

# STATES OF JERSEY



## **DRAFT CRIMINAL PROCEDURE (JERSEY) LAW 2018 (APPOINTED DAY) (No. 3) ACT 202- (P.24/2020): COMMENTS**

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**Presented to the States on 23rd March 2020  
by the Education and Home Affairs Scrutiny Panel**

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**STATES GREFFE**

## COMMENTS

1. [P.24/2020](#) – Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day) (No. 3) Act 202- (hereafter “P.24/2020”) has been lodged by the Minister for Home Affairs in light of the ongoing Covid-19 pandemic. The purpose of P.24/2020 is to give effect to aspects of the [Criminal Procedure \(Jersey\) Law 2018](#) which have yet to be introduced within the previous two Appointed Day Acts adopted by the Assembly on 17th July 2019 and 23rd October 2019 respectively.
2. As outlined in the report accompanying P.24/2020, the purpose of the proposition is threefold, with the overriding principle seeking to minimise contact where appropriate within parts of the criminal justice system in light of pressures posed by the current pandemic. The main changes are –
  - Articles 19–22 – This change updates the procedures for bringing a criminal before the Magistrate’s Court, to allow the Attorney General to issue a summons, rather than requiring the offender to be arrested and brought before the court. This in turn reduces the reliance on human contact when carrying out the procedure.
  - Article 23 – this allows changes to the procedure where a defendant is appearing in the Magistrate’s Court for the first time. Whereas a defendant would usually be required to attend, this would allow the particulars of the offence to be read out by a Centenier or, with the Centenier’s agreement, a prosecutor. Again, the purpose is to reduce the reliance on human contact during the current pandemic.
  - Articles 100–102 – these changes would allow the use of special measures when giving evidence. This could allow witnesses to give evidence by video-link if required, again removing the reliance on human contact.
3. The Panel has reviewed the proposed changes, albeit briefly given the current circumstances, and understands the rationale for their introduction at this stage. It is also worth noting that they have been previously agreed by the States Assembly and would be brought forward in due course in any event. The changes have, in this instance, been necessarily brought forward expeditiously. The Panel supports the changes and in the context of the current pandemic would recommend that Members support the proposition.