that there are reasonable grounds for the execution of the warrant in Jersey.
- (3) A warrant issued under this Article –
  - (a) must specify –
    - (i) the name of the wanted person, and
    - (ii) the offence recorded in the judge advocate warrant as the offence that the wanted person is alleged to have committed; and
  - (b) may be executed by any police officer who is in possession of the warrant, or of a copy of that warrant or the judge advocate warrant.
- (4) A person arrested under a warrant issued under this Article –
  - (a) must be shown, on being arrested, the warrant or copy mentioned in paragraph (3)(b); and
  - (b) must, as soon as practicable, be transferred –
    - (i) to the custody of the relevant overseas officer, or
    - (ii) to service custody.

## **12 Arrest by police of person unlawfully at large from service detention**

A person who has been sentenced to service detention, within the meaning of the forces law applicable to that person, and who is unlawfully at large under that forces law –

- (a) may be arrested without a warrant by a police officer; and
- (b) may be taken to the place in which the person is required in accordance with that forces law to be detained.

## **13 Offence of obstructing person subject to service law in course of duty**

- (1) A person (“the first person”) commits an offence if –
  - (a) the first person intentionally obstructs another person (“the other person”);
  - (b) the other person is subject to service law and is acting in the course of his or her duty; and
  - (c) the first person either –
    - (i) knows the circumstances by virtue of which the other person is subject to service law, or
    - (ii) has reasonable cause to believe that those circumstances exist.
- (2) A person guilty of an offence under this Article is liable to imprisonment for a term of 1 year and to a fine of level 3 on the standard scale.

## **14 Offences relating to false information**

- (1) A person, other than a service person, commits an offence if he or she knowingly provides information that is false or misleading in a material particular in connection with a procedure prescribed by forces law for enlistment or attestation by that person or another person.
- (2) A person, other than a service person, commits an offence if he or she knowingly provides information that is false or misleading in a material particular in

connection with an application or claim, by that person or another person, under regulations made under any provision of Part VIII of the Reserve Forces Act 1996 of the United Kingdom.

- (3) A person guilty of an offence under this Article is liable to imprisonment for a term of 1 year and to a fine of level 3 on the standard scale.

## 15 Detention in prison

A person in service custody may be detained in a prison, within the meaning of the [Prison \(Jersey\) Law 1957](#), if –

- (a) the service authority with custody of the person requests the use of the prison;
- (b) the governor of the prison, at his or her discretion, consents to the request; and
- (c) the detention is pending the person's removal from Jersey for the purposes of the investigation of, or proceedings in respect of, a suspected forces offence.

## 16 Evidence in civilian courts

- (1) In proceedings for an offence before a civilian court under Article 8, 13 or 14, a relevant document is admissible to the same extent as it would be admissible, under any enactment of the United Kingdom forming part of forces law, in a court in England other than a service court, in proceedings for an offence under such an enactment.
- (2) In this Article “relevant document” means a document, including a record or certificate, that purports to be issued by or on behalf of a service authority.

## 17 Limits on enforcement in civilian courts in matters relating to service

- (1) In this Article –
  - “His Majesty's forces” does not include the forces of a country, other than the United Kingdom, that is a member of the Commonwealth;
  - “relevant pay or pension” means any pay, pension, benefit, bounty, grant or allowance payable to a person in respect of that person's, or any other person's, service in His Majesty's forces.<sup>2</sup>
- (2) No proceedings, whether under customary law or under any enactment, may be entertained by a civilian court with regard to –
  - (a) any relevant pay or pension, other than by way of proceedings mentioned in paragraph (5);
  - (b) the terms of a person's service in His Majesty's forces; or
  - (c) a person's discharge from such service.<sup>3</sup>
- (3) Each of the following is void –
  - (a) an assignment of any relevant pay or pension;
  - (b) a charge on any relevant pay or pension;
  - (c) an agreement to assign or charge any relevant pay or pension.
- (4) No order may be made, whether under customary law or under any enactment, by a civilian court the effect of which would be –
  - (a) to prevent a person from receiving any relevant pay or pension; and

- (b) to direct payment of it to another person.
- (5) Nothing in paragraph (3) or (4) –
  - (a) applies to the making or variation of an order for the arrest of wages; or
  - (b) prejudices any enactment providing for the payment of a sum to the Viscount or to a liquidator for distribution among creditors.
- (6) An item is not subject to arrest or distraint in any proceedings in a civilian court, whether under customary law or under any enactment, if the item is a weapon or other instrument, or an item of clothing or other equipment, that –
  - (a) belongs to a member of any of His Majesty's forces; and
  - (b) is used by that person in the course of his or her service in that force.<sup>4</sup>

## PART 5

### MISCELLANEOUS AND CLOSING

#### 18 Powers to make amendments to this and other enactments

- (1) The States may by Regulations amend this Law to make such provision as appears to the States to be necessary or expedient in consequence of an amendment, made after the coming into force of this Law, of a provision of an enactment described in paragraph (2).
- (2) The enactments to which paragraph (1) applies are –
  - (a) forces law;
  - (b) the Visiting Forces Act 1952 of the United Kingdom, or any enactment under that Act; or
  - (c) the International Headquarters and Defence Organisations Act 1964 of the United Kingdom, or any enactment under that Act.
- (3) The States may by Regulations amend any enactment described in paragraph (4) to make such provision as they consider necessary or expedient for, or in connection with, the arrest, detention, release or transfer to service custody of persons who are, or who are reasonably believed to be –
  - (a) persons subject to forces powers;
  - (b) persons falling within Article 3(3); or
  - (c) persons otherwise liable to arrest or detention under any of Articles 9, 10, 11, 12 or 14.
- (4) The enactments to which paragraph (3) applies are –
  - (a) the Police Procedures Law;
  - (b) the [Prison \(Jersey\) Law 1957](#);
  - (c) the [Repatriation of Prisoners \(Jersey\) Law 2012](#);
  - (d) any enactment under any Law mentioned in sub-paragraphs (a) to (c); and
  - (e) any other enactment making provision in relation to bail.
- (5) The States may by Regulations amend any of Articles 6, 9, 10 and 15 to make such provision as they consider necessary or expedient in consequence of the commencement, after the adoption of this Law by the States, of any enactment –

- (a) making provision in relation to bail; or
  - (b) amending an enactment described in any of paragraphs (4)(a) to (4)(d).
- (6) The States may by Regulations amend any enactment described in paragraph (7) to make such provision as they consider necessary or expedient to make provision for, or in connection with, the use of vehicles and roads by persons subject to forces powers, persons falling within Article 3(3), and the forces of which those persons are members.
- (7) The enactments to which paragraph (6) applies are –
  - (a) the [Motor Traffic \(Third-Party Insurance\) \(Jersey\) Law 1948](#);
  - (b) the [Motor Vehicle Registration \(Jersey\) Law 1993](#);
  - (c) the [Motor Vehicles \(International Circulation\) \(Jersey\) Law 1953](#);
  - (d) any enactment under any Law mentioned in sub-paragraphs (a) to (c);
  - (e) the [Road Traffic \(Jersey\) Law 1956](#);
  - (f) the [Motor Vehicles \(Construction and Use\) \(Jersey\) Order 1998](#); and
  - (g) the [Motor Vehicles \(Driving Licences\) \(Jersey\) Order 2003](#).
- (8) The States may by Regulations amend any enactment, whether or not falling within any of the preceding paragraphs, to make such provision as they consider necessary or expedient in consequence of the coming into force of this Law.
- (9) Regulations under this Article may contain such transitional, consequential, incidental or supplementary provision as appears to the States to be necessary or expedient for the purposes of the Regulations.

## 19 Citation

This Law may be cited as the Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017	<a href="#">L.25/2017</a>	30 June 2018	<a href="#">P.51/2017</a>
States of Jersey (Transfer of Justice Functions – Chief Minister to Justice and Home Affairs) Order 2023	<a href="#">R&amp;O.76/2023</a>	21 September 2023	

°Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Endnote References

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- <sup>1</sup> Article 1(1) *amended by R&O.76/2023*
- <sup>2</sup> Article 17(1) *revised on 11 January 2024 by Law Revision Board item [2023/1](#)*
- <sup>3</sup> Article 17(2) *revised on 11 January 2024 by Law Revision Board item [2023/1](#)*
- <sup>4</sup> Article 17(6) *revised on 11 January 2024 by Law Revision Board item [2023/1](#)*