

STATES OF JERSEY



Jersey

CRIMINAL PROCEDURE (JURIES – TIRAGE) (JERSEY) REGULATIONS 202-

Lodged au Greffe on 8th June 2021
by the Minister for Home Affairs
Earliest date for debate: 20th July 2021

STATES GREFFE

REPORT

In March 2018, the Assembly approved the [Criminal Procedure \(Jersey\) Law 2018 \(P.118/2017\)](#). This law was intended to ensure that all those involved in the Criminal Justice System can participate effectively in criminal proceedings, and that proceedings are conducted in an efficient and effective way.

At the heart of the 2018 Law was an overriding objective that the conduct of criminal proceedings was ultimately to ensure that cases are dealt with justly. This means that Jersey's criminal procedures should continue to uphold and respect the rights of defendants, but also safeguard the wellbeing of victims and witnesses.

The 2018 Law has been brought partly into force, and a fourth Appointed Day Act will be lodged alongside these Regulations to bring the remainder of the Law into force.

The Law has been brought into force in stages, partly to accommodate necessary changes to the administrative arrangements for Courts but primarily because the Law is underpinned by 'Rules of Court', which are rules made by the courts themselves to govern their own procedure. The Law also created a new body for the development of these rules, Criminal Procedure Rules Committee (CPRC) which is more representative of the courts' stakeholders than the previous arrangements.

The 2018 Law also changes to the technical operation of juries, with provisions made for reserve jurors, procedures for juries which lose some members, an offence of jury members contravening communications rules, and an expansion in the permitted age of jurors. Article 64 of the 2018 Law requires that Regulations are made to provide for the way lists of eligible jurors are drawn up (the Tirage system). This replaces the old method under which these rules of procedure were made by the Superior Number.

This means that Regulations must be made for that purpose, and thus these Regulations are primarily a restatement of current arrangements.

Financial and Manpower implications

There would be no financial and manpower implications arising from the adoption of these Regulations.

EXPLANATORY NOTE

The Criminal Procedure (Juries – Tirage) (Jersey) Regulations 202-, if passed, will replace the Criminal Procedure (Tirage) Rules 2002 (which are to be repealed by the Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 202-). In particular –

Regulation 1 is an interpretation provision.

Regulation 2 sets out the information that must be given to the Viscount by each electoral administrator, and how that information must be provided to the Viscount.

Regulation 3 provides that the Viscount is to compile the information provided under *Regulation 2* and use it to generate a panel list (and, if they think it expedient, a supplementary panel list), and from those lists is to compile a primary and secondary list of persons who may be summoned for jury service.

Regulation 4 provides that the Viscount is a public authority under the Register of Names and Addresses (Jersey) Law 2012, and that the Viscount and the electoral administrators may use registrable facts under that Law in order to carry out their functions under *Regulations 2 and 3*.

Regulation 5 gives the citation and provides that the Regulations come into force on the same day as Article 64 of the Criminal Procedure (Jersey) Law 2018.



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Contents

Regulation

1	Interpretation.....	9
2	Information to be provided to the Viscount	9
3	Jury list.....	10
4	Use of registrable facts.....	10
5	Citation and commencement.....	10

ENDNOTES 11

Table of Endnote References.....	11
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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 64 of the Criminal Procedure (Jersey) Law 2018¹ and Articles 1(2) and 5(2) of the Register of Names and Addresses (Jersey) Law 2012² –

1 Interpretation

In these Regulations –

“electoral administrator” has the meaning given to it by Article 17A of the Public Elections (Jersey) Law 2002³;

“Law” means the Criminal Procedure (Jersey) Law 2018⁴;

“panel list” means the list generated under Regulation 3(2)(a);

“supplementary panel list” means the list generated under Regulation 3(2)(b).

2 Information to be provided to the Viscount

- (1) Each electoral administrator must give to the Viscount the information set out in paragraph (2) –
 - (a) in an electronic form approved by the Viscount;
 - (b) in respect of every person who –
 - (i) lives in the relevant Parish, and
 - (ii) is eligible for jury service under Article 63(1) of the Law; and
 - (c) within 14 days of the Viscount’s requesting the information.
- (2) The information is –
 - (a) the surname;
 - (b) the first name or names;
 - (c) any other name the person has been known by;
 - (d) the date of birth;
 - (e) the address, including the Parish and postcode.

3 Jury list

- (1) The Viscount is to compile the information provided under Regulation 2 to form a complete jury list and hold that jury list on a computer system.
- (2) Upon notification by the Judicial Greffier, the Viscount is to use the computer system to generate at random –
 - (a) a panel list; and
 - (b) if the Viscount considers it expedient, a supplementary panel list.
- (3) From the panel list, the Viscount is to constitute a primary list of the names of the persons able to be summoned for jury service.
- (4) From the supplementary panel list, if any, the Viscount is to constitute a secondary list of the names of persons who may be summoned for jury service if the primary list of persons able to be summoned is insufficient to form a full panel of eligible jurors.

4 Use of registrable facts

- (1) For the purposes of these Regulations, the Viscount is a public authority under Article 1(2) of the 2012 Law.
- (2) For the purposes of Article 5(2) of the 2012 Law –
 - (a) an electoral administrator may use the registrable facts relating to an individual described in Regulation 2(1)(b) in order to carry out the electoral administrator’s duties under Regulation 2; and
 - (b) the Viscount may use those registrable facts in order to carry out the Viscount’s functions under Regulation 3.
- (3) In this Article –

“2012 Law” means the Register of Names and Addresses (Jersey) Law 2012⁵;

“registrable facts” has the meaning given to it by Article 2(8) of the 2012 Law, but does not include –

 - (a) the individual’s gender; or
 - (b) the individual’s social security number.

5 Citation and commencement

These Regulations may be cited as the Criminal Procedure (Juries – Tirage) (Jersey) Regulations 202- and come into force at the same time as Article 64 of the Criminal Procedure (Jersey) Law 2018.

ENDNOTES

Table of Endnote References

1	<i>chapter 08.540</i>
2	<i>chapter 15.660</i>
3	<i>chapter 16.660</i>
4	<i>chapter 08.540</i>
5	<i>chapter 15.660</i>