

STATES OF JERSEY

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DRAFT CRIMINAL JUSTICE (MANDATORY MINIMUM PERIODS OF ACTUAL IMPRISONMENT) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 21st June 2005
by the Home Affairs Committee**

STATES GREFFE



Jersey

DRAFT CRIMINAL JUSTICE (MANDATORY MINIMUM PERIODS OF ACTUAL IMPRISONMENT) (JERSEY) REGULATIONS 200-

REPORT

The Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005 was registered by the Royal Court on 17th June 2005 and is to be brought into force by an Appointed Day Act lodged *au Greffe* on the same day as these draft Regulations. The Law provides a statutory framework within which the Royal Court is to fix a minimum period that a person sentenced to mandatory life imprisonment actually must serve in prison before he or she can ever be released. Currently, the only offence in Jersey law that carries a mandatory life sentence is murder.

At the moment a person who is sentenced in Jersey to imprisonment for life generally serves the sentence in a prison in the United Kingdom. In that country, “early release provisions” may apply to such a person, enabling him or her to be released from prison before his or her death. Jersey may also at some time in the future legislate for such provisions for prisoners who remain in Jersey.

What the Law has done is to provide the framework for the Royal Court to set a period during which any such “early release provisions” (of Jersey or of the United Kingdom) will not apply in relation to a person who has been convicted of an offence punishable by life imprisonment. If the Court sets such a period that is for less than the entire life of the person convicted, it must also order that early release provisions shall apply to the person for the period after the end of the mandatory period of imprisonment.

Under Article 1(3) of the Law, “early release provisions” are those provisions of any enactment of Jersey, or of any of the other British Islands, that are prescribed by Regulations made by the States. The only provisions that come into play at the moment for this purpose are those contained in Chapter II of Part II of the Crim (Sentences) Act 1997 of the United Kingdom. Accordingly, these Regulations prescribe those provisions as the “early release provisions” for the purposes of the Law.

There are no financial or manpower implications arising from the commencement of the Regulations.

Explanatory Note

The Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005 sets out a process determining an offender's right to access "early release provisions" in Jersey or British Islands law. In order for the Law to take effect, it is necessary to prescribe which provisions of Jersey or British Islands law shall constitute "early release provisions". These Regulations prescribe such provisions.



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Articles 1(3) and 19 of the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005,^[1] have made the following Regulations –

1 Prescribed early release provisions

- (1) For the purposes of Article 1(3) of the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005 the following are prescribed as “early release provisions” –
 - (a) the provisions of Chapter II of Part II of the Crime (Sentences) Act 1997 of the United Kingdom or such provisions as from time to time replace them;
 - (b) Articles 6 to 9 of the Life Sentences (Northern Ireland) Order 2001 (SI 2001 No. 2564 (N.I.2)) or such provisions as from time to time replace them.
- (2) A reference in paragraph (1) to any provision is a reference to that provision as amended from time to time.

2 Citation and commencement

These Regulations may be cited as the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Regulations 200- and shall come into force on the same day as the Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment) (Jersey) Law 2005.

^[1] *Recueil des Lois, Volume 2005, pages 422 and 428.*