

# STATES OF JERSEY



Jersey

## **DRAFT CRIMINAL PROCEDURE (JERSEY) LAW 2018 (APPOINTED DAY) (No. 3) ACT 202-**

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**Lodged au Greffe on 20th March 2020  
by the Minister for Home Affairs**

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**STATES GREFFE**



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## REPORT

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The States Assembly approved the [Criminal Procedure \(Jersey\) Law 2018](#) (the “Law”, see [P.118/2017](#)) on 20th March 2018. The Law was sanctioned by Order of Her Majesty in Council on 11th July 2018 and registered in the Royal Court on 20th July 2018.

The first [Appointed Day Act](#) (see [P.62/2019](#)) was made by the States Assembly on 17th July 2019; and the [second Appointed Day Act](#) (see [P.95/2019](#)) was made on 23rd October 2019, with the effect that a significant number of provisions of the Law are now in force. However, many are yet to be commenced.

Although it is intended to separately bring the remaining provisions of the Law into force this year, the purpose of this third Appointed Day Act is to bring into force, in the immediate short term, certain limited provisions which may assist in reducing the need for some individuals to be present at court hearings, in light of the Covid-19 pandemic.

The key provisions to be brought into force and their effects are –

### **Articles 19 to 22**

These replace and update existing provisions for the summons of a person who is to be charged with an offence and liable to arrest to appear before the Magistrate’s Court. Instead of being arrested, such a person could be summoned by the Attorney General or, with his approval, a prosecutor or Centenier (although arrest is still possible if necessary).

### **Article 23**

This Article sets out the procedure on the defendant’s first appearance before the Magistrate’s Court, and will allow the particulars of the offence with which the defendant is charged to be read out by either a Centenier, or with the Centenier’s agreement, a prosecutor.

### **Articles 100 to 102**

These Articles make provision for the courts to order ‘special measures’ to assist *eligible witnesses*, which term includes in particular certain categories of vulnerable witness, allowing them to give evidence by non-conventional means, including by video link. Provision is also made for the courts to order special measures to assist the defendant to understand and follow the case, and there is an expansion of the power to adjourn a court elsewhere to receive a witness’ evidence. This will help to ensure that the courts can effectively meet guidance on social distancing.

**Article 118** is commenced to the extent that it repeals existing legislation being replaced by the above provisions of the Law, to ensure that the changes being made work properly within the framework of existing legislation.

### **Financial and manpower implications**

There are no financial or manpower implications arising from the adoption of this draft Appointed Day Act.



## EXPLANATORY NOTE

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The Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 3) Act 202-, if passed, would bring the following provisions of the Criminal Procedure (Jersey) Law 2018 into force on 25th March 2020 –

- (a) Article 17 and Articles 19 to 23 (summons and first appearance);
- (b) Articles 100 to 102 (special measures);
- (c) Article 118 (enactments repealed) to the extent only that:
  - Article 14 of the Loi (1864) réglant la Procédure Criminelle (listed in Schedule 5 at paragraph (4)) is repealed; and
  - Article 7 (power to hear witnesses elsewhere than in court) and Part 3 (institution of proceedings, etc.) of the Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949 (listed in Schedule 5 at paragraph (6)) are repealed.





Jersey

## **DRAFT CRIMINAL PROCEDURE (JERSEY) LAW 2018 (APPOINTED DAY) (No. 3) ACT 202-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES** make this Act under Article 119 of the Criminal Procedure (Jersey) Law 2018<sup>1</sup> –

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### **1 Commencement of certain provisions of the Criminal Procedure (Jersey) Law 2018**

The following provisions of the Criminal Procedure (Jersey) Law 2018<sup>2</sup> come into force on 25th March 2020 –

- (a) Article 17 and Articles 19 to 23 (summons and first appearance);
- (b) Articles 100 to 102 (special measures);
- (c) Article 118 (enactments repealed) to the extent only that –
  - (i) Article 14 of the Loi (1864) réglant la Procédure Criminelle<sup>3</sup> (listed in Schedule 5 at paragraph (4)) is repealed; and
  - (ii) Article 7 (power to hear witnesses elsewhere than in court) and Part 3 (institution of proceedings, etc.) of the Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949<sup>4</sup> (listed in Schedule 5 at paragraph (6)) are repealed.

### **2 Citation**

This Act may be cited as the Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 3) Act 202-.

**ENDNOTES**

**Table of Endnote References**

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<i>1</i>	<i>L.25/2018</i>
<i>2</i>	<i>L.25/2018</i>
<i>3</i>	<i>chapter 08.740</i>
<i>4</i>	<i>chapter 07.595</i>