

# STATES OF JERSEY



## **DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (CONSEQUENTIAL PROVISIONS) (JERSEY) REGULATIONS 201-**

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**Lodged au Greffe on 27th September 2016  
by the Minister for Home Affairs**

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**STATES GREFFE**





Jersey

# **DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (CONSEQUENTIAL PROVISIONS) (JERSEY) REGULATIONS 201-**

## **REPORT**

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### **Introduction**

In July 2014, the States Assembly debated and adopted the Criminal Justice (Young Offenders) (Jersey) Law 2014 (the “2014 Law”) which is intended to replace the existing Criminal Justice (Young Offenders) (Jersey) Law 1994 (the “1994 Law”). Then, in May 2016, prior to the 2014 Law being brought into force, the States debated and adopted [P.33/2016](#) – the Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201- (“the No. 2 Law”), bringing forward a number of changes to the 2014 Law (which was not yet enacted).

Part 6 of the 2014 Law, as amended by the No. 2 Law, provides that the States may, by Regulations, make consequential amendments, savings and transitional provisions as required.

The primary purpose of these draft Regulations is to replace references in existing legislation to the 1994 Law with references to the 2014 Law.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

## Explanatory Note

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These Regulations make consequential provisions upon the coming into force of the Criminal Justice (Young Offenders) (Jersey) Law 2014 (“2014 Law”). Most of the provisions replace references in existing legislation to the Criminal Justice (Young Offenders) (Jersey) Law 1994 with references to equivalent provisions in the 2014 Law. These Regulations come into force on the same date that the 2014 Law comes into force.



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## **DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (CONSEQUENTIAL PROVISIONS) (JERSEY) REGULATIONS 201-**

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## **DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (CONSEQUENTIAL PROVISIONS) (JERSEY) REGULATIONS 201-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Articles 31 and 32 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>1</sup>, have made the following Regulations –

### **1 Children (Secure Accommodation) (Jersey) Order 2005**

In the Children (Secure Accommodation) (Jersey) Order 2005<sup>2</sup> –

- (a) in Article 5 the words “or in respect of whom an order has been made under Article 5(2) or (4) of the Criminal Justice (Young Offenders) (Jersey) Law 1994<sup>3</sup>” shall be deleted;
- (b) Article 6 shall be deleted;
- (c) in Article 9 for the words “the child” in the first place those words appear there shall be substituted the words “a child to whom Article 22 of the Law applies.”.

### **2 Criminal Justice (Jersey) Law 1957**

In Article 7(1) of the Criminal Justice (Jersey) Law 1957<sup>4</sup> for the words “means a sentence of youth detention imposed under Article 4 of the Criminal Justice (Young Offenders) (Jersey) Law 1994<sup>5</sup>” there shall be substituted the words “has the same meaning as it does in Article 1(1) of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>6</sup>”.

### **3 Criminal Justice (Community Service Orders) (Jersey) Law 2001**

In Article 1 of the Criminal Justice (Community Service Orders) (Jersey) Law 2001<sup>7</sup> in the definition “Young Offenders Law” for the word “1994” there shall be substituted the word “2014”.

**4 Criminal Justice (Compensation Orders) (Jersey) Law 1994**

In Article 1 of the Criminal Justice (Compensation Orders) (Jersey) Law 1994<sup>8</sup> for the definition “Youth Court” there shall be substituted the following definition –

“ ‘Youth Court’ means the Youth Court continued under Article 24 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>9</sup>. ”.

**5 Criminal Justice (Probation Orders) (Jersey) Law 1986**

In Article 1 of the Criminal Justice (Probation Orders) (Jersey) Law 1986<sup>10</sup> –

- (a) in paragraph (2)(b) for the word “1994” there shall be substituted the word “2014”;
- (b) in paragraph (3) for the definition “Youth Court” there shall be substituted the following definition –

“ ‘Youth Court’ means the Youth Court continued under Article 24 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>11</sup>. ”.

**6 Criminal Justice (Suspension of Prison Sentences) (Jersey) Law 2003**

In Article 2(5) of the Criminal Justice (Suspension of Prison Sentences) (Jersey) Law 2003<sup>12</sup> for sub-paragraph (a) there shall be substituted the following sub-paragraph –

“(a) youth detention within the meaning of Article 1(1) of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>13</sup>; or”.

**7 Criminal Law (Child Abduction) (Jersey) Law 2005**

In item 4 of the Schedule to the Criminal Law (Child Abduction) (Jersey) Law 2005<sup>14</sup> for the entry under the heading “*Description of child*” there shall be substituted the following entry –

“A child who is remanded in accordance with Article 16 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>15</sup>. ”.

**8 Extradition (Jersey) Law 2004**

In the Extradition (Jersey) Law 2004<sup>16</sup> –

- (a) in Article 111 for the words “Article 13(2) of the Criminal Justice (Young Offenders) (Jersey) Law 1994<sup>17</sup>” there shall be substituted the words “Article 27(2) of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>18</sup>”;
- (b) in Article 112(2) for the word “1994” there shall be substituted the word “2014”.



**9 Interpretation (Jersey) Law 1954**

In Part 1 of the Schedule to the Interpretation (Jersey) Law 1954<sup>19</sup> in the definition “Youth Court” for the words “established by Article 11 of the Criminal Justice (Young Offenders) (Jersey) Law 1994<sup>20</sup>” there shall be substituted the words “continued under Article 24 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>21</sup>”.

**10 Loi (1864) réglant la Procédure Criminelle**

In Article 10(5)(a) of the Loi (1864) réglant la Procédure Criminelle<sup>22</sup> for the word “1994” there shall be substituted the word “2014”.

**11 Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949**

In Article 1(1) of the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949<sup>23</sup> in the definition “youth detention” for the word “1994” there shall be substituted the word “2014”.

**12 Police Procedures and Criminal Evidence (Jersey) Law 2003**

In Article 1 of the Police Procedures and Criminal Evidence (Jersey) Law 2003<sup>24</sup> –

- (a) in the definition “Youth Appeal Court” for the words “Article 15 of the Criminal Justice (Young Offenders) (Jersey) Law 1994<sup>25</sup>” there shall be substituted the words “Article 29 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>26</sup>”;
- (b) in the definition “Youth Court” for the words “established by Article 11 of the Criminal Justice (Young Offenders) (Jersey) Law 1994” there shall be substituted the words “continued under Article 24 of the Criminal Justice (Young Offenders) (Jersey) Law 2014”.

**13 Prison (Jersey) Law 1957**

In the Prison (Jersey) Law 1957<sup>27</sup> –

- (a) in Article 1 –
  - (i) the definitions “attendance centre” and “attendance centre order” shall be deleted,
  - (ii) in the definition “youth detention” for the word “1994” there shall be substituted the word “2014”;
- (b) for Article 27 there shall be substituted the following Article –

**“27 Power to provide young offender institutions**

The Minister may provide young offender institutions where offenders aged not less than 15 years but under 21 years, sentenced to youth detention may be detained in conditions suitable to persons of their ages and descriptions.”;

- (c) in Article 29(1) the words “, and attendance centres respectively,” shall be deleted.

#### **14 Prison (Jersey) Rules 2007**

In Article 9 of the Prison (Jersey) Rules 2007<sup>28</sup> –

- (a) in paragraph (1) for the word “1994” there shall be substituted the word “2014”;
- (b) in paragraph (2) for the words “Article 17 of the Criminal Justice (Young Offenders) (Jersey) Law 1994<sup>29</sup>” there shall be substituted the words “Article 10 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>30</sup>”.

#### **15 Rehabilitation of Offenders (Jersey) Law 2001**

In the Rehabilitation of Offenders (Jersey) Law 2001<sup>31</sup> –

- (a) in Article 1(1) –
- (i) after the definition “1994 Law” there shall be inserted the following definition –
- “ ‘2014 Law’ means the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>32</sup>;”,
- (ii) in sub-paragraph (e) of the definition “sentence excluded from rehabilitation” for the words “or Article 5(4) of the 1994 Law” there shall be substituted the words “, Article 5(4) of the 1994 Law or Article 5(3) of the 2014 Law”;
- (b) in Article 1(2) for the words “or Article 5(4) of the 1994 Law” there shall be substituted the words “, Article 5(4) of the 1994 Law, or Article 5(3) of the 2014 Law”.

#### **16 Sex Offenders (Jersey) Law 2010**

In Article 1(1) of the Sex Offenders (Jersey) Law 2010<sup>33</sup> for the definition “youth detention” there shall be substituted the following definition –

“ ‘youth detention’ has the same meaning as it does in Article 1 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>34</sup>. ”.

#### **17 Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1998**

In Article 30 of the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>35</sup> –

- (a) the existing paragraph shall be numbered paragraph (1); and
- (b) after paragraph (1) there shall be added the following paragraph –
- “(2) Notwithstanding the repeal of the Criminal Justice (Young Offenders) (Jersey) Law 1994<sup>36</sup> (“1994 Law”) by this Law, Article 10 of the 1994 Law is saved for the purposes of the

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Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1998<sup>37, 38</sup>.

**18 Citation and commencement**

These Regulations may be cited as the Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 201- and shall come into force on the same date that the Criminal Justice (Young Offenders) (Jersey) Law 2014<sup>38</sup> comes into force.

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1	<i>L.27/2014</i>
2	<i>chapter 12.200.80</i>
3	<i>chapter 08.380</i>
4	<i>chapter 08.320</i>
5	<i>chapter 08.380</i>
6	<i>L.27/2014</i>
7	<i>chapter 08.180</i>
8	<i>chapter 08.200</i>
9	<i>L.27/2014</i>
10	<i>chapter 08.340</i>
11	<i>L.27/2014</i>
12	<i>chapter 08.370</i>
13	<i>L.27/2014</i>
14	<i>chapter 08.405</i>
15	<i>L.27/2014</i>
16	<i>chapter 17.325</i>
17	<i>chapter 08.380</i>
18	<i>L.27/2014</i>
19	<i>chapter 15.360</i>
20	<i>chapter 08.380</i>
21	<i>L.27/2014</i>
22	<i>chapter 08.740</i>
23	<i>chapter 07.595</i>
24	<i>chapter 23.750</i>
25	<i>chapter 08.380</i>
26	<i>L.27/2014</i>
27	<i>chapter 23.775</i>
28	<i>chapter 23.775.30</i>
29	<i>chapter 08.380</i>
30	<i>L.27/2014</i>
31	<i>chapter 08.840</i>
32	<i>L.27/2014</i>
33	<i>chapter 23.815</i>
34	<i>L.27/2014</i>
35	<i>L.27/2014</i>
36	<i>chapter 08.380</i>
37	<i>chapter 23.825</i>
38	<i>L.27/2014</i>