

STATES OF JERSEY



DRAFT CHILDREN AND YOUNG PEOPLE (PLACE OF POLICE DETENTION) (JERSEY) AMENDMENT LAW 202- (P.40/2025): COMMENTS

**Presented to the States on 30th June 2025
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

The Panel received a briefing from Government Officers about the Draft Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- [\[P.40/2025\]](#) (the ‘Amendment Law’) on 13th June 2025, which seeks to amend both the Police Procedures and Criminal Evidence (Jersey) Law 2003 (the ‘PPCE Law’) and the Children (Jersey) Law 2002 (the ‘Children’s Law’).

The Panel was advised that the purpose of the proposed Amendment Law was to update the legal framework which would provide a further option for “suitable accommodation” for children or young people who are charged with an offence but denied bail prior to an appearance in Court. Where children are remanded in custody the current options available are; secure accommodation at Greenfields or, if that is unavailable or unsuitable, detention at the Police station.

The Panel was assured that, in Jersey, bail is the presumed choice where a child or young person was charged with an offence, however, it was explained that there may be certain circumstances where this was not suitable, for example, in an instance where a serious crime has been committed or if circumstances are such that it would not be safe for the child or young person to go home.

In the United Kingdom, children who are put on remand, can be placed in local authority accommodation, such as a non-secure children’s home or foster care. For an equivalent provision to be made in Jersey, a change to the PPCE Law is required for this option to be available and, as a result, there are also amendments required to the Children’s Law.

The Panel asked what the “suitable accommodation” would be in practical terms and was advised that it would likely be a children’s home or foster care. The Panel asked some questions around the practicalities of this approach but was advised that it would be for the Minister for Children and Families and Children’s Services to address the practical implications of the Amendment Law. It was explained to the Panel that this legislation was vital to remove the legislative blocker in place for children to stay in non-secure accommodation before appearing in Court.

The Amendment Law will only change the place of detention, and it was confirmed that no changes will be made to the custody time limits which apply to a child or young person who is remanded in custody before the first appearance in Court.

It was confirmed to the Panel that the Amendment Law would be applicable to children and young people from the age of 10 years old, up to 17 years old. The definitions of “child” and “young person” will remain the same (where, for the purposes of youth justice “child” is a person who has attained the age of 10 years and has not attained the age of 15 years and “young person” means a person who has attained the age of 15 years and has not attained the age of 18 years).

The Panel was advised that a small proportion of children and young people would be impacted by the change set out in the Amendment Law. However, the Panel agrees that by improving the legislative framework and options available to the Centenier, it will provide an additional option that will assist in the avoidance of depriving children or young people of their liberty, which would occur if they were detained in secure accommodation or a police cell. As set out in the Child Rights Impact Assessment accompanying report, the Panel notes that Amendment Law will strengthen Jersey’s

legislative compliance with the United Nations Convention for the Rights of the Child, particularly Article 37.

The Panel asked how Centeniers would be informed and trained about the changes made by the Amendment Law, if it was adopted. Officers advised that the Chefs de Police had been consulted on the draft Amendment Law and would be informed when any change took place. It was confirmed that it would be the responsibility of the Attorney General to provide suitable guidance for Centeniers.

The Panel asked about the timeframe for the commencement of the Amendment Law and was advised that, from a legal perspective, it would come into force, 7 days after it was registered in the Royal Court (subject to approval by the States Assembly and Privy Council), however, it was highlighted that the practical operation might not be ready to coincide with that date.

The Panel is supportive of the proposition to update legislation, however, highlights that for the Amendment Law to be operational and used in practice, there will need to be updated guidance published by the Attorney General and, also, Children's Services will need to take action to ensure that there is both suitable procedures in place and capacity in the system.

Whilst the Minister for Justice and Home Affairs has lodged this proposition and will present to the Assembly, the Panel asks that the Minister for Children and Families speaks to the Assembly about the proposition to provide Members with relevant information about the timeline for its implementation in practice.