

**PROJET DE LOI (200-) (AMENDEMENT No. 9) REGLANT LA
PROCEDURE CRIMINELLE**

**Logé au Greffe le 6 mars 2001
par le Député G.C.L. Baudains de St. Clément**



ETATS DE JERSEY

GREFFE DES ETATS

Report

The requirement that a juror be a British subject has existed since 1864, and possibly before that. My concern is that by removing those conditions, the States have effectively allowed anyone in the world, after a short term of residence, to sit as a juror. As a result, we may in future have people sitting on juries who are not familiar with our language or system of justice. My amendment, which would require jurors to be Commonwealth or Irish citizens, with a 5 year residential qualification in the British Isles, mirrors the situation that pertained in England until 1995 (when, in consequence of an amendment of electoral legislation, citizens of the European Union also became eligible to serve as jurors).

The recent amendments of the Law also disqualify a person from being a juror if they have been ordered to pay a fine exceeding level 2 on the standard scale. This provision could, in certain circumstances, be discriminatory, so my amendment seeks to remove it.

Our jurors are drawn from a list supplied by the Connétables. There are many professions that exclude a person from jury service and, as a result, the “pool” from which names can be drawn is not as large as some may suppose. My amendment to the 1912 Law (formerly Article 8 of the 1864 Law) seeks to expand the parameters beyond the present 25-65 age limits and thereby enlarge the number who can be called upon.

I see no reason to debar someone who is no longer a minor, and, with people nowadays living longer and being more active in their later years, there should be no reason why they should not be able to serve on a jury later on in life than previously.

Widening the age boundaries would enable those who are currently barred by virtue of their profession to be available. As people over 65 are mainly retired from full-time work, the disruption to their lives created by serving on a jury should be less than it would to someone in work.

In my view the draft Law has no financial or manpower implications for the States.

TRANSLATION

LAW (200-) (AMENDMENT No. 9) GOVERNING CRIMINAL PROCEDURE

A LAW to amend further both the Law (1864) governing criminal procedure and the Law (1912) on procedure before the Royal Court; sanctioned by Order of Her Most Excellent Majesty in Council of the

(Registered on the day of 200-)

STATES OF JERSEY

The day of 200-

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In Article 10 of the Law (1864) governing criminal procedure, as amended -

(a) before paragraph numbered 2 there shall be inserted the following paragraph -

“1. every person who -

(a) is not a Commonwealth citizen or a citizen of the Republic of Ireland; and

(b) has not been ordinarily resident in the Island or elsewhere in the British Islands for at least five years since attaining the age of thirteen;”;

(b) sub-paragraph (b) of paragraph numbered 5 shall be deleted.

ARTICLE 2

In Article 4 of the Law 1912 on procedure before the Royal Court, as amended, for the words “25 years” and “65 years” there shall be substituted the words “18 years” and “ 70 years” respectively.

ARTICLE 3

This Law may be cited as the Law (200-) (Amendment No. 9) governing criminal procedure and shall come into force on such day as the States may by Act appoint.

**LOI (200-) (AMENDEMENT No. 9) REGLANT LA
PROCEDURE CRIMINELLE**

LOI pour modifier en plus tant la Loi (1864) réglant la procédure criminelle que la Loi (1912) sur la procédure devant la Cour Royale, confirmée par Ordre de Sa Majesté en Conseil en date du

(Enregistré le jour de 200-)

AUX ETATS DE L'ILE DE JERSEY

L'An 200-, le jour de

LES ETATS, moyennant la sanction de Sa Très Excellente Majesté en Conseil, ont adopté la Loi suivante -

ARTICLE 1

Dans l'Article 10 de la Loi (1864) réglant la procédure criminelle, telle que ladite Loi a été modifiée^[1] -

(a) avant l'alinéa numéroté 2 sera inséré l'alinéa suivant -

“1. toute personne qui -

(a) n'est pas un citoyen du Commonwealth ou un citoyen de la République d'Irlande; et

(b) n'a pas eu sa résidence ordinaire soit dans l'Ile soit ailleurs dans les îles britanniques pendant tout au moins cinq années depuis avoir atteint l'âge de treize ans;”;

(b) sera supprimé le sous-alinéa (b) de l'alinéa numéroté 5.

ARTICLE 2

Dans l'Article 4 de la Loi (1912) sur la procédure devant la Cour Royale, telle que ladite Loi a été modifiée,^[2] aux mots “25 ans” et “65 ans” seront substitués les mots “18 ans” et “70 ans” respectivement.

ARTICLE 3

La présente Loi pourra être citée sous le titre de “Loi (200-) (Amendement No. 9) réglant la procédure criminelle” et entrera en vigueur le jour que les Etats par Acte détermineront.

^[1] Tomes I-III, page 285.

^[2] Tomes IV-VI, page 290.