A LAW to amend further the Telecommunications (Jersey) Law 2002 and to amend the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

Adopted by the States 14th June 2016
Sanctioned by Order of Her Majesty in Council 12th October 2016
Registered by the Royal Court 21st October 2016

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Telecommunications (Jersey) Law 2002 amended

(1) The Telecommunications (Jersey) Law 2002 is amended in accordance with paragraphs (2) and (3), and in those paragraphs a reference to an Article is to an Article of the same number in that Law.

(2) In Article 1(1), in the definition “message” for the word “means” there shall be substituted the word “includes”.

(3) For Article 51 there shall be substituted the following Article –

“51 Improper use of telecommunications system

(1) A person (the ‘sender’) who, by means of a telecommunication system, sends a message or other matter that is (or conveys anything that is) grossly offensive or of an indecent, obscene or menacing character, is guilty of an offence if either paragraph (2) or (3) applies.

(2) This paragraph applies if the sender knew or intended the message to be grossly offensive or of an indecent, obscene or menacing character.

(3) This paragraph applies if the sender was aware, at the time of sending the message, of the risk that it would be viewed as grossly
Article 2

Telecommunications (Amendment No. 3) and Crime (Miscellaneous Provisions) (Jersey) Law 2016

offensive or of an indecent, obscene or menacing character by any reasonable member of the public.

(4) A person who, for the purpose of causing annoyance, inconvenience or needless anxiety to another –

(a) sends, by means of a telecommunication system, a message that the person knows to be false; or

(b) persistently makes use of a telecommunication system, is guilty of an offence.

(5) In paragraphs (2) to (4), ‘message’ includes a message or other matter, and anything conveyed by the message.

(6) The States may make Regulations amending this Article if it is considered necessary to do so to take account of changes in technology, and such Regulations may contain –

(a) provision consequentially amending or modifying, for the purposes of this Article, an expression used or defined in this Law; and

(b) incidental, supplemental or consequential provision.

(7) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 2 years and to a fine.”.

2 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 amended

(1) The Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 is amended in accordance with paragraphs (2) to (5), and in those paragraphs a reference to an Article is to an Article of the same number in that Law.

(2) For Article 3(3) there shall be substituted the following paragraph –

“(3) A person who commits an offence under paragraph (1) shall be liable to imprisonment for a term of 2 years and to a fine.”.

(3) For the heading to Article 5 there shall be substituted the following heading –

“Restraining orders”.

(4) In Article 5 –

(a) in paragraph (1) the words “under Article 3(1)” shall be deleted;

(b) in paragraph (2) for the words “in order to ensure that the person will not commit a further offence under Article 3(1)” there shall be substituted –

“for the purpose of protecting the victim of the offence, or any other person named in the order, from conduct by the person against whom the order is made, which would, if carried out –

(a) amount to harassment of the victim or other person named in the order; or
(b) be likely to cause the victim or such other person to be in fear of violence against them.”.

(5) For Article 6(2) there shall be substituted the following paragraph –

“(2) A person who commits an offence under paragraph (1) shall be liable to imprisonment for a term of 2 years and to a fine.”.

(6) For Article 7(1) and (2) there shall be substituted the following –

“(1) An order under Article 5 may be amended or revoked by the court which made the order, on the application of –

(a) the Attorney General; or

(b) the person against whom the order was made.

(2) The court to which an application is made under paragraph (1) may amend or revoke the order if (and to the extent that) the court is satisfied that it is appropriate to do so.”.

3 Citation and commencement

This Law may be cited as the Telecommunications (Amendment No. 3) and Crime (Miscellaneous Provisions) (Jersey) Law 2016 and shall come into force 7 days after being registered.

L.-M. HART

Deputy Greffier of the States
Endnotes

1 chapter 06.288
2 chapter 08.115