



Jersey

**COURT OF APPEAL (CRIMINAL)
(REFERENCE OF POINTS OF LAW) RULES
2009**

Official Consolidated Version

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COURT OF APPEAL (CRIMINAL) (REFERENCE OF POINTS OF LAW) RULES 2009

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Jersey

COURT OF APPEAL (CRIMINAL) (REFERENCE OF POINTS OF LAW) RULES 2009

THE COURT OF APPEAL, in pursuance of Articles 40 and 46D(g) of the [Court of Appeal \(Jersey\) Law 1961](#), has made the following Rules –

Commencement [[see endnotes](#)]

1 Interpretation

In these Rules –

“Court” means the Court of Appeal;

“Law” means the [Court of Appeal \(Jersey\) Law 1961](#);

“reference” means a reference by the Attorney General of a point of law to the Court in pursuance of Article 45 of the Law;

“respondent”, in relation to any reference, means the acquitted person in whose case the point of law referred arose.

2 References

A reference shall be in writing and must –

- (a) specify the point of law in issue and indicate the opinion that the Attorney General invites the court to give;
- (b) identify each ground for that invitation, concisely outlining each argument in support;
- (c) exclude any reference to the respondent’s name and any other reference that may identify the respondent;
- (d) summarise the relevant facts; and
- (e) identify any relevant authorities.

3 Notice of reference

Notice of the reference for the purpose of Article 46A(1)(a) of the Law is given by lodging 5 copies of it with the Judicial Greffier.

4 Notice to respondent

- (1) The Judicial Greffier shall, within 2 working days of receiving the reference, send by recorded delivery to the respondent –
 - (a) a copy of the reference; and
 - (b) a respondent's notice form as set out in the Schedule.
- (2) The Judicial Greffier shall also advise the respondent in writing –
 - (a) that the outcome of the reference will not make any difference to the trial;
 - (b) that the respondent may serve a respondent's notice; and
 - (c) if the respondent wishes to consult an advocate –
 - (i) to do so as soon as possible, and
 - (ii) that the respondent may request the appointment by the Bâtonnier of an advocate to represent the respondent on legal aid.

5 Respondent's notice

- (1) A respondent who has received a copy of a reference 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 Judicial Greffier and a copy to the Attorney General not more than 14 days after –
 - (a) the respondent receives the application; or
 - (b) a direction to do so.
- (3) The respondent's notice must –
 - (a) say if the respondent wants to make representations at the hearing of the reference; and
 - (b) include or attach any application, with reasons, for an extension of time within which to serve the respondent's notice.
- (4) The respondent must, not more than 28 days after sending the respondent's notice to the Judicial Greffier, lodge with the Judicial Greffier 5 copies of –
 - (a) a summary of the arguments the respondent intends to put to the Court; and
 - (b) the authorities the respondent intends to cite.

6 Withdrawal or amendment of application or reference

The Attorney General may withdraw or amend the reference at any time before the Court has begun the hearing or, after that, and until the Court has given its opinion, may withdraw or amend the reference by leave of the Court, and notice of such withdrawal or amendment shall be served on the respondent by the Attorney General.

7 Anonymity of respondent

The Court must not allow anyone to identify the respondent during the proceedings on a reference unless the respondent gives permission.

8 Citation

These Rules may be cited as the Court of Appeal (Criminal) (Reference of Points of Law) Rules 2009.

SCHEDULE

(Rule 4(1)(b))

The Court of Appeal of Jersey

RESPONDENT’S NOTICE

In re a Reference by Her Majesty’s Attorney General of a point of law to the Court of Appeal under Article 45 of the [Court of Appeal \(Jersey\) Law 1961](#) following acquittal

A. THE RESPONDENT:¹

Surname:

Forenames:

.....

Address:²

.....

.....

.....

Post Code:

Date of Birth:

B. HEARING BEFORE THE ROYAL COURT

Bailiff/Deputy Bailiff/Commissioner

Date(s) of hearing(s):

Date of receipt of Attorney General’s application:

¹ **PLEASE NOTE:** If you wish to serve a Respondent’s Notice, your full name must be given on this Form, but the Court must not allow anyone to identify you during the proceedings unless you give permission.

² If in custody give address where you are detained.

C. THE RESPONDENT –

- (i) [wants] [does not want]³ to make representations at the hearing of the application
- (ii) [wants] [does not want]³ to apply for an extension of time in which to serve the respondent’s notice⁴

D. THE REASONS for any application(s) for extension of time and/or permission to attend a hearing are:

.....

.....

.....

.....

.....

Signature

Signature of respondent

[OR: Details of any person signing on behalf of the respondent:

.....

.....

.....]

³ Delete as appropriate.

⁴ If you do want an extension of time, state reasons in section **D**.

IMPORTANT

A respondent's notice must be sent to the Judicial Greffier (and a copy sent to the Attorney General) not more than 14 days after the respondent received a copy of the Attorney General's application.

The respondent then has 28 days within which to lodge with the Judicial Greffier 5 copies of –

- (a) a summary of the arguments the respondent intends to put to the Court of Appeal;
and**
- (b) the authorities the respondent intends to cite.**

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Court of Appeal (Criminal) (Reference of Points of Law) Rules 2009	R&O.78/2009	3 August 2009

Table of Renumbered Provisions

Original	Current
8	Spent, omitted
9	8

Table of Endnote References

There are currently no endnote references