



Jersey

EVIDENCE (TELEVISION AND VIDEO RECORDINGS) RULES 2006¹

Official Consolidated Version

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Jersey

EVIDENCE (TELEVISION AND VIDEO RECORDINGS) RULES 2006

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Jersey

EVIDENCE (TELEVISION AND VIDEO RECORDINGS) RULES 2006

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 10 of the [Criminal Justice \(Evidence of Children\) \(Jersey\) Law 2002](#), and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [[see endnotes](#)]

1 Interpretation²

In these Rules, unless the context otherwise requires –

“Greffier” means the Judicial Greffier;

“Judge” means –

- (a) in the case of an application for evidence to be given or tendered in proceedings before the Royal Court, the Bailiff; or
- (b) in the case of an application for evidence to be given or tendered in proceedings before the Magistrate’s Court, the Magistrate;

“Law” means the [Criminal Justice \(Evidence of Children\) \(Jersey\) Law 2002](#).

2 Evidence through television link where witness is a child or is to be cross-examined after admission of a video recording

(1) Any party may apply for leave under Article 2(1) of the Law for evidence to be given through a live television link where –

- (a) the offence charged is one referred to in Article 2(1) of the Law; and
- (b) the evidence is to be given by a witness who is either –
 - (i) in the case of an offence falling within Article 2(1)(a) or (b)(i) of the Law under the age of 14,
 - (ii) in the case of an offence falling within Article 2(1)(b)(ii), (iii) or (iv) or (c) of the Law under the age of 17, or

- (iii) a person who is to be cross-examined following the admission under Article 3 of the Law of a video recording of testimony from the person,

and references to an offence include references to attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting the commission of, that offence.

- (2) An application under paragraph (1) is made by giving notice in writing in the form set out in Schedule 1 or a form to the like effect.

3 Video recordings of testimony from child witnesses

- (1) Any party may apply for leave under Article 3 of the Law to tender in evidence a video recording of testimony from a witness where –

- (a) the offence charged is one referred to in Article 2(1) of the Law;
- (b) in the case of an offence falling within Article 2(1)(a) or (b)(i) of the Law, the proposed witness is under the age of 14 or, if the proposed witness was under 14 when the video recording was made, is under the age of 15;
- (c) in the case of an offence falling within Article 2(1)(b)(ii), (iii) or (iv) or (c) of the Law, the proposed witness is under the age of 17 or, if the proposed witness was under 17 when the video recording was made, is under the age of 18; and
- (d) the video recording is of an interview conducted between an adult and a person coming within sub-paragraph (b) or (c) of this paragraph (not being the accused or one of the accused) which relates to any matter in issue in the proceedings,

and references to an offence include references to attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting the commission of, that offence.

- (2) An application under paragraph (1) is made by giving notice in writing in the form set out in Schedule 2 or a form to the like effect.

- (3) The application must be accompanied by the video recording which it is proposed to tender in evidence and shall include the following, namely –

- (a) the name of the accused and the offence or offences charged;
- (b) the name and date of birth of the witness in respect of whom the application is made;
- (c) the date on which the video recording was made;
- (d) a statement that in the opinion of the applicant the witness is willing and able to attend the trial for cross-examination;
- (e) a statement of the circumstances in which the video recording was made which complies with paragraph (4);
- (f) the date on which the video recording was disclosed to the other party or parties.

- (4) If it is proposed to tender part only of a video recording of an interview with the witness, an application under paragraph (1) must specify that part and be

accompanied by a video recording of the entire interview, including those parts which it is not proposed to tender in evidence, and by a statement of the circumstances in which the video recording of the entire interview was made which complies with paragraph (5).

- (5) The statement of the circumstances in which the video recording was made referred to in paragraphs (3)(e) and (4) must include the following information, except in so far as it is contained in the recording itself, namely –
- (a) the times at which the recording commenced and finished, including details of any interruptions;
 - (b) the location at which the recording was made and the usual function of the premises;
 - (c) the name, age and occupation of any person present at any point during the recording; the time for which the person was present; the person's relationship (if any) to the witness and to the accused;
 - (d) a description of the equipment used including the number of cameras used and whether they were fixed or mobile; the number and location of microphones; the video format used and whether there were single or multiple recording facilities;
 - (e) the location of the mastertape if the video recording is a copy and details of when and by whom the copy was made.

4 Time limits and procedure generally³

- (1) An application under Rule 2(1) or 3(1), as the case may be, must be made no later than 28 days before the date fixed for the trial of the accused.
- (2) The notice under Rule 2(2) or 3(2), as the case may be, must be sent to the Greffier and at the same time a copy thereof must be sent by the applicant to every other party to the proceedings.
- (3) Copies of any video recording required by Rule 3(3) or (4) must, as soon as may be after paragraph (2) has been complied with, be sent to the Greffier and must be made available for viewing by any other party to the proceedings.
- (4) A party who receives a notice in accordance with Rule 2(2) or 3(2), as the case may be, who wishes to oppose the application must within 14 days of service of the relevant notice notify the applicant and the Greffier in writing of the party's opposition giving the reasons therefor and, in the case of an application under Rule 3(1) to tender in evidence a video recording of testimony from a witness, such notification must state –
 - (a) whether the party objects to the admission of any part of the video recording or recordings disclosed, giving the party's reasons why it would not be in the interests of justice for it to be admitted;
 - (b) whether the party would agree to the admission of part of the video recording or recordings disclosed and, if so, which part or parts,and whether the party wishes to be represented at any hearing of the application.
- (5) Unless the Judge otherwise directs, an application under Rule 2(1) or 3(1), as the case may be, shall be determined by the Judge without a hearing but, if the Judge

directs that there should be a hearing, the Greffier shall notify all the parties of the time and place of that hearing.

- (6) However, if a party notifies the Greffier pursuant to paragraph (4) that the party objects to the admission of any part of the video recording and that the party wishes to be represented at any hearing or, in any other case where the Judge so directs, the application shall be determined at a hearing at which the applicant and such other party or parties as the Judge may direct may be represented.
- (7) In the case of a decision of the Judge in relation to an application under Rule 2(1), the Greffier shall notify all the parties and any person who is to accompany the witness (if known) of the decision of the Judge and, if leave is granted, the notification shall state –
 - (a) the name and date of birth of the witness;
 - (b) if known, the name, occupation and relationship (if any) to the witness of any person who is to accompany the witness; and
 - (c) the location at which the trial should take place,and a witness giving evidence through a television link pursuant to such leave shall be accompanied by a person acceptable to the Judge and, unless the Judge otherwise directs, by no other person.
- (8) In the case of a decision of the Judge in relation to an application under Rule 3(1), the Greffier shall notify all the parties of it in writing and, if leave is granted, the notification shall state whether the whole or specified parts only of the video recording or recordings disclosed are to be admitted in evidence.
- (9) The period of 28 days referred to in paragraph (1) may be abridged by the Judge on an application made in writing specifying the grounds of the application and sent to the Greffier; and the Greffier shall notify all the parties of the decision of the Judge.
- (10) An application for abridgement of time under paragraph (9) shall be determined by the Judge without a hearing unless the Judge otherwise directs.

5 Citation

These Rules may be cited as the Evidence (Television and Video Recordings) Rules 2006.

SCHEDULE 1

(Rule 2(2))

FORM OF APPLICATION TO USE TELEVISION LINK**In the [Royal] [Magistrate's] [Youth]⁽¹⁾ Court of the Island of Jersey***Notice of application for leave to use television link under Article 2(1) of the [Criminal Justice \(Evidence of Children\) \(Jersey\) Law 2002](#)***A. The accused**

Name(s) of accused to whom this application relates:

.....

Address:

.....

Date upon which [accused charged/committed] [notice of appeal given]: ⁽¹⁾

.....

B. Application

Name of applicant:

Name of applicant's advocate: ⁽²⁾Address of advocate: ⁽²⁾

.....

C. Charges⁽³⁾

.....

.....

D. Witness

Name:

Date of birth:

If an application has been made to tender in evidence a video recording of testimony from the witness, state the date and (if known) the result of that application:

.....

.....

E. Person accompanying the witnessName of person who is proposed to accompany the witness: ⁽⁴⁾

.....

Occupation of this person:

.....
Relationship (if any) to the witness of this person:

.....
Grounds for believing this person to be most suitable to accompany the witness:

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.....
.....

F. Grounds for application

.....
.....

Signature of applicant/applicant's
advocate ⁽¹⁾

Date:

Notes:

⁽¹⁾ *Delete as appropriate*

⁽²⁾ *If applicable*

⁽³⁾ *Give details of those charges to which this application relates*

⁽⁴⁾ *If known*

SCHEDULE 2

(Rule 3(2))

FORM OF APPLICATION TO TENDER VIDEO RECORDING IN EVIDENCE**In the [Royal] [Magistrate's] [Youth]⁽¹⁾ Court of the Island of Jersey***Notice of application for leave to tender in evidence a video recording under Article 3 of the [Criminal Justice \(Evidence of Children\) \(Jersey\) Law 2002](#)***A. The accused**

Name(s) of accused to whom this application relates:

.....

Address:

.....

.....

Date upon which the [accused charged/committed] [notice of appeal given]⁽¹⁾

.....

B. Application

Name of applicant:

Name of applicant's advocate:⁽²⁾

.....

Address of advocate:⁽²⁾

.....

.....

C. Charges⁽³⁾

.....

.....

.....

D. Witness

Name:

Date of birth:

E. Video recording(s)Statement as to circumstances in which video recording made:⁽⁴⁾

.....

.....

.....
Date(s) of video recording(s):

.....
Time(s) of video recording(s):⁽⁵⁾

.....
Location and normal function of premises where video recording made:⁽⁶⁾
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.....

F. Details of those present while recording made⁽⁷⁾

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G. Equipment used⁽⁸⁾

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.....

H. Location of mastertape⁽⁹⁾

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I. Details of copy⁽¹⁰⁾

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.....

J. Grounds for application

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.....

K. Declaration

I declare that –

- (a) I believe that the witness is willing and able to attend the trial for cross-examination;
- (b) The details given in the statement of the circumstances in which the video recording was made above are correct;

- (c) The agreement of the other parties has been sought to copies of the video recording(s) to which this application relates being tendered in evidence;
- (d) A copy of this notice has been served on each party to the proceedings and a copy of the video recording(s) to which it relates has been made available for viewing by them.

Signature of applicant/applicant's advocate:⁽¹⁾

.....

Date:

Notes:

⁽¹⁾ *Delete as appropriate*

⁽²⁾ *If applicable*

⁽³⁾ *Give details of those charges to which this application relates*

⁽⁴⁾ *These details need be completed only to the extent that the information is not contained in the video recording itself*

⁽⁵⁾ *State times at which recordings began and finished including any interruptions*

⁽⁶⁾ *Give address and description of premises where recording made*

⁽⁷⁾ *Include name, age and occupation of anyone present; time for which present, relationship (if any) to witness and defendant*

⁽⁸⁾ *Include number and type of cameras (fixed or mobile), number and location of microphones, video format and whether single or multiple recording facilities used*

⁽⁹⁾ *State name and address of keeper of mastertape*

⁽¹⁰⁾ *State when and by whom each copy accompanying this notice was made*

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Evidence (Television and Video Recordings) Rules 2006	R&O.27/2006	30 March 2006
Evidence (Television and Video Recordings) (Amendment) Rules 2007	R&O.182/2007	24 December 2007

Table of Endnote References

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- ¹ *These Rules were repealed by the Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021 on 1 October 2021*
- ² *Rule 1 amended by R&O.182/2007*
- ³ *Rule 4 amended by R&O.182/2007*