

STATES OF JERSEY

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DRAFT POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200-

**Lodged au Greffe on 11th February 2003
by the Home Affairs Committee**

STATES GREFFE



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DRAFT POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200-

Report

The purpose of this Act is to bring into force, on 18th March 2003, Parts 8 and 9 of the Police Procedures and Criminal Evidence (Jersey) Law 2003 and various other provisions of the Law which are relevant, or apply, to those Parts. Part 8 (Articles 64 to 70) with Schedule 4, deals mostly with documentary evidence in criminal proceedings. This includes (Article 64) statements made to the police by witnesses who have since died or are untraceable or who are kept out the way, and the admission of statements made in business records (Article 65). The Courts are given a general power (in Article 66) to exclude such statements if it is in the interests of justice to do so.

Part 9 (Articles 74 to 82) deals with a range of other matters concerning evidence in criminal proceedings, notably the admissibility of confession evidence (Article 74), which replaces the Judges Rules as to admissibility of confessions, and (Article 76) the exclusion of prosecution evidence which the Court thinks would so affect the fairness of the trial that it ought not to allow it to be admitted.

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

Explanatory Note

The principal purpose of this Act is to bring into force Parts 8 and 9 of and Schedule 4 to the Police Procedures and Criminal Evidence (Jersey) Law 2003 (the “principal Law”) which was adopted by the States on 5th November 2002 (P.89/2002). Supporting and ancillary provisions for interpretation, citation and commencement and a consequential repeal are also brought into force.

Part 8 of the principal Law enables a statement in a document to be admissible in evidence in criminal proceedings in specified circumstances. A court has an overriding power to refuse to admit evidence in such a form where the court is of the opinion that, in the interests of justice, the evidence should not be admitted. Schedule 4 to the principal Law contains further procedural provisions which apply where a statement in a document is admitted in evidence.

Part 9 of the principal Law contains provisions of general application to evidence in criminal proceedings. The provisions relate to how a conviction or acquittal may be proved in evidence, the effect of evidence of conviction for an offence, confessions, the exclusion of unfair evidence, the time when the accused’s evidence is taken and the evidence of witnesses.

The provisions would come into force on 18th March 2003.



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 114(2) of the Police Procedures and Criminal Evidence (Jersey) Law 2003,^[1] have made the following Act –

1 Commencement of Parts 1, 8 and 9 and ancillary provisions

The following provisions of the Police Procedures and Criminal Evidence (Jersey) Law 2003^[2] shall come into force on 18th March 2003 –

- (a) Part 1;
- (b) Part 8;
- (c) Part 9;
- (d) Article 112(1), to the extent that it relates to paragraph 1 of Schedule 5;
- (e) Article 114;
- (f) Schedule 4; and
- (g) paragraph 1 of Schedule 5.

2 Citation

This Act may be cited as the Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) Act 200-.

[1] *Recueil des Lois, Volume 2003, page 105.*

[2] *Recueil des Lois, Volume 2003, page 13.*