

3.15 The Deputy of St. Martin of the Chief Minister regarding Article 26(1) of the Court of Appeal (Jersey) Law 1961:

We are flying along, I thought I might be having to seek to lift Standing Orders. Would the Chief Minister confirm that Article 26(1) of the Court of Appeal (Jersey) Law 1961 is not in line with the equivalent United Kingdom law whereby since 1968 an appeal against a conviction must be allowed if the jury's verdict is in all the circumstances of the case considered unsafe or unsatisfactory and, if so, will he in the interests of human rights bring forward, for approval, an amendment?

Senator T.A. Le Sueur (The Chief Minister):

I am aware that the Jersey Court of Appeal Law is different to that of the U.K.'s equivalent law. I have not seen any case for suggesting that Jersey's law needs to be changed and I do not assume that the U.K. provision is any better than ours although that may be the case. I will be asking the Law Officers' Department to review this issue and offer advice in due course. However, given the current work programme of the Law Officers' Department I do not regard this as a high priority at this time. Once I have received the advice from the Law Officers' Department I will, of course, be happy to deal with more fully the question the Deputy has raised.

3.15.1 The Deputy of St. Martin:

The Chief Minister will recall that one of the reasons for delaying the implementation of the Jersey Human Rights Law for 6 years was to allow for an audit of all the laws which might not be human rights compliant, can the Chief Minister inform me whether in actual fact an audit on this particular law was carried out to ensure that it was human rights compliant when we agreed the Appointed Day Act in 2006?

Senator T.A. Le Sueur:

I cannot specifically confirm or deny whether this particular law was validated for human rights compliance. I have no reason to question that it is, but now that he has raised the point with me I will make that actual firm question to be asked, and clearly if it is not human rights compliant I will come back at an early stage.