



Jersey

COURT OF APPEAL (SEX OFFENDERS LAW) RULES 2010

Official Consolidated Version

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COURT OF APPEAL (SEX OFFENDERS LAW) RULES 2010

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Jersey

COURT OF APPEAL (SEX OFFENDERS LAW) RULES 2010

THE COURT OF APPEAL, in pursuance of Articles 19 and 40 of the [Court of Appeal \(Jersey\) Law 1961](#) and Article 29(2)(d) of the [Sex Offenders \(Jersey\) Law 2010](#), has made the following Rules –

Commencement [[see endnotes](#)]

PART 1

INTERPRETATION

1 Definitions

In these Rules, unless the context otherwise requires –

- “appeal” and “appellant” have the meanings given in Rule 2(2);
- “Court” means the Court of Appeal;
- “Greffier” means the Judicial Greffier;
- “Law” means the [Sex Offenders \(Jersey\) Law 2010](#);
- “respondent” has the meaning given in Rule 2(2).

PART 2

APPEAL UNDER ARTICLE 19, 20, 21, 22, 23, 24, 25 OR 26 OF THE LAW

2 Application

- (1) These Rules apply to an appeal to the Court under Article 19, 20, 21, 22, 23, 24, 25 or 26 of the Law.
- (2) Accordingly, in these Rules –
 - “appeal” means any such appeal;
 - “appellant” means –

- (a) the Attorney General; or
- (b) the offender, notifier or other person the subject of the proceedings under Article 19, 20, 21, 22, 23, 24, 25 or 26 of the Law,

when bringing or intending to bring the appeal;

“respondent” means the Attorney General, offender, notifier or other person, when party to the appeal brought or intended to be brought by the appellant.

3 Notice of appeal

- (1) An appeal shall be commenced by the appellant giving notice of appeal, in accordance with this Rule, not later than 14 days after the day on which the decision appealed against is given.
- (2) The notice required by paragraph (1) must –
 - (a) be in writing in the Form specified in the Schedule appropriate to the appeal;
 - (b) specify the grounds of the appeal;
 - (c) be signed by the appellant or by his or her advocate; and
 - (d) be sent to the Greffier.
- (3) The Greffier shall send a copy of the notice of appeal to the respondent.
- (4) For the purposes of paragraph (1), where the court below has adjourned the trial of a case after conviction, the day on which the decision appealed against is given shall be taken to be the day on which the court sentences or otherwise deals with the offender.

4 Respondent’s notice

- (1) A respondent who has received a copy of a notice of appeal in accordance with Rule 3(3) may serve a respondent’s notice, and must do so if –
 - (a) the respondent wants to make representations to the Court; or
 - (b) the Court so directs.
- (2) The respondent must send the respondent’s notice to the Greffier not more than 7 days after –
 - (a) the respondent receives the notice of appeal; or
 - (b) a direction to do so.
- (3) The respondent’s notice must –
 - (a) state if the respondent wants to make representations at the hearing of the appeal; and
 - (b) include or attach any application, with reasons, for an extension of time within which to serve the respondent’s notice.
- (4) The Greffier shall send a copy of the respondent’s notice to the appellant.

5 Amendment of notice of appeal and respondent's notice

A notice of appeal or respondent's notice may be amended with the leave of the Court.

6 Setting down and directions

- (1) When the respondent's notice has been served, or the time specified for serving it has expired, the Greffier shall cause the appeal to be set down in the list of appeals.
- (2) The Greffier shall then give to the appellant and the respondent –
 - (a) written notice that the appeal has been set down; and
 - (b) directions in relation to the lodging by the appellant and the respondent of copies of –
 - (i) the documents (including any authorities) presented to the court below,
 - (ii) the order of the court below,
 - (iii) a summary of the arguments each intends to put to the Court, and
 - (iv) any additional authorities to which each wishes to refer.

7 Hearing of appeal

A date shall then be fixed for the hearing of the appeal as soon as is convenient to the Court, and the Greffier shall give notice thereof to the appellant and the respondent or as necessary to the advocate or solicitor of either.

PART 3**GENERAL PROVISIONS****8 Party in custody**

- (1) This Rule applies where the offender, notifier or other person who is the appellant or respondent is in custody.
- (2) The person –
 - (a) shall be entitled to be present (if he or she desires it) on the hearing of the appeal; but
 - (b) shall not be entitled to be present at proceedings preliminary or incidental to the appeal unless the person –
 - (i) is given leave by the Court to be present, or
 - (ii) is not legally represented.
- (3) When the Court has heard and dealt with any application in, or on the determination of, an appeal, if the person has not been present at the application or determination, the Greffier shall give notice of the decision or determination of the Court to the person.

9 Stay

Except so far as the court below or the Court may otherwise direct –

- (a) the bringing of an appeal shall not operate as a stay of execution or of proceedings under the decision appealed from; and
- (b) no intermediate act or proceeding shall be invalidated by an appeal.

10 Extending or shortening time

A judge of the Court may extend or shorten the time appointed by these Rules or by any rule of practice for the time being in force for doing anything in connection with an appeal.

11 Abandonment

- (1) An appellant at any time may abandon his or her appeal by written notice to the Greffier, and on such notice being given the appeal shall be taken to have been dismissed.
- (2) Paragraph (1) does not affect any power of the Court with regard to costs.

12 Citation

These Rules may be cited as the Court of Appeal (Sex Offenders Law) Rules 2010.

SCHEDULE

(Rule 3(2)(a))

FORM 1**ISLAND OF JERSEY
IN THE COURT OF APPEAL**

On appeal from the Royal Court of Jersey

**NOTICE OF APPEAL AGAINST [REFUSAL OF]¹ CERTIFICATION UNDER
ARTICLE [3(4)] [10(2)] [14(1)] [16(1)]² OF THE SEX OFFENDERS (JERSEY)
LAW 2010 THAT AN OFFENCE WAS SEXUALLY AGGRAVATED****Name of offender** _____

TAKE NOTICE that, on appeal from the decision of the Royal Court given on the
day of _____, 20 [not]³ to certify that the offence (particulars of which are given
below) was sexually aggravated, the appellant will ask the Court of Appeal to order that:⁴

Particulars of offence⁵
(use separate sheet if nec.)

THE GROUNDS of appeal are:⁶
(use separate sheet if nec.)

(Signed)
(Appellant).

Date:.....

¹ Delete if not applicable² Delete as appropriate³ Delete if not applicable⁴ State order applied for⁵ Give full details, including circumstances⁶ State grounds on which it is argued that the offence did/did not warrant being certified as sexually aggravated

FORM 2**ISLAND OF JERSEY
IN THE COURT OF APPEAL**

On appeal from the Royal Court of Jersey

**NOTICE OF APPEAL AGAINST NOTIFICATION PERIOD SPECIFIED UNDER
ARTICLE [5(1)] [5(2)] [5(3)] [5(7)]⁷ OF THE SEX OFFENDERS (JERSEY) LAW 2010****Name of notifier** _____TAKE NOTICE that, on appeal from the decision of the Royal Court given on the
day of _____, 20____ specifying the period of⁸.....
that must expire before the notifier may apply to the Royal Court under Article 5(5) of the [Sex
Offenders \(Jersey\) Law 2010](#) for an order that the notifier no longer be subject to notification
requirements under the said Law, the appellant will ask the Court of Appeal to order that:⁹THE GROUNDS of the appeal are:¹⁰
(use separate sheet if nec.)(Signed)
(Appellant).

Date:.....

⁷ Delete as appropriate⁸ State period specified by the Royal Court⁹ State order applied for¹⁰ State full grounds

FORM 3**ISLAND OF JERSEY
IN THE COURT OF APPEAL**

On appeal from the Royal Court of Jersey

**NOTICE OF APPEAL AGAINST ORDER UNDER ARTICLE 5(5) OF THE SEX
OFFENDERS (JERSEY) LAW 2010 THAT A PERSON [CONTINUE TO] [NO
LONGER]¹¹ BE SUBJECT TO NOTIFICATION REQUIREMENTS UNDER THE LAW**

Name of person currently subject to notification requirements:

TAKE NOTICE that, on appeal from the decision of the Royal Court given on the
day of _____, 20____ ordering that the said person [continue to] [no longer]¹² be subject
to notification requirements under the [Sex Offenders \(Jersey\) Law 2010](#), the appellant will ask
the Court of Appeal to order that:¹³

THE GROUNDS of the appeal are:¹⁴
(use separate sheet if nec.)

(Signed)
(Appellant).

Date:.....

¹¹ Delete as appropriate

¹² Delete as appropriate

¹³ State order applied for

¹⁴ State full grounds

FORM 4**ISLAND OF JERSEY
IN THE COURT OF APPEAL**

On appeal from the Royal Court of Jersey

**NOTICE OF APPEAL AGAINST [REFUSAL OF]¹⁵ ORDER UNDER ARTICLE 13(2)
OF THE SEX OFFENDERS (JERSEY) LAW 2010 THAT A PERSON BECOME
SUBJECT TO NOTIFICATION REQUIREMENTS**

Name of person:

TAKE NOTICE that, on appeal from the decision of the Royal Court given on the
day of _____, 20____ [ordering] [refusing to order]¹⁶ that the said person become
subject to the notification requirements of the [Sex Offenders \(Jersey\) Law 2010](#), the appellant
will ask the Court of Appeal to order that:¹⁷

THE GROUNDS of the appeal are:¹⁸
(*use separate sheet if nec.*)

(Signed)
(Appellant).

Date:.....

¹⁵ Delete if not applicable

¹⁶ Delete as appropriate

¹⁷ State order applied for

¹⁸ State full grounds

FORM 5**ISLAND OF JERSEY
IN THE COURT OF APPEAL**

On appeal from the Royal Court of Jersey

**NOTICE OF APPEAL AGAINST [REFUSAL OF]¹⁹ A RESTRAINING ORDER UNDER
ARTICLE [10(4)] [10(5)] [10(11)]²⁰ OF THE SEX OFFENDERS (JERSEY) LAW 2010**

Name of offender:

TAKE NOTICE that, on appeal from the decision of the Royal Court given on the
day of _____, 20____ [making/amending] [refusing to make/amend]²¹ a restraining
order under Article 10 of the [Sex Offenders \(Jersey\) Law 2010](#) in respect of the above-named
offender, the appellant will ask the Court of Appeal to order that:²²

THE GROUNDS of the appeal are:²³
(use separate sheet if nec.)

(Signed)
(Appellant).

Date:.....

¹⁹ Delete if not applicable

²⁰ Delete as appropriate

²¹ Delete as appropriate

²² State order applied for

²³ State full grounds

FORM 6**ISLAND OF JERSEY
IN THE COURT OF APPEAL**

On appeal from the Royal Court of Jersey

**NOTICE OF APPEAL AGAINST [REFUSAL OF]²⁴ A TRAVEL ORDER UNDER
ARTICLE [12(2)] [12(7)]²⁵ OF THE SEX OFFENDERS (JERSEY) LAW 2010**

Name of notifier:

TAKE NOTICE that, on appeal from the decision of the Royal Court given on the
day of _____, 20____ [making/varying/renewing/discharging] [refusing to
make/vary/renew/discharge]²⁶ a travel order under Article 12 of the [Sex Offenders \(Jersey\)
Law 2010](#) in respect of the above-named notifier, the appellant will ask the Court of Appeal to
order that:²⁷

THE GROUNDS of the appeal are:²⁸
(*use separate sheet if nec.*)

(Signed)
(Appellant).

Date:.....

²⁴ Delete if not applicable

²⁵ Delete as appropriate

²⁶ Delete as appropriate

²⁷ State order applied for

²⁸ State full grounds

FORM 7ISLAND OF JERSEY
IN THE COURT OF APPEAL

On appeal from the Royal Court of Jersey

**NOTICE OF APPEAL AGAINST [REFUSAL OF]²⁹ ORDER UNDER ARTICLE [15(2)]
[15(3)]³⁰ OF THE SEX OFFENDERS (JERSEY) LAW 2010 THAT A PERSON
[CONTINUE TO]³¹ BE SUBJECT TO NOTIFICATION REQUIREMENTS****Name of person:**

TAKE NOTICE that, on appeal from the decision of the Royal Court given on the
day of _____, 20____ [ordering] [refusing to order]³² under Article 15 of the [Sex
Offenders \(Jersey\) Law 2010](#) that the above-named person [continue to]³³ be subject to the
notification requirements of the said Law, the appellant will ask the Court of Appeal to order
that.³⁴

THE GROUNDS of the appeal are:³⁵
(use separate sheet if nec.)

(Signed)
(Appellant).

Date:.....

²⁹ Delete if not applicable³⁰ Delete as appropriate³¹ Delete if not applicable³² Delete as appropriate³³ Delete if not applicable³⁴ State order applied for³⁵ State full grounds

FORM 8**ISLAND OF JERSEY
IN THE COURT OF APPEAL**

On appeal from the Royal Court of Jersey

**NOTICE OF APPEAL AGAINST [REFUSAL OF]³⁶ A CHILD PROTECTION ORDER
UNDER ARTICLE [11(4)] [11(8)] [11(10)] [11(13)]³⁷ OF THE SEX OFFENDERS
(JERSEY) LAW 2010**

Name of defendant:

TAKE NOTICE that, on appeal from the decision of the Royal Court given on the
day of _____, 20____ [making/varying/renewing/discharging] [refusing to
make/vary/renew/discharge]³⁸ a child protection order under Article 11 of the [Sex Offenders
\(Jersey\) Law 2010](#) in respect of the above-named defendant, the appellant will ask the Court of
Appeal to order that:³⁹

THE GROUNDS of the appeal are:⁴⁰
(use separate sheet if nec.)

(Signed)
(Appellant).

Date:.....

³⁶ Delete if not applicable

³⁷ Delete as appropriate

³⁸ Delete as appropriate

³⁹ State order applied for

⁴⁰ State full grounds

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Court of Appeal (Sex Offenders Law) Rules 2010	R&O.115/2010	1 January 2011

Table of Renumbered Provisions

Original	Current
12(1)	12
12(2)	Spent, omitted

Table of Endnote References

There are currently no endnote references