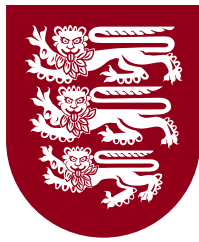


STATES OF JERSEY



Jersey

DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT LAW 202-

**Lodged au Greffe on 5th February 2025
by the Minister for Justice and Home Affairs
Earliest date for debate: 1st April 2025**

STATES GREFFE



Jersey

DRAFT CRIME (PUBLIC ORDER) (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 Crime (Public Order) (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: 4th February 2025

REPORT

Background

In January 2024, the Assembly approved the [Crime \(Public Order\) \(Jersey\) Law 2024](#) (the 2024 Law).

The objective of the Law is to bring all the ‘public order’ offences into one place. This includes rioting, making threats, disorderly conduct etc. It also includes the crime of ‘harassment’, as well as provision for making restraining orders. As all the components were now in a single place, the old [Crime \(Disorderly Conduct and Harassment\) \(Jersey\) Law 2008](#) (the 2008 Law), which had previously contained the provisions for restraining orders, was repealed.

Arising issue

In mid-January 2025, the Court raised an issue with the treatment of existing restraining orders. There were concerns that while the 2024 Law makes clear provision for enforcing restraining orders made under the 2024 Law, it is less clear how it should interact with orders made under the 2008 Law.

Response so far

After this issue was identified, it was agreed between the relevant Ministers and the Law Officers that this new legislation should be developed, and that a precautionary measure should be taken in order to avoid any confusion.

That was to write to every person with a restraining order imposed on them under the 2008 Law and clarify that regardless of any interplay between the 2008 and 2024 Laws, any breach of their restraining order would be brought before the court to be dealt with as a contempt of court. Courts have power to deal with contempt of court in a number of ways, including by a term of imprisonment where appropriate.

This was possible because whatever issues with statutory enforcement there may be, the court order remains in force and thus any breach of it, following due warning, would be capable of amounting to a contempt.

This new legislation

The amendment makes a very simple further provision in the 2024 Law, inserting a new Article 10A to allow any restraining orders made under the 2008 Law to be treated as having been made under the 2024 Law. That will resolve any confusion.

Timescale

The Law will come into force the day after it is registered.

Data protection implications

There are no known data implications.

Financial and staffing implications

There are no additional financial or staffing implications from this amendment.

Human Rights

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

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.

EXPLANATORY NOTE

This draft Law inserts a new provision into the Crime (Public Order) (Jersey) Law 2024 (the “2024 Law”) to make further provision in relation to restraining orders made under the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008. That Law was repealed by the 2024 Law, but the restraining orders made under it continue in force by virtue of Article 5 of the Legislation (Jersey) Law 2021. However, the 2024 Law did not provide for the offence of breaching an order or for orders to be amended or revoked. The new Article 10A, inserted into the 2024 Law, addresses this by providing that orders in force at the time the draft Law commences are treated as having been made under the 2024 Law.



Jersey

DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT LAW 202-

A **LAW** to amend the [Crime \(Public Order\) \(Jersey\) Law 2024](#) in connection with restraining orders made under previous legislation.

<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 Amendment of the [Crime \(Public Order\) \(Jersey\) Law 2024](#)

This Law amends the [Crime \(Public Order\) \(Jersey\) Law 2024](#).

2 Article 10A inserted

After Article 10 there is inserted –

10A Restraining orders under legislation repealed by this Law

- (1) This Article applies to restraining orders made under Article 5 of the [Crime \(Disorderly Conduct and Harassment\) \(Jersey\) Law 2008](#).
- (2) An order that is in force at the date that the Crime (Public Order) (Jersey) Amendment Law 202- comes into force is treated as if it were made under Article 8 of this Law.

3 Citation and commencement

This Law may be cited as the Crime (Public Order) (Jersey) Amendment Law 202- and comes into force the day after it is registered.