



Jersey

CRIMINAL PROCEDURE (ALIBIS) (JERSEY) RULES 1999¹

Official Consolidated Version

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CRIMINAL PROCEDURE (ALIBIS) (JERSEY) RULES 1999

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THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 29 of the [Magistrate's Court \(Miscellaneous Provisions\) \(Jersey\) Law 1949](#), of Articles 6 and 17 of the [Criminal Justice \(Evidence and Procedure\) \(Jersey\) Law 1998](#), and of all other powers enabling it in this behalf, has made the following Rules –

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

1 Notice of alibi

- (1) In any criminal proceedings before the Magistrate, if the Magistrate considers that the Magistrate may decide to commit the accused for trial before the Royal Court, the Magistrate shall then tell the accused –

“I must warn you that if I decide to commit you for trial before the Royal Court, you may not be allowed at that trial either to give evidence yourself of an alibi, or to call witnesses on your behalf in support of an alibi, unless you have first given particulars of the alibi.

You may give those particulars to me, during or at the end of these proceedings before me.

Or you may give them in writing to the Attorney General, not later than 7 days after the end of these proceedings before me.”
- (2) However, the Magistrate need not give that warning if, having regard to the nature of the offence with which the accused is charged, it is unnecessary to do so.
- (3) Where the Magistrate has given the warning, and the accused is subsequently committed for trial before the Royal Court, the Judicial Greffier shall at the end of the proceedings before the Magistrate give the accused a written notice in the form set out in the Schedule to these Rules.

2 Citation

These Rules may be cited as the Criminal Procedure (Alibis) (Jersey) Rules 1999.

SCHEDULE

(Rule 1(3))

PARTICULARS OF ALIBI

In the Magistrate's Court of Jersey

To A.B. of

If you wish to raise an alibi in your defence at your trial before the Royal Court, you should read this carefully.

If you intend to consult a lawyer, you should show this to him or her at once.

Article 6 of the [Criminal Justice \(Evidence and Procedure\) \(Jersey\) Law 1998](#) says that an accused person who is tried before the Royal Court shall not give evidence himself or herself of an alibi, or call other witnesses to give evidence of the alibi, unless –

- (a) the accused has given particulars of the alibi and of the witnesses, as required by that Article; or
- (b) the accused obtains the leave of the Royal Court for the evidence of the alibi to be given.

To comply with Article 6, the accused must do the following things –

- (1) Give notice of the particulars to the Magistrate (the time for doing this has passed in your case), or to the Attorney General before the end of the period of 7 days immediately following the committal by the Magistrate to the Royal Court for trial; and
- (2) Include in the notice the particulars of the alibi, and the names and addresses of any witnesses whom the accused proposes to call to give evidence of the alibi.

If the accused is unable to give the name and address of a witness in the notice, the accused must include in it any information in his or her possession that might help to find the witness, and the accused must take all reasonable steps to enable the name and address to be discovered.

If the name or address of a witness was not included in the notice but the accused subsequently discovers the name or address or other information that might help find the witness, the accused must immediately give notice to the Attorney General of the name, address or other information.

If the accused is notified by or on behalf of the Attorney General that a witness has not been traced by the name or at the address given by the accused, the accused must forthwith give notice to the Attorney General of any information then in his or her possession or subsequently received by him or her that might help to find the witness.

Any notice that is to be given by the accused under Article 6 to the Attorney General must be in writing; and may be delivered to the Attorney General, or left at the Attorney General's office, or sent in a registered letter or by the recorded delivery service addressed to the Attorney General at his or her office, or transmitted to him or her by electronic means.

“Evidence of an alibi” means evidence tending to show that, by reason of the presence of the accused at a particular place or in a particular area at a particular time, the accused was not or was unlikely to have been at the place where the offence is alleged to have been committed, at the time of its alleged commission.

The address of the Attorney General is the Law Officers’ Department, Third Floor, Morier House, Halkett Place, St. Helier, Jersey JE1 1DD.

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Criminal Procedure (Alibis) (Jersey) Rules 1999	R&O.9490	1 January 2000

Table of Endnote References

¹ *These Rules were repealed by the Criminal Procedure (Jersey) Law 2018 on 23 October 2019.*