



Jersey

## EXTRADITION (APPLICATION TO CUSTOMS AND EXCISE) (JERSEY) ORDER 2011

### Arrangement

#### Article

1	Interpretation .....	3
2	Transfers of detained persons between customs and police and <i>vice versa</i> .....	3
3	Extradition (Jersey) Law 2004 applied to customs and excise with modifications .....	4
4	Customs powers of seizure and retention .....	4
5	Citation and commencement .....	4

#### **SCHEDULE 1** **5**

PROVISIONS OF EXTRADITION (JERSEY) LAW 2004 APPLIED TO CUSTOMS AND EXCISE	5
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#### **SCHEDULE 2** **6**

MODIFICATIONS OF EXTRADITION (JERSEY) LAW 2004 AS APPLIED TO CUSTOMS AND EXCISE	6
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1	Article 1 modified .....	6
2	Article 21 modified .....	6
3	Article 23 modified .....	6
4	Article 86 modified .....	6
5	Article 87 modified .....	6
6	Schedule 2 modified .....	6
7	General modifications .....	6



Jersey

## EXTRADITION (APPLICATION TO CUSTOMS AND EXCISE) (JERSEY) ORDER 2011

*Made*

*Coming into force*

**THE MINISTER FOR HOME AFFAIRS**, in pursuance of Article 119 of the Extradition (Jersey) Law 2004 orders as follows –

### **1 Interpretation**

In this Order –

“assigned matter” has the same meaning as in the Customs and Excise (Jersey) Law 1999;

“customs office” means a place for the time being occupied by one or more customs officers for the purposes of their functions;

“customs officer” has the same meaning as “officer” in the Customs and Excise (Jersey) Law 1999;

“Law” means the Extradition (Jersey) Law 2004.

### **2 Transfers of detained persons between customs and police and *vice versa***

(1) Nothing in this Order, or in the application of the Law under this Order, prevents a detained person from being transferred from customs detention to police detention or *vice versa*.

(2) For the purposes of this Article, a person is in customs detention if –

(a) he or she has been taken to a customs office after being arrested for an offence; or

(b) he or she is arrested at a customs office after attending voluntarily at the office or accompanying a customs officer to it,

and he or she is detained there, or is detained elsewhere, in the charge of a customs officer.

(3) For the purposes of this Article, “police detention” has the same meaning as in the Police Procedures and Criminal Evidence (Jersey) Law 2003.

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**3 Extradition (Jersey) Law 2004 applied to customs and excise with modifications**

- (1) The provisions of the Law that are specified or referred to in Schedule 1 item 1 or 2 shall, to the extent that they are capable of such application, apply to customs officers in relation to the exercise of their functions as regards assigned matters.
- (2) The provisions of the Law that are specified or referred to in Schedule 1 item 1 or 3 shall, to the extent that they are capable of such application, apply to persons arrested by customs officers.
- (3) The provisions of the Law, in their application under paragraph (1) or (2), shall be subject to the modifications set out in Schedule 2.

**4 Customs powers of seizure and retention**

- (1) Where the Law gives a police officer power to seize and retain anything found upon a lawful search of premises, a customs officer shall have the same power upon a search of premises carried out by virtue of the powers applied by this Order notwithstanding that the thing found is not evidence of an offence in relation to an assigned matter.
- (2) Nothing in the application of the Law to customs officers shall be construed to prevent anything lawfully seized by a person under any enactment from being accepted and retained by a customs officer.

**5 Citation and commencement**

- (1) This Order may be cited as the Extradition (Application to Customs and Excise) (Jersey) Order 2011.
- (2) This Order shall come into force on the 7th day after it is made.

*Signed*.....

*Date*.....

*Minister for Home Affairs*

**SCHEDULE 1**

(Article 3(1), (2))

**PROVISIONS OF EXTRADITION (JERSEY) LAW 2004 APPLIED TO  
CUSTOMS AND EXCISE**

1. The following Articles –
  - 1 and 2
  - 8 to 13
  - 62 to 64
  - 70
  - 80 to 86
  - 87(1) to (9)
  - 88
  - 89(2)
  - 89(3)
  - 90
  - 92 to 95
  - 112(5).
2. The other provisions of the Law, including the Schedules to the Law, but not Articles 75 to 79, Article 89(1) or Articles 96 to 103.
3. The other provisions of the Law, including the Schedules to the Law, but not Articles 75 to 79.

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**SCHEDULE 2**

(Article 3(3))

**MODIFICATIONS OF EXTRADITION (JERSEY) LAW 2004 AS APPLIED  
TO CUSTOMS AND EXCISE****1 Article 1 modified**

In Article 1(1) of the Law after the definition of “Chief Officer of Police” there shall be inserted the following definitions –

“ ‘customs office’ means a place for the time being occupied by one or more customs officers for the purposes of their functions;

‘customs officer’ has the same meaning as ‘officer’ in the Customs and Excise (Jersey) Law 1999;”.

**2 Article 21 modified**

In Article 21(3)(a) of the Law, for the words “to a police officer” there shall be substituted the words “to a police officer, to a customs officer”.

**3 Article 23 modified**

In Article 23(2)(a) of the Law, for the words “to a police officer” there shall be substituted the words “to a police officer, to a customs officer”.

**4 Article 86 modified**

In Article 86(1) of the Law, for the words “a police station” there shall be substituted the words “a police station or customs office”.

**5 Article 87 modified**

In Article 87(1) of the Law, for the words “a police station” there shall be substituted the words “a police station or customs office”.

**6 Schedule 2 modified**

In paragraph 8(2)(a) of Schedule 2 to the Law, for the words “to a police officer” there shall be substituted the words “to a customs officer, to a police officer”.

**7 General modifications**

Except to the extent provided in paragraphs 1 to 6, in the application of the provisions of the Law (other than Article 1 of the Law) under this Order, for an

expression set out in column 1 there shall be substituted the expression set out opposite in column 2 –

1	2
Chief Officer of Police	Agent of the Impôts
Inspector	senior officer
police officer	customs officer
police station	customs office