



Jersey

SEX OFFENDERS (JERSEY) LAW 2010

Official Consolidated Version

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Contents

Article

PART 1	4
INTERPRETATION	4
1 Interpretation	4
2 Sexual offences to which this Law applies	5
PART 2	6
NOTIFICATION	6
3 Persons who are subject to notification requirements of this Law	6
4 Court may exempt person from notification requirements	7
5 Application period	8
6 The notification requirements.....	9
7 Additional requirements	11
8 Notification requirements: travel outside Jersey	12
9 Powers to search	12
PART 3	13
COURT ORDERS	13
10 Restraining orders	13
11 Child protection orders.....	15
12 Travel orders.....	17
PART 4	19
OTHER CONVICTIONS	19
13 Convictions for sexual offences before the commencement of this Article	19
14 Convictions for sexually aggravated offences before the commencement of this Article.....	19
15 Convictions for sexual offences outside Jersey	19
16 Convictions for sexually aggravated offences outside Jersey	20
17	20

PART 5	20
APPEALS	20
18 Appeals – general provisions	20
19 Appeals – certifications by court	21
20 Appeals – length of notification period	21
21 Appeals – orders	21
22 Appeals – restraining orders	22
23 Appeals – child protection orders	22
24 Appeals – travel orders	22
25 Appeals – convictions before commencement of Article 13	23
26 Appeals – convictions outside Jersey	23
PART 6	23
ROLE OF CHIEF POLICE OFFICER	23
27 Supply of information by Chief Police Officer	23
28 Management arrangements to be established in respect of persons who pose a risk of sexual harm	24
PART 7	26
MISCELLANEOUS PROVISIONS	26
29 Rules of Court	26
30 Convictions outside Jersey	28
PART 8	28
CITATION	28
32 Citation	28
ENDNOTES	29
Table of Legislation History	29
Table of Renumbered Provisions	29
Table of Endnote References	29



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A **LAW** to require the notification of information to the police by persons who have committed certain sexual offences or sexually aggravated offences, to provide for the imposition of restraining orders on sexual offenders, to provide for the imposition of orders on certain people to protect children, to provide for the imposition of travel orders on certain people to protect children outside Jersey, to provide for the establishment of arrangements to deal with sexual offenders, and for incidental and connected purposes.

Commencement [[see endnotes](#)]

PART 1

INTERPRETATION

1 Interpretation

(1) In this Law, unless the context requires otherwise –

“authorized officer” means –

- (a) a police officer; or
- (b) a States’ employee within the meaning of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#),

authorized for the purposes of this Law by the Chief Police Officer;

“Chief Police Officer” means the Chief Officer of the States of Jersey Police Force;

“child” means a person who has not attained the age of 18 years;

“home address”, in relation to a person who is subject to the notification requirements of this Law, means –

- (a) the address of the person’s sole or main residence in Jersey; or
- (b) where the person has no such residence, the address or location of a place in Jersey where the person can be found and, if there is more than one such place, such one of those places as the person may select,

and may, in either case, be a vehicle or vessel;

“Magistrate’s Court” includes the Youth Court;

“Minister” means the Minister for Home Affairs;

“relevant offence” means –

- (a) a sexual offence to which this Law applies; or
- (b) an act by a person ordinarily resident in Jersey done outside Jersey that is an offence in Jersey by virtue of Article 40 of the [Sexual Offences \(Jersey\) Law 2018](#);

“sexual activity” means an activity that a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider to be sexual;

“sexual harm” means physical harm, psychological harm or both caused by sexual activity;

“sexual offence to which this Law applies” means an offence to which this Law applies by virtue of Article 2;

“youth detention” has the same meaning as it does in Article 1 of the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).¹

- (2) For the purposes of this Law a person is to be taken to have been convicted of an offence if the person –
 - (a) was found guilty of committing the offence;
 - (b) was found not guilty of committing the offence solely by reason of the person’s mental disorder within the meaning given by Article 1 of the [Mental Health \(Jersey\) Law 2016](#); or
 - (c) was found incapable, under Part 8 of that Law, of participating in proceedings but a court has determined that the person did the act alleged,and “conviction” and “convicted” are to be construed accordingly.²
- (3) A reference in this Law to an offence includes a reference –
 - (a) to an attempt, conspiracy or incitement to commit the offence; and
 - (b) to aiding and abetting, counselling or procuring the commission of the offence.
- (4)³
- (5) The States may amend this Article by Regulations.

2 Sexual offences to which this Law applies⁴

- (1) This Law applies to –
 - (a) an offence under any of the following provisions of the [Sexual Offences \(Jersey\) Law 2018](#) –
 - (i) Part 2 (non-consensual offences),
 - (ii) Part 3 (offences by adults against children aged 12 or younger),
 - (iii) Part 4 (offences by adults against children aged 13 to 15),

- (iv) Part 5 (other offences against children aged 15 or younger), other than Article 13 (unlawful sexual act between children),
 - (v) Article 18 (abuse of trust by a sexual act against a person aged 16 or 17),
 - (vi) Article 28 (carrying out female genital mutilation),
 - (vii) Article 35 (exposure),
 - (viii) Article 36 (voyeurism),
 - (ix) Article 38 (administering a substance with intent to commit a sexual offence);
 - (b) the customary law offences of indecent assault and indecent exposure;
 - (c) an offence –
 - (i) under Article 38(2)(a) or (b) (having or procuring unlawful sexual intercourse with a mental patient) of the Mental Health (Jersey) Law 1969, or
 - (ii) under any of Articles 74 to 76 (sexual offences: prohibited acts, relationship of care, coercion) of the [Mental Health \(Jersey\) Law 2016](#);
 - (d) an offence under Article 2 (taking, possessing or distributing indecent photographs, etc. of children) of the [Protection of Children \(Jersey\) Law 1994](#);
 - (e) an offence under Article 61 of the [Customs and Excise \(Jersey\) Law 1999](#) in so far as the offence relates to goods prohibited to be imported under Article 2 of the [Customs and Excise \(Import and Export Control\) \(Jersey\) Order 2006](#) that are indecent photographs of persons who are or appear to be aged under 16 years;
 - (f) an offence under Article 11(14) (breach of child protection order, interim child protection order or prescribed order) of this Law; and
 - (g) an offence, committed before the date of the commencement of the [Sexual Offences \(Jersey\) Law 2018](#), but for which the person is convicted on or after that date, that would, if the person had been convicted before that date, have been an offence to which this Law applied under this Article before its amendment by that Law.
- (2) The States may amend this Article by Regulations.

PART 2

NOTIFICATION

3 Persons who are subject to notification requirements of this Law

- (1) A person who, in Jersey, is convicted of a relevant offence becomes subject to the notification requirements of this Law upon conviction.
- (2) A person who, in a prescribed jurisdiction, is subject to prescribed notification requirements and who enters Jersey –

- (a) becomes subject to the notification requirements of this Law upon entering Jersey; and
 - (b) remains subject to those requirements during the continuance of the prescribed notification requirements.
- (3) In paragraph (2) –
 - “prescribed notification requirements” means notification requirements imposed under the law of a prescribed jurisdiction, being notification requirements of a type prescribed by the Minister by Order that are substantially the same as the notification requirements under this Law;
 - “prescribed jurisdiction” means a jurisdiction in the British Islands, other than Jersey, prescribed by the Minister by Order.
- (4) If, when sentencing or otherwise dealing with a person in respect of an offence, a court certifies that the offence was sexually aggravated, the offender thereupon becomes subject to the notification requirements of this Law.
- (5) A court must not certify that an offence was sexually aggravated unless it is satisfied, on the information available to it –
 - (a) that the offence was sexually motivated; or
 - (b) that at, before or after the time of committing the offence the offender’s actions included a sexual element directly connected with the commission of the offence,and the court is also satisfied that the offender poses a risk of sexual harm to the public or any particular person or persons.
- (6) A person in respect of whom a court makes an order under Article 10 (a restraining order) who was not a person subject to the notification requirements of this Law immediately before the making of the order becomes subject to the notification requirements of this Law upon the order being made.
- (7) A person in respect of whom a court makes an order under Article 13(2) (in respect of a sexual offence committed before the commencement of the Article) or 15(2) (in respect of an offence committed outside Jersey) becomes subject to the notification requirements of this Law upon the order being made.
- (8) A person in respect of whom the Royal Court certifies an offence under Article 14(1) or 16(1) becomes subject to the notification requirements of this Law upon the certification.
- (9) A person ceases to be (or as the case may be, does not become) subject to the notification requirements of this Law –
 - (a) if the conviction or, as the case may be, the relevant order or action of the court is quashed or reversed on appeal;
 - (b) in accordance with an order made under Article 4 or 5; or
 - (c) where the person is a person to whom paragraph (6) applies, when the order made under Article 10 (as renewed from time to time) ceases to have effect.

4 Court may exempt person from notification requirements

- (1) This Article applies –

- (a) where a person has been convicted of an offence under Article 11 (unlawful sexual intercourse with, sexual penetration of or sexual touching of an older child) of the [Sexual Offences \(Jersey\) Law 2018](#); and at the time of the offence the convicted person had not attained the age of 20 years; or
 - (b) where a person has been convicted of the customary law offence of indecent exposure or of an offence under Article 35 (exposure) of the [Sexual Offences \(Jersey\) Law 2018](#).⁵
- (2) A court may, when sentencing or otherwise dealing with the person, order that the person shall not become subject to the notification requirements of this Law.
- (3) The States may by Regulations amend paragraph (1) to alter the cases to which this Article applies, or paragraph (2) to alter the discretion given to the court.⁶

5 Application period

- (1) Except as provided by paragraph (2), a court that convicts a person of a relevant offence must, unless it intends to make an order under Article 4 (certain exceptions), before sentencing the person specify a period that must expire before an application under paragraph (5) may be made.
- (2) Where the Magistrate's Court convicts a person of a relevant offence and remands the person to the Royal Court for sentence, the Royal Court must, unless it intends to make an order under Article 4, before sentencing the person specify a period that must expire before an application under paragraph (5) may be made.
- (3) Where a court –
 - (a) certifies under Article 3(4), 14(1) or 16(1) that an offence was sexually aggravated;
 - (b) makes an order under Article 13(2) (in respect of an offence committed before the commencement of the Article); or
 - (c) makes an order under Article 15(2) or 15(3) (in respect of an offence committed outside Jersey),the court must, at that time, specify a period that must expire before an application under paragraph (5) may be made.
- (4) Unless the court is satisfied that there is a reason why a shorter period would be appropriate, the period specified under paragraph (1), (2) or (3) must be a period of at least 5 years, being a period that the court is satisfied takes into account the risk of sexual harm to the public, or to any particular person or persons, that the person subject to the notification requirements of this Law poses by virtue of the likelihood of re-offending.⁷
- (5) The court may, on application, make an order in respect of a person (not being a person to whom Article 3(2) applies, but being a person who is subject to the notification requirements of this Law), at any time after the expiration of the period specified in respect of the person under paragraph (1), (2), (3) or (7), being an order to the effect that the person should no longer be subject to those requirements.⁸
- (5A) An application under paragraph (5) may be made by the person concerned or by the Attorney General.⁹
- (6) The court must not make the order applied for under paragraph (5) unless it is satisfied that the risk of sexual harm to the public, or to any particular person or

persons, that the person subject to the notification requirements of this Law poses by virtue of the likelihood of re-offending does not justify the person's being subject to those requirements.¹⁰

- (7) If the court refuses to make the order applied for under paragraph (5) it must make an order specifying a further period before another application may be applied for under that paragraph.

6 The notification requirements

- (1) This Article applies to a person who becomes subject to the notification requirements of this Law.
- (2) The person must notify an authorized officer of –
- (a) each name the person uses; and
 - (b) the person's home address.
- (3) The notification must be given –
- (a) in the case of a person to whom Article 3(1) applies, on the day of the conviction;
 - (b) in the case of a person to whom Article 3(2) applies, before the end of the day following the day the person enters Jersey;
 - (c) in the case of a person to whom Article 3(4) applies, on the day on which the court certifies that the offence was a sexually aggravated offence;
 - (d) in the case of a person to whom Article 3(6) applies, on the day on which the court makes the order under Article 10;
 - (e) in the case of a person to whom Article 3(7) applies, on the day on which the court makes the order under Article 13(2) or 15(2);
 - (f) in the case of a person to whom Article 3(8) applies, on the day on which the court certifies an offence under Article 14(1) or 16(1) to have been sexually aggravated;
 - (g) in the case of a person to whom paragraph (10) applies –
 - (i) if an authorized officer attends, to receive the notification, the place where the person is detained or is in hospital, at the time the authorized officer so attends, or
 - (ii) if an authorized officer does not so attend, on the day the person ceases to be detained or leaves hospital,
- and on each anniversary of that day.
- (4) The person must also notify an authorized officer if the person uses a name that has not been notified to an authorized officer under this Article.
- (5) The notification must be given within 24 hours of the person's first use of the name.
- (6) The person must also notify an authorized officer of any change in the person's home address.
- (7) The notification must be given –

- (a) if the person has prior knowledge of the change, at least 24 hours before the change, if this is possible; or
 - (b) in any other case, as soon as reasonably practicable but, in any event, within the 24 hours after the change.
- (8) There is to be disregarded when determining the period mentioned in paragraph (5) or (7) any time during which the person –
 - (a) is in custody on remand;
 - (b) is serving a sentence of imprisonment or youth detention;
 - (c) is in hospital; or
 - (d) is outside Jersey.
- (9) The court before which a person has been convicted of a relevant offence may order that the person be detained following the conviction until notification under paragraph (2) has been given to an authorized officer.
- (10) Despite sub-paragraphs (a) to (f) of paragraph (3), if a person to whom this Article applies is, on a day notification is required to be given under any of those sub-paragraphs –
 - (a) in custody on remand;
 - (b) serving a sentence of imprisonment or youth detention; or
 - (c) in a hospital,the person must instead give notification under paragraph (3)(g).
- (11) If a person, required to give notification on an anniversary mentioned in paragraph (3), is on that day –
 - (a) in custody on remand;
 - (b) serving a sentence of imprisonment or youth detention;
 - (c) in hospital; or
 - (d) outside Jersey,the person must instead give notification on the day the person ceases to be detained, leaves hospital or returns to Jersey, as the case may be.
- (12) Except as provided by paragraph (3)(g)(i), a person must give notification under this Article to an authorized officer by attendance at the place designated by the Chief Police Officer.
- (13) An authorized officer must give a written acknowledgement of notification given under this Article.
- (14) A person who –
 - (a) fails, without reasonable excuse, to comply with paragraph (3), (4), (6) or (11); or
 - (b) in purported compliance with any of those paragraphs, provides information that the person knows to be false or misleading,is guilty of an offence and liable to imprisonment for a term of 5 years and to a fine.

7 Additional requirements

- (1) A person giving notification under Article 6 must, if requested to do so by an authorized officer, allow the officer to take the fingerprints and a photograph of the person and a non-intimate sample.
- (2) A fingerprint taken under paragraph (1) may be used –
 - (a) to verify the identity of the person giving the notification; and
 - (b) to check the fingerprint against any other fingerprint to which the police have access to investigate crime.
- (3) A non-intimate sample taken under paragraph (1) may be used –
 - (a) to verify the identity of the person giving the notification; and
 - (b) to check the DNA profile of the sample against any other DNA profile to which the police have access to investigate crime.
- (4) A person giving notification under Article 6 must also, if requested to do so by an authorized officer, provide documentary evidence of the person's identity.
- (5) An authorized officer may submit documentary evidence supplied under paragraph (4) to a States' employee for verification by the records of the administration of the States in which the States' employee is working.
- (6) The States' employee may supply an authorized officer with the verification requested.
- (7) Except as provided by paragraph (8), the supply of information under this Article is not to be taken to breach any restriction on the disclosure of information (however arising or imposed).
- (8) This Article does not authorize the doing of anything that contravenes the [Data Protection \(Jersey\) Law 2018](#).¹¹
- (9) This Article does not affect a power to supply information, being a power that exists apart from this Article.¹²
- (10) A person who –
 - (a) fails, without reasonable excuse, to comply with paragraph (1) or (4);
 - (b) in purported compliance with paragraph (4), supplies documentary evidence the person knows to be false or misleading; or
 - (c) hinders or obstructs an authorized officer acting under paragraph (1) or (4),is guilty of an offence and is liable to imprisonment for a term of 5 years and to a fine.
- (11) Words and expressions used in this Article and defined in –
 - (a) the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#); or
 - (b) the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#),have the same meanings in this Article as they have in those Laws.

8 Notification requirements: travel outside Jersey

- (1) The Minister may, by Order, make provision requiring persons who are subject to the notification requirements of this Law and who leave Jersey –
 - (a) to give in accordance with the Order, before they leave, a notification under paragraph (2);
 - (b) if they subsequently return to Jersey, to give in accordance with the Order a notification under paragraph (3).
- (2) A notification under this paragraph must disclose –
 - (a) the date on which the person will leave Jersey;
 - (b) the place (or, if there is more than one, the first place) to which the person will travel and the person's point of arrival (determined in accordance with the Order) in the country where the place is situated;
 - (c) any other information prescribed by the Order that the person holds about the person's departure from Jersey or the person's movements while outside Jersey.
- (3) A notification under this paragraph must disclose such information as the Order prescribes, and such information may include the following –
 - (a) the place, or places, to which the person travelled while outside Jersey;
 - (b) any other information prescribed by the Order that the person holds about the person's movements while outside Jersey or about the person's return to Jersey.¹³
- (4) An Order under paragraph (1) may make different provision for different categories of persons.
- (5) A person who –
 - (a) fails, without reasonable excuse, to give notification in accordance with an Order under paragraph (1) when required to do so by the Order; or
 - (b) in purported compliance with an Order under paragraph (1), provides information that the person knows to be false or misleading,is guilty of an offence and is liable to imprisonment for a term of 5 years and to a fine.¹⁴

9 Powers to search

- (1) Paragraph (2) applies if it appears to the Bailiff or a Jurat on information on oath that there is reasonable cause to believe that –
 - (a) the home address of a person who is subject to the notification requirements of this Law is not the home address last notified by the person under Article 6; and
 - (b) apart from searching premises, there are no other practical means of establishing the person's home address.
- (2) The Bailiff or Jurat may issue a warrant authorizing a police officer –
 - (a) to enter the premises specified in the warrant; and

- (b) to search the premises to ascertain the home address of the person who is subject to the notification requirements of this Law.
- (3) Paragraph (4) applies if it appears to the Bailiff or a Jurat on information on oath that there is reasonable cause to suspect that there is at the home address of a person who is subject to the notification requirements of this Law a person who is at risk of harm from that person.
- (4) The Bailiff or Jurat may issue a warrant authorizing a police officer –
 - (a) to enter the premises specified in the warrant, being the home address of the person who is subject to the notification requirements of this Law; and
 - (b) to search those premises to ascertain if there is on the premises a person who is at risk of harm from the person who is subject to the notification requirements of this Law.
- (5) Paragraph (6) applies if it appears to the Bailiff or a Jurat on information on oath that there is reasonable cause to believe that –
 - (a) the appointed officer (as defined by Article 28(1)), on behalf of the Chief Police Officer, is required to carry out a function under Article 28(5)(a) in respect of a person to whom that paragraph applies; and
 - (b) apart from searching premises the person occupies or frequents, there are no other practical means of carrying out the function.
- (6) The Bailiff or Jurat may issue a warrant authorizing a police officer –
 - (a) to enter the premises specified in the warrant; and
 - (b) to search the premises to ascertain the extent to which the person poses or continues to pose a risk of sexual harm to the public or any particular person or persons.
- (7) A person who intentionally obstructs or hinders a police officer in the execution of a warrant under this Article is guilty of an offence and is liable to imprisonment for a term of one year and to a fine of level 3 on the standard scale.¹⁵

PART 3

COURT ORDERS

10 Restraining orders

- (1) This Article applies in respect of a person (the “offender”) who –
 - (a) has been convicted, before or after the commencement of this Article, of a relevant offence;
 - (b) outside Jersey, has been convicted, before or after the commencement of this Article, of an offence that would, if the offence had been committed in Jersey, have constituted a sexual offence to which this Law applies;
 - (c) has been convicted of an offence that a court has certified, under Article 3(4), was sexually aggravated;
 - (d) has been convicted of an offence that a court has certified, under Article 14(1) or 16(1) was sexually aggravated;

- (e) outside Jersey, has been convicted of an offence, before or after the commencement of this Article, that a court has certified under paragraph (2) was sexually aggravated; or
 - (f) in Jersey or elsewhere, has been convicted of an offence, before or after the commencement of this Article, that a court has certified under paragraph (3).
- (2) A court may for the purpose of paragraph (1)(e), on the application of the Attorney General, certify that the offence was sexually aggravated if the court is satisfied –
 - (a) that the offence was sexually motivated; or
 - (b) that at, before or after the time of committing the offence the offender's actions included a sexual element directly connected with the commission of the offence.
- (3) A court may for the purpose of paragraph (1)(f), on the application of the Attorney General, certify that the offence involved the use or the threat of the use of violence against a person or property.
- (4) Where –
 - (a) this Article applies to a person; and
 - (b) a court is satisfied on the balance of probabilities, on the application of the Attorney General, that the person poses a threat of serious sexual harm to the public or any particular person or persons,the court may make such an order in respect of the offender as it is satisfied is necessary to protect the public or any particular person or persons from serious sexual harm from the offender.
- (5) Pending the court deciding on whether or not to make an order under paragraph (4), it may make an interim order, not inconsistent with this Article.
- (6) An application under this Article may be made –
 - (a) in the case of an application under paragraph (4), to the Magistrate's Court upon conviction or sentencing by that court in respect of the offence mentioned in paragraph (1)(a) or (c); or
 - (b) in any other case, to the Royal Court.
- (7) An order under paragraph (4) or an interim order under paragraph (5) may provide for either or both of the following –
 - (a) it may prohibit the offender from doing anything described in the order;
 - (b) it may require the offender to do anything described in the order.
- (8) An Order under paragraph (4) or an interim order under paragraph (5) may, in particular, prohibit the offender from undertaking any work or other activity that may require or be likely to allow the offender to come into contact or be associated with –
 - (a) a specific child or children in general; or
 - (b) a specific person who may be vulnerable to sexual exploitation or any description of persons the court considers may be vulnerable to sexual exploitation by the offender.

- (9) An order under paragraph (4) or an interim order under paragraph (5) shall have effect during the period specified in it or, if that period is subsequently amended, during the amended period.
- (10) Unless the court is satisfied that there is a reason why a shorter period would be appropriate, the first period mentioned in paragraph (9) in respect of an order made under paragraph (4) must be a period of at least 5 years.¹⁶
- (11) A court may amend an order under paragraph (4) or an interim order under paragraph (5) on the application of the Attorney General or the offender.
- (12) An amendment of an order may, in particular, extend or shorten the period specified in the order.
- (13) If the offender, without reasonable excuse –
- (a) does anything that the offender is prohibited from doing by an order under this Article; or
 - (b) fails to do anything that the offender is required to do by an order under this Article,
- the offender is guilty of an offence and is liable to imprisonment for a term of 5 years and to a fine.
- (14) If, in Jersey, a person, without reasonable excuse –
- (a) does anything that the person is prohibited from doing in a prescribed jurisdiction by a prescribed order made by a court in that jurisdiction; or
 - (b) fails to do anything the offender is required to do in a prescribed jurisdiction by a prescribed order made by a court in that jurisdiction,
- the person is guilty of an offence and is liable to imprisonment for a term of 5 years and to a fine.
- (15) In paragraph (14) –
- “prescribed order” means an order of a type prescribed by the Minister by Order –
- (a) that can be made by a court in a prescribed jurisdiction in the same or substantially the same circumstances; and
 - (b) that has the same or substantially the same effect,
- as an order made by a court under this Article;
- “prescribed jurisdiction” means a jurisdiction in the British Islands, other than Jersey prescribed by the Minister by Order.
- (16) In paragraph (4) “protect the public or any particular person or persons from serious sexual harm from the offender” means to protect the public in Jersey or the particular person or persons from serious physical or psychological harm caused by the offender committing one or more relevant offences.

11 Child protection orders

- (1) The Attorney General may apply to the Royal Court for an order (a “child protection order”) in respect of a person aged 15 or over (“the defendant”) –
- (a) who resides in Jersey; or

- (b) who the Attorney General believes is in, or is intending to come to Jersey.
- (2) The application may be made if it appears to the Attorney General that –
 - (a) the defendant has, whether before or after the commencement of this Article, done an act mentioned in paragraph (3); and
 - (b) as a result of the act, there is reasonable cause to believe that it is necessary for a child protection order to be made.
- (3) The acts referred to in paragraph (2) are –
 - (a) engaging in sexual activity involving a child or in the presence of a child;
 - (b) causing or inciting a child to watch a person engaging in sexual activity or to look at a moving or still image that is sexual;
 - (c) giving a child anything that relates to sexual activity or contains a reference to such activity;
 - (d) communicating with a child, where any part of the communication is sexual.
- (4) On the application, the Court may make the order if it is satisfied on the balance of probabilities that –
 - (a) the defendant has, whether before or after the commencement of this Article, done an act mentioned in paragraph (3); and
 - (b) it is necessary to make the order, to protect children generally or any child from harm from the defendant.
- (5) A child protection order –
 - (a) prohibits the defendant from doing anything described in the order;
 - (b) has effect for a fixed period (not less than 2 years) specified in the order or until further order.
- (6) The only prohibitions that may be imposed are those necessary to protect children generally or any child from harm from the defendant.
- (7) The Attorney General or the defendant may apply to the Royal Court for an order varying, renewing or discharging a child protection order.
- (8) On the application the Court may make any order, varying, renewing or discharging the child protection order, that the Court considers appropriate.
- (9) A child protection order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if it is necessary to do so to protect children generally or any child from harm from the defendant (and any renewed or varied order may contain only such prohibitions as are necessary for this purpose).
- (10) If an application for a child protection order has not been determined the Attorney General may apply to the Royal Court for an interim child protection order.
- (11) The Court may, if it considers it just to do so, make an interim child protection order, prohibiting the defendant from doing anything described in the order.
- (12) Such an order –
 - (a) has effect only for a fixed period, specified in the order;
 - (b) ceases to have effect, if it has not already done so, on the determination of the main application.

- (13) The Attorney General or the defendant may apply to the Court for the interim order to be varied, renewed or discharged.
- (14) A person commits an offence if, without reasonable excuse, the person does anything which he or she is prohibited from doing by –
- (a) a child protection order;
 - (b) an interim child protection order; or
 - (c) a prescribed order made by a court in a prescribed jurisdiction,
- and is liable to imprisonment for a term of 5 years and a fine.
- (15) In paragraph (14) –
- “prescribed order” means an order of a type prescribed by the Minister by Order –
- (a) that can be made by a court in a prescribed jurisdiction in the same or substantially the same circumstances as a child protection order; and
 - (b) that has the same or substantially the same effect as a child protection order;
- “prescribed jurisdiction” means a jurisdiction in the British Islands, other than Jersey, prescribed by the Minister by Order.
- (16) In this Article –
- “to protect children generally or any child from harm from the defendant” means to protect children generally or any child from physical or psychological harm, caused by the defendant doing an act mentioned in paragraph (3);
- “child” means a person who has not attained the age of 16 years;
- “image” means an image produced by any means, whether of a real or imaginary subject.
- (17) For the purposes of this Article, a communication is sexual if –
- (a) any part of it relates to sexual activity; or
 - (b) a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider that any part of the communication is sexual.
- (18) For the purposes of this Article, an image is sexual if –
- (a) any part of it relates to sexual activity; or
 - (b) a reasonable person would, in all the circumstances but regardless of any person’s purpose, consider that any part of the image is sexual.

12 Travel orders

- (1) The Attorney General may apply to the Royal Court for an order (a “travel order”) in respect of a person who is subject to the notification requirements of this Law (“the notifier”).
- (2) On the application, the Court may make a travel order if it is satisfied on the balance of probabilities that the notifier’s acts and behaviour makes it necessary to make such an order for the purpose of protecting children generally or any child from serious sexual harm from the notifier outside Jersey.

- (3) A travel order has effect for a fixed period of not more than 6 months, specified in the order.
- (4) The order prohibits the notifier from doing whichever of the following is specified in the order –
 - (a) travelling to any place outside Jersey named or described in the order;
 - (b) travelling to any place outside Jersey other than a place named or described in the order; or
 - (c) travelling to any place outside Jersey.
- (5) The only prohibitions that may be included in the order are those necessary for the purpose of protecting children generally or any child from serious sexual harm from the notifier outside Jersey.
- (6) The Attorney General or the notifier may apply to the Royal Court for an order varying, renewing or discharging a travel order.
- (7) Subject to paragraph (8), on the application, the Court may make any order varying, renewing or discharging the travel order, that it considers appropriate.
- (8) A travel order may be renewed or varied so as to impose additional prohibitions on the notifier, only if it is necessary to do so for the purpose of protecting children generally or any child from serious sexual harm from the notifier outside Jersey (and any renewed or varied order may impose only such prohibitions as are necessary for this purpose).
- (9) A person commits an offence if, without reasonable excuse, the person does anything which he or she is prohibited from doing by a travel order and is liable to imprisonment for a term of 5 years and to a fine.
- (10) A person is not in breach of a travel order if, while the person is on a vessel or aircraft, the journey of the vessel or aircraft takes it outside Jersey so long as the vessel or aircraft does not, in the course of the journey, land at any place outside Jersey.
- (11) In this Article –

“children” means persons who have not attained the age of 16 years;

“protecting children generally or any child from serious sexual harm from the notifier outside Jersey” means protecting children generally or any particular child from serious physical or psychological harm caused by the notifier doing, outside Jersey, anything that would constitute a sexual offence to which this Law applies if done in Jersey;

“acts and behaviour” include acts and behaviour occurring before the commencement of this Article.

PART 4

OTHER CONVICTIONS

13 Convictions for sexual offences before the commencement of this Article

- (1) This Article applies to a person who, before the commencement of this Article, had been convicted –
 - (a) in Jersey of a sexual offence to which this Law applies; or
 - (b) outside Jersey, of an offence which, if committed in Jersey, would have been such an offence.
- (2) The Royal Court may, on the application of the Attorney General, order that the person shall become subject to the notification requirements of this Law.

14 Convictions for sexually aggravated offences before the commencement of this Article

- (1) If, on an application by the Attorney General, the Royal Court certifies that an offence, whether committed in Jersey or outside Jersey, before the commencement of this Article was sexually aggravated, the offender becomes subject to the notification requirements of this Law.
- (2) The Royal Court must not certify that the offence was sexually aggravated unless it is satisfied, on the information available to it –
 - (a) that the offence was sexually motivated; or
 - (b) that at, before or after the time of committing the offence the offender's actions included a sexual element directly connected with the commission of the offence,and the Court is also satisfied that the offender poses a risk of sexual harm to the public or any particular person or persons.

15 Convictions for sexual offences outside Jersey

- (1) This Article applies to a person who, outside Jersey, has been convicted of an offence which, if committed in Jersey, would have constituted a sexual offence to which this Law applies.
- (2) Where the person is not a person to whom Article 3(2) applies (a person subject to prescribed notification requirements), the Royal Court may, on the application of the Attorney General, order that the person shall become subject to the notification requirements of this Law.
- (3) Where the person is a person to whom Article 3(2) applies, the Royal Court may, on the application of the Attorney General, order that the person shall continue to be subject to the notification requirements of this Law despite the expiration of the prescribed notification requirements mentioned in that Article.

16 Convictions for sexually aggravated offences outside Jersey

- (1) If, on an application by the Attorney General, the Royal Court certifies that an offence committed outside Jersey was sexually aggravated, the offender becomes subject to the notification requirements of this Law.
- (2) The Royal Court must not certify that the offence was sexually aggravated unless it is satisfied, on the information available to it –
 - (a) that the offence was sexually motivated; or
 - (b) that at, before or after the time of committing the offence the offender's actions included a sexual element directly connected with the commission of the offence,and the Court is also satisfied that the offender poses a risk of sexual harm to the public or any particular person or persons.

17 ¹⁷**PART 5****APPEALS****18 Appeals – general provisions**

- (1) An appeal under this Part shall be by way of a review.
- (2) On an appeal under this Part, the court by which the appeal is heard –
 - (a) may make any order it considers necessary to give effect to its determination of the appeal; and
 - (b) may also make any incidental or consequential order as appears to it to be just.¹⁸
- (3) Paragraph (4) applies where –
 - (a) a person (“the appellant”) has a right of appeal against sentence which, under the proviso to Article 24(1) of the [Court of Appeal \(Jersey\) Law 1961](#), lies to the Superior Number of the Royal Court; and
 - (b) the appellant also has a right of appeal under this Part against an order (including the terms of an order) or decision of the Royal Court made at the same time as, or in connection with, that sentence.¹⁹
- (4) Where this paragraph applies –
 - (a) the appeal under this Part shall lie to the Superior Number of the Royal Court (and may be heard by the Superior Number concurrently with the appeal against sentence); and
 - (b) references in this Part to the Court of Appeal shall be construed as references to the Superior Number.²⁰

19 Appeals – certifications by court

- (1) This Article applies where a court has certified or has refused to certify –
 - (a) under Article 3(4), 10(2), 14(1) or 16(1), that an offence was sexually aggravated; or
 - (b) under Article 10(3), that an offence involved the use or the threat of the use of violence against a person or property.
- (2) Where a court has certified the offence, the offender may appeal against the certification –
 - (a) if the certification was by the Magistrate’s Court, to the Royal Court; or
 - (b) if the certification was by the Royal Court, to the Court of Appeal.
- (3) Where a court has refused to certify the offence, the Attorney General may appeal against the refusal –
 - (a) if the refusal was by the Magistrate’s Court, to the Royal Court; or
 - (b) if the refusal was by the Royal Court, to the Court of Appeal.
- (4) The Attorney General or the offender may appeal to the Court of Appeal against a decision of the Royal Court made on an appeal to it under paragraph (2)(a) or (3)(a).

20 Appeals – length of notification period

- (1) This Article applies where a court specifies, under Article 5(1), (2), (3) or (7), a period that must expire before a person (“the notifier”) may make an application under Article 5(5).
- (2) The Attorney General or the notifier may appeal against the length of that period –
 - (a) if the period was specified by the Magistrate’s Court, to the Royal Court; or
 - (b) if the period was specified by the Royal Court, to the Court of Appeal.
- (3) The Attorney General or the notifier may appeal to the Court of Appeal against a decision of the Royal Court made on an appeal to it under paragraph (2)(a).

21 Appeals – orders

- (1) This Article applies where a court decides to make or not to make an order –
 - (a) under Article 5(5) (that a person should no longer be subject to the notification requirements of this Law); or
 - (b) under Article 13(2) (that a person be made subject to the notification requirements of this Law in respect of an offence committed before the commencement of the Article).
- (2) The Attorney General or the person may appeal against the decision –
 - (a) if the decision was made by the Magistrate’s Court, to the Royal Court; or
 - (b) if the decision was made by the Royal Court, to the Court of Appeal.
- (3) The Attorney General or the person may appeal to the Court of Appeal against a decision of the Royal Court made on an appeal to it under paragraph (2)(a).

22 Appeals – restraining orders

- (1) This Article applies where a court –
 - (a) has made an order in respect of a person under Article 10(4), 10(5) or 10(11); or
 - (b) has refused to make such an order.
- (2) Where such an order has been made in respect of a person, the person may appeal, if the order was made by the Magistrate’s Court, to the Royal Court or, if it was made by the Royal Court, to the Court of Appeal against –
 - (a) the making of the order;
 - (b) the terms of the order; or
 - (c) in respect of an order under Article 10(11), a refusal to make the order.
- (3) The Attorney General may appeal to the Royal Court against –
 - (a) a decision of the Magistrate’s Court to refuse to make the order; or
 - (b) where an order has been made by the Magistrate’s Court, the terms of the order.
- (4) The Attorney General may appeal to the Court of Appeal against –
 - (a) a decision of the Royal Court to refuse to make the order; or
 - (b) where an order has been made by the Royal Court, the terms of the order.
- (5) The Attorney General or the person may appeal to the Court of Appeal against a decision of the Royal Court given on an appeal to it made under paragraph (2) or (3).

23 Appeals – child protection orders

- (1) This Article applies where the Royal Court –
 - (a) has made an order in respect of a person under Article 11(4), 11(8), 11(10) or 11(13); or
 - (b) has refused to make such an order.
- (2) Where such an order has been made in respect of a person, the person may appeal to the Court of Appeal against –
 - (a) the making of the order; or
 - (b) the terms of the order including the period specified in the order.
- (3) The Attorney General may appeal to the Court of Appeal against –
 - (a) a decision of the Royal Court to refuse to make the order; or
 - (b) where an order has been made, the terms of the order including the period specified in the order.

24 Appeals – travel orders

- (1) This Article applies where the Royal Court –

- (a) has made an order in respect of a person under Article 12(2) or 12(7); or
 - (b) has refused to make such an order.
- (2) Where such an order has been made in respect of a person, the person may appeal to the Court of Appeal against –
 - (a) the making of the order; or
 - (b) the terms of the order including the period specified in the order.
- (3) The Attorney General may appeal to the Court of Appeal against –
 - (a) a decision of the Royal Court to refuse to make the order; or
 - (b) where an order has been made, the terms of the order including the period specified in the order.

25 Appeals – convictions before commencement of Article 13

- (1) This Article applies where the Royal Court –
 - (a) has made an order in respect of a person under Article 13(2); or
 - (b) has refused to make such an order.
- (2) Where such an order has been made in respect of a person, the person may appeal to the Court of Appeal against the making of the order.
- (3) The Attorney General may appeal to the Court of Appeal against a decision of the Royal Court to refuse to make the order.

26 Appeals – convictions outside Jersey

- (1) This Article applies where the Royal Court –
 - (a) has made an order in respect of a person under Article 15(2) or 15(3); or
 - (b) has refused to make such an order.
- (2) Where such an order has been made against a person, the person may appeal to the Court of Appeal against the making of the order.
- (3) The Attorney General may appeal to the Court of Appeal against a decision of the Royal Court to refuse to make the order.

PART 6

ROLE OF CHIEF POLICE OFFICER

27 Supply of information by Chief Police Officer

- (1) This Article applies to information –
 - (a) notified to the police under Articles 6 and 8; or
 - (b) gained in respect of a person by virtue of Article 7.

- (2) The Chief Police Officer may supply information to which this Article applies to a person in Jersey or elsewhere who in the opinion of the Chief Officer needs the information to prevent, detect, investigate or prosecute an offence.
- (3) Except as provided by paragraph (4), the supply of information under this Article is to be taken not to breach any restriction on the disclosure of information (however arising or imposed).
- (4) This Article does not authorize the doing of anything that contravenes the [Data Protection \(Jersey\) Law 2018](#).²¹
- (5) This Article does not affect a power to supply information, being a power that exists apart from this Article.²²

28 Management arrangements to be established in respect of persons who pose a risk of sexual harm

- (1) In this Article –

“appointed officer” means a police officer appointed by the Chief Police Officer for the purposes of this Article;

“Chief Officers” means the Chief Officers of the administrations of the States for which the Ministers have responsibility and includes officers appointed by the Chief Officers to act on their behalf under this Article;

“general agreement” means the general agreement entered into under paragraph (2), as for the time being in force;

“interested parties” means relevant parties both within and outside the States, including, in particular –

- (a) the Connétables;
- (b) the Comité des Chefs de Police;
- (c) organizations that provide rented housing accommodation;
- (d) organizations that provide accommodation for the homeless;
- (e) organizations that provide support for children in need or at risk;
- (f) organizations that provide support for victims of sexual violence;
- (g) organizations that provide support for victims of domestic violence;

“Ministers” means –

- (a) the Minister for Home Affairs;
- (b) the Minister for Children and Housing;
- (c) the Minister for Health and Social Services;
- (d) the Minister for Education; and
- (e) the Minister for Economic Development, Tourism, Sport and Culture;

“office holders” means –

- (a) the most senior délégué appointed under the [Loi \(1937\) sur l’atténuation des peines et sur la mise en liberté surveillée](#);
- (b) the Governor of the prison for the purposes of the [Prison \(Jersey\) Law 1957](#);

- (c) the Agent of the Impôts appointed under the [Customs and Excise \(Jersey\) Law 1999](#);

“person who poses a risk of sexual harm” means –

- (a) a person who, before or after the commencement of this Article, has been convicted of a relevant offence;
 - (b) a person who, before or after the commencement of this Article has been convicted, outside Jersey, of an offence that would, if the offence had been committed in Jersey, have constituted a sexual offence to which this Law applies;
 - (c) a person who, before or after the commencement of this Article, has been convicted of an offence that the court has certified, under Article 3(4), 14(1) or 16(1) was sexually aggravated;
 - (d) a person in respect of whom a restraining order under Article 10 is or has been in force;
 - (e) a person in respect of whom a child protection order under Article 11 is or has been in force.²³
- (2) The Ministers and the Chief Police Officer must liaise and, within 6 months of the commencement of this Article, enter into an agreement that sets out the general arrangements that they have agreed they must put into effect to provide for the assessment and management of persons who pose a risk of sexual harm.
- (3) Thereafter, the Ministers and the Chief Police Officer must keep under review the implementation and application of the arrangements set out in the general agreement and amend that agreement as necessary or expedient.
- (4) The Minister for Home Affairs must lay before the States, as soon as practicable after they are made, the general agreement and any agreement amending that agreement.
- (5) The appointed officer, on behalf of the Chief Police Officer, and the Chief Officers must implement the general agreement –
- (a) by establishing reasonable arrangements to assess and manage each person who poses a risk of sexual harm;
 - (b) by ensuring the fullest possible implementation and application of each such arrangements; and
 - (c) by keeping each such arrangement under review and updated as necessary or expedient.
- (6) In doing so, the appointed officer and the Chief Officers –
- (a) must act in co-operation with the office holders; and
 - (b) may seek the help and advice of interested parties.
- (7) It is the duty of office holders to co-operate in the establishment and implementation of the arrangements established under paragraph (5)(a) to the extent that such co-operation and implementation is compatible with the exercise by the office holders of their functions under other enactments.
- (8) Co-operation under paragraph (6)(a) may include the exchange of information.

- (9) Nothing in paragraph (6) is to be taken as prohibiting the appointed officer and the Chief Officers from seeking the view of the public or any particular person or persons.
- (10) It is the duty of the appointed officer to monitor the implementation of the arrangements established under paragraph (5)(a) and to report his or her findings to the Chief Police Officer.
- (11) The Chief Police Officer must, before the end of March in each year, present to the Minister a report setting out, in general, non-specific terms, the actions that have been taken in carrying out the functions mentioned in paragraph (5).
- (12) The Minister must, as soon as practical, lay the report before the States.
- (13) The report must contain, in particular –
 - (a) details of the extent to which each of the Ministers has implemented or provided for the implementation of the general agreement;
 - (b) a summary of the arrangements that the appointed officer and the Chief Officers have established under paragraph (5);
 - (c) details of the extent to which those arrangements have been implemented.
- (14) The report must also contain such other information as the Minister may specify.

PART 7

MISCELLANEOUS PROVISIONS

29 Rules of Court

- (1) The Superior Number of the Royal Court, with the advice and assistance of the Rules Committee, may make Rules of Court necessary or convenient to give effect to this Law.
- (2) The power to make Rules of Court under –
 - (a) Article 29 of the [Magistrate's Court \(Miscellaneous Provisions\) \(Jersey\) Law 1949](#);
 - (b) Article 13 of the [Royal Court \(Jersey\) Law 1948](#);
 - (c) Article 67 of the [Children \(Jersey\) Law 2002](#); and
 - (d) Articles 19 and 40 of the [Court of Appeal \(Jersey\) Law 1961](#),shall, in each case, be taken to include the power to make Rules of Court necessary or convenient to give effect to this Law.
- (3) Rules of Court, whether made under paragraph (1) or by virtue of paragraph (2) may, in particular, make provision –
 - (a) with respect to the procedure to be followed in any relevant proceedings (including the manner in which any application is to be made or other proceedings commenced);
 - (b) as to the persons entitled to participate in any relevant proceedings, whether as parties to the proceedings or by being given the opportunity to make representations to the court;

- (c) with respect to the documents and information to be furnished, and notices to be given, in connection with any relevant proceedings;
 - (d) with respect to preliminary hearings;
 - (e) for the service outside Jersey in such circumstances and in such manner as may be prescribed, of any notice of proceedings in the court;
 - (f) enabling the court, in such circumstances as may be prescribed, to proceed on any application even though the respondent has not been given notice of the proceedings; and
 - (g) authorizing the Judicial Greffier to discharge the functions of the court with respect to such relevant proceedings as may be prescribed.
- (4) Rules of Court, whether made under paragraph (1) or by virtue of paragraph (2), may provide that –
- (a) a person making an application to a court or an appeal under this Law must serve prescribed documents on the Attorney General;
 - (b) a court may sit in private in proceedings in which any powers under this Law may be exercised by the court with respect to any child.
- (5) A person who publishes material that is intended, or likely, to identify –
- (a) a child as being concerned in proceedings before a court either as being a child against or in respect of whom the proceedings are taken or as being a witness in those proceedings; or
 - (b) an address or school as being that of a child involved in any such proceedings,

except in so far (if at all) as the court hearing those proceedings, having regard to the interest of justice and the welfare of the child concerned, directs, is guilty of an offence and is liable to a fine of level 3 on the standard scale.

- (6) In proceedings for an offence under paragraph (5), it is a defence for the accused to prove that he or she did not know, and had no reason to suspect, that the published material was likely to identify the child.
- (7) In this Article –

“given” in relation to a summons, means “served”;

“notice of proceedings” means a summons or such other notice of proceedings as is required;

“relevant proceedings” means an application made, or proceedings brought, under a provision mentioned in paragraph (3) and a part of such proceedings;

“programme service” has the same meaning as in section 201 of the Broadcasting Act 1990 (as extended to Jersey by the Broadcasting Act 1990 (Jersey) (No. 2) Order 1991);

“prescribed”, in respect of any Rules of Court, means prescribed by those Rules of Court;

“publish” includes –

- (a) include within a programme service; or
- (b) cause to be published;

“material” includes any picture or representation.

30 Convictions outside Jersey

- (1) Except as provided by paragraph (2), a requirement or condition of this Law –
- (a) that a person has been convicted of an offence outside Jersey; or
 - (b) that a person has been convicted outside Jersey of an offence which, if committed in Jersey, would have been a sexual offence to which this Law applies,
- is to be taken to be met unless, not later than Rules of Court may provide, the defendant serves on the Attorney General a notice –
- (c) stating that, on the facts as alleged with respect to the act in question, the requirement or condition is not in the person’s opinion met;
 - (d) showing the person’s grounds for that opinion; and
 - (e) requiring the Attorney General to prove that it is met.
- (2) A court, if it thinks fit, may permit the person to require the Attorney General to prove that the requirement is met without service of a notice under paragraph (1).

PART 8

CITATION

32 Citation

This Law may be cited as the Sex Offenders (Jersey) Law 2010.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Sex Offenders (Jersey) Law 2010	L.18/2010	1 January 2011 (R&O.128/2010)	P.132/2009
Sex Offenders (Amendment) (Jersey) Law 2012	L.16/2012	22 June 2012	P.68/2011
Sex Offenders (Amendment No. 2) (Jersey) Law 2014	L.36/2014	17 October 2014	P.89/2014
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (re-issue)
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)	P.87/2015
Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 2016	R&O.115/2016	23 November 2016	P.99/2016
Data Protection (Jersey) Law 2018	L.3/2018	25 May 2018	P.116/2017
States of Jersey (Minister for International Development and Minister for Children and Housing) (Jersey) Order 2018	R&O.82/2018	21 July 2018	
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)	P.48/2018
Sexual Offences (Jersey) Law 2018	L.20/2018	23 November 2018 (R&O.112/2018)	P.18/2018

°Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
31	Spent, omitted
32(1)	31
32(2)	Spent, omitted

Table of Endnote References

¹ Article 1(1) amended by R&O.115/2016, L.20/2018

² Article 1(2) amended by R&O.49/2018

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- ³ Article 1(4) *repealed by L.20/2018*
- ⁴ Article 2 *substituted by L.20/2018*
- ⁵ Article 4(1) *amended by L.20/2018*
- ⁶ Article 4(3) *inserted by L.20/2018*
- ⁷ Article 5(4) *substituted by L.16/2012*
- ⁸ Article 5(5) *substituted by L.16/2012*
- ⁹ Article 5(5A) *inserted by L.16/2012*
- ¹⁰ Article 5(6) *substituted by L.16/2012*
- ¹¹ Article 7(8) *amended by L.3/2018*
- ¹² Article 7(9) *substituted by L.16/2012*
- ¹³ Article 8(3) *substituted by L.16/2012*
- ¹⁴ Article 8(5) *substituted by L.16/2012*
- ¹⁵ Article 9(7) *substituted by L.16/2012, amended by L.1/2016*
- ¹⁶ Article 10(10) *substituted by L.16/2012*
- ¹⁷ Article 17 *repealed by L.20/2018*
- ¹⁸ Article 18(2) *amended by L.36/2014*
- ¹⁹ Article 18(3) *substituted by L.36/2014*
- ²⁰ Article 18(4) *added by L.36/2014*
- ²¹ Article 27(4) *amended by L.3/2018*
- ²² Article 27(5) *substituted by L.16/2012*
- ²³ Article 28(1) *amended by L.16/2012, R&O.158/2015, R&O.82/2018*