

STATES OF JERSEY



Jersey

DRAFT CRIMINAL PROCEDURE (FORM OF JURORS' OATH) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 10th September 2019
by the Minister for Home Affairs**

STATES GREFFE

REPORT

The Criminal Procedure (Jersey) Law 2018 (“the Law”, see [L.25/2018](#)) was approved by the States Assembly on 20th March 2018.

In jurisdictions which practice jury trials, jurors must take an oath or otherwise affirm that they will carry out their civic duty to consider the case fairly. Article 70 of the Law provides for the Assembly to specify the wording of the oath to be taken by jurors in Jersey.

The current form of oath is contained in the French language [Loi \(1864\) réglant la Procédure Criminelle](#), which will be repealed by the Law, and roughly translates as –

“You swear and promise before God that you will well and faithfully report to the Court what you conscientiously believe concerning the crime whereof is accused, namely whether he/she is guilty or innocent, whether he/she should be convicted or discharged, which you will do without favour, hatred or partiality, as you will answer to God at your peril.”

If the Draft Criminal Procedure (Form of Oath) (Jersey) Regulations 201- are adopted by the States, the oath will be replaced by –

“I swear by almighty God that I will faithfully try the defendant and give a true verdict according to the evidence.”

This new wording is shorter, simpler, and more succinctly describes the duty of each juror.

As now, a juror may elect to affirm rather than swear. This is provided for in the [Solemn Affirmations \(Jersey\) Law 1963](#), and simply substitutes ‘solemnly, sincerely and truly declare and affirm’ for ‘swear by almighty God’.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

EXPLANATORY NOTE

The Draft Criminal Procedure (Form of Jurors' Oath) (Jersey) Regulations 201- if passed will make provision for the new form of oath to be taken by jurors in criminal trials (*Regulation 1*).

Regulation 2 provides for the title of the Regulations and for them to come into force on 31st October 2019.



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DRAFT CRIMINAL PROCEDURE (FORM OF JURORS' OATH) (JERSEY) REGULATIONS 201-

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make these Regulations under Article 70(2) of the Criminal Procedure (Jersey) Law 2018¹ –

1 Form of oath to be taken by juror

The form of oath prescribed for the purposes of Article 70 of the Criminal Procedure (Jersey) Law 2018² is –

“I swear by almighty God that I will faithfully try the defendant and give a true verdict according to the evidence.”

2 Citation and commencement

These Regulations may be cited as the Criminal Procedure (Form of Jurors' Oath) (Jersey) Regulations 201- and come into force on 31st October 2019.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>L.25/2018</i>
<i>2</i>	<i>L.25/2018</i>