

ROYAL COURT OF JERSEY

RC 20/01

**ROYAL COURT APPLICATIONS UNDER ARTICLE 5(5) OF THE SEX OFFENDERS
(JERSEY) LAW, 2010 (“the Law”)**

The following directions shall apply to applications under Article 5(5) of the Law for notification requirements to be lifted, the relevant period specified by the Royal Court having expired.

- (1) Applications shall be made by representation substantially in the form annexed to this Practice Direction. The representation shall be filed at the Judicial Greffe (with a copy to the Bailiff’s Judicial Secretary) and will be considered subsequently by the Bailiff in chambers.
- (2) The representation must set out all grounds upon which the applicant relies and the relief sought must include requests that:-
 - a. the application shall be heard in private (if desired);
 - b. the Attorney General shall be convened to the hearing of the application;
 - c. the parties shall attend on the Bailiff’s Judicial Secretary to fix a date for the final hearing of the application by the Inferior Number of the Court;
 - d. the Police and the Probation Service shall each file an updated report in connection with the applicant and the application;
 - e. specialist report(s) are required and the reasons why including the applicant providing the name(s) and contact details of the specialist(s) to be instructed; and
 - f. there shall be liberty to apply.
- (3) The applicant shall attach a copy of every relevant document relied upon or referred to in the representation.
- (4) Upon receipt of the representation the Bailiff shall make such necessary orders in relation to the matters referred to above, including fixing a final

hearing through the Bailiff's Judicial Secretary and shall direct the Judicial Greffe to draw up an Act accordingly. Following receipt of the Act, the applicant must serve the proceedings on the Attorney General.

- (5) Updated Police, Probation and any specialist reports shall be filed within such period as shall be specified by the Bailiff (which will normally be six weeks from the date of the order).
- (6) If specialist reports are required, the specialist will be instructed by the Judicial Greffe who will also provide the specialist with a copy of the representation and any supporting material.
- (7) Where there is or may be material non-compliance with any orders made by the Bailiff or where the applicant or the Attorney General considers that further directions are required before the final hearing can take place, a directions hearing shall be arranged through the Bailiff's Judicial Secretary as soon as reasonably practical.
- (8) The final hearing shall normally take place within 10 weeks of any order made by the Bailiff pursuant to paragraph (4) of this Practice Direction.
- (9) The Bailiff's Judicial Secretary shall list the matter for hearing in private but at the final hearing, the first matter for consideration by the Inferior Number will be whether the case should be heard in private or in public or whether any reporting restrictions might be imposed.
- (10) If held in private, the decision and any judgment of the Royal Court will normally be published in anonymised form as the Court considers appropriate but the Court has a discretion to make public all or any part of its decision or its judgment

This Practice Direction will take effect on 1st day of February, 2020 in place of Practice Direction RC15/06 which is repealed on the same date.

IN THE MATTER OF [INSERT NAME]
AND IN THE MATTER OF AN APPLICATION UNDER ARTICLE 5(5) OF THE SEX
OFFENDERS (JERSEY) LAW 2010.

REPRESENTATION

The Representation of [insert name] (“the Applicant”) shows that:-

1. On the [insert date] the Applicant was convicted/pleaded guilty to the following offences, thereby becoming automatically subject to the notification requirements of Article 5(1) of the Sex Offenders (Jersey) Law 2010 (“the Law”):-
[Insert details of offences]
2. The Applicant was sentenced on the *[insert date]* to *[Insert details of sentence]* for the above listed offences;
3. On the same occasion the Court ordered that a period of *[insert years]* shall elapse before the Applicant is permitted to apply under Article 5(5) of the Law to be no longer subject to the notification requirements of the said Law;
4. The Court also made restrictive orders in the following terms *[insert orders]* for a period of *[insert years]* from *[insert date]*;
5. On the *[insert date]* the Applicant became eligible to apply to have the said notification requirements lifted, the said period specified having expired on the *[insert date]*;
6. During the period of the notification requirements under the Law the Applicant has *[complied fully and not reoffended]*;
7. The Applicant submits that the risk of sexual harm to the public or to any particular person or persons which the Applicant may pose by virtue of the likelihood of reoffending does not justify a continuation of the notification requirements under the Law;

8. Accordingly the Applicant applies to the Court pursuant to Article 5(5) of the Law for an order that the Applicant shall no longer be subject to the said notification requirements;

WHEREFORE the Applicant prays for the following relief:-

1. That the Attorney General shall be served with a copy of the Representation and all documents in support thereof, such service shall be effected by the Viscount and the Attorney General shall be convened as a party to the hearing of the Representation;
2. That the Applicant and the Attorney General shall attend before the Bailiff's Judicial Secretary within 14 days of an order of the Bailiff convening the Attorney General ("the convening order") for the purposes of fixing dates for the final hearing of the Representation before the Inferior Number of the Royal Court, such hearing date shall take place within 10 weeks of the date of the convening order;
3. The States of Jersey Police and the Jersey Probation Service shall file updated reports within [6 weeks] of the convening order;
4. For the purpose of preparing the reports at paragraph 3. above, a copy of the Representation and supporting documents shall be sent to the Offenders Management Unit, c/o The States of Jersey Police and the Jersey Probation Service by the Applicant within 7 days of the convening order;
5. That the Bailiff shall issue such other directions when issuing the convening order as may be necessary including in relation to any specialist reports he considers are required for the final hearing to take place;
6. That the Representation shall be listed to be heard in private, but the first matter for consideration at the final hearing shall be whether the matter should be heard in private or public or whether any reporting restrictions should be imposed; and
7. At the final hearing an order be made pursuant to Article 5(5) of the Law that the Applicant be no longer subject to the notification requirements under the Law.

Advocate for the Representor/Representor

Date: