

STATES OF JERSEY



Jersey

DRAFT POLICE (COMPLAINTS AND CONDUCT) (JERSEY) AMENDMENT REGULATIONS 202-

**Lodged au Greffe on 13th October 2025
by the Minister for Justice and Home Affairs
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STATES GREFFE

REPORT

Introduction

Subject to approval, the Draft Police (Complaints and Conduct) (Jersey) Amendment Regulations 202- will repeal and replace outdated provisions governing police complaints and disciplinary procedures. It will facilitate the introduction of new police complaints regulations with contemporary standards and modernised processes that enhance transparency, accountability, and public confidence in the handling of police conduct and complaints.

Background

The [Police \(Complaints and Conduct\) \(Jersey\) Law 2022](#) was adopted on 30th March 2022. The Law provides the framework from which detailed rules for managing complaints can be developed. It provides some commonality with other legislation in the British Isles to assist with interoperability if some kind of reciprocal exchange of resources and services (more commonly known as “mutual aid”), is required.

Rationale for new legislation

The objective is to ensure consistent complaint handling standards across the States and Honorary police forces.

The focus is on resolving matters early, reasonably, and proportionately, with an emphasis on learning and development. Any decisions in relation to disciplinary proceedings will apply these standards reasonably, transparently, objectively, proportionately and fairly. The disciplinary procedures align with best practices in other employment fields, recognising the special status of police officers.

These consequential amendments make a number of amendments to facilitate the introduction of the Law.

Key elements

The [Police \(Complaints and Discipline\) \(Jersey\) Law 1999](#) will be repealed, and the [States of Jersey Police Force \(Chief Officer and Deputy Chief Officer\) \(Jersey\) Regulations 2017](#) will be amended to align with the Draft Police (Complaints and Conduct – States of Jersey Police Force) Regulations 202-. In addition, consequential amendments will be made to the [Data Protection \(Jersey\) Law 2018](#) and the [Freedom of Information \(Jersey\) Law 2011](#). Minor housekeeping changes will also be introduced to ensure consistency in terminology and procedures relating to police officers and the Chief and Deputy Chief Officer.

Timescales

This legislation will come into force by Commencement Act 202-.

Financial and staffing implications

The new arrangements for the management of complaints and conduct are not materially more demanding than the current system, so there are no finance and staffing implications.

Data protection implications

A threshold assessment was completed which did not indicate a high risk to rights and freedoms in relation to personal data in the draft legislation.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

EXPLANATORY NOTE

The draft Police (Complaints and Conduct) (Jersey) Amendment Regulations 202-, if passed, will amend various enactments as a consequence of the introduction of the Police (Complaints and Conduct) (Jersey) Law 2022 (the “2022 Law”), which replaces the Police (Complaints and Discipline) (Jersey) Law 1999 (the “1999 Law”). These Regulations also amend the States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 2017 (the “2017 Regulations”) to introduce provisions that are analogous with some of those contained in the draft Police (Complaints and Conduct) – States of Jersey Police Force) Regulations 202- (the “Complaints and Conduct Regulations”).

Part 1 (Regulations 1 and 2) contains consequential amendments to the Data Protection (Jersey) Law 2018 (the “DP Law”), the Freedom of Information (Jersey) Law 2011 (the “FOI Law”) and the 2022 Law.

Regulation 1 replaces in the DP Law a reference to the Jersey Police Complaints Authority with the Jersey Police Complaints Commission.

Regulation 2 makes the Jersey Police Complaints Commission a scheduled public authority for the purposes of the FOI Law.

Regulation 3 inserts a supplementary provision into Article 8 (functions of the Commission) of the 2022 Law to enable Regulations to make further provision about the Commission’s function to supervise the investigation of complaints, conduct matters or death or serious injury matters (as respectively defined in Articles 2, 3 and 4 of the 2022 Law).

Part 2 (Regulations 4 to 6) amends various subordinate enactments.

Regulation 4 amends the Honorary Police (Jersey) Regulations 2005 to replace the reference to the 1999 Law with the 2022 Law.

Regulation 5 makes several amendments to the 2017 Regulations that are consequential upon the introduction of the 2022 Law, and other housekeeping amendments. In addition, new provisions are inserted that have analogous effect to those in the 2022 Law and the Complaints and Conduct Regulations, so that some of the terminology, disciplinary procedures and other related measures that apply in respect of police officers are replicated for the purposes of disciplinary measures in respect of the Chief Officer and Deputy Chief Officer of the States of Jersey Police Force.

Regulation 6 amends the States of Jersey Police Force (General Provisions) (Jersey) Order 2016 to replace a reference to the Discipline Code set out in Schedule 1 to the Police (Complaints and Discipline Procedure) (Jersey) Order 2000 (the “2000 Order”) with a reference to the Professional Standards set out in Schedule 2 to the 2022 Law. (The 2000 Order will be repealed and replaced by the Complaints and Conduct Regulations upon the coming into force of the 2022 Law.)

Part 3 (Regulation 7) contains the closing provision.

Regulation 7 gives the title by which these Regulations may be cited and provides for them to come into force immediately after the 2022 Law comes into force. Because of the effect of the amendment to Article 8 of the 2022 Law by *Regulation 3* it is desirable for these Regulations to come into force immediately after the 2022 Law but before the Complaints and Conduct Regulations. Those Regulations, if passed, will come into force on the same day as the 2022 Law.



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*Made**[date to be inserted]**Coming into force**[date to be inserted]*

THE STATES make these Regulations under Article 4(6)(a) of the [Data Protection \(Jersey\) Law 2018](#), Article 6(a) of the [Freedom of Information \(Jersey\) Law 2011](#), Article 23(1) of the Police (Complaints and Conduct) (Jersey) Law 2022, and Articles 9 and 33 of the [States of Jersey Police Force Law 2012](#) –

PART 1

AMENDMENT OF LAWS

1 [Data Protection \(Jersey\) Law 2018](#) amended

In Schedule 1 (modifications of Law in cases of processing by competent authorities) to the [Data Protection \(Jersey\) Law 2018](#), in paragraph 1 (list of competent authorities), for “Jersey Police Complaints Authority” there is substituted “Jersey Police Complaints Commission”.

2 [Freedom of Information \(Jersey\) Law 2011](#) amended

In Schedule 1 (scheduled public authorities) to the [Freedom of Information \(Jersey\) Law 2011](#), after the entry numbered 9 there is inserted –

- 10 The Jersey Police Complaints Commission referred to in Article 7 of the Police (Complaints and Conduct) (Jersey) Law 2022.

3 [Police \(Complaints and Conduct\) \(Jersey\) Law 2022](#) amended

In Article 8 (functions of the Commission) of the Police (Complaints and Conduct) (Jersey) Law 2022, after paragraph (1) there is inserted –

- (1A) The States may, by Regulations, make further provision about the Commission’s function to supervise the investigation of a complaint, conduct matter or DSI matter referred to in paragraph (1)(f).

PART 2

AMENDMENT OF SUBORDINATE ENACTMENTS

4 Honorary Police (Jersey) Regulations 2005 amended

In Regulations 4(4) (Honorary Police Association) and 8(4) (Comité des Chefs de Police) of the Honorary Police (Jersey) Regulations 2005, for “Police (Complaints and Discipline) (Jersey) Law 1999” there is substituted “Police (Complaints and Conduct) (Jersey) Law 2022”.

5 States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 2017 amended

- (1) This Regulation amends the States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 2017.
- (2) In Regulation 1 (interpretation) –
 - (a) the following definitions are deleted –
 - (i) “2000 Order”;
 - (ii) “Discipline Code”;
 - (iii) “Police Complaints Authority”;
 - (b) after the definition “Chief Executive Officer” there is inserted –

“chief officer” has the meaning given in Article 3(6) of the Employment of States of Jersey Employees (Jersey) Law 2005;
 - (c) for the definition “conduct matter” there is substituted –

“conduct matter” has the meaning given in Regulation 4A;
 - (d) after the definition “disciplinary proceedings” there is inserted –

“harm test” has the meaning given in Regulation 11B;
 - (e) after the definition “investigating officer” there is inserted –

“investigating officer’s report” means the report given under Regulation 14;
 - (f) after the definition “Police Authority” there is inserted –

“Police Complaints and Conduct Law” means the Police (Complaints and Conduct) (Jersey) Law 2022;
 - (g) after the definition “police officer from some other force” there is inserted –

“Professional Standards” has the meaning given in Article 1 of the Police Complaints and Conduct Law;

“publish” in relation to a document or report, means publish in a manner that is likely to bring it to the attention of the public, including in a form that keeps anonymous the identity of a person named in it;

“sanction” means a disciplinary sanction described in Regulation 33;
- (3) In Regulation 2 (investigating panel and tribunal), for paragraph (1)(a) and (b) there is substituted –
 - (1) In these Regulations, “investigating panel” means a panel appointed by the Minister comprising –

- (a) the Chief Executive Officer or a chief officer nominated by the Chief Executive Officer;
 - (b) the person designated as the chair of the Complaints Commission (under Schedule 1, paragraph 2(5), to the Police Complaints and Conduct Law) or a member of the Complaints Commission nominated by that chair to act as chair of the panel; and
- (4) After Regulation 2 there is inserted –

2A Limitation of civil liability

- (1) This Regulation applies to –
 - (a) a person who is, or has been, a member of an investigating panel or tribunal;
 - (b) a human resources professional who is assisting or has assisted an investigating panel or tribunal under Regulation 2(4); and
 - (c) a person who is advising, or has advised, a tribunal under Regulation 2(5).
- (2) A person to whom this Regulation applies is not liable in damages for an act done in the discharge, or purported discharge, of the functions of an investigating panel or tribunal under these Regulations.
- (3) Paragraph (2) does not apply –
 - (a) if it is shown that the act was done in bad faith; or
 - (b) to prevent an award of damages made in respect of an act on the ground that the act was unlawful because of Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).
- (5) In Regulation 3 (meaning of “complaint”) –
 - (a) in paragraph (1), for “a complaint in writing” there is substituted “a statement in writing”;
 - (b) in paragraph (1)(a), after “a complaint” there is inserted “expressing dissatisfaction”;
 - (c) for paragraph (2) there is substituted –
- (2) The persons are –
 - (a) a member of the public who claims to be the person in relation to whom the conduct took place;
 - (b) a member of the public not falling within sub-paragraph (a) who claims to have been adversely affected by the conduct;
 - (c) a member of the public who claims to have witnessed the conduct; or
 - (d) a person acting on behalf of a member of the public described in sub-paragraphs (a) to (c).
- (3) A person described in paragraph (2) includes a member of the Force acting otherwise than in the course of their duty.
- (4) For the purposes of paragraph (2)(b), a member of the public is adversely affected if they –
 - (a) suffer any form of loss or damage, distress or inconvenience;
 - (b) are put in danger; or

- (c) are otherwise put at risk of being adversely affected.
- (6) After Regulation 4 (meaning of “complainant”) there is inserted –

4A Meaning of “conduct matter”

In these Regulations –

“conduct matter” means a matter that is not and has not been the subject of a complaint (other than one which has been withdrawn) but in which there is an indication (whether from the circumstances or otherwise) that an Officer may have –

- (a) committed a criminal offence; or
- (b) behaved in a manner that would justify the bringing of disciplinary proceedings;

“conduct”, in relation to a conduct matter, includes acts, statements and decisions (whether actual, alleged or inferred).

- (7) For Regulation 5 (Discipline Code and offences against discipline) there is substituted –

5 Professional Standards and disciplinary offences

- (1) An Officer commits a disciplinary offence if they contravene any of the Professional Standards.
- (2) References in these Regulations to a “disciplinary charge” are to a charge that an Officer appears to have committed a disciplinary offence.
- (8) After Regulation 5 there is inserted –

5A Police friend

- (1) The Officer concerned may choose 1 of the following people who is not otherwise involved in their case to act as their police friend –
 - (a) a member of the Force;
 - (b) a civilian member of the Force’s staff;
 - (c) a person nominated by a staff or professional association of which the Officer concerned is a member; or
 - (d) a chief officer.
- (2) The functions of a police friend include –
 - (a) advising the Officer concerned throughout an investigation or disciplinary proceedings under these Regulations;
 - (b) unless the Officer concerned is entitled to be legally represented and chooses to be legally represented, representing that Officer in disciplinary proceedings or in an appeal under Regulation 36;
 - (c) making representations –
 - (i) under Regulation 9(8), to the investigating panel; or
 - (ii) to the Minister concerning any aspect of an investigation or disciplinary proceedings under these Regulations; and

- (d) accompanying the Officer concerned to an interview, a meeting or a hearing that forms part of an investigation or disciplinary proceedings under these Regulations.
- (3) The Chief Officer or Deputy Chief Officer must permit a member of the Force, or civilian member of the Force's staff, who is acting as a police friend for the Officer concerned to use a reasonable amount of duty or office time for the purpose of performing the functions set out in paragraph (2).
- (4) The Chief Executive Officer must permit a chief officer who is acting as a police friend to use a reasonable amount of duty or office time for the purpose of performing the functions set out in paragraph (2).

5B Disclosure of information by Minister

- (1) If it appears to be in the public interest to do so, information obtained by the Minister in connection with their functions under these Regulations may be disclosed to a public authority in Jersey or elsewhere.
- (2) Information disclosed under this Regulation to a public authority must not be further disclosed except –
 - (a) for a purpose connected with a function of that public authority; and
 - (b) with the consent of the Minister.
- (3) Consent under paragraph (2) may be given only –
 - (a) in relation to a particular disclosure; or
 - (b) in relation to disclosures made in circumstances specified or described in the consent.
- (9) After Regulation 11 (preliminary procedure for dealing with a conduct matter) there is inserted –

11A Keeping Officer concerned and complainant informed

- (1) This Regulation applies in the case of an investigation of a complaint or conduct matter.
- (2) Unless the harm test requires otherwise, the Minister must provide the Officer concerned and, in the case of a complaint, the complainant, with all the information necessary to keep them informed –
 - (a) of the progress of the handling of the complaint or conduct matter; and
 - (b) of the outcome of the handling of the complaint or conduct matter.

11B Exceptions to Regulation 11A – harm test

- (1) Regulation 11A does not apply if –
 - (a) in the opinion of the Minister it is necessary to withhold information –
 - (i) to prevent the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
 - (ii) in the interests of national security;

- (iii) for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
 - (iv) because it is justified on proportionality grounds (within the meaning of Article 9(4A) of the Law); or
 - (v) is otherwise necessary in the public interest; and
 - (b) the Minister is satisfied that there is a real risk that the disclosure of that information would cause a significant adverse effect.
- (2) The Minister must consider whether the withholding of information is necessary if –
 - (a) the information is relevant to, or may be used in, any actual or prospective disciplinary proceedings;
 - (b) the provision of information may lead to the contamination of the evidence of witnesses during disciplinary proceedings;
 - (c) the provision of information may prejudice the welfare or safety of a third party; or
 - (d) the information consists of criminal intelligence.
- (3) A reference in these Regulations to the harm test means that the withholding of information must satisfy the requirements of this Regulation.

11C Provision of information to investigating panel

- (1) The investigating panel may give a notification to a public authority specifying the information and documents that it considers necessary for the purposes of carrying out its functions under these Regulations.
 - (2) Upon receipt of the notification, the public authority must provide the specified information and documents only if it is lawfully able to do so and if it is proportionate and reasonable to do so.
 - (3) The public authority must provide the information and documents in the form and manner specified, and within the period specified, by the investigating panel in its notification.
 - (4) The period specified in the notification must be a reasonably practicable period in which to enable the public authority to provide the specified information and documents.
- (10) In Regulation 12 (initial investigation by investigating panel), in paragraphs (4) and (5), for “Police Complaints Authority” there is substituted “Complaints Commission”.
 - (11) In Regulation 13 (further investigation supervised by Police Complaints Authority), in the heading and paragraphs (1), (4) and (7), for “Police Complaints Authority”, there is substituted “Complaints Commission”.
 - (12) In Regulation 14 (investigating officer’s report) –
 - (a) in paragraph (1), for “Police Complaints Authority” there is substituted “Complaints Commission”;
 - (b) after paragraph (2) there is inserted –
 - (3) Paragraph (4) applies if the investigating officer gives a report recommending that the Minister take action other than preferring a disciplinary charge or initiating criminal proceedings.

- (4) Provided the Complaints Commission has prepared a statement under Regulation 15(1) confirming that the investigation has been conducted to its satisfaction, the Minister may, if it appears to be in the public interest to do so, publish part or all of the investigating officer's report.
- (13) In Regulation 15 (action by Police Complaints Authority and Attorney General following investigating officer's report), in the heading and in each of paragraphs (1) to (5), for "Police Complaints Authority", there is substituted "Complaints Commission".
- (14) In Regulation 16 (action by the Minister following investigating officer's report) –
 - (a) for the heading there is substituted "Minister's memorandum to the Complaints Commission";
 - (b) in paragraph (1) for "Police Complaints Authority" there is substituted "Complaints Commission".
- (15) In Regulation 17 (powers of Police Complaints Authority as to disciplinary charges), in the heading and paragraphs (1), (3) in both places, (4), (6) and (7), for "Police Complaints Authority" there is substituted "Complaints Commission".
- (16) In Regulation 19 (notice of decision to prefer disciplinary charge and appointment of tribunal) –
 - (a) after paragraph (1) there is inserted –
 - (1A) The Minister must, unless the harm test requires otherwise, provide the Chairman of the Police Authority with copies of the documents specified in paragraph (4).
 - (b) for paragraph (2) there is substituted –
 - (2) As soon as practicable after being notified under paragraph (1), the Chairman of the Police Authority must give the Officer concerned, and in the case of a complaint, the complainant, a written notice specifying –
 - (a) the conduct that it is alleged constitutes a disciplinary offence; and
 - (b) the paragraph of the Professional Standards in respect of which that offence is alleged to have been committed.
 - (c) for paragraph (4)(c) there is substituted –
 - (c) the investigating officer's report or the parts of that report that relate to the Officer concerned (together with any document attached to or referred to in that report that relates to the Officer concerned); and
 - (d) any statement, document or other material obtained during the investigation that, in the opinion of the Minister, is relevant to the disciplinary charges the Officer concerned has to answer.
 - (d) after paragraph (4) there is inserted –
- (5) Unless the harm test requires otherwise, the Minister discharges the duty in Regulation 11A by sending the complainant a copy of the investigating officer's report, or the parts of that report that relate to the complaint about the conduct of the Officer concerned (together with any document attached to, or referred to, in that report that relate to the complaint).
- (6) A copy of the report, or part of it, if provided under paragraph (4)(c) or (5), may be in a form that keeps anonymous the identity of the complainant (if any) or of another person.

- (17) In Regulation 21 (procedure on receipt of notice), in paragraph (1)(a), for “an offence against discipline” there is substituted “a disciplinary offence”.
- (18) In Regulation 23 (documents to be given to the Officer concerned), in paragraph (1), for “an offence against discipline” there is substituted “a disciplinary offence”.
- (19) In Regulation 29 (attendance of others at disciplinary hearing), in paragraph (2)(b), for “Police Complaints Authority” there is substituted “Complaints Commission”.
- (20) In Regulation 33 (finding of disciplinary hearing and subsequent action if disciplinary offence proven) –
 - (a) in paragraph (2), for “punishments” there is substituted “sanctions”;
 - (b) for paragraph (3) there substituted –
 - (3) The Minister must consider what sanction to impose, if any, following consideration of the tribunal’s report and may impose on the Officer concerned a sanction specified in paragraph (2) that is not more severe than the sanction recommended by the tribunal.
 - (c) in paragraph (5), for “Any punishment” there is substituted “A sanction”;
 - (d) in paragraph (6), for “punishment” there is substituted “sanction”.
- (21) In Regulation 34 (personal record to be considered before punishment imposed), in the heading and in the first line of that Regulation, for “punishment” there is substituted “sanction”.
- (22) In Regulation 35 (records of disciplinary proceedings) –
 - (a) in the heading, after “proceedings” there is inserted “and publication of investigating officer’s report”;
 - (b) after paragraph (2) there is inserted –
 - (3) If the requirements of the harm test have not been satisfied and the investigating officer’s report has been disclosed under Regulation 19, the Minister may, if it appears to be in the public interest to do so, publish part or all of the investigating officer’s report.
- (23) In Regulation 36 (appeals) –
 - (a) in paragraph (1), in both places, for “punishment” there is substituted “sanction”;
 - (b) in paragraph (4)(c), for “punishment” there is substituted “sanction”;
 - (c) in paragraph (5), in both places, for “punishment” there is substituted “sanction”.
- (24) In Regulation 37(a) and (b) (personal record of the Officer), in each place, for “punishment” there is substituted “sanction”.

6 States of Jersey Police Force (General Provisions) (Jersey) Order 2016 amended

In Article 12 (business interests of police officers and relatives) of the [States of Jersey Police Force \(General Provisions\) \(Jersey\) Order 2016](#) –

- (a) in paragraph (4), for “conduct breaches or would breach the Discipline Code set out in Schedule 1 to the [Police \(Complaints and Discipline Procedure\) \(Jersey\) Order 2000](#)”, there is substituted “conduct contravenes or would contravene the Professional Standards”;
- (b) for paragraph (14) there is substituted –

- (14) Paragraph (15) applies if a business interest has been held by the appropriate officer under paragraph (6) to be incompatible with continued membership of the Force and –
 - (a) no appeal has been made under this Article; or
 - (b) an appeal has been made under this Article and the Chief Officer has upheld the appropriate officer's decision.
- (15) The appropriate officer's decision is regarded as a lawful order for the purposes of paragraph 6 of the Professional Standards, and failure by the police officer to abide by that lawful order constitutes misconduct within the meaning of Regulation 1 of the Police (Complaints and Conduct – States of Jersey Police Force) Regulations 202-.
- (16) In this Article, "Professional Standards" means the Professional Standards set out in Schedule 2, paragraphs 2 to 11, to the Police (Complaints and Conduct) (Jersey) Law 2022.

PART 3

CLOSING PROVISION

7 Citation and commencement

These Regulations may be cited as the Police (Complaints and Conduct) (Jersey) Amendment Regulations 202- and come into force immediately after the Police (Complaints and Conduct) (Jersey) Law 2022.