

STATES OF JERSEY

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DRAFT CRIMINAL LAW (CHILD ABDUCTION) (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

**Presented to the States on 1st November 2005
by the Legislation Committee**

STATES GREFFE



Jersey

DRAFT CRIMINAL LAW (CHILD ABDUCTION) (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

REPORT

The purpose of this Law is to create two offences: abduction of a child under 16 by a parent, guardian or person having custodial rights; and abduction of such a child by a stranger. The Law is part of the apparatus intended to combat cross boundary abduction of children consisting in part of the Child Abduction and Custody (Jersey) Law 2005 which enables the Island to sign up to the Hague Convention of 1980 on the Civil Aspects of International Child Abduction, and the European Convention, also of 1980, on the Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children. That Law is proposed to come into force on 1st January, 2006 (once the Rules of Court, which are currently out for consultation, have been made).

The offences created by this draft Law will bring into play the ordinary powers of arrest of police officers when they have reasonable cause to suspect the commission or pending commission of an offence. The power of arrest will not be dependant upon a court having granted an injunction.

The creation of a statutory offence of abduction of children is a key reform in an important area of law. Once a child is taken out of the jurisdiction, it is much harder both to find and recover the child. Thus, it is vital to prevent removal in the first place. The absence of a clearly defined statutory offence of abduction of young children amounts to a serious deficiency in the weaponry of any modern jurisdiction with which to combat cross-border child abduction. This Law remedies that deficiency.

There are no additional financial or manpower implications for the States arising from this draft Act.

Explanatory Note

This Act brings the Criminal Law (Child Abduction) (Jersey) Law 2005 into force into force 7 days from when the Act is agreed by the States. The Law was passed by the States on 5th July 2005 (P.106/2005) and received Royal Assent on 12th October 2005.



Jersey

DRAFT CRIMINAL LAW (CHILD ABDUCTION) (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 6(2) of the Criminal Law (Child Abduction) (Jersey) Law 2005,
^[1] have made the following Act –

1 Commencement of Criminal Law (Child Abduction) (Jersey) Law 2005

The Criminal Law (Child Abduction) (Jersey) Law 2005 shall come into force 7 days after this Act is made.

2 Citation

This Act may be cited as the Criminal Law (Child Abduction) (Jersey) Law 2005 (Appointed Day) Act 200-.

^[1]L.27/2005.