

STATES OF JERSEY



Jersey

DRAFT CHILDREN AND YOUNG PEOPLE (PLACE OF POLICE DETENTION) (JERSEY) AMENDMENT LAW 202-

**Lodged au Greffe on 23rd May 2025
by the Minister for Justice and Home Affairs
Earliest date for debate: 8th July 2025**

STATES GREFFE



DRAFT CHILDREN AND YOUNG PEOPLE (PLACE OF POLICE DETENTION) (JERSEY) AMENDMENT LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Justice and Home Affairs has made the following statement –

In the view of the Minister for Justice and Home Affairs, the provisions of the Draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- are compatible with the Convention Rights.

Signed: **Deputy M.R. Le Hegarat of St. Helier North**
Minister for Justice and Home Affairs

Dated: 22nd May 2025

REPORT

Background

The Minister for Justice and Home Affairs brings these amendments to address an identified gap in Jersey legislation and in doing so improve the rights of children and young people within the justice system.

There is a shortcoming in the arrangements when a child or young person is charged with an offence and denied bail prior to their court appearance, as the only option for holding them before their court appearance is to transfer them to secure accommodation, or to hold them in the police station if that option is not available. These amendments introduce an explicit option for the Centenier to transfer children or young people to suitable accommodation provided by the Minister for Children and Families (the “Minister”) and enable the Minister to accommodate those children or young people who are to be kept in police custody following the refusal of bail by a Centenier.

Similar provisions exist within other jurisdictions including Guernsey, England and Wales.

The laws to be amended

The Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202-, if adopted by the Assembly, will extend the options available to a Centenier in the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) (the “PPCE Law”) in relation to children and young people being kept in police detention following the refusal of bail.

The amendments will enable a Centenier to transfer children and young people to suitable accommodation provided by the Minister. The Law will also amend the [Children \(Jersey\) Law 2002](#) to allow the Minister, to accommodate those children or young people following the refusal of bail by a Centenier.

Operational impact of these amendments

When a child or young person aged between 10 – 17 is arrested and charged, prior to appearing in court, the Centenier must decide where that child or young person is placed. Under the law there is already in existence a presumption in favour of bail with or without conditions.

On rare occasions, a Centenier may believe the refusal of bail is justified. The grounds for refusal are outlined in the current law and include grounds such as the Centenier believing the child or young person is likely to commit an offence, or that detention is necessary for their own protection.

Once bail is refused, the current options for the Centenier are limited to that of placing the child or young person in secure accommodation, i.e. Greenfields. If secure accommodation is not available, the only option for that child or young person is to be placed in the police cells.

In other jurisdictions, including the UK and Guernsey, there is a further option. This is for the child or young person to be placed with the local authority or within the Jersey context to be placed in the care of the Minister.

This further option is what these amendments will allow. Article 4 inserts a new Article 36A into the PPCE Law. The effect is to require the Centenier to transfer a child or young person to suitable accommodation provided by the Minister and prevents the Centenier transferring the child or young person to secure accommodation unless the Centenier has reasonable grounds for believing that the suitable accommodation would not adequately prevent the child or young person from,

among other things, failing to attend to Court, injuring themselves or committing a serious offence.

On that final point, the threshold for depriving a child or young person of liberty has been raised. Currently, it is necessary for there to be reasonable grounds to believe that detention would stop a child or young person from committing an offence. After amendment, the threshold would be commission of a “serious offence”. This means, a child or young person cannot be deprived of their liberty on the basis that they may commit an offence of a minor nature.

Whilst these amendments do not prevent all children or young people from ever losing their liberty, for example being held in Greenfields due to a risk of further serious offending, they do help to reduce the likelihood of a child or young person’s liberty being taken away before they have been seen by the court.

If the amendments are passed, they would improve the Island’s compliance with the UNCRC, including Article 37 which says:

“States Parties shall ensure that:

*“... The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be **used only as a measure of last resort** and for the shortest appropriate period of time; ..”*

As well as amending the PPCE and Children’s Law a minor change is made in Article 7, to gender neutralise the gender pronouns for the Judicial Greffier.

Consultation

The draft Law has been developed by officers in consultation with the Legislative Drafting Office, Law Officers’ Department, the Justice and Home Affairs Department, the Children’s Service, the States of Jersey Police and the Honorary Police.

Children have not been directly consulted but much work has been undertaken with the Office for the Children’s Commissioner.

Financial and staffing implications

The Children’s Service will manage the accommodation for the Minister within the scope of current resources.

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.

Data protection implications

An initial Data Protection Impact Assessment was undertaken. This was reviewed by the Information and Data Security Team. It concluded that the amendments do not have a high impact on the rights and freedoms of the individuals affected and a full DPIA not required.

Timescale

If adopted, the Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- will come into force 7 days after it is registered.

Human Rights

The Law Officers' Department have reviewed the draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- (the "**draft Law**"). Having done so it is understood that –

“Implementing this approach to accommodating a child or young person held on remand prior to first appearance raises no issues of compatibility with Article 5 of the ECHR and the draft Law is therefore compatible with that right.”

The full human rights notes explaining the application of the ECHR are as stated in the **Appendix**.

APPENDIX TO REPORT

Human Rights Notes on the draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202-

These Notes have been prepared in respect of the draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

Part 1 of the draft Law makes amendments to the Police Procedures and Criminal Evidence (Jersey) Law 2003 (the “2003 Law”). Article 4 of the draft Law inserts a new Article 36A into the 2003 Law, which makes new provision for the circumstances where a Centenier authorises the keeping of a child or young person in police custody under Article 36(3) of that Law, because the child or young person has been charged with an offence.

It is relevant to note at the outset that the draft Law only affects the place of detention for children and young people during a specific period for which they may be lawfully detained. It does not affect the custody time limits which apply to a child, young person or adult who is remanded in custody between the time the person is charged and the person’s first appearance in court. Pursuant to Article 43(2) of the 2003 Law (in its current form and as would be amended by Article 7 of the draft Law, that provision substituting an amended version of Article 43 for the current version), where a person is remanded after they are charged with an offence the person must be brought before the Magistrate’s Court or the Youth Court, as the case may be (the “Court”) as soon as practicable and in any event within 48 hours of being charged.

In summary, new Article 36A of the 2003 Law would provide that:

- a. the Centenier must, pending the child or young person’s attendance before the Court, secure that the child or young person is transferred to an “appropriate place of detention” as soon as is practicable;
- b. an “appropriate place of detention” may be:
 - i. “suitable accommodation” provided by the Minister for Children and Families under new Article 22B of the Children (Jersey) Law 2002 (the “2002 Law”) inserted by Article 14 of the draft Law (see further below);
 - or
 - ii. “secure accommodation” provided under Article 22A of the 2002 Law (i.e. Greenfields);
- c. the Centenier must secure that the child or young person is transferred to suitable accommodation unless Article 36A(5) applies, which sets out limited grounds upon which the Centenier can transfer the child or young person to secure accommodation instead of suitable accommodation;
- d. the Centenier may authorise the keeping of a child or young person in the police station under Article 36A(7) only if there are grounds for using secure accommodation instead of suitable accommodation, but it is impracticable to transfer a child to secure accommodation or there is no secure accommodation available; and

- e. where authorisation is provided under Article 36A(5) or (7) then the Centenier must produce a certificate to the Court under paragraphs (6) or (8) when the child or young person first appears to certify which of the grounds for detention in secure accommodation or the police station has been relied on and why.

Article 7 of the draft Law would replace the current Article 43 of the 2003 Law with a revised version, principally amended to make drafting and corrective changes, but also to include within its scope the situation of a child or young person detained in an appropriate place of detention described in new Article 36A. As noted above, the effect of this amendment is to ensure that a child or young person subject to those detention arrangements should be subject to the provisions of Article 43 which, as in the case of a person kept in police detention or detained in the prison, would, inter alia, require a child or young person detained in an appropriate place of detention described in Article 36A to be brought before the relevant court as soon as practicable and, in any event, within the period of 48 hours beginning with the time when they were charged with an offence.

The amendments therefore require that a child or young person who is remanded between the time they are charged with a criminal offence and their first appearance in Court be kept in suitable accommodation, unless it is necessary to keep them in secure accommodation or, failing that, a police station. Decisions to accommodate a child in secure accommodation or the police station will need to be documented and the Court will need to be informed of the reasons for taking that approach.

Articles 13 and 14 of the draft Law support the implementation of the amendments described above by ensuring that the Minister for Children and Families has the power to accommodate a child or young person in either suitable accommodation or secure accommodation for these purposes. Article 13 would amend Article 22A of the 2002 Law to permit the Minister to provide secure accommodation for a child or young person who is to be detained in accordance with Article 36(3) of the 2003 Law. Article 14 would insert a new Article 22B into the 2002 Law to confirm that the Minister may provide accommodation to a child or young person during this short period of remand that is “not secure accommodation; but is suitable for the purpose of accommodating that child or young person”.

Article 5 ECHR

The ECHR right that is relevant to the contents of the draft Law is the right in Article 5 of the ECHR (right to liberty and security), which so far as is relevant provides:

“Article 5 – Right to liberty and security

- 1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - c the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - d the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

3. Everyone arrested or detained in accordance with the provisions of paragraph c of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.”

To be compatible with Article 5(1) of the ECHR, a deprivation of liberty must, in addition to falling within one of the exceptions set out in sub-paragraphs (a) to (f), be “lawful” by reference to national law and be in keeping with the purpose of protecting the individual from arbitrariness.

The detention of a child or young person following a decision by a Centenier to charge them with a criminal offence and pending a first appearance before the Court is lawful and falls within the exception in Article 5(1)(c) of the ECHR and possibly also the exception in Article 5(1)(d) and would not be arbitrary. As explained above, the draft Law would replace Article 43 of the 2003 Law with a revised version that would ensure that, for the purposes of Article 5(3) of the ECHR, all persons detained pursuant to Article 36 of the 2003 Law (now including those detained in accordance with new Article 36A) are subject to prompt and automatic judicial control of police detention.

Part 1 of the draft Law makes further provision with respect to the place in which a child or young person would be detained. The overall effect of these provisions is to ensure that pending a decision by the Court on whether to grant bail at the first appearance, the child or young person would by default be detained in the least restrictive environment that will be consistent with the purposes for which detention has been authorised by the Centenier.

Implementing this approach to accommodating a child or young person held on remand prior to first appearance raises no issues of compatibility with Article 5 of the ECHR and the draft Law is therefore compatible with that right.

EXPLANATORY NOTE

The Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- (the “Law”), if passed, will amend the Police Procedures and Criminal Evidence (Jersey) Law 2003 (the “Police Procedures Law”) in relation to children and young people kept in police detention following the refusal of bail by a Centenier. The effect of the amendment will enable a Centenier to transfer children or young people to suitable accommodation provided by the Minister for Children and Families (the “Minister”). The Law will also amend the Children (Jersey) Law 2002 (the “Children Law”) to enable the Minister to accommodate children or young people who are kept in police custody following the refusal of bail by a Centenier.

Article 1 states that *Part 1* of the Law amends the Police Procedures Law.

Article 2 updates some definitions and brings the definitions “child” and “young person” in line with the definitions used for those terms in the Criminal Justice (Young Offenders) (Jersey) Law 2014 (the “Young Offenders Law”).

Articles 3, 5 and 6 make amendments required as a consequence of the insertion of new Article 36A.

Article 4 inserts new Article 36A, which sets out a Centenier’s responsibilities regarding the detention of children or young people kept in police detention following refusal of bail. Currently, a Centenier must secure the transfer of those children or young people to secure accommodation. The effect of the amendment is to now require the Centenier to transfer children or young people to suitable accommodation provided by the Minister under new Article 22B of the Children Law (as inserted by *Article 14*). The Centenier must not transfer the child or young person to secure accommodation unless the Centenier has reasonable grounds for believing that the suitable accommodation would not adequately prevent the child or young person from, among other things, failing to attend the Youth Court or Magistrate’s Court (the “relevant court”), committing a serious offence (within the meaning of Article 3 of the Police Procedures Law), or injuring themselves or others. If it is impracticable for the Centenier to transfer the child or young person to suitable accommodation, or there is none available, the Centenier is permitted in those circumstances to transfer the child or young person to secure accommodation. Finally, only if it is impracticable for the Centenier to transfer the child or young person to secure accommodation, or there is none available, is the Centenier permitted to authorise the keeping of the child or young person in police detention at the police station.

Article 7, in addition to making an amendment required as a consequence of the insertion of new Article 36A, gender neutralises pronouns including a reference to a male Judicial Greffier, and updates a reference as a consequence of the repeal of the Loi (1864) réglant la Procédure Criminelle.

Article 8 states that *Part 2* of the Law amends the Children Law.

Article 9 amends the definition “child” to include a child defined for the purposes of the Young Offenders Law. The effect of the amendment to the definition “secure accommodation” is that secure accommodation provided by the Minister may also restrict the liberty of a child or young person (as defined under the Young Offenders Law) who has been refused bail. The definition “young person” is also introduced and has the same meaning as in the Young Offenders Law.

Article 10 expands the definition of a child who is looked after by the Minister to include a child or young person who is kept in police detention for more than 24 hours in suitable accommodation provided by the Minister under new Article 22B of the Children Law, or in secure accommodation.

Articles 11 and 12 are amendments required because of the expanded definition of a child who is looked after by the Minister, and 2 redundant provisions are removed from Article 22 of the Children Law.

Article 13 is an updating amendment. Currently, the Minister has no express power to provide secure accommodation to children or young people who are kept in police detention following refusal of bail under Article 36 (duties of the Centenier after charge) of the Police Procedures Law. The amendment now resolves that situation.

Article 14 introduces a new power in new Article 22B of the Children Law to enable the Minister to provide suitable accommodation, that is not secure accommodation, for the purposes of keeping children or young people in police detention pending their first appearance before the relevant court following refusal of bail.

Article 15 states the title by which the Law may be cited and for it to come into force 7 days after it is registered.



Jersey

DRAFT CHILDREN AND YOUNG PEOPLE (PLACE OF POLICE DETENTION) (JERSEY) AMENDMENT LAW 202-

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Jersey

DRAFT CHILDREN AND YOUNG PEOPLE (PLACE OF POLICE DETENTION) (JERSEY) AMENDMENT LAW 202-

A **LAW** to amend the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) in relation to children and young people in police detention following the refusal of bail by a Centenier, and to amend the [Children \(Jersey\) Law 2002](#) for connected purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

PART 1

[POLICE PROCEDURES AND CRIMINAL EVIDENCE \(JERSEY\) LAW 2003](#)

1 [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) amended

This Part amends the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#).

2 [Article 1 \(general interpretation\)](#) amended

In Article 1(1) –

- (a) for the definition “child” there is substituted –
“child” has the meaning given in Article 1(1) of the Young Offenders Law;
- (b) after the definition “vessel” there is inserted –
“Young Offenders Law” means the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#);
- (c) for the definition “young person” there is substituted –
“young person” has the meaning given in Article 1(1) of the Young Offenders Law;

- (d) in the definitions “Youth Appeal Court” and “Youth Court”, for “[Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#)” there is substituted “Young Offenders Law”.

3 Article 36 (duties of Centenier after charge) amended

- (1) In Article 36(2)(c), after “an offence” there is inserted “or, in the case of a child or young person, from committing a serious offence”.
- (2) Article 36(7), (8) and (9) are deleted.

4 Article 36A (appropriate place of detention for children or young people kept in police detention) inserted

After Article 36 there is inserted –

36A Appropriate place of detention for children or young people kept in police detention

- (1) This Article applies if a Centenier authorises that a child or young person charged with an offence is to be kept in police detention under Article 36(3).
- (2) The Centenier must, pending the child’s or young person’s attendance before the relevant court, ensure that the child or young person is transferred to an appropriate place of detention as soon as practicable.
- (3) An appropriate place of detention is –
- (a) suitable accommodation provided by the Minister for Children and Families under Article 22B of the [Children \(Jersey\) Law 2002](#) (“suitable accommodation”); or
 - (b) secure accommodation.
- (4) Unless paragraph (5) applies, a Centenier must ensure that the child or young person is transferred to suitable accommodation.
- (5) A Centenier must not transfer a child or young person to secure accommodation instead of suitable accommodation unless 1 or more of the following conditions apply –
- (a) the Centenier has reasonable grounds for believing that detaining the child or young person in suitable accommodation would not adequately –
 - (i) prevent the occurrence of any of the grounds set out in Article 36(2)(b), (c) or (e);
 - (ii) protect the child or young person as required under Article 36(2)(f); or
 - (iii) prevent the child or young person from injuring themselves or other people;
 - (b) it is impracticable for the Centenier to transfer the child or young person to suitable accommodation;
 - (c) there is no available suitable accommodation to which the child or young person may be transferred.

- (6) The Centenier must, upon the child's or young person's attendance before the relevant court, produce a certificate to the court certifying which of the conditions under paragraph (5) apply and –
 - (a) if paragraph (5)(a) applies, the Centenier must also state in the certificate the grounds for the Centenier's belief; or
 - (b) if paragraph (5)(b) applies, the Centenier must also state in the certificate why the transfer is impracticable.
- (7) A Centenier must not authorise the continued keeping in police detention at a police station of a child or young person unless –
 - (a) it is impracticable for the Centenier to transfer the child or young person to secure accommodation under paragraph (5); or
 - (b) there is no available secure accommodation to which the child or young person may be transferred under paragraph (5).
- (8) The Centenier must, upon the child's or young person's attendance before the relevant court, produce a certificate to the court certifying which of the conditions under paragraph (7) apply and, if paragraph (7)(a) applies, the Centenier must also state in the certificate why the transfer is impracticable.
- (9) For the purpose of ensuring a child's or young person's transfer to an appropriate place of detention, it is lawful for a person acting on behalf of the Minister for Children and Families to carry out the transfer of that child or young person to the appropriate place of detention, and to detain them for the purpose of carrying out that transfer.
- (10) In this Article, "relevant court" means –
 - (a) the Youth Court; or
 - (b) if Article 26(1)(a) or (b) of the Young Offenders Law applies, the Magistrate's Court.

5 Article 37 (responsibilities in relation to persons detained) amended

In Article 37 –

- (a) for paragraph (2)(a) there is substituted –
 - (a) paragraph (1)(a) ceases to apply to the custody officer in relation to that person; and
- (b) for paragraph (4) there is substituted –
- (4) If a child or young person is transferred to an appropriate place of detention under Article 36A(2), paragraph (1) ceases to apply to the custody officer in relation to that child or young person.

6 Article 38 (review of police detention) amended

In Article 38(11), for "Article 36(1) to (8)" there is substituted "Article 36 or 36A".

7 Article 43 (detention after charge) amended

For the text of Article 43 there is substituted –

- (1) Paragraph (2) applies if a person is charged with an offence and after being charged –

- (a) is kept in police detention under Article 36(3);
 - (b) is detained in custody in prison under an Article 28A authorisation; or
 - (c) in the case of a child or young person, is detained in an appropriate place of detention described in Article 36A(3).
- (2) Unless paragraph (6) applies, the person must be brought before the Court as soon as practicable and, in any event, within the period of 48 hours beginning with the time when they were charged with the offence.
- (3) Christmas Day, Good Friday and Sundays are disregarded for the purpose of calculating the period specified in paragraph (2).
- (4) Paragraph (5) applies if the Court is not due to sit within the period specified in paragraph (2).
- (5) The custody officer must inform the Judicial Greffier that there is a person to whom paragraph (2) applies, and the Judicial Greffier must arrange for the Court to sit within the period specified in paragraph (2).
- (6) A person who is in hospital is not required to be brought before the Court if they are not well enough.
- (7) In this Article, “Court” means the Magistrate’s Court or the Youth Court.

PART 2

CHILDREN (JERSEY) LAW 2002

8 Children (Jersey) Law 2002 amended

This Part amends the Children (Jersey) Law 2002.

9 Article 1 (interpretation) amended

In Article 1(1) –

- (a) for the definition “child” there is substituted –
 - “child” means a person who has not attained the age of 18 years, subject to –
 - (a) the definition “child” in Articles 1A, 22A and 22B; and
 - (b) paragraph 13 of Schedule 1;
- (b) after the definition “parental responsibility agreement” there is inserted –
 - “police detention” has the meaning given in Article 2(1) (meaning of police detention) of the Police Procedures Law;
 - “Police Procedures Law” means the Police Procedures and Criminal Evidence (Jersey) Law 2003;
- (c) after the definition “relative” there is inserted –
 - “relevant court” has the meaning given in Article 36A(10) (appropriate place of detention for children or young people kept in police detention) of the Police Procedures Law;
- (d) in the definition “secure accommodation”, for “a child’s liberty” there is substituted “a person’s liberty”;
- (e) after the definition “Young Offenders Law” there is inserted –

“young person” has the meaning given in Article 1(1) of the Young Offenders Law.

10 Article 1A (references to a child who is looked after by the Minister) amended

In Article 1A –

- (a) the unnumbered paragraph is renumbered as paragraph (1);
- (b) in sub-paragraph (b), for “in paragraph (c)” there is substituted “in sub-paragraph (c) or (d)”;
- (c) for sub-paragraph (c) there is substituted –
 - (c) a child or young person who is required to be detained in custody on remand or following sentence under the Young Offenders Law, if the place of custody is –
 - (i) secure accommodation; or
 - (ii) a young offender institution or the prison, within the meaning given to those terms in Article 1(1) of the Young Offenders Law; or
 - (d) a child or young person provided with accommodation by the Minister for a continuous period of more than 24 hours in the exercise of the Minister’s powers under Article 22A(2) or 22B.
- (d) after new paragraph (1) there is inserted –
- (2) In paragraph (1)(c) and (d), “child” has the meaning given in Article 1(1) of the Young Offenders Law.

11 Article 20 (provision of accommodation and maintenance by Minister for children whom Minister is looking after) amended

In Article 20(A1), for “Article 1A(c)” there is substituted “Article 1A(1)(c) or (d)”.

12 Article 22 (secure accommodation other than for children on remand or following sentence) amended

In Article 22 –

- (a) for paragraph (A1) there is substituted –
 - (A1) This Article does not apply to a child or young person described in Article 1A(1)(c) or (d).
- (b) paragraphs (1A) and (1B) are deleted.

13 Article 22A (secure accommodation for children on remand or following sentence) substituted

For Article 22A there is substituted –

22A Secure accommodation for children or young people in police detention, on remand or following sentence

- (1) The Minister may provide secure accommodation for a child or young person who, in accordance with the Young Offenders Law, is required to be detained –
 - (a) in custody on remand in secure accommodation; or
 - (b) in custody in secure accommodation following the passing of a sentence.
- (2) The Minister may provide secure accommodation for a child or young person who, pending their attendance before the relevant court, is charged with an offence and is to be kept in police detention under Article 36(3) of the Police Procedures Law.
- (3) In this Article, “child” has the meaning given in Article 1(1) of the Young Offenders Law.

14 Article 22B (provision of suitable accommodation for children or young people kept in police detention) inserted

After Article 22A there is inserted –

22B Provision of suitable accommodation for children or young people kept in police detention

- (1) This Article applies to a child or young person who, pending their attendance before the relevant court, is charged with an offence and is to be kept in police detention under Article 36(3) of the Police Procedures Law.
- (2) The Minister may provide, for the child or young person, accommodation that –
 - (a) is not secure accommodation; but
 - (b) is suitable for the purpose of accommodating that child or young person.
- (3) In this Article, “child” has the meaning given in Article 1(1) of the Young Offenders Law.

PART 3

CLOSING PROVISION

15 Citation and commencement

This Law may be cited as the Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.