



Youth Court of Jersey

Practice Direction - MC 24/01 – Youth Court Practice Direction

This Practice Directions is issued by the Magistrate under Article 113 Criminal Procedure (Jersey) Law 2018 [“the Law”] and shall come into force on 1 August 2024.

It is to be read together with the Law, Criminal Justice (Young Offenders) (Jersey) Law 2014 [‘the 2014 Law’] and any relevant Practice Directions issued by the Magistrate.

The overriding objective of the Law is to ensure that cases in criminal proceedings are dealt with justly. Dealing with cases justly includes acquitting the innocent and convicting the guilty, recognising the rights of the defendant, particularly the right to a fair trial, and dealing with cases efficiently and expeditiously.

It is the duty of all participants in criminal proceedings to prepare and conduct cases in accordance with the overriding objective and to comply with the relevant procedures. The Law, the Rules and this Practice Direction are the relevant procedures in the Youth Court.

Application of this Practice Direction

This Practice Direction applies to all children and young people appearing in the Youth Court whether as defendants or as witnesses.

Interpretation

In this Practice Direction the terms ‘child’ and ‘young person’ are defined in accordance with the 2014 Law.

- A ‘**child**’ is a person accused of or convicted of an offence, who has reached the age of 10 years, but who has not yet reached the age of 15 years.
- A ‘**young person**’ is a person accused of or convicted of an offence, who has reached the age of 15 years, but who has not yet reached the aged of 18 years.
- ‘**Parent**’ means the responsible adult who accompanies the child or young person to Court, whether that is the natural parent, step-parent, corporate parent or an adult who is known to and trusted by the child or young person.
- ‘**Court**’ means the Youth Court.

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1. Court Hearings

- 1.1 In all court hearings a child or young person should feel safe and should be supported by at least one person who is their parent, guardian or other trusted adult.
- 1.2 Every child or young person should know what their hearing is about.

2. Rights of Children and Young People

- 2.1 All advocates appearing in the Youth Court must be familiar with the United Nations Convention on the Rights of the Child [‘the Convention’] which applies to all those who are under 18 years of age.

3. Speaking and Understanding

- 3.1 All advocates appearing in the Youth Court must be familiar with the Advocates Gateway (www.theadvocatesgateway.org) and the advice it contains. In particular, advocates will adopt the style of speaking and questioning advised both for children and young people in general and for those with specific needs.
- 3.2 Every adult present in the Youth Court must, wherever possible, use language which the child or young person is likely to understand. Where this is not possible, the person speaking must summarise what has been said in everyday language.
- 3.3 Everyone in the Youth Court will use the child or young person’s preferred name, not their family name.
- 3.4 The advocate representing the child or young person will explain the purpose of the hearing to them in everyday language before the hearing begins.
- 3.5 The Youth Court will regularly check the understanding of the child or young person and their parent(s).
- 3.6 Every child or young person appearing before the Youth Court, and their parents, may speak directly to the Court, should they wish to do so, at a time which the Court permits.

4. What to Wear

- 4.1 Every person who comes to the Youth Court should be dressed decently, tidily and cleanly. As a guide, children and young people who are at school might wear their school uniform or similar.

5. Where to Sit

- 5.1 Every child or young person should sit next to their parent(s), and, if possible, in front of their advocate. A court official will show everyone where to sit.
- 5.2 No child or young person should be placed in the dock unless it is necessary for security, or other practical considerations.

6. People in Court

- 6.1 Article 27 (2) of the 2014 Law limits those who may be present in the Youth Court to:
- a) members and officers of the Court;
 - b) parties to the case, their advocates and other persons directly concerned in the case (including the child or young person's parent(s) or supporter or social worker);
 - c) representatives of the accredited media; and
 - d) any other persons specifically authorised by the Court to be present.
- 6.2 Where any person under category d) wishes to be present, they must make an application to the Court either in writing to the Magistrate's Court Greffier (MCG@courts.je) in advance of the hearing, or verbally to the court official (Usher) on the day of the hearing. The Court must be informed of the name of the person, their connection to the case and why they wish to be present.

7. Lawyers

- 7.1 Every child or young person appearing in the Youth Court is entitled to free legal representation under the Legal Aid scheme.
- 7.2 The Centenier who charges or summonses the child or young person to court must ensure that the child or young person, and their parents are aware of the scheme and should encourage them to make an application. The Centenier should not suggest that the child or young person may rely upon the Duty Advocate.
- 7.3 The application for Legal Aid may be made either by the child or young person themselves, or by the parent.

8. Interpreters

- 8.1 Where the child, young person or parent appears to need an interpreter, the Centenier who charges or summonses the child or young person must inform the Magistrate's Court Greffe (MCG@courts.je) in writing of the need for an interpreter (and in which language) at the earliest opportunity.

9. The Court's Decisions

- 9.1 All decisions the Court makes will be explained to the child or young person in everyday language which they are likely to understand.

10. Custody

- 10.1 No child or young person should be sent to any form of custody except as a last resort and because there is no other appropriate way of dealing with them. Holding a child or young person in custody before they are found guilty or plead guilty should be avoided where possible.

11 Sentencing (what happens at the end)

- 11.1 Unless the Court considers a Pre-sentence report to be unnecessary, a background report will be prepared by the Probation Service in every case before the child or young person is sentenced. This report should contain a full assessment of the risk of reoffending and the risk of harm that the child or young person presents to any person, group of people or to the public. Alternatives to sending a child or young person to any form of custody will be considered. This approach is consistent with Article 37(b) of the Convention and Article 4 of 2014 Law.

12 Special Measures

- 12.1 The Court may order special measures to assist a child or young person to give their best evidence or to understand and take part in the case. These may be provided for both defendants and witnesses.
- 12.2 All applications for special measures shall be made and responded to at the earliest opportunity using the prescribed forms.

13 Awareness

- 13.1 Every child or young person appearing before the Court, and their parents, should be made aware of this Practice Direction.