



Jersey

CRIMINAL JUSTICE (PROCEDURES) (JERSEY) AMENDMENT LAW 202-

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CRIMINAL JUSTICE (PROCEDURES) (JERSEY) AMENDMENT LAW 202-

A LAW to amend procedures under the [Criminal Procedure \(Jersey\) Law 2018](#), the [Criminal Procedure \(Bail\) \(Jersey\) Law 2017](#) and the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#), and to amend the [Royal Court \(Jersey\) Law 1948](#) for connected purposes.

<i>Adopted by the States</i>	<i>26 March 2026</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

PART 1

[CRIMINAL PROCEDURE \(JERSEY\) LAW 2018](#)

1 [Criminal Procedure \(Jersey\) Law 2018](#) amended

This Part amends the [Criminal Procedure \(Jersey\) Law 2018](#).

2 Article 1 (interpretation and application) amended

In Article 1(1) –

- (a) after the definition “Magistrate’s Court” there is inserted –
“majority verdict” means a verdict delivered by a jury constituted in accordance with Article 75(3);
- (b) after the definition “relevant programme” there is inserted –
“reserve juror” means a person selected to serve on a jury in accordance with Article 66A;

3 Article 19 (summons) amended

- (1) For Article 19(1) there is substituted –
 - (1) A person who is to be charged with an offence may be summoned to appear before the Magistrate’s Court at the time and on the date notified in the summons by –
 - (a) the Attorney General; or
 - (b) with the Attorney General’s approval, a prosecutor or a Centenier.
- (2) Article 19(2) is deleted.
- (3) In Article 19(3) –
 - (a) for “Such summons shall contain a statement setting out the following” there is substituted “A summons is the document that charges the person with an offence and must contain the following”;
 - (b) for sub-paragraph (a) there is substituted –
 - (a) the specific offence with which the person is charged including any particulars that are necessary to provide a reasonable amount of information about the charge;
 - (c) in sub-paragraph (c), “to be” is deleted.

4 Article 28 (Magistrate’s directions in respect of cases sent to the Royal Court) amended

In Article 28(1)(a), for “; or” there is substituted “; and”.

5 Article 31 (Magistrate’s power to rectify mistakes) amended

- (1) In Article 31(1), for “28” there is substituted “56”.
- (2) In Article 31(3), for “28 day period” there is substituted “56-day period”.

6 Article 64 (jury and panel lists) amended

- (1) In Article 64(1)(a), after “to compile” there is inserted “, or have access to,”.
- (2) In Article 64(1)(b), after “compilation of” there is inserted “, or access to,”.

7 Article 66 (selection of persons for jury service) amended

Article 66(5) to (9) is deleted.

8 Article 66A (selection and discharge of reserve jurors) inserted

After Article 66 there is inserted –

66A Selection and discharge of reserve jurors

- (1) This Article applies if a trial is expected to last for more than 5 days.
- (2) Once 12 people have been selected to serve as jurors and depending on how long the trial is expected to last, the Judicial Greffier must, subject to

Articles 66(4) and 68, read out from the panel list the names of up to 4 additional people (the “reserve jurors”) in the order in which their names appear on the list.

- (3) If the trial is expected to last –
 - (a) not more than 30 days, 2 reserve jurors must be selected; or
 - (b) more than 30 days, 4 reserve jurors must be selected.
- (4) A reserve juror must be called to serve on the jury if the number of jurors is reduced at any time up to the point that the Bailiff concludes their summing up of the case.
- (5) The Bailiff may discharge a reserve juror from jury service –
 - (a) if they have not been required to serve on the jury immediately before the start of the Bailiff’s summing up of the case; or
 - (b) at any earlier point during the trial if the Bailiff considers that, in the case of a trial that is expected to last more than 6 weeks, there need only be 2 reserve jurors.
- (6) The Bailiff must discharge a reserve juror from jury service if they have not been required to serve on the jury when the jury retires to deliberate its verdict.
- (7) The selection of a reserve juror may be challenged in accordance with Article 69.

9 Article 70 (swearing of jurors) amended

In Article 70(1), for “Article 66” there is substituted “Articles 66 and 66A”.

10 Article 75 (verdicts) amended

- (1) In Article 75(1), for “the proceedings shall” there is substituted “the trial must”.
- (2) After Article 75(2) there is inserted –
 - (2A) The Bailiff must allow a reasonable period to elapse before directing that the jury may deliver a majority verdict.
 - (2B) In determining the reasonable period to allow, the Bailiff must have regard to the nature and complexity of the charge against a defendant but must, in any event, allow a period of not less than 2 hours to elapse before directing that the jury may deliver a majority verdict.
 - (2C) The 2-hour period commences when the jury retires to consider their verdict.
- (3) In Article 75(5), for “the defendant shall stand convicted of the offence and sentenced” there is substituted “the defendant stands convicted of the offence and must be sentenced”.
- (4) For Article 75(6) there is substituted –
 - (6) In the case of a not guilty verdict, provided the defendant is not convicted of another offence charged in the indictment or an alternative or lesser offence not charged in the indictment, the defendant must be discharged from the proceedings.
- (5) After Article 75(6) there is inserted –
 - (6A) Paragraphs (5) and (6) do not apply if a verdict is delivered in respect of an alternative or lesser offence to a charge in the indictment, and the Attorney

General has given a notification under Article 75A(5) that there is to be retrial in respect of that charge.

- (6) In Article 75(7), for “shall make” there is substituted “must make”.
- (7) Article 75(8) is deleted.

11 Articles 75A to 75D (procedures relating to discharge of jury and retrials) inserted

After Article 75 (verdicts) there is inserted –

75A Procedure if jury unable to deliver verdict

- (1) This Article applies if –
 - (a) the Bailiff has directed that the jury may deliver a majority verdict;
 - (b) following that direction the Bailiff, having had regard to the nature and complexity of the charge against the defendant, has allowed a further reasonable period to elapse; and
 - (c) following that period, the jury is still unable to deliver either a unanimous or a majority verdict in respect of –
 - (i) a charge in the indictment; or
 - (ii) an alternative or lesser offence not charged in the indictment.
- (2) If there are no other charges in the indictment, and no alternative or lesser offences that require the jury’s consideration, the Bailiff must discharge the jury from the proceedings and from the custody of the Viscount.
- (3) If there are other charges in the indictment, or alternative or lesser offences that require the jury’s consideration, the Bailiff must discharge the jury only from their duty to give a verdict in respect of the charge or offence for which they were unable to deliver a unanimous or majority verdict.
- (4) If paragraph (3) applies, the Bailiff must discharge the jury from the proceedings and from the custody of the Viscount only when there are no remaining charges left in the indictment and no alternative or lesser offences that require the jury’s consideration.
- (5) The Attorney General must, not later than 14 days after the day the jury is discharged, notify the defendant and the Bailiff whether or not there is to be a retrial of any charge in the indictment, or any alternative or lesser offence not charged in the indictment, in respect of which the jury was unable to deliver a unanimous or majority verdict.
- (6) Christmas Day, Good Friday or a public holiday (as specified in the [Public Holidays and Bank Holidays \(Jersey\) Act 2010](#)) is disregarded for the purpose of determining when the 14 days expire.

75B Procedure following notification of no retrial

- (1) This Article applies if, under Article 75A(5), the Attorney General notifies the defendant and the Bailiff that there is to be no retrial.
- (2) The Bailiff must –

- (a) discharge the defendant in respect of any charge in the indictment, and of any alternative or lesser offence not charged in the indictment, for which the jury was unable to deliver a unanimous or majority verdict; and
 - (b) declare the defendant not guilty of that charge or alternative or lesser offence.
- (3) A declaration under paragraph (2)(b) is taken to be a not guilty verdict for the purposes of the Judicial Greffier's record under Article 75(7).

75C Procedure following notification of retrial and procedure on retrial

- (1) This Article applies if, under Article 75A(5), the Attorney General notifies the defendant and the Bailiff that there is to be a retrial.
- (2) If there was an alternative or lesser offence to a charge in the indictment in respect of which the Attorney General has given notice of a retrial under Article 75A(5), the Bailiff must quash any verdict delivered in relation to that alternative or lesser offence.
- (3) The Bailiff must order that the case is listed for a directions hearing to be held not later than 7 days after receipt of the Attorney General's notification.
- (4) Article 75A(6) applies for the purpose of determining when the 7 days expire.

75D Procedure if jury unable to deliver verdict on retrial

- (1) This Article applies if a defendant is retried, and following the end of the reasonable period allowed by the Bailiff under Article 75A(1) the jury is unable to deliver either a unanimous or a majority verdict in respect of –
 - (a) a charge in the indictment; or
 - (b) an alternative or lesser offence not charged in the indictment.
- (2) The Bailiff must –
 - (a) discharge the defendant in respect of any charge in the indictment, and of any alternative or lesser offence not charged in the indictment, for which the jury was unable to deliver a unanimous or majority verdict; and
 - (b) declare the defendant not guilty of that charge or alternative or lesser offence.
- (3) A declaration under paragraph (2)(b) is taken to be a not guilty verdict for the purposes of the Judicial Greffier's record under Article 75(7).

12 Article 83 (duty to give defence case statement) amended

- (1) For Article 83(5) there is substituted –
 - (5) Paragraph (5A) applies if the court has not, under paragraph (3), dispensed with the requirement to give a defence case statement, and it appears to the Magistrate or Bailiff that –
 - (a) the defendant has not given a defence case statement as required under paragraph (1); or

- (b) the defendant's defence case statement, although given as required under paragraph (1), does not comply with paragraph (2).
- (5A) The Magistrate or Bailiff may order the following people to pay the sum of the prosecution's costs that are attributable to the defendant's failure to comply with paragraph (1) or (2) –
 - (a) the defendant's legal representative; or
 - (b) the defendant whether represented or not.
- (2) For Article 83(6) there is substituted –
 - (6) If the Magistrate or Bailiff makes an order under paragraph (5A), it must be made as soon as practicable after the date directed for service of the defence case statement has expired.
- (3) In Article 83(7), for "paragraph (5) shall" there is substituted "paragraph (5A) must".

13 Article 88 (defendant's duty to attend trial and trial in defendant's absence) amended

For Article 88(4) there is substituted –

- (4) If a defendant is convicted in their absence in the Royal Court, the Court must make all reasonable efforts to ensure that the defendant is present at their sentencing hearing.

14 Article 103 (defendant charged with certain offences – prohibition of cross-examination by defendant in person) amended

In Article 103(3) –

- (a) in sub-paragraph (a), after "murder;" there is inserted "outraging public decency;"
- (b) in sub-paragraph (b), after "le droit criminel" there is inserted "(as in force before 23 November 2018)";
- (c) after sub-paragraph (b) there is inserted –
 - (ba) an offence under Article 35 (causing harm to or neglecting children under 16) of the [Children \(Jersey\) Law 2002](#);
- (d) for sub-paragraph (c) there is substituted –
 - (c) in the [Protection of Children \(Jersey\) Law 1994](#) –
 - (i) an offence under Article 2 (indecent photographs or pseudo-photographs of children); and
 - (ii) an offence under Article 2C (making, possessing, distributing or showing a prohibited image of a child);
- (e) in sub-paragraph (d), after "Sexual Offences (Jersey) Law 2007" there is inserted "(as in force before 23 November 2018)";
- (f) for sub-paragraph (e) there is substituted –
 - (e) in the Mental Health Law, an offence under Article 73 (offence of wilful neglect) and any sexual offence under Articles 74 to 76;

15 Article 115 (Regulations) amended

After Article 115(2) there is inserted –

- (2A) The States may, by Regulations, amend this Law to make further or different provision that appears to the States to be necessary as a consequence of the coming into force of the Criminal Justice (Procedures) (Jersey) Amendment Law 202-.

16 Schedule 2 (quashing of person's acquittal and retrial) amended

- (1) This Article amends Schedule 2.
- (2) In paragraph 1 (interpretation), after the definition “officer” there is inserted –
“paragraph 3 application” means an application to the Court of Appeal under paragraph 3(1) or (2);
- (3) In paragraph 2(1)(d) (cases that may be retried), after “[Loi \(1864\) Régplant la Procédure Criminelle](#)” there is inserted “(as in force before 1 October 2021)”.
- (4) In paragraph 3 (application to Court of Appeal), in the heading, after “Appeal” there is inserted “for order quashing acquittal and retrial or determination about acquittal outside Jersey”.
- (5) After paragraph 3 there is inserted –

3A Notice of paragraph 3 application, arrest and bail

- (1) The Attorney General must give notice to the Court of Appeal of a paragraph 3 application.
- (2) Not later than 7 days after the day on which notice of the paragraph 3 application is given, the Attorney General must serve on the person to whom the application relates –
 - (a) notice that the Court of Appeal has been given notice of a paragraph 3 application; and
 - (b) notice that the person is charged with the qualifying offence to which the application relates.
- (3) Sub-paragraph (2) applies whether the person to whom the application relates is in Jersey or elsewhere, but the Court of Appeal may, on application by the Attorney General, extend the 7-day period for service of the notice if it considers it necessary to do so because of the person's absence from Jersey.
- (4) At any time before the Court of Appeal begins to consider the application, the Royal Court may, on the application of the Attorney General, issue a warrant for the arrest of the person to whom the paragraph 3 application relates.
- (5) A person arrested must be brought before the Royal Court not later than 48 hours after arrest and the Court must, pending the person's appearance before the Court of Appeal for the hearing of a paragraph 3 application –
 - (a) remand the person in custody; or
 - (b) grant the person bail.
- (6) If a person arrested is granted bail, the Attorney General must serve that person with notice to appear before the Court of Appeal at the time and on the date specified in the notice.

3B Court of Appeal procedure for paragraph 3 application

- (1) The Court of Appeal must hold a hearing to consider a paragraph 3 application.
- (2) A person to whom a paragraph 3 application relates –
 - (a) unless they are in custody elsewhere than in Jersey or excused attendance by the Court of Appeal, must be present at any hearing under this paragraph even if they are in custody, subject to sub-paragraph (3); and
 - (b) is entitled to be represented at the hearing, whether they are present or not.
- (3) If a person in custody in Jersey refuses to be present at a hearing under this paragraph (including an adjourned hearing), the Court of Appeal may proceed with the hearing in the person's absence.
- (4) If a person granted bail under paragraph 3A(5)(b) fails without reasonable excuse to attend a hearing under this paragraph, the Court of Appeal may proceed with the hearing in the person's absence if the Court is satisfied that the person was served with notice of the hearing in accordance with paragraph 3A(6).
- (5) The Court of Appeal may –
 - (a) at any adjournment of a hearing under this paragraph grant the person bail or remand them in custody; or
 - (b) when it makes an order under paragraph 4(1)(a) or 4(3)(a), or a declaration under paragraph 4(4), grant the person bail or remand them in custody pending –
 - (i) trial in the Royal Court; or
 - (ii) the determination of an appeal to the Judicial Committee of the Privy Council under paragraph 8.
- (6) If a person granted bail under sub-paragraph (5)(a) fails without reasonable excuse to attend an adjourned hearing, the Court of Appeal may proceed with the hearing in the person's absence.
- (7) If the person has no legal representation, any hearing adjourned under this paragraph must not be for a period of more than –
 - (a) 42 days in respect of a person in custody; and
 - (b) 60 days in respect of a person on bail.
- (8) For the purposes of a paragraph 3 application and determination under paragraph 4, the Court of Appeal may, if it is in the interests of justice to do so –
 - (a) order the production of any document, exhibit or other thing, the production of which appears to the Court to be necessary for the determination of the application; or
 - (b) order to attend for examination before the Court any person who appears to be a person who could be required to give evidence at a retrial (if ordered) and capable of assisting the Court's determination of the application.

- (9) The Court of Appeal may consider more than 1 paragraph 3 application (whether relating to the same person or not) at the same hearing, but only if the offences concerned could be charged in the same indictment.
- (6) Paragraph 7 (procedure and evidence) is deleted.
- (7) In paragraph 9(5), (6) and (8) (restrictions on publication in the interests of justice), for “given under paragraph 7(1)” there is substituted “given under paragraph 3A(1)”.

PART 2

[CRIMINAL PROCEDURE \(BAIL\) \(JERSEY\) LAW 2017](#)

17 [Criminal Procedure \(Bail\) \(Jersey\) Law 2017](#) amended

This Part amends the [Criminal Procedure \(Bail\) \(Jersey\) Law 2017](#).

18 Article 1 (interpretation) amended

In Article 1(1) –

- (a) after the definition “police officer” there is inserted –
“police station” has the meaning given in Article 1(1) of the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#);
- (b) after the definition “prescribed” there is inserted –
“prison” has the meaning given in Article 1(1) of the [Prison \(Jersey\) Law 1957](#);
“Prison Rules” means the [Prison \(Jersey\) Rules 2007](#);

19 Article 6A (Bailiff’s power to determine bail) inserted

Immediately before Article 7 (duty of court to consider bail and defendant’s general right to bail) there is inserted –

6A Bailiff’s power to determine bail

Except for the determination of an appeal to the Royal Court under Article 16, the Bailiff sitting alone may exercise any duty imposed or power conferred on the court under this part.

20 Article 17 (court order for arrest) amended

- (1) In Article 17, in the heading, after “arrest” there is inserted “and detention”.
- (2) For Article 17(3) there is substituted –
 - (3) An order under paragraph (1) or (2) authorises a police officer or the Viscount to arrest and detain the defendant to whom the order relates –
 - (a) at a police station or in prison; and
 - (b) to bring the defendant before the court.

- (3A) An order authorising detention of a defendant in prison must comply with Rule 3(2) of the Prison Rules.
- (3) In Article 17(4) –
 - (a) for “shall” there is substituted “must”;
 - (b) for “his or her” there is substituted “their”.

21 Article 18 (police power of arrest)

- (1) In Article 18, in the heading, after “arrest” there is inserted “and detention”.
- (2) After Article 18(1) there is inserted –
 - (1A) A defendant arrested under this Article may be detained at a police station or in prison.
 - (1B) If a defendant is to be detained in prison, a police officer must obtain an authorisation that –
 - (a) complies with Rule 3(2) of the Prison Rules; and
 - (b) is signed by the Magistrate, a Jurat or the Bailiff.
- (3) In Article 18(2) –
 - (a) for “shall” there is substituted “must”;
 - (b) for “his or her” there is substituted “their”.

PART 3

[POLICE PROCEDURES AND CRIMINAL EVIDENCE \(JERSEY\) LAW 2003](#)

22 [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) amended

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

23 Article 28A (person may not be detained in custody without authorisation) amended

For Article 28A(1) there is substituted –

- (1) This Article applies to –
 - (a) a person arrested on suspicion of having committed an offence; or
 - (b) a person who is treated as arrested for an offence under Article 32(6).
- (1A) A person to whom this Article applies may be detained in custody in prison if the arresting police officer obtains an authorisation that –
 - (a) complies with Rule 3(2) of the [Prison \(Jersey\) Rules 2007](#); and
 - (b) is signed by the Magistrate, a Jurat or the Bailiff.

24 Articles 31B (grant of bail by Centenier where person is charged with an offence) and 36 (duties of Centenier after charge) amended

In Articles 31B(2)(a) and 36(2)(b), for “Magistrate’s Court or Youth Court (as the case may be)” there is substituted “court”.

25 Article 43 (detention after charge) amended

- (1) In Article 43(2), (4), (5) and (6), for “Court” there is substituted “court”.
- (2) Article 43(7) is deleted.

PART 4**ROYAL COURT (JERSEY) LAW 1948 AMENDED AND FINAL PROVISION****26 Royal Court (Jersey) Law 1948 amended**

- (1) This Article amends Article 16 (quorum of the Superior Number) of the [Royal Court \(Jersey\) Law 1948](#).
- (2) In Article 16(1) –
 - (a) for “Subject to paragraph (2), the Superior Number of the Royal Court shall” there is substituted “The Superior Number of the Royal Court must”;
 - (b) for “5 Jurats” there is substituted “3 Jurats”.
- (3) For Article 16(2) there is substituted –
 - (2) This Article does not affect the constitution of the Superior Number of the Royal Court under Article 23 of the [Court of Appeal \(Jersey\) Law 1961](#).

27 Citation and commencement

This Law may be cited as the Criminal Justice (Procedures) (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.