

STATES OF JERSEY



Jersey

DRAFT CRIMINAL PROCEDURE (TRANSITIONAL PROVISIONS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 9th September 2019
by the Minister for Home Affairs**

STATES GREFFE

REPORT

The Criminal Procedure (Jersey) Law 2018 (“the Law”, *see* [L.25/2018](#)) was approved by the States Assembly on 20th March 2018. Article 115 of the Law provides for transitional provisions to be made to facilitate bringing the Law into force.

The Draft Criminal Procedure (Transitional Provisions) (Jersey) Regulations 201- (“the draft Regulations”) are primarily intended to address issues that arise where a cross-reference in the Law leads to another provision of the Law that is not yet in force in its final form. In such cases, the intention is that the transitional arrangements only remain in place until the next tranche of the Law is in force.

In addition, the draft Regulations address one other issue. The new Criminal Procedure (Bail) (Jersey) Law 2017 (“the Bail Law”, *see* [L.20/2017](#)) amended the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) (“PPCE”) to provide a modernised bail scheme. Rules of Court were made earlier this year to underpin that new scheme, which rely on a new Article 48A inserted into PPCE by the Bail Law. However, that Article 48A refers to the old system of making Rules, not the new Criminal Procedure Rules Committee, so the Law amends that Article to fit.

The draft Regulations ensure that those Rules of Court will continue to have effect as if made under the new system.

Financial and manpower implications

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

EXPLANATORY NOTE

The Draft Criminal Procedure (Transitional Provisions) (Jersey) Regulations 201- if passed will temporarily amend provisions of the Criminal Procedure (Jersey) Law 2018 to remove cross-references to other, not-in-force provisions until those provisions are brought into force (*Regulation 2*). Recent Rules made under a Rule-making power that is now being substituted are treated as made under the power as substituted (*Regulation 3*).

The Regulations come into force on 31st October 2019, when the relevant provisions of the 2018 Law are due to come into force.



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DRAFT CRIMINAL PROCEDURE (TRANSITIONAL PROVISIONS) (JERSEY) REGULATIONS 201-

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

THE STATES make these Regulations under Article 115 of the Criminal Procedure (Jersey) Law 2018¹ –

1 Interpretation

In these Regulations “2018 Law” means the Criminal Procedure (Jersey) Law 2018².

2 Temporary amendments to Criminal Procedure (Jersey) Law 2018

- (1) Until Article 19 of the 2018 Law is in force –
 - (a) in Article 13(2)(b) of that Law, for “Article 19” there is substituted “Article 9 of the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949³”;
 - (b) in paragraph 9 of Schedule 3 to that Law, in Article 82F(5) to be inserted into the Police Procedures and Criminal Evidence (Jersey) Law 2003⁴ and immediately before it is so inserted, for “Article 14 or 19 of the Criminal Procedure Law” there is substituted “Article 14 of the Criminal Procedure Law or Article 9 of the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949”.
- (2) Until Article 43 of the 2018 Law is in force –
 - (a) in Article 1(1) of that Law, in the definition of “indictment”, there is deleted “referred to in Article 43(3)”;
 - (b) in paragraph 9 of Schedule 3 to that Law, in Article 82F(5) to be inserted into the Police Procedures and Criminal Evidence (Jersey) Law 2003 and immediately before it is so inserted, for “indictment under Article 43 of that Law” there is substituted “indictment (within the meaning of Article 1(1) of the Criminal Procedure Law)”.
- (3) Until Article 64 of the 2018 Law is in force, in Article 1(1) of that Law for the definition of “panel list” there is substituted –

““panel list” means the list of persons who may be called upon to serve as jurors as prepared by the Viscount;”.

- (4) For clarity, once a provision of the 2018 Law referred to in a paragraph of this Regulation comes into force, the amendment made by that paragraph ceases to have effect and the provision so amended has effect as if the amendment had never been made.

3 Preservation of the Police Procedures and Criminal Evidence (Variation of Bail Conditions) Rules 2019

Despite the substitution of Article 48A of the Police Procedures and Criminal Evidence (Jersey) Law 2003 by paragraph 5 of Schedule 3 to the 2018 Law, the Police Procedures and Criminal Evidence (Variation of Bail Conditions) Rules 2019⁵ continue to have effect as if made under that substituted version of Article 48A.

4 Citation and commencement

These Regulations may be cited as the Criminal Procedure (Transitional Provisions) (Jersey) Regulations 201- and shall come into force on 31st October 2019.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>L.25/2018</i>
<i>2</i>	<i>L.25/2018</i>
<i>3</i>	<i>chapter 07.595</i>
<i>4</i>	<i>chapter 23.750</i>
<i>5</i>	<i>chapter 23.750.70</i>