



Jersey

# **CRIMINAL PROCEDURE (TAKING OFFENCES INTO CONSIDERATION) RULES 2000<sup>1</sup>**

## **Official Consolidated Version**

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Jersey

## CRIMINAL PROCEDURE (TAKING OFFENCES INTO CONSIDERATION) RULES 2000

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**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 13 of the [Royal Court \(Jersey\) Law 1948](#), Article 29 of the [Magistrate's Court \(Miscellaneous Provisions\) \(Jersey\) Law 1949](#), and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [\[see endnotes\]](#)

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### 1 Taking offences into consideration

- (1) Subject to the provisions of these Rules, when the Royal Court, the Magistrate's Court or the Youth Court sentences any person in respect of an offence and the conditions in paragraph (2) are satisfied, the Court may take one or more other offences committed by that person into consideration.
- (2) The conditions referred to in paragraph (1) are that –
  - (a) the accused has admitted one or more other charges and requested that they be taken into consideration;
  - (b) the offences to which the other charges relate are of a similar nature to the offence for which sentence is being imposed and are otherwise within the jurisdiction of the Court; and
  - (c) the Attorney General does not object or, in the case of proceedings in the Magistrate's Court or the Youth Court, the prosecution does not object.
- (3) An offence shall not be taken into consideration if the Court considers that, in the public interest, it ought to be charged and tried separately.

### 2 Sentence

When the Court takes one or more other offences into consideration, it may impose in respect of the offence with which the defendant is charged a sentence more severe than it would have imposed had it not taken any offence into consideration save that, if the maximum sentence for an offence is fixed by law, the Court shall not exceed that maximum sentence and (for the avoidance of doubt) in the Youth Court, Magistrate's

Court or the Inferior Number of the Royal Court, shall not exceed the maximum of its sentencing jurisdiction.

### **3 Status of offences taken into consideration**

An offence does not, by reason of its having been taken into consideration, become an offence in respect of which a person may make a plea of *autrefois convict*, but no proceedings for an offence which a court has taken into consideration shall be instituted without the leave of the Attorney General.

### **4 Practice directions**

- (1) The Judicial Greffier may, in consultation with the Bailiff, issue practice directions to ensure that sufficient notice is given of the particulars of the offences to be taken into consideration and that the defendant understands what is being done and freely admits them.
- (2) Practice directions under paragraph (1) may specify standard forms for the purposes of these Rules.

### **5 Citation**

These Rules may be cited as the Criminal Procedure (Taking Offences into Consideration) Rules 2000.

## ENDNOTES

### Table of Legislation History

| Legislation   | Year and No                      | Commencement |
|---|----------------------------------|--------------|
| Criminal Procedure (Taking Offences into Consideration) (Jersey) Rules 2000 | <a href="#">R&amp;O.156/2000</a> | 1 March 2001 |

### Table of Endnote References

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<sup>1</sup>

*These Rules were repealed by the Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021 on 1 October 2021*