



Jersey

# **COVID-19 (EMERGENCY PROVISIONS – COURTS) (JERSEY) REGULATIONS 2020<sup>1</sup>**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 April 2022 to 30 September 2022



Jersey

## COVID-19 (EMERGENCY PROVISIONS – COURTS) (JERSEY) REGULATIONS 2020

### Contents

#### Regulation

1	Interpretation .....	3
2	Bailiff may determine certain matters sitting alone .....	3
3	Quorum of the Superior Number .....	4
4	Presence of members of the Royal Court .....	4
5	Variation of right to jury trial .....	4
6	Hearings by television link or other remote link .....	4
7	Licensing Assembly .....	4
8	Proceedings may be recorded .....	5
9	Citation, commencement and expiry .....	5

#### ENDNOTES 6

Table of Legislation History .....	6
Table of Endnote References .....	6



Jersey

## COVID-19 (EMERGENCY PROVISIONS – COURTS) (JERSEY) REGULATIONS 2020

**THE STATES** make these Regulations under Article 2 of the [Covid-19 \(Enabling Provisions\) \(Jersey\) Law 2020](#) –

Commencement [[see endnotes](#)]

---

### 1 Interpretation

- (1) In these Regulations –
  - (a) except in Regulation 7, a reference to the Bailiff includes a reference to the Deputy Bailiff or a Commissioner appointed under Article 10 of the [Royal Court \(Jersey\) Law 1948](#);
  - (b) in Regulations 6 and 8, a reference to a court includes any court, any tribunal or the Licensing Assembly (within the meaning of the [Licensing \(Jersey\) Law 1974](#));
  - (c) any other words and phrases that are defined in the [Criminal Procedure \(Jersey\) Law 2018](#) have the same respective meanings as in that Law.
- (2) Nothing in these Regulations limits the inherent jurisdiction of the Royal Court.

### 2 Bailiff may determine certain matters sitting alone

- (1) This Regulation applies to all causes and matters before the Royal Court, civil, criminal and mixed, other than –
  - (a) a trial;
  - (b) the imposition of a sentence;
  - (c) an appeal against sentence from the Inferior Number to the Superior Number; or
  - (d) an appeal from the Magistrate's Court under Article 33 of the [Criminal Procedure \(Jersey\) Law 2018](#).<sup>2</sup>
- (2) Despite any other enactment, where this Regulation applies the Bailiff may sit alone to determine matters of both fact and law if the Bailiff considers that it is not appropriate to adjourn the cause or matter to be heard at a later date.

### **3 Quorum of the Superior Number**

Despite any other enactment the Superior Number of the Royal Court is constituted by the Bailiff and not less than 3 Jurats.

### **4 Presence of members of the Royal Court**

The Royal Court is duly constituted if the Bailiff and the required number of Jurats (if any) are present by way of a live television link, telephone or otherwise, and can follow and participate in the proceedings of the Court.

### **5 Variation of right to jury trial**

- (1) This Regulation applies despite any other enactment whenever the Bailiff considers that at the time when a defendant's case is expected to be ready for trial it is likely not to be practicable to assemble a jury.
- (2) Despite having elected under Article 48(2) of the 2018 Law to be tried by the Royal Court sitting with a jury the defendant may instead elect to be tried by the Inferior Number of the Royal Court sitting without a jury.
- (3) If the Royal Court has decided under Article 48(4) of the 2018 Law that the defendant should be tried by the Royal Court sitting with a jury but the Bailiff, having heard any submissions from the defence and the prosecution, considers that it is not appropriate to adjourn the case to be heard with a jury at a later date, the defendant must be tried by the Inferior Number of the Royal Court sitting without a jury.
- (4) In this Regulation "2018 Law" means the [Criminal Procedure \(Jersey\) Law 2018](#).

### **6 Hearings by television link or other remote link**

- (1) This Regulation applies where any court that is due to hear proceedings considers that it is not appropriate to adjourn the proceedings to be heard at a later date.
- (2) Despite any other enactment, the court may, after hearing representations from the parties, direct that any or all participants in the proceedings (including parties and their legal representatives and witnesses) be treated as being present at the proceedings if the participant is able to communicate with the court by way of a live television link, telephone or otherwise.
- (3) However, the defendant (in a criminal trial) must also be able to see and hear the court.

### **7 Licensing Assembly**

Despite the [Licensing \(Jersey\) Law 1974](#), the Licensing Assembly referred to in that Law –

- (a) is to consist of the Bailiff (or the Deputy Bailiff or Lieutenant Bailiff) and 2 Jurats; and
- (b) may deal with all applications under that Law on the papers without the need for a public hearing or any appearance or attendance by any person.

**8 Proceedings may be recorded**

It is permissible for the Judicial Greffier to make an audio or video recording of any proceedings of any court.

**9 Citation, commencement and expiry**

- (1) These Regulations may be cited as the Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020.
- (2) These Regulations come into force on the day after they are made and expire at the end of 30th September 2022.<sup>3</sup>

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Covid-19 (Emergency Provisions – Courts) (Jersey) Regulations 2020	<a href="#">R&amp;O.45/2020</a>	23 April 2020	<a href="#">P.41/2020</a>
Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 2020	<a href="#">R&amp;O.115/2020</a>	30 September 2020	<a href="#">P.103/2020</a>
Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 2021	<a href="#">R&amp;O.52/2021</a>	29 April 2021	<a href="#">P.25/2021</a>
Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021	<a href="#">R&amp;O.94/2021</a>	1 October 2021	<a href="#">P.59/2021</a>
Covid-19 (Amendments – Further Extensions) (Jersey) Regulations 2021	<a href="#">R&amp;O.127/2021</a>	15 October 2021	<a href="#">P.84/2021</a>
Covid-19 (Amendments – Extensions to September 2022) (Jersey) Regulations 2022	<a href="#">R&amp;O.35/2022</a>	1 April 2022	<a href="#">P.28/2022</a>

°Projects available at [statesassembly.gov.je](https://statesassembly.gov.je)

### Table of Endnote References

<sup>1</sup>	<i>These Regulations were expired by Regulation 9(2) on 30 September 2022</i>
<sup>2</sup> Regulation 2(1)	<i>amended by R&amp;O.94/2021</i>
<sup>3</sup> Regulation 9(2)	<i>amended by R&amp;O.115/2020, R&amp;O.52/2021, R&amp;O.127/2021, R&amp;O.35/2022</i>