



Jersey

CHILDREN AND YOUNG PEOPLE (PLACE OF POLICE DETENTION) (JERSEY) AMENDMENT LAW 202-

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CHILDREN AND YOUNG PEOPLE (PLACE OF POLICE DETENTION) (JERSEY) AMENDMENT LAW 202-

A LAW to amend the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) in relation to children and young people in police detention following the refusal of bail by a Centenier, and to amend the [Children \(Jersey\) Law 2002](#) for connected purposes.

Adopted by the States

11 September 2025

Sanctioned by Order of His Majesty in Council

[date to be inserted]

Registered by the Royal Court

[date to be inserted]

Coming into force

[date to be inserted]

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

PART 1

POLICE PROCEDURES AND CRIMINAL EVIDENCE (JERSEY) LAW 2003

1 Police Procedures and Criminal Evidence (Jersey) Law 2003 amended

This Part amends the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#).

2 Article 1 (general interpretation) amended

In Article 1(1) –

- (a) for the definition “child” there is substituted –
“child” has the meaning given in Article 1(1) of the Young Offenders Law;
- (b) after the definition “vessel” there is inserted –
“Young Offenders Law” means the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#);
- (c) for the definition “young person” there is substituted –
“young person” has the meaning given in Article 1(1) of the Young Offenders Law;

- (d) in the definitions “Youth Appeal Court” and “Youth Court”, for “[Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#)” there is substituted “Young Offenders Law”.

3 Article 36 (duties of Centenier after charge) amended

- (1) In Article 36(2)(c), after “an offence” there is inserted “or, in the case of a child or young person, from committing a serious offence”.
- (2) Article 36(7), (8) and (9) are deleted.

4 Article 36A (appropriate place of detention for children or young people kept in police detention) inserted

After Article 36 there is inserted –

36A Appropriate place of detention for children or young people kept in police detention

- (1) This Article applies if a Centenier authorises that a child or young person charged with an offence is to be kept in police detention under Article 36(3).
- (2) The Centenier must, pending the child’s or young person’s attendance before the relevant court, ensure that the child or young person is transferred to an appropriate place of detention as soon as practicable.
- (3) An appropriate place of detention is –
- (a) suitable accommodation provided by the Minister for Children and Families under Article 22B of the [Children \(Jersey\) Law 2002](#) (“suitable accommodation”); or
 - (b) secure accommodation.
- (4) Unless paragraph (5) applies, a Centenier must ensure that the child or young person is transferred to suitable accommodation.
- (5) A Centenier must not transfer a child or young person to secure accommodation instead of suitable accommodation unless 1 or more of the following conditions apply –
- (a) the Centenier has reasonable grounds for believing that detaining the child or young person in suitable accommodation would not adequately –
 - (i) prevent the occurrence of any of the grounds set out in Article 36(2)(b), (c) or (e);
 - (ii) protect the child or young person as required under Article 36(2)(f); or
 - (iii) prevent the child or young person from injuring themselves or other people;
 - (b) it is impracticable for the Centenier to transfer the child or young person to suitable accommodation;
 - (c) there is no available suitable accommodation to which the child or young person may be transferred.

- (6) The Centenier must, upon the child's or young person's attendance before the relevant court, produce a certificate to the court certifying which of the conditions under paragraph (5) apply and –
 - (a) if paragraph (5)(a) applies, the Centenier must also state in the certificate the grounds for the Centenier's belief; or
 - (b) if paragraph (5)(b) applies, the Centenier must also state in the certificate why the transfer is impracticable.
- (7) A Centenier must not authorise the continued keeping in police detention at a police station of a child or young person unless –
 - (a) it is impracticable for the Centenier to transfer the child or young person to secure accommodation under paragraph (5); or
 - (b) there is no available secure accommodation to which the child or young person may be transferred under paragraph (5).
- (8) The Centenier must, upon the child's or young person's attendance before the relevant court, produce a certificate to the court certifying which of the conditions under paragraph (7) apply and, if paragraph (7)(a) applies, the Centenier must also state in the certificate why the transfer is impracticable.
- (9) For the purpose of ensuring a child's or young person's transfer to an appropriate place of detention, it is lawful for a person acting on behalf of the Minister for Children and Families to carry out the transfer of that child or young person to the appropriate place of detention, and to detain them for the purpose of carrying out that transfer.
- (10) In this Article, "relevant court" means –
 - (a) the Youth Court; or
 - (b) if Article 26(1)(a) or (b) of the Young Offenders Law applies, the Magistrate's Court.

5 Article 37 (responsibilities in relation to persons detained) amended

In Article 37 –

- (a) for paragraph (2)(a) there is substituted –
 - (a) paragraph (1)(a) ceases to apply to the custody officer in relation to that person; and
- (b) for paragraph (4) there is substituted –
- (4) If a child or young person is transferred to an appropriate place of detention under Article 36A(2), paragraph (1) ceases to apply to the custody officer in relation to that child or young person.

6 Article 38 (review of police detention) amended

In Article 38(11), for "Article 36(1) to (8)" there is substituted "Article 36 or 36A".

7 Article 43 (detention after charge) amended

For the text of Article 43 there is substituted –

- (1) Paragraph (2) applies if a person is charged with an offence and after being charged –

- (a) is kept in police detention under Article 36(3);
 - (b) is detained in custody in prison under an Article 28A authorisation; or
 - (c) in the case of a child or young person, is detained in an appropriate place of detention described in Article 36A(3).
- (2) Unless paragraph (6) applies, the person must be brought before the Court as soon as practicable and, in any event, within the period of 48 hours beginning with the time when they were charged with the offence.
 - (3) Christmas Day, Good Friday and Sundays are disregarded for the purpose of calculating the period specified in paragraph (2).
 - (4) Paragraph (5) applies if the Court is not due to sit within the period specified in paragraph (2).
 - (5) The custody officer must inform the Judicial Greffier that there is a person to whom paragraph (2) applies, and the Judicial Greffier must arrange for the Court to sit within the period specified in paragraph (2).
 - (6) A person who is in hospital is not required to be brought before the Court if they are not well enough.
 - (7) In this Article, “Court” means the Magistrate’s Court or the Youth Court.

PART 2

CHILDREN (JERSEY) LAW 2002

8 Children (Jersey) Law 2002 amended

This Part amends the Children (Jersey) Law 2002.

9 Article 1 (interpretation) amended

In Article 1(1) –

- (a) for the definition “child” there is substituted –
 - “child” means a person who has not attained the age of 18 years, subject to –
 - (a) the definition “child” in Articles 1A, 22A and 22B; and
 - (b) paragraph 13 of Schedule 1;
- (b) after the definition “parental responsibility agreement” there is inserted –
 - “police detention” has the meaning given in Article 2(1) (meaning of police detention) of the Police Procedures Law;
 - “Police Procedures Law” means the Police Procedures and Criminal Evidence (Jersey) Law 2003;
- (c) after the definition “relative” there is inserted –
 - “relevant court” has the meaning given in Article 36A(10) (appropriate place of detention for children or young people kept in police detention) of the Police Procedures Law;
- (d) in the definition “secure accommodation”, for “a child’s liberty” there is substituted “a person’s liberty”;
- (e) after the definition “Young Offenders Law” there is inserted –

“young person” has the meaning given in Article 1(1) of the Young Offenders Law.

10 Article 1A (references to a child who is looked after by the Minister) amended

In Article 1A –

- (a) the unnumbered paragraph is renumbered as paragraph (1);
- (b) in sub-paragraph (b), for “in paragraph (c)” there is substituted “in sub-paragraph (c) or (d)”;
- (c) for sub-paragraph (c) there is substituted –
 - (c) a child or young person who is required to be detained in custody on remand or following sentence under the Young Offenders Law, if the place of custody is –
 - (i) secure accommodation; or
 - (ii) a young offender institution or the prison, within the meaning given to those terms in Article 1(1) of the Young Offenders Law; or
 - (d) a child or young person provided with accommodation by the Minister for a continuous period of more than 24 hours in the exercise of the Minister’s powers under Article 22A(2) or 22B.
- (d) after new paragraph (1) there is inserted –
- (2) In paragraph (1)(c) and (d), “child” has the meaning given in Article 1(1) of the Young Offenders Law.

11 Article 20 (provision of accommodation and maintenance by Minister for children whom Minister is looking after) amended

In Article 20(A1), for “Article 1A(c)” there is substituted “Article 1A(1)(c) or (d)”.

12 Article 22 (secure accommodation other than for children on remand or following sentence) amended

In Article 22 –

- (a) for paragraph (A1) there is substituted –
 - (A1) This Article does not apply to a child or young person described in Article 1A(1)(c) or (d).
- (b) paragraphs (1A) and (1B) are deleted.

13 Article 22A (secure accommodation for children on remand or following sentence) substituted

For Article 22A there is substituted –

22A Secure accommodation for children or young people in police detention, on remand or following sentence

- (1) The Minister may provide secure accommodation for a child or young person who, in accordance with the Young Offenders Law, is required to be detained –
 - (a) in custody on remand in secure accommodation; or
 - (b) in custody in secure accommodation following the passing of a sentence.
- (2) The Minister may provide secure accommodation for a child or young person who, pending their attendance before the relevant court, is charged with an offence and is to be kept in police detention under Article 36(3) of the Police Procedures Law.
- (3) In this Article, “child” has the meaning given in Article 1(1) of the Young Offenders Law.

14 Article 22B (provision of suitable accommodation for children or young people kept in police detention) inserted

After Article 22A there is inserted –

22B Provision of suitable accommodation for children or young people kept in police detention

- (1) This Article applies to a child or young person who, pending their attendance before the relevant court, is charged with an offence and is to be kept in police detention under Article 36(3) of the Police Procedures Law.
- (2) The Minister may provide, for the child or young person, accommodation that –
 - (a) is not secure accommodation; but
 - (b) is suitable for the purpose of accommodating that child or young person.
- (3) In this Article, “child” has the meaning given in Article 1(1) of the Young Offenders Law.

PART 3**CLOSING PROVISION****15 Citation and commencement**

This Law may be cited as the Children and Young People (Place of Police Detention) (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.