

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY H.L. JEUNE OF ST. JOHN, ST. LAWRENCE AND TRINITY
QUESTION SUBMITTED ON MONDAY 19th JANUARY 2026
ANSWER TO BE TABLED ON MONDAY 26th JANUARY 2026**

Question

“Will H.M. Attorney General undertake to consider the UK’s [Public Order Act 2023](#) in order to advise Members –

- (a) to what extent the [Crime \(Public Order\) \(Jersey\) Law 2024](#) is similar to the Act;
- (b) in particular, how the substantive offences and police powers outlined in the Law 2024 compare to those set out in the Act;
- (a) whether the Law could be applied in a similar way to the Act in the UK, particularly in light of the case, [National Council for Civil Liberties v Secretary of State for the Home Department](#); and
- (b) with reference to the response to paragraph (c), what impact, if any, there would be on the application of the Law were the Assembly to legislate in order to define thresholds for police intervention?”

Answer

- (a) to what extent the [Crime \(Public Order\) \(Jersey\) Law 2024](#) is similar to the Act?

The [Crime \(Public Order\) \(Jersey\) Law 2024](#) (the “**2024 Jersey Law**”) is not in any way similar to [the Public Order Act 2023](#) (the “**UK Act**”). The UK Act contains bespoke protest offences whereas the 2024 Jersey Law deals with traditional public order offences of riot and affray as well as threats of violence, including killing someone, threatening, abusive or disorderly conduct, and harassment, (it is similar in fact to Part 1 of [the Public Order Act 1986](#) which is still in force). It does not create protest-specific offences. By contrast the UK Act specifically addresses public protests which cause serious disruption, (which does not have to include any violence or threat of violence), including disruption to infrastructure.

- (b) in particular, how the substantive offences and police powers outlined in the Law 2024 compare to those set out in the Act?

Substantive offences

There is no comparison between the offences in the UK Act and those in the 2024 Law. The UK Act provides for protest-specific offences which focus on tactics used in disruptive protests. It includes the offences of:

- i. Locking-on (physically attaching to objects, people/land when aiming to cause serious disruption);
- ii. Causing serious disruption by tunnelling;
- iii. Obstructing major transport works; and
- iv. Interfering with key national infrastructure.

The 2024 Jersey Law by contrast is a codification of customary law public order offences, or a re-enactment of already existing statutory offences, namely:

- i. Riot;
- ii. Affray;
- iii. Threats to kill, rape or cause serious physical injury;

- iv. Threatening, abusive or disorderly conduct;
- v. Harassment
- vi. Prohibition on having an offensive weapon in a public place or on school premises without lawful authority or reasonable excuse

Police powers

The UK Act provides enhanced police enforcement powers, with additional powers for stop and search in protest settings.

The 2024 Jersey Law does not contain any police powers, only offence provisions and court order making powers in the event of conviction. The general powers for the States of Jersey Police, (search, stop and search, entering premises etc.) are found in the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) (“PPCE 2003”), and at customary law and are of general application to all types of crime.

- (c) whether the Law could be applied in a similar way to the Act in the UK, particularly in light of the case, [National Council for Civil Liberties v Secretary of State for the Home Department](#)?

The UK Act specifically covers bespoke protest offences and the case of the National Council for Civil Liberties v Secretary of State for the Home Department (the “**Liberty case**”) concerned a challenge to the lawfulness of Regulations which lowered the threshold for when the police could impose conditions on protests. The issue in the case was whether the Regulations, which purported to make these changes to primary legislation, were lawful. The Court found they were not.

The 2024 Jersey Law does not contain equivalent protest offences to those contained in the UK Act. Furthermore, the 2024 Jersey Law contains no power for the States to amend the Law by Regulations, or a power for the Minister to do so by Order. Consequently, there is no scope for the 2024 Jersey Law to be applied in a similar way to the UK Act, and the Liberty case is of no relevance to the 2024 Jersey Law.

- (d) with reference to the response to paragraph (c), what impact, if any, there would be on the application of the Law were the Assembly to legislate in order to define thresholds for police intervention?”

As noted above, the 2024 Jersey Law does not contain any police powers, only offence provisions and court order making powers in the event of conviction. Police intervention powers, such as stop and search, are given to the States of Jersey Police under Part 2 of PPCE 2003 and the principles governing stop and search are provided for in [The Police Procedures and Criminal Evidence \(Codes of Practice\) \(Jersey\) Order 2004](#).