



Jersey

## **SEXUAL OFFENCES (CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 2018**

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## SEXUAL OFFENCES (CONSEQUENTIAL AMENDMENTS) (JERSEY) REGULATIONS 2018

*Made*

*6th November 2018*

*Coming into force*

*23rd November 2018*

**THE STATES** make these Regulations under Article 46 of the Sexual Offences (Jersey) Law 2018<sup>1</sup> –

### 1 **Employment (Jersey) Law 2003**

In Article 90(11) of the Employment (Jersey) Law 2003<sup>2</sup>, for the definition “sexual offence” there is substituted –

“ “sexual offence” means –

- (a) an offence under the Sexual Offences (Jersey) Law 2018<sup>3</sup>;
- (b) any other offence that is a relevant offence within the meaning of the Sex Offenders (Jersey) Law 2010<sup>4</sup>;
- (c) an offence of attempting to commit an offence in sub-paragraph (a) or (b);
- (d) an offence of conspiracy or incitement to commit an offence in sub-paragraph (a) or (b); or
- (e) an offence of aiding, abetting, counselling or procuring an offence in sub-paragraph (a), (b) or (c).”.

### 2 **Criminal Justice (Anonymity in Sexual Offence Cases) (Jersey) Law 2002**

In the Criminal Justice (Anonymity in Sexual Offence Cases) (Jersey) Law 2002<sup>5</sup> –

(a) for Article 2(a) to (f) there is substituted –

- “(a) an offence under the Sexual Offences (Jersey) Law 2018<sup>6</sup>, or under a provision of an enactment or customary law repealed or abolished by that Law (if the offence is alleged to have been committed before that repeal or abolition);
- (b) a customary law offence of indecent assault or indecent exposure;
- (c) an offence under Article 2 of the Protection of Children (Jersey) Law 1994<sup>7</sup>;

- (d) an offence under Articles 75 or 76 of the Mental Health (Jersey) Law 2016<sup>8</sup>, or an offence under Article 38 of the Mental Health (Jersey) Law 1969<sup>9</sup> (if the offence is alleged to have been committed before the repeal of that Law);”;
- (b) in the heading of Article 5, “or sodomy” is deleted;
- (c) in Article 5(1) for “incest is alleged to have been committed if that person is accused of having committed incest against the other person who is alleged to have committed incest” there is substituted “an offence under Article 34 of the Sexual Offences (Jersey) Law 2018 is alleged to have been committed, if that person is accused of having committed an offence under that Article against the other person who is alleged to have committed the offence”;
- (d) Article 5(2) is deleted;
- (e) in Article 5(3) for “Paragraph (1) or (2)” there is substituted “Paragraph (1)”;
- (f) in Article 5(4) for “a reference to incest includes an attempt to commit that offence and a reference to sodomy includes an attempt to commit that offence” there is substituted “a reference to an offence under Article 34 of the Sexual Offences (Jersey) Law 2018 includes a customary law offence of incest (if alleged to have been committed before the abolition of that offence), and an attempt to commit either of those offences”.

### 3 Criminal Justice (Evidence of Children) (Jersey) Law 2002

In the Criminal Justice (Evidence of Children) (Jersey) Law 2002<sup>10</sup> –

- (a) for Article 2(1)(b)(ii) and (iii) there is substituted –
  - “(ii) the Sexual Offences (Jersey) Law 2018<sup>11</sup>, or under a provision of an enactment or customary law repealed or abolished by that Law,
  - (iii) Part 10 of the Mental Health (Jersey) Law 2016<sup>12</sup>, or Article 37 or 38 of the Mental Health (Jersey) Law 1969<sup>13</sup> (if the offence is alleged to have been committed before the repeal of that Law), or”;
- (b) for Article 2(1)(c) there is substituted –
  - “(c) a customary law offence of indecent assault, indecent exposure, or outraging public decency; or”;
- (c) in the Schedule, for the third, fourth and fifth paragraphs there is substituted –
  - “An offence under the Sexual Offences (Jersey) Law 2018, or an offence repealed or abolished by that Law, or an attempt to commit either of those descriptions of offence.
  - A customary law offence of indecent assault or indecent exposure, or an attempt to commit such an offence.
  - An offence under any of Articles 74 to 76 of the Mental Health (Jersey) Law 2016, or an offence under Article 38 of the Mental

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Health (Jersey) Law 1969 (if the offence is alleged to have been committed before the repeal of that Law), or an attempt to commit either such an offence.

An offence under Article 11(14) of the Sex Offenders (Jersey) Law 2010<sup>14</sup>.”.

#### **4 Places of Refreshment (Jersey) Law 1967**

In Article 8(2)(b) of the Places of Refreshment (Jersey) Law 1967<sup>15</sup> –

- (a) after “fraud or dishonesty,” there is inserted “of any relevant offence within the meaning of the Sex Offenders (Jersey) Law 2010<sup>16</sup>,”;
- (b) clause (i) is deleted.

#### **5 Children (Jersey) Law 2002**

In paragraph 2 of Schedule 4 to the Children (Jersey) Law 2002<sup>17</sup>, for subparagraphs (c) to (e), there is substituted –

- “(c) an offence against a child under the Sexual Offences (Jersey) Law 2018<sup>18</sup>;
- (d) an offence against a child under any provision of an enactment or of customary law that was repealed by the Sexual Offences (Jersey) Law 2018;
- (e) any other offence that is a relevant offence within the meaning of the Sex Offenders (Jersey) Law 2010<sup>19</sup>.”.

#### **6 Matrimonial Causes Rules 2005**

In Rule 6(2) of the Matrimonial Causes Rules 2005<sup>20</sup>, for “rape upon a named person”, there is substituted “an offence upon a named person, being an offence the facts of which also constitute adultery”.

#### **7 Connétables (Jersey) Law 2008**

In Article 4A of the Connétables (Jersey) Law 2008<sup>21</sup> –

- (a) in paragraph (1)(c), for clauses (iv) to (vi) there is substituted –
  - “(iv) any offence that is a relevant offence within the meaning of the Sex Offenders (Jersey) Law 2010<sup>22</sup>,”;
- (b) in paragraph (1A)(b), for “would not be an offence” there is substituted “would not have been an offence”.

#### **8 States of Jersey Law 2005**

In Article 9 of the States of Jersey Law 2005<sup>23</sup> –

- (a) in paragraph (1)(c), for clauses (iv) to (vi) there is substituted –

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- (b) in paragraph (1A)(b), for “would not be an offence” there is substituted “would not have been an offence”.

## 9 Terrorism (Jersey) Law 2002

In paragraph 9(2) of Schedule 9 to the Terrorism (Jersey) Law 2002<sup>25</sup> –

- (a) clauses (a)(iv), (a)(vi) and (a)(vii) are deleted;
- (b) for clause (b)(ii) there is substituted –
- “(ii) Articles 5 to 7, 9 to 12, and 14 to 18 of the Sexual Offences (Jersey) Law 2018<sup>26</sup>,
  - (iia) Articles 28, 29, 35 and 36 of the Sexual Offences (Jersey) Law 2018, if the offence is against a child,
  - (iib) Article 40 of the Sexual Offences (Jersey) Law 2018, if the relevant offence for the purpose of that Article is an offence under a provision mentioned in sub-clause (ii) or (iia).”.

## 10 Police Procedures and Criminal Evidence (Jersey) Law 2003

In Schedule 1 to the Police Procedures and Criminal Evidence (Jersey) Law 2003<sup>27</sup> –

- (1) in Part 1, paragraphs 4, 6 and 7 are deleted;
- (2) in Part 2, for paragraph 2 there is substituted –
- “2. Articles 5 to 7, 9 to 12, and 14 to 18 of the Sexual Offences (Jersey) Law 2018<sup>28</sup>.
  - 2a. Articles 28, 29, 35 and 36 of the Sexual Offences (Jersey) Law 2018, if the offence is against a child.
  - 2b. Article 40 of the Sexual Offences (Jersey) Law 2018, if the relevant offence for the purpose of that Article is an offence under a provision mentioned in paragraph 2 or 2a.”.

## 11 Citation and commencement

These Regulations may be cited as the Sexual Offences (Consequential Amendments) (Jersey) Regulations 2018 and come into force on the commencement of the Sexual Offences (Jersey) Law 2018<sup>29,30</sup>

**L.-M. HART**

*Deputy Greffier of the States*

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1	<i>L.20/2018</i>
2	<i>chapter 05.255</i>
3	<i>L.20/2018</i>
4	<i>chapter 23.815</i>
5	<i>chapter 08.160</i>
6	<i>L.20/2018</i>
7	<i>chapter 08.790</i>
8	<i>L.29/2016</i>
9	<i>chapter 20.650</i>
10	<i>chapter 08.250</i>
11	<i>L.20/2018</i>
12	<i>L.29/2016</i>
13	<i>chapter 20.650</i>
14	<i>chapter 23.815</i>
15	<i>chapter 11.600</i>
16	<i>chapter 23.815</i>
17	<i>chapter 12.200</i>
18	<i>L.20/2018</i>
19	<i>chapter 23.815</i>
20	<i>chapter 12.650.50</i>
21	<i>chapter 16.250</i>
22	<i>chapter 23.815</i>
23	<i>chapter 16.800</i>
24	<i>chapter 23.815</i>
25	<i>chapter 17.860</i>
26	<i>L.20/2018</i>
27	<i>chapter 23.750</i>
28	<i>L.20/2018</i>
29	<i>L.20/2018</i>
30	<i>R&amp;O.112/2018</i>