

STATES OF JERSEY



Jersey

DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT LAW 202-

**Lodged au Greffe on 27th May 2025
by the Minister for Justice and Home Affairs
Earliest date for debate: 8th July 2025**

STATES GREFFE



DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Justice and Home Affairs has made the following statement –

In the view of the Minister for Justice and Home Affairs, the provisions of the Draft Criminal Justice (Young Offenders) (Jersey) Amendment Law 202- are compatible with the Convention Rights.

Signed: **Deputy M.R. Le Hegarat of St. Helier North**
Minister for Justice and Home Affairs

Dated: 23rd May 2025

REPORT

Background

The Minister for Justice and Home Affairs brings these amendments to address an identified issue for the Youth Court.

The Youth Court has the primary function to hear charges against children and young people up to the age of 18 years. When it sits, the Youth Court is ordinarily constituted by 3 members. The Magistrate and two Panel members, one of which must be a woman. Panel members are appointed by the Superior Number of the Royal Court. They are members of the community and unpaid.

Members of the judiciary have informed the Minister there is a material risk of the court not being able to deal with its statutory duty due to having an insufficient pool of individuals to populate the Youth Court Panel and form a Youth Court.

The Youth Court has previously had to cancel youth courts due to a lack of panel members. Whilst efforts have been made to recruit new panel members, there is an issue as panel members must retire at the age of 60. This serves to prohibit some members of the community applying to be members and for existing members with some years of experience, forced to retire.

When comparing this age to other court members; the retirement age for Jurats is 72, and for the chair of the Youth Court (Magistrate) it is 70.

To remedy this position, the amendments seek to change the retirement age from 60 years old to 70 years old.

In addition, the amendments include the gender neutralising of the term “chairman” and substituting it with the term “chair”.

The Laws to be amended

If passed, this Law will amend the Schedule contained within the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#). That Schedule contains the provisions concerning the constitution and procedures of the Youth Court.

The effect of the amendments is to increase the age of retirement of members of the Youth Court Panel from 60 to 70 years and to gender neutralise the term “chairman”.

Operational impact of these amendments

These amendments intend to improve the pool of Youth Court panel members and reduce any risk of the court not sitting.

Consultation

The draft Law has been developed by officers in consultation with the Legislative Drafting Office, Law Officers’ Department, and the Judiciary.

The Office for the Children’s Commissioner has been informed of this Law. Children have not been directly consulted as the process of Youth Court is not being amended.

Financial and staffing implications

There are no financial or staffing implications to these amendments as the Panel members are unpaid and the system of Panel members already exists.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Data protection implications

An initial Data Protection Impact Assessment (DPIA) was undertaken. As the Law is not amending the processing of data, the amendments are considered not to have a high impact on the rights and freedoms of the individuals affected and a full DPIA not required.

Timescale

If adopted, the Criminal Justice (Young Offenders) (Jersey) Amendment Law 202- will come into force 7 days after it is registered.

Human Rights Notes

No human rights notes are annexed to these amendments because the Law Officers' Department have indicated that the draft Law does not give rise to any human rights issues.

EXPLANATORY NOTE

This Law, if passed, will amend the Schedule to the Criminal Justice (Young Offenders) (Jersey) Law 2014. That Schedule contains provisions concerning the constitution and procedures of the Youth Court. The effect of the amendments is to increase the age of retirement of members of the Youth Court Panel from 60 to 70 years and to make the provisions of that Schedule gender neutral.

This Law comes into force 7 days after it is registered by the Royal Court.



Jersey

DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT LAW 202-

A **LAW** to amend the Schedule to the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

1 [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#) amended

This Law amends the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).

2 Schedule (constitution and procedures of Youth Court) amended

In the Schedule –

- (a) in paragraph 1 (appointment of members of Youth Court) –
 - (i) in sub-paragraph (1), for “chairman” there is substituted “chair”;
 - (ii) in sub-paragraph (4), for “shall retire on the member’s 60th birthday” there is substituted “must retire on or before their 70th birthday”;
- (b) in paragraph 2 (proceedings) –
 - (i) in sub-paragraph (1), in both places it occurs, for “chairman” there is substituted “chair”;
 - (ii) in sub-paragraph (4), for “chairman” there is substituted “chair”;
- (c) in paragraph 3 (decisions of Youth Court) –
 - (i) in sub-paragraph (1), in both places it occurs, for “chairman” there is substituted “chair”;
 - (ii) in sub-paragraphs (2) and (3), in each place it occurs, for “chairman” there is substituted “chair”.

3 Citation and commencement

This Law may be cited as the Criminal Justice (Young Offenders) (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.