



Jersey

CRIMINAL JUSTICE (JERSEY) LAW 1957

Official Consolidated Version

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CRIMINAL JUSTICE (JERSEY) LAW 1957

A **LAW** to abolish penal servitude and hard labour and otherwise to reform existing methods and provide new methods of dealing with offenders and persons liable to imprisonment, and for purposes connected therewith

Commencement [[see endnotes](#)]

1 Abolition of penal servitude and hard labour

- (1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this Law.
- (2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Law; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.

2 Corrective training and preventive detention

- (1) Subject to the provisions of paragraph (3), where a person who is not less than 21 years of age –
 - (a) is convicted of an offence punishable with imprisonment for a term of 2 years or more; and
 - (b) has been convicted on at least 2 previous occasions since the person attained the age of 17 of offences punishable with such a sentence,

then, if it is deemed expedient with a view to the person's reformation and the prevention of crime that the person should receive training of a corrective character for a substantial time, followed by a period of supervision if released before the expiration of the person's sentence, there may be passed, in lieu of any other

sentence, a sentence of corrective training for such term of not less than 2, or more than 4, years as the court may determine.

- (2) Subject to the provisions of paragraph (3), where a person who is not less than 30 years of age –
- (a) is convicted of an offence punishable with imprisonment for a term of 2 years or more; and
 - (b) has been convicted on at least 3 previous occasions since the person attained the age of 17 of offences punishable with such a sentence, and was on at least 2 of those occasions sentenced to Borstal training, youth detention, imprisonment or corrective training,

then, if it is deemed expedient for the protection of the public that the person should be detained in custody for a substantial time, followed by a period of supervision if released before the expiration of the person's sentence, there may be passed, in lieu of any other sentence, a sentence of preventive detention for such a term not less than 5, nor more than 14, years as the court may determine.¹

- (3) Notwithstanding the foregoing provisions of this Article, a sentence of corrective training or preventive detention may be passed only by the Superior Number of the Royal Court, sitting with or without a jury.
- (4) Before sentencing any offender to corrective training or preventive detention, the court shall cause enquiry to be made as to the physical and mental condition of the offender and the offender's suitability for such a sentence.

3 General power of courts to fine offender²

Without prejudice to the provisions of the [Loi \(1937\) sur l'atténuation des peines et sur la mise en liberté surveillée](#), where a court has the power to sentence an offender to a term of imprisonment and has not the power to impose a fine in lieu thereof, the court when sentencing the offender may impose a fine in lieu of or in addition to the term of imprisonment.

4 Powers of courts in relation to fines and forfeited sureties³

- (1) Subject to the provisions of this Article, where a fine is imposed by any court, or an amount is forfeited by a surety, an order may be made in accordance with the provisions of this Article –
- (a) allowing time for the payment of the amount of the fine or the amount forfeited by a surety;
 - (b) directing payment of the said amount by instalments of such amounts and on such dates respectively as may be specified in the order;
 - (c) fixing a term of imprisonment which the person liable to make the payment is to undergo if any sum which the person is liable to pay is not duly paid or recovered;
 - (d) in the case of a surety, discharging the amount forfeited or reducing the amount so forfeited.⁴

- (1A) Any term of imprisonment fixed under paragraph (1) shall not exceed the maximum term of imprisonment within the jurisdiction for the time being of the Magistrate's Court in the case of an order made by –
- (a) the Magistrate's Court;
 - (b) the Youth Court; or
 - (c) the Royal Court on appeal against a decision of the Magistrate's Court.⁵
- (2) Any order under this Article may be made by the court by which the fine is imposed or which orders the amount forfeited, and may amend any previous order made under this Article so far as it provides for the matters mentioned in paragraph (1)(a) and (b):
- Provided that no application may be made for an order under those sub-paragraphs after the refusal of a previous application for such an order.⁶
- (3) Where any person liable for the payment of a fine or an amount forfeited to which this Article applies is sentenced by a court to, or is serving or otherwise liable to serve, a term of imprisonment, the court may order that any term of imprisonment fixed under paragraph (1)(c) shall not begin to run until after the end of the first-mentioned term of imprisonment.⁷
- (4) The power conferred by this Article to discharge an amount forfeited by a surety or reduce such an amount shall be in addition to any other powers relating to the discharge, cancellation, mitigation or reduction of any such amount.⁸

5 Incidental provisions as to fines and forfeited sureties⁹

- (1) Where an order is made under Article 4 allowing time for the payment of the amount of the fine or the amount forfeited by a surety, or directing payment of the said amount by instalments, the officer responsible for the recovery of the fine or the amount forfeited by a surety shall not exercise the officer's powers until there is a default in complying with the order.¹⁰
- (2) Where any such order as aforesaid is made directing payment by instalments of a fine or the amount forfeited by a surety, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.¹¹

6 Payment of fines, forfeited sureties or securities^{12 13}

- (1) Subject to paragraph (2), this paragraph applies where a person is imprisoned or otherwise detained and –
- (a) is in default of the payment of –
 - (i) a fine ordered by the court,
 - (ii) the amount forfeited by a surety, or
 - (b) is ordered to pay a security under Article 12(1)(a) of the Bail Law.¹⁴
- (1A) Where paragraph (1) applies –
- (a) on payment to the Viscount or the governor of the prison of any fine or amount mentioned in paragraph(1)(a);

- (b) where the Viscount has otherwise succeeded in recovering the full amount of, or an amount equivalent to a defaulted payment mentioned in paragraph 1(a); or
 - (c) on depositing with the Viscount the security mentioned in paragraph (1)(b), such person shall be released unless the person is in custody for some other cause.¹⁵
- (2) Except between the hours of 8 a.m. and 9 p.m., nothing in paragraph (1) shall oblige the governor of the prison –
 - (a) to accept payment of any fine or amount mentioned in paragraph (1)(a) and to release any person so detained in default of such payment; or
 - (b) to release any person detained pending the deposit of the security mentioned in paragraph (1)(b).¹⁶
- (3) Where, after a period of imprisonment or other detention has been imposed on any person in default of a payment mentioned in paragraph (1)(a), payment is made of part of that sum, the period of detention shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days of that period of detention less one day as the sum paid bears to the amount of the fine or amount forfeited by the surety.¹⁷
- (4) In calculating the reduction required under paragraph (3) any fraction of a day shall not be taken into account.
- (5) The governor of the prison shall pay any sums received under paragraph (1A) to the Viscount.¹⁸

7 Interpretation

- (1) In this Law –
 - “Bail Law” means the [Criminal Procedure \(Bail\) \(Jersey\) Law 2017](#);
 - “Borstal institution” has the meaning given in section 43 of the Prison Act 1952 (c.52) of the United Kingdom before the amendment of that section by the Criminal Justice Act 1988 (c.33) of the United Kingdom;
 - “surety” has the meaning given in Article 1(1) of the Bail Law; and
 - “youth detention” has the meaning given in Article 1(1) of the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).¹⁹
- (1A) References in this Law to ‘amount forfeited by a surety’ mean the amount ordered as forfeited by a surety under Article 14(6) of the Bail Law.²⁰
- (2) Any reference in this Law to a previous sentence of imprisonment shall be construed as including a reference to a previous sentence of penal servitude; any such reference to a previous sentence of Borstal training shall be construed as including a reference to a previous sentence of detention in a Borstal institution; and any such reference to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of the British Islands and to a previous sentence passed by any such court.
- (3) Where the age of any person at any time is material for the purpose of any provision of this Law, the person’s age at the material time shall be deemed to be or to have been that which appears to the court, after considering any available evidence, to be or to have been the person’s age at that time.

- (4) References in this Law to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under any enactment upon imprisonment of offenders of the offender's age, but shall not be construed as including an offence for which the court is required to impose a sentence of imprisonment for life.

8 Citation

This Law may be cited as the Criminal Justice (Jersey) Law 1957.

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Criminal Justice (Jersey) Law 1957	L.2/1957	1 April 1957
Children (Jersey) Law 1969	L.16/1969	1 January 1970
Criminal Justice (Amendment) (Jersey) Law 1982	L.6/1982	27 April 1982
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 1984	L.5/1984	27 January 1984
Homicide (Jersey) Law 1986	L.3/1986	25 April 1986
Criminal Justice (Young Offenders) (Jersey) Law 1994	L.6/1994	1 June 1994
Criminal Justice (Amendment No. 2) (Jersey) Law 1997	L.38/1997	29 August 1997
Criminal Justice (Amendment No. 3) (Jersey) Law 2014	L.45/2014	26 December 2014
Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 2016	R&O.115/2016	23 November 2016
Criminal Procedure (Bail) (Jersey) Law 2017	L.20/2017	24 July 2019 (R&O.62/2019)

Table of Renumbered Provisions

Original	Current
2	repealed by L.16/1969
3	2
3A	3
5(3), (4)	repealed by L.38/1997
8(2)	repealed by L.16/1969
8	spent, omitted from this revised edition
9	8

Table of Endnote References

¹ Article 2(2)	<i>amended by L.6/1994</i>
² Article 3	<i>inserted by L.6/1982, editorial change, “l’attenuation” deleted, “l’atténuation” inserted instead</i>
³ Article 4	<i>heading amended by L.20/2017</i>
⁴ Article 4(1)	<i>amended by L.5/1984, L.45/2014, L.20/2017</i>
⁵ Article 4(1A)	<i>inserted by L.45/2014</i>
⁶ Article 4(2)	<i>amended by L.20/2017</i>
⁷ Article 4(3)	<i>amended by L.20/2017</i>
⁸ Article 4(4)	<i>substituted by L.20/2017</i>
⁹ Article 5	<i>heading amended by L.20/2017</i>

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- ¹⁰ Article 5(1) *amended by L.20/2017*
- ¹¹ Article 5(2) *amended by L.20/2017, editorial change, “due under a recognizance” deleted, “forfeited by a surety” inserted instead*
- ¹² Article 6 *inserted by L.38/1997*
- ¹³ Article 6 *heading substituted by L.20/2017*
- ¹⁴ Article 6(1) *substituted by L.20/2017*
- ¹⁵ Article 6(1A) *inserted by L.20/2017*
- ¹⁶ Article 6(2) *substituted by L.20/2017*
- ¹⁷ Article 6(3) *amended by L.20/2017*
- ¹⁸ Article 6(5) *amended by L.20/2017*
- ¹⁹ Article 7(1) *amended by L.6/1994, R&O.115/2016, substituted by L.20/2017*
- ²⁰ Article 7(1A) *inserted by L.20/2017*