

Education and Home Affairs Scrutiny Panel

Draft Criminal Procedure Law Sub-Panel

Record of Meeting

Date: 21st December 2017

Present	Deputy S. Y. Mézec, Chairman Deputy T. A. Vallois, Vice-Chairman Deputy R.J. Renouf
Apologies	
Absent	
In attendance	Mr R.J. MacRae QC, HM Attorney General Mr M. Berry, Law Officer Dr H. Miles, Director Criminal Justice, Community and Constitutional Affairs Mr N. Fox, Assistant Director, Criminal Justice, Community and Constitutional Affairs Mr A. Harris, Scrutiny Officer

Ref Back	Agenda matter	Action
516/51	<p>1. Briefing on Draft Criminal Procedure (Jersey) Law 201-</p> <p>The Sub-Panel received Mr R.J. MacRae QC, HM Attorney General, Mr M. Berry, Law Officer, Dr H. Miles, Director Criminal Justice, Community and Constitutional Affairs and Mr N. Fox, Assistant Director, Criminal Justice, Community and Constitutional Affairs for a briefing on the Draft Criminal Procedure (Jersey) Law, that was due to be debated in the States Assembly on 16th January 2018.</p> <p>HM Attorney General presented the draft law and explained the main changes that would come into force should the draft law be adopted by the States Assembly. The following main changes were presented to the Sub-Panel:</p> <ul style="list-style-type: none"> • Provision for the prosecution to seek a retrial where a defendant had been acquitted • Imposing a duty on the defence to disclose its case prior to trial (which some consultees considered a breach of the right to silence) • Abolishing committal proceedings in the Magistrate's Court (which the Law Society had described as a "fundamental right") • Changes to jury selection and management including allowing lawyers and police officers to serve on juries 	

	<ul style="list-style-type: none"> • Provisions to compel spouses and civil partners to give evidence in certain trials • Provision for the prosecution to introduce evidence of a defendant's previous criminal record to show a propensity to commit similar offences to the one charged • Provisions preventing an unrepresented defendant from cross examining complainants and vulnerable witnesses in certain cases • Provisions introducing special measures for the protection of vulnerable witnesses 	
516/51	<p>2. The Review</p> <p>The Sub-Panel noted that letters had been sent to a range of stakeholders requesting their views on the draft law. The Sub-Panel requested that the same letter also be sent to the Magistrate, the Battonier and the Viscount to gather their views.</p> <p>The Sub-Panel agreed that it would call the draft law in for further scrutiny under standing order 72, if the principles were adopted by the States Assembly. The Sub-Panel noted that it would then have to report back to the Assembly within four sittings. This was noted to be Tuesday 20th March 2018. The Sub-Panel agreed that it would send an email to all States Members informing them of this course of action and highlighting the main changes that would happen as a result of the draft law. It was also agreed that the Sub-Panel would issue a comments paper prior to the debate on the 16th January, elaborating on the points raised in the email.</p>	<p>AH</p> <p>AH</p>
516/51	<p>3. Vice-Chairmanship</p> <p>The Sub-Panel, noting that Deputy S.Y. Mézec had been appointed as Chairman of the Sub-Panel, agreed that Deputy T.A. Vallois would be appointed as Vice-Chairman of the Sub-Panel.</p>	
516/51	<p>4. Future Meetings</p> <p>The Sub-Panel agreed to meet on Friday 5th January 2018 in at 2:00pm in order to discuss further actions for its review. A meeting request would be sent out shortly to confirm.</p>	AH