

STATES OF JERSEY



DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT LAW 202- (P.8/2025) : COMMENTS

**Presented to the States on 21st February 2025
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

The Panel received a briefing from Government Officers on 28th January 2025 about a proposed amendment to the Crime (Public Order) (Jersey) Law 2024, subsequently lodged as the Draft Crime (Public Order) (Jersey) Amendment Law 202- [P.8/2025] (the 'draft Amendment') on 5th February 2025. The Panel is also aware that the Minister for Justice and Home Affairs (hereafter, the 'Minister') intends to ask for a reduced lodging period for the draft Amendment.

As background context, the [Crime \(Public Order\) \(Jersey\) Law 2024](#) (the '2024 Law') was approved by the States Assembly on 7th February 2024 and came into force on 18th October 2024. The Panel has been advised that a recent court trial has highlighted that some provisions of the 2024 Law could have an unexpected effect on the operation of Orders made under other Laws.

Purpose of the draft Amendment: Restraining orders

The 2024 Law repealed the [Crime \(Disorderly Conduct Harassment\) \(Jersey\) Law 2008](#) (the '2008 Law'), however, a number of articles of the 2008 Law were copied to the 2024 Law (with some updates) in order to keep the statute book 'neat'. The Panel was advised that, in relation to a recent court case, an unexpected effect of the 2024 Law had been identified, and it had been suggested that it could not be used to enforce a restraining order made under the 2008 Law.

It was confirmed to the Panel that this was not the policy intention of the legislative changes. Therefore, the Government would seek to address the situation with an amendment that would clarify that any restraining order made under the 2008 Law should be treated as if it had been made under the 2024 Law.

Officers confirmed that there were approximately 160 restraining orders in place under the 2008 Law. The Panel was advised that any breach of a restraining order that was made under the 2008 Law would still be considered as contempt of court. The Government had been advised that the Solicitor General would write to individuals impacted by the repeal of the 2008 Law to advise of the situation.

At the time of the briefing to the Panel, Government Officers advised that the Minister and Government officers had not yet seen the relevant court judgement, or content of the proposed letter.

The Panel noted its concern about this situation and asked for details about how the omission in the Law drafting had occurred. Officers provided a brief explanation of the process and advised that this would form part of further conversations with the Minister.

During the briefing the Panel asked if relevant organisations, such as Freeda, Jersey Domestic Abuse Support (JDAS), and the Probation Service had been made aware of the situation so that they could be ready to offer support if individuals came into receipt of a letter and wanted support. Officers confirmed that they would take this action.

Conclusion

The draft Amendment will rectify a notable oversight in the 2024 Law, therefore the Panel supports the Proposition and welcomes that it will be addressed swiftly.