

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR HOME AFFAIRS
POLICE SUPPORT FOR ALDERNEY AND SARK

The States are asked to decide: -

Whether, after consideration of the Policy Letter dated 28th October 2019, of the Committee *for* Home Affairs, they are of the opinion:

- i. to agree that the Police Force (Guernsey) Law, 1986 should be amended to enable visiting police officers from the United Kingdom and the Bailiwick of Jersey to operate in Alderney and Sark on the same basis, including being subject to the same requirement for authorisation by the Bailiff, as that Law provides for such officers to operate in Guernsey;
- ii to direct the preparation of such legislation as is necessary to give effect to their above decision.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS
POLICE SUPPORT FOR ALDERNEY AND SARK

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

28th October, 2019

Dear Sir

1 Executive Summary

- 1.1 This policy letter proposes an extension to the law that permits police officers from the United Kingdom and the Bailiwick of Jersey, to temporarily undertake duties in the island of Guernsey, to also cover the islands of Alderney and Sark.
- 1.2 The additional policing assistance, arranged through mutual aid agreements, is required from time-to-time to meet special demands on the resources of the Island Police Force, particularly during critical incidents, major investigations and Royal/VIP visits.
- 1.3 Legal advice has recently highlighted that an amendment to legislation is required to ensure that the authority for such officers to perform their duties in those islands, is beyond doubt.

2. Background

- 2.1 The Police Force (Guernsey) Law, 1986 allows for visiting officers to temporarily possess the same powers and privileges, and be subject to the same duties, as local police officers, following an application by the Committee *for* Home Affairs to the Bailiff.
- 2.2 Once authorised, these mutual aid officers come under the direct command of the Chief Officer of the Island Police Force, and are subject to the authority and jurisdiction of the Guernsey courts.
- 2.3 However, this Law only applies to the island of Guernsey, not Alderney or Sark, and there is no equivalent legislation in those jurisdictions. It would appear that the Alderney (Application of Legislation) Law, 1948 and the Reform (Sark) Law, 2008 may not be relied upon to provide the certainty required.

3. Conclusion

- 3.1 There is a serious risk to policing operations in support of Alderney and Sark if these additional officers are unable to be authorised. For example, the advanced plans for Royal visits to the Bailiwick include UK personal protection officers, however these plans cannot currently be extended to the other islands.
- 3.2 It is far more efficient to seek the assistance of specialist officers from other jurisdictions as and when needed, than to permanently maintain all the potential skills locally.
- 3.3 The proposal would not lead to any increase in public expenditure.
- 3.4 Without such an amendment the communities of Alderney and Sark will not have access to the same level of protection as that of the citizens of Guernsey.

4 Compliance with Rule 4

- 4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 4.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She is content that there is no reason in law why the Propositions should not to be put into effect.
- 4.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee however Deputy Oliver and Deputy Smithies were not present when the Policy Letter was considered.
- 4.4 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee on crime prevention and law enforcement including policing.
- 4.5 Also in accordance with Rule 4(5), the Committee has consulted with the authorities in Alderney and Sark. On the 22nd August 2019, the Chairman of the States of Alderney Policy and Finance Committee, confirmed in writing that the Committee resolved to support an amendment to the Police Force (Guernsey) Law, 1986, to cover Alderney. On the 2nd October 2019, at the Michaelmas meeting of the Island of Sark Chief Pleas, there was also approval for an amendment to this Law to cover Sark.

Yours faithfully

M M Lowe
President

M P Leadbeater
Vice-President

V S Oliver
P R Le Pelley
J C S F Smithies