



Jersey

## CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT No. 2 LAW 202-

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Jersey

## CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT No. 2 LAW 202-

A LAW to amend the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#) to provide for the early or temporary release and supervision of young offenders serving youth detention in secure accommodation, a young offender institution or the prison, and to amend the [Criminal Justice \(Young Offenders\) \(Placement Panel\) \(Jersey\) Regulations 2016](#), the [Criminal Procedure \(Jersey\) Law 2018](#), the [Prison \(Jersey\) Law 1957](#) and the [Prison \(Jersey\) Rules 2007](#) for connected purposes.

*Adopted by the States*

22 January 2026

*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

#### [CRIMINAL JUSTICE \(YOUNG OFFENDERS\) \(JERSEY\) LAW 2014](#)

#### 1 [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#) amended

This Part amends the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).

#### 2 Article 1 (interpretation) amended

(1) In Article 1(1) –

(a) before the definition “appropriate place of custody” there is inserted –

“Amendment Law” means the Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202-;

(b) for the definition “appropriate place of custody” there is substituted –

“appropriate place of custody” means, in relation to the Panel’s determination under Article 18(1)(a) –

- (a) if a young offender is a child or young person, appropriate secure accommodation; or
- (b) if a young offender is a young person, an appropriate young offender institution;
- (c) after the definition “appropriate place of custody” there is inserted –  
“chair of the Youth Court” and “chair” means the Magistrate in accordance with Schedule 3, paragraph 1(9);
- (d) after the definition “child” there is inserted –  
“Children Law” means the [Children \(Jersey\) Law 2002](#);
- (e) in the definition “Governor”, for “same meaning as in the [Prison \(Jersey\) Law 1957](#)” there is substituted “meaning given in Article 1(1) of the Prison Law”;
- (f) in the definition “Minister”, for “Justice and Home Affairs” there is substituted “Children and Families”;
- (g) after the definition “Panel” there is inserted –  
“parental responsibility” has the meaning given in Article 1(1) of the Children Law;  
“person with parental responsibility”, in relation to a young offender who is a child or young person, means –
  - (a) their father, mother or second parent in accordance with, Article 9A (parental responsibility for children) of the Children Law;
  - (b) their father in accordance with Article 9C (acquisition of parental responsibility by father) of the Children Law;
  - (c) their second parent in accordance with Article 9D (acquisition of parental responsibility by second parent) of the Children Law;
  - (d) their step-parent in accordance with Article 9E (acquisition of parental responsibility by step-parent) of the Children Law;
  - (e) a person in whose favour a parental order is made under Article 9G (parental orders) of the Children Law;
  - (f) a person in whose favour a recognition order is made under Article 9N (recognition of pre-existing parental orders made in England and Wales) of the Children Law;
  - (g) a person appointed as a guardian in accordance with Article 7 (appointment of guardians) of the Children Law;
  - (h) a person in whose favour a residence order is made under Article 13 (residence orders and parental responsibility) of the Children Law;
  - (i) the Minister in accordance with Article 26 (effect of care order) of the Children Law;
  - (j) if an emergency protection order under Article 37 of the Children Law is in force, the applicant in whose favour the order is made;
  - (k) the Minister in accordance with Article 12 (freeing child for adoption) of the [Adoption \(Jersey\) Law 1961](#) (the “Adoption Law”); and
  - (l) an adopter in accordance with Article 20 (consequences of adoption) of the Adoption Law;

- (h) in the definition “prison”, in sub-paragraph (c), for “[Prison \(Jersey\) Law 1957](#)” there is substituted “Prison Law”;
- (i) after the definition “prison” there is inserted –  
“Prison Law” means the [Prison \(Jersey\) Law 1957](#);
- (j) after the definition “probation order” there is inserted –  
“relevant person”, in relation to a young offender, means –
  - (a) the Governor, if a young offender is a young adult or young person serving their sentence in the prison or a young offender institution immediately before, on or after the commencement of the Amendment Law;
  - (b) the Panel, if a young offender is a child or young person serving their sentence in secure accommodation;
- (k) in the definition “secure accommodation”, for “has the same meaning as in Article 1 of the [Children \(Jersey\) Law 2002](#)” there is substituted “has the meaning given in Article 1(1) of the Children Law”;
- (l) after the definition “secure accommodation” there is inserted –  
“secure accommodation manager” means the person appointed to manage secure accommodation or their delegate;  
“sentence” means a sentence of youth detention;
- (m) after the definition “young adult” there is inserted –  
“young offender” means a child, young person or young adult who is sentenced to youth detention;
- (n) in the definition “young offender institution”, for “Minister under Article 27 of the [Prison \(Jersey\) Law 1957](#)” there is substituted “Minister for Justice and Home Affairs under Article 27 of the Prison Law”;
- (o) after the definition “Youth Court” there is inserted –  
“Youth Court Panel” means the panel appointed under Schedule 3, paragraph 1;  
“youth custody” means if a young offender is –
  - (a) a young adult, custody in the prison or a young offender institution;
  - (b) a child or young person, custody in an appropriate place of custody;
- (2) After Article 1(2) there is inserted –
  - (3) In the definition “person with parental responsibility”, “second parent” has the meaning given by Article 1(1) of the Children Law.
  - (4) Where this Law refers to an Act of the United Kingdom –
    - (a) Article 9(3) of the [Interpretation \(Jersey\) Law 1954](#) applies to that reference as it applies to a reference to an enactment; and
    - (b) Article 6 of the [Legislation \(Jersey\) Law 2021](#) applies in relation to that Act of the United Kingdom, and to any legislation of the United Kingdom that repeals or re-enacts it, as it applies in relation to Jersey legislation.

**3 Article 6 (sentence of youth detention for default) amended**

In Article 6(3)(c), for “person in charge of managing the secure accommodation” there is substituted “secure accommodation manager”.

**4 Article 7 (place of custody for children, young persons and young adults sentenced to youth detention) substituted**

For Article 7 there is substituted –

**7 Place of custody for young offenders after sentence**

- (1) If a court orders a young adult to be sentenced to youth detention, the court must order the young adult to be detained in a young offender institution or the prison.
- (2) If a court orders a child or young person to be sentenced to youth detention, the court must –
  - (a) in the case of a child, order the child to be detained in secure accommodation pending the Panel’s determination about the appropriate place of custody; and
  - (b) in the case of a young person, order the young person to be detained in secure accommodation pending the Panel’s determination about the appropriate place of custody, subject to paragraph (3).
- (3) Despite paragraph (2)(b), the court –
  - (a) must consider what is in the best interests of a young person and of any child or other young person who is, or may be, detained in the same place of custody; and
  - (b) after having regard to the matters in paragraph (4), may order a young person to be detained in a young offender institution.
- (4) The court must have regard to –
  - (a) the young person’s behaviour;
  - (b) the likely impact of the young person’s behaviour on any children or other young persons detained in the same place of custody;
  - (c) the likely impact of the behaviour of any children or other young persons on the young person detained in the same place of custody;
  - (d) the young person’s views;
  - (e) the opinion of a person with parental responsibility for the young person;
  - (f) the young person’s educational needs;
  - (g) any other matters the court considers relevant; and
  - (h) the availability of secure accommodation and whether that accommodation is suitable for the young person.
- (5) The Panel must determine the appropriate place of custody as soon as reasonably practicable and, in any event, not later than –
  - (a) the specified period after the child or young person was detained; or

- (b) 72 hours after the child or young person was detained if there is no specified period.
- (6) Paragraph (5) does not limit the exercise of the Governor's powers under Article 10 in relation to a young person.
- (7) In this Article –
  - (a) in paragraphs (3)(a) and (4)(b) and (c), “place of custody” means secure accommodation or a young offender institution;
  - (b) “specified period” means the period specified by the Minister by Order.
- (8) Nothing in this Article affects the powers of the Secretary of State under Schedule 1 to the Crime (Sentences) Act 1997 of the United Kingdom.

## **5 Article 9 (supervision of young offenders after release from youth detention) substituted**

For Article 9 there is substituted –

### **9 Early release, temporary release and supervision of released young offenders**

- (1) Schedule 1 provides for –
  - (a) the release of young offenders from youth custody before completion of their sentence (“early release”);
  - (b) the supervision of young offenders after their early release; and
  - (c) appeals against decisions under Schedule 1.
- (2) Schedule 2 provides for –
  - (a) young offenders to be temporarily released during their sentence;
  - (b) the recall of temporarily released young offenders to youth custody;
  - (c) appeals against decisions under Schedule 2; and
  - (d) miscellaneous matters.
- (3) The States may, by Regulations, amend Schedule 1 or Schedule 2 for the purposes of –
  - (a) making further or different provision about early release, supervision, temporary release, recall to youth custody, appeals or failure to return to, or escape from, youth custody;
  - (b) making further transitional provisions; or
  - (c) amending or repealing transitional provisions.

## **6 Article 10 (power of Governor to move young adults and young persons in certain circumstances) substituted**

For Article 10 there is substituted –

**10 Power of Governor to transfer young adults in certain circumstances**

- (1) This Article applies to a young offender who is a young adult on remand or serving a sentence in a young offender institution.
- (2) Paragraph (3) applies if the Governor is of the opinion –
  - (a) that because of the young adult's behaviour it is not in their interests, or the interests of other people detained in the same young offender institution, to continue to detain the young adult in that institution; or
  - (b) having regard to all relevant circumstances, the prison is more suitable for the young adult.
- (3) The Governor may require the young adult to be transferred to the prison –
  - (a) for the period of their remand; or
  - (b) for a fixed term or for the remaining part of the young adult's sentence.
- (4) If the young offender has reached the age of 18 while on remand or serving a sentence, the Governor must first consult the Panel before exercising their powers under paragraph (3).
- (5) The Governor may, if they consider it necessary having regard to all the relevant circumstances, require a young adult to be transferred to a prison medical facility or to a hospital for medical treatment.
- (6) For the purpose of transferring a young adult under this Article, it is lawful for a person acting on behalf of the Governor to carry out the transfer of that young adult, and to detain them for the purpose of carrying out that transfer.
- (7) Under paragraph (6) –
  - (a) a young adult is taken to be in lawful custody during the period of the transfer; and
  - (b) in the case of a young adult sentenced to youth detention, the period of transfer is treated as a part of the young adult's sentence.

**7 Article 11 (attendance at court of parents of child or young person brought before court) amended**

In Article 11 –

- (a) in the heading, for “parents” there is substituted “parent or guardian”;
- (b) in paragraph (1), for “required by the Court” there is substituted “required by the court”;
- (c) for paragraph (3) there is substituted –
- (3) The reference in paragraphs (1) and (2) to a person who is a parent or guardian of a child or young person is taken to include an officer of an administration of the States for which the Minister has responsibility –
  - (a) if the Minister has parental responsibility for the child or young person; or
  - (b) if the child or young person is being looked after within the meaning of Article 1A(a) or (b) of the Children Law.



**8 Article 15 (saving with regard to court proceedings involving children) amended**

In Article 15, for “[Children \(Jersey\) Law 2002](#)” there is substituted “Children Law”.

**9 Article 16 (remand of children, young persons and young adults) substituted**

For Article 16 there is substituted –

**16 Remand of children, young persons and young adults**

- (1) This Article applies to a child, young person or young adult who is placed on remand following the order of a court, or the issuing of a warrant.
- (2) A young adult must be remanded to a young offender institution.
- (3) A child must be remanded to secure accommodation pending the Panel’s determination about the appropriate place of custody.
- (4) A young person must be remanded to secure accommodation pending the Panel’s determination about the appropriate place of custody, subject to paragraph (5).
- (5) Despite paragraph (4), the court ordering the remand, or person issuing a warrant for the remand –
  - (a) must consider what is in the best interests of a young person and of any child or other young person who is, or may be, detained in the same place of custody; and
  - (b) after having regard to the matters in paragraph (6), may remand the young person to a young offender institution.
- (6) The court or person must have regard to –
  - (a) the young person’s behaviour;
  - (b) the likely impact of the young person’s behaviour on any children or other young persons detained in the same place of custody;
  - (c) the likely impact of the behaviour of any children or other young persons on the young person detained in the same place of custody;
  - (d) the young person’s views;
  - (e) the opinion of a person with parental responsibility for the young person;
  - (f) the young person’s educational needs;
  - (g) any other matters the court or person considers relevant; and
  - (h) the availability of secure accommodation and whether that accommodation is suitable for the young person.
- (7) The Panel must determine the appropriate place of custody as soon as reasonably practicable and, in any event, not later than –
  - (a) the specified period after the child or young person was detained; or
  - (b) 72 hours after the child or young person was detained if there is no specified period.
- (8) Paragraph (7) does not limit the exercise of the Governor’s powers under Article 10 in relation to a young person.
- (9) In this Article –

- (a) in paragraphs (5)(a) and 6(b) and (c), “place of custody” means secure accommodation or a young offender institution;
- (b) “specified period” means the period specified by the Minister by Order.

## **10 Article 16A (offence of assisting escape etc. of a person on remand under Article 16) inserted**

After Article 16 there is inserted –

### **16A Offence of assisting escape etc. of a person on remand under Article 16**

- (1) A person commits an offence, and is liable to a fine and to imprisonment for a term of 2 years, if –
  - (a) they knowingly assist or induce a person on remand to escape from a place of custody;
  - (b) without lawful authority, they take a person on remand away from a place of custody; or
  - (c) they knowingly –
    - (i) harbour or conceal a person on remand who has escaped or been taken away from a place of custody; or
    - (ii) prevent the person on remand from returning to a place of custody.
- (2) In this Article –
  - “person on remand” means a child, young person or young adult who is remanded in accordance with Article 16;
  - “place of custody” means –
    - (a) in relation to a young adult, a young offender institution;
    - (b) in relation to a young person, secure accommodation or a young offender institution;
    - (c) in relation to a child, secure accommodation;
    - (d) a place in which a person on remand is detained pending their remand to secure accommodation or a young offender institution; or
    - (e) the transportation in which a person on remand is conveyed to secure accommodation or a young offender institution.

## **11 Article 18 (functions of the Panel) substituted**

For Article 18 there is substituted –

### **18 Functions of the Panel**

- (1) The Panel has, in addition to its functions under Schedule 1 and Schedule 2, the following functions in relation to a child or young person –
  - (a) determining the appropriate place of custody for a child or young person who is remanded in custody or sentenced to youth detention;

- (b) reviewing its determination of an appropriate place of custody within 1 month of the start of the child's or young person's placement and then at intervals not exceeding 3 months;
  - (c) if it thinks it appropriate to do so, requiring the child or young person to be transferred to another appropriate place of custody (if available);
  - (d) making assessments of children and young persons for the purpose of exercising its functions under this Article;
  - (e) consulting the Secretary of State as to whether, in the case of a child or young person sentenced to youth detention, all or part of the sentence should be served outside Jersey under the Crime (Sentences) Act 1997 of the United Kingdom;
  - (f) authorising arrangements for the transfer of a child or young person to or from a place of custody to or from which the child or young person is required to be transferred under this Law.
- (2) The Minister may issue directions to the Panel about the exercise of its functions under paragraph (1)(a) to (f).
- (3) A direction may require the Panel to reconsider a decision or determination taken in the exercise of its functions under this Article if the Minister considers that the Panel's decision or determination was not in the best interests of –
- (a) the child or young person; or
  - (b) another child or young person who is, or may be, detained in the same place of custody.
- (4) In this Article –
- (a) in paragraph (1)(f), "place of custody" means –
    - (i) in relation to a child, secure accommodation;
    - (ii) in relation to a young person, secure accommodation or a young offender institution; or
    - (iii) a place in which a child or young person on remand is detained pending their remand to secure accommodation or a young offender institution;
  - (b) in paragraph (3)(b), "place of custody" means –
    - (i) in relation to a child, secure accommodation;
    - (ii) in relation to a young person, secure accommodation or a young offender institution.

## **12 Article 19 (matters to be taken into account by the Panel when exercising its functions) substituted**

For Article 19 there is substituted –

### **19 Matters to be taken into account by the Panel when exercising its functions**

- (1) In exercise of its functions under Article 18, the Panel must consider what is in the best interests of a child or young person and of any other child or

young person who is, or may be, detained in the same place of custody having regard to –

- (a) the behaviour of the child or young person;
- (b) the likely impact of the behaviour of the child or young person on other children or young persons detained in the same place of custody;
- (c) the likely impact of the behaviour of other children or young persons on the child or young person detained in the same place of custody;
- (d) the views of the child or young person;
- (e) the opinion of a person with parental responsibility for the child or young person;
- (f) the educational needs of the child or young person; and
- (g) any other matters the Panel considers relevant.

(2) in this Article, “place of custody” means –

- (a) in relation to a child, secure accommodation;
- (b) in relation to a young person, secure accommodation or a young offender institution.

### **13 Article 20 (functions of the Minister) deleted**

Article 20 is deleted.

### **14 Article 22 (States to make Regulations concerning the Panel) amended**

In Article 22, after “appeal by a” there is inserted “child or”.

### **15 Article 24 (Youth Court) amended**

For Article 24(3) and (4) there is substituted –

- (3) Schedule 3 sets out the constitution and procedures of the Youth Court.
- (4) The States may, by Regulations, amend Schedule 3 to make further or different provision about the constitution and procedures of the Youth Court.
- (5) Subject to the provisions of this Law, the provisions of any other enactment relating to the practice and procedures of the Magistrate’s Court apply to the practice and procedures of the Youth Court.

### **16 Article 25 (persons to whom this Part applies) deleted**

Article 25 is deleted.

### **17 Article 26 (jurisdiction of Youth Court) amended**

- (1) In Article 26(1), for “persons to whom this Part applies regardless of whether such a person attains” there is substituted “a child or young person regardless of whether they attain”.
- (2) In Article 26(1)(a), (b) and (c), (2) and (3), for “a person to whom this Part applies” there is substituted “a child or young person”.

(3) After Article 26(3) there is inserted –

- (4) If a young offender is a young adult, the Youth Court has the jurisdiction to hear an appeal made under Schedule 1, paragraph 10, and Schedule 2, paragraph 5.

**18 Article 28 (miscellaneous provisions as to powers of Youth Court) amended**

In Article 28(1), for “a person to whom this Part applies” there is substituted “a child or young person”.

**19 Article 29 (appeals from Youth Court) amended**

For Article 29(1) there is substituted –

- (1) The Youth Appeal Court is established.
- (1A) The Youth Appeal Court consists of the Bailiff and 3 members of the Youth Court Panel who were not members of the Youth Court from which the appeal is being heard.

**20 Article 32 (consequential amendments to enactments and transitional provisions) substituted**

For Article 32 there is substituted –

**32 Consequential amendments to enactments**

The States may, by Regulations, amend any enactment, including this Law, for the purpose of making any provision they consider necessary or expedient as a consequence of the coming into force of this Law or the Amendment Law.

**21 Schedule 1 (early release and supervision of young offenders) and Schedule 2 (temporary release, recall and general provisions) inserted**

Before the Schedule (constitution and procedures of Youth Court) there is inserted –

**SCHEDULE 1**

(Article 9(1))

**PART 1**

**EARLY RELEASE AND SUPERVISION OF YOUNG OFFENDERS**

**1 Interpretation of Schedule 1**

- (1) In this Schedule –
- “additional conditions” means supervision conditions prescribed by Regulations made under paragraph 8;
- “early release” means release in accordance with paragraph 2;

“purposes of supervision conditions” means the purposes set out in paragraph 6;

“standard conditions” means the supervision conditions listed in paragraph 7;

“supervision conditions” has the meaning given in paragraph 6 and, in relation to a transitional young offender, includes the written requirements referred to in paragraph 5;

“supervision period” has the meaning given in paragraph 3;

“supervised release” means release under supervision in accordance with paragraph 3(2) and, in relation to a transitional young offender, paragraph 4;

“transitional young offender” means a person referred to in Article 9 released from custody before the commencement of the Amendment Law.

- (2) In the definition “transitional young offender”, “custody” means custody in prison or a young offender institution.
- (3) In this Schedule –
  - (a) a reference to Article 9, and to any of its provisions, means Article 9 (supervision of young offenders after release from youth detention) immediately before it was amended by the Amendment Law;
  - (b) a reference to a probation officer includes a probation officer who is not the probation officer assigned to supervise a young offender.

## **2 Early release**

- (1) A young offender is eligible to be released from youth custody before they have completed the full term of their sentence if they have served at least two-thirds of the term of their sentence (“early release”), subject to sub-paragraph (3).
- (2) The effect of early release is that a young offender’s sentence is completed on the date that they are released.
- (3) Sub-paragraph (1) does not apply if the relevant person determines that a young offender is not eligible for early release because –
  - (a) the young offender would be at significant risk of harm if released, and no supervision conditions could eliminate or sufficiently reduce that risk;
  - (b) there is a significant risk that the young offender would, once released, engage in conduct that would, or would be likely to, cause harm to an individual other than the young offender and no supervision conditions could eliminate or sufficiently reduce that risk; or
  - (c) there are exceptional circumstances that justify not releasing the young offender.
- (4) If the relevant person determines that a young offender is not eligible for early release, that determination must be reviewed every 4 weeks until a determination is made to release the young offender.
- (5) If a young offender’s date of release falls on –
  - (a) a Saturday or a Sunday, they must be released on the preceding Friday;

- (b) Christmas Day, Good Friday, or a day appointed to be observed as a public holiday under Article 2 of the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#), they must be released on the preceding day.
- (6) In this paragraph, “harm” means mental or physical harm.

### **3 Supervision and supervision period after early release**

- (1) This paragraph applies to a young offender whose sentence is for a term of 4 months or more, and who is eligible for early release.
- (2) A young offender to whom this paragraph applies must be supervised by a probation officer for the period beginning with the date that they are released and ending on the date specified in sub-paragraph (5) or (7) (the “supervision period”).
- (3) Despite sub-paragraph (2) the supervision period must not exceed 12 months.
- (4) Sub-paragraph (5) applies if a young offender is –
  - (a) a young adult who prior to release was serving their sentence in the prison; or
  - (b) a young adult or young person who prior to release was serving their sentence in a young offender institution.
- (5) The supervision period in respect of a young offender to whom this sub-paragraph applies ends on whichever of the following dates occurs first –
  - (a) the date on which they would have been released had they had not been granted early release; or
  - (b) the date on which they reach the age of 22.
- (6) Sub-paragraph (7) applies if a young offender is a child or young person who prior to release was serving their sentence in secure accommodation.
- (7) The supervision period in respect of a young offender to whom this sub-paragraph applies ends on the date on which they would have been released had they not been granted early release.
- (8) The States may, by Regulations, in relation to the supervision of young offenders under this Schedule, confer further or different powers or impose further or different duties on probation officers.

### **4 Supervision and supervision period after early release – transitional young offenders**

- (1) Despite the amendment of Article 9 by the Amendment Law, a transitional young offender must continue to be under the supervision of a probation officer for the period of supervision ending in accordance with Article 9(2).
- (2) The power to make Regulations under paragraph 3(8) includes the power to make Regulations in relation to the supervision of transitional young offenders.

**PART 2****SUPERVISION CONDITIONS****5 Supervision conditions – transitional young offenders**

- (1) This paragraph applies to a transitional young offender.
- (2) A transitional young offender must continue to comply with the written requirements notified to them by the Minister for Justice and Home Affairs under Article 9(3).
- (3) The written requirements –
  - (a) continue in effect until the end of the period of supervision under Article 9(2); and
  - (b) cannot be modified or cancelled.
- (4) The relevant person may, in accordance with paragraph 8, determine to impose additional conditions on a transitional young offender's supervised release, and the power to make Regulations under that paragraph includes the power to make Regulations in relation to transitional young offenders.
- (5) If sub-paragraph (4) applies, paragraphs 9 to 11 apply as if the transitional young offender were a young offender released from youth custody on, or after, the commencement of the Amendment Law.
- (6) The offence set out in paragraph 12 applies if a transitional young offender fails without reasonable excuse to comply with the written requirements or additional conditions.
- (7) In this paragraph, "written requirements" includes modified requirements notified to the transitional young offender by the Minister for Justice and Home Affairs under Article 9(4).

**6 Supervision conditions**

- (1) A young offender must comply with the standard conditions and any additional conditions ("supervision conditions") that apply to their supervised release.
- (2) The purposes of supervision conditions are –
  - (a) to protect the public;
  - (b) to prevent a young offender from re-offending; and
  - (c) to secure the successful reintegration of a young offender into the community.

**7 Standard supervision conditions**

- (1) The standard supervision conditions ("standard conditions") –
  - (a) apply automatically upon a young offender's supervised release;
  - (b) continue until the end of the supervision period; and
  - (c) cannot be modified or cancelled.
- (2) A young offender must comply with all the following standard conditions –



- (a) they must be of good behaviour and not behave in a way that undermines the purposes of supervision conditions;
  - (b) they must not commit an offence;
  - (c) they must keep in touch with their probation officer as instructed by the officer;
  - (d) they must accept visits from their probation officer as notified by the officer;
  - (e) they must reside permanently at an address approved by their probation officer and obtain the probation officer's prior written permission for a stay of 1 or more nights at a different address;
  - (f) they must not undertake work, or a particular type of work, unless it is approved by their probation officer and they must notify their probation officer in advance of a proposal to undertake work, or a particular type of work;
  - (g) they must not travel outside Jersey unless –
    - (i) they have their probation officer's prior written permission;
    - (ii) they are being deported; or
    - (iii) immigration rules require them to do so;
  - (h) they must inform their probation officer if they use a name that is different to the name they used before their release; and
  - (i) they must inform their probation officer if they change their contact details, including phone number or email address.
- (3) A young offender's probation officer must, before the young offender is released, notify them in writing of –
  - (a) the standard conditions;
  - (b) the requirement to comply with them; and
  - (c) the offence of non-compliance under paragraph 12.
- (4) The notification to the young offender must be in a form that takes account, so far as practicable –
  - (a) of their age and maturity;
  - (b) of whether their first language is English; and
  - (c) of whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (5) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
  - (a) of whether the person's first language is English; and
  - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (6) In this paragraph, "immigration rules" means any enactment, rules or direction under immigration legislation.
- (7) In the definition immigration rules, "immigration legislation" means –

- (a) the legislation of the United Kingdom extended to Jersey by the Immigration (Jersey) Order 2021, as amended from time to time; and
- (b) any other legislation of the United Kingdom that relates to immigration and is extended to Jersey from time to time.

## **8 Regulations and determination to impose additional conditions**

- (1) The States may, by Regulations, prescribe additional conditions that the relevant person may impose on a young offender's supervised release.
- (2) Regulations under this paragraph may –
  - (a) specify details of how additional conditions are to be given effect, or otherwise operate (the “operational details”);
  - (b) provide for a written notification that specifies the operational details to be given to the young offender, a person with parental responsibility or another person;
  - (c) require the relevant person or another person to give the written notification;
  - (d) provide for when, and the form in which, the written notification is to be given.
- (3) The relevant person must not determine to impose additional conditions unless the additional conditions are –
  - (a) necessary to supplement the standard conditions to fulfil the purposes of supervision conditions; and
  - (b) proportionate in the circumstances of the case.
- (4) The relevant person may impose or cancel additional conditions at any time during the supervision period.

## **9 Consultation and notification of additional conditions**

- (1) The relevant person must, before imposing additional conditions, consult the young offender and their probation officer.
- (2) The consultation with the young offender must be in a form that takes account, so far as practicable –
  - (a) of their age and maturity;
  - (b) of whether their first language is English; and
  - (c) of whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (3) The relevant person must notify the young offender in writing of –
  - (a) the imposition of additional conditions together with reasons;
  - (b) the requirement to comply with them;
  - (c) the offence of non-compliance under paragraph 12; and
  - (d) their cancellation.
- (4) The notification to the young offender must be in a form that takes account, so far as practicable –

- (a) of their age and maturity;
  - (b) of whether their first language is English; and
  - (c) of whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (5) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
  - (a) of whether the person's first language is English; and
  - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (6) But a copy of the notification must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the child or young person to do so.

## **10 Appeal against imposition of additional conditions**

- (1) The relevant person must, when giving a notification under paragraph 9, also notify the young offender in writing of their right –
  - (a) to appeal to the Youth Court against the decision to impose additional conditions; and
  - (b) to receive reasonable assistance, for the purpose of making the appeal, from a person appointed by –
    - (i) the Governor, if a young offender is a young adult or young person who prior to release was serving their sentence in the prison or a young offender institution; or
    - (ii) the secure accommodation manager, if a young offender is a child or young person who prior to release was serving their sentence in secure accommodation.
- (2) The notification to the young offender must be in a form that takes account, so far as practicable –
  - (a) of their age and maturity;
  - (b) of whether their first language is English; and
  - (c) of whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (3) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
  - (a) of whether the person's first language is English; and
  - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.

- (4) But a copy of the notification must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the child or young person to do so.
- (5) A person with parental responsibility may appeal on the child's or young person's behalf.
- (6) An appeal may be made on the ground only that the relevant person's decision to impose additional conditions was unreasonable in all the circumstances of the case.
- (7) An appeal must –
  - (a) be made by application in writing to the Judicial Greffier;
  - (b) contain reasons for the ground on which the appeal is made;
  - (c) contain a copy of the relevant person's reasons for imposing additional supervision conditions as provided to the young offender under paragraph 8; and
  - (d) be made not later than the end of the period of 21 days beginning with the date on which the young offender was notified of their right to appeal.

## **11 Determination of paragraph 10 appeals**

- (1) The chair of the Youth Court must determine an appeal made under paragraph 10 as soon as practicable after the Judicial Greffier receives the application for appeal.
- (2) Before determining an appeal, the chair must consider the relevant person's reasons for their decision.
- (3) The chair may –
  - (a) confirm or overturn the relevant person's decision to impose additional conditions;
  - (b) order the relevant person to reconsider their decision and to have regard to opinions expressed by the chair.

## **12 Offence of non-compliance with supervision conditions**

- (1) If a young offender fails, without reasonable excuse, to comply with supervision conditions, they commit an offence and –
  - (a) if they are a young adult, a young person or a child, they are liable to a fine of level 2 on the standard scale; or
  - (b) if they are a young adult or a young person, they are liable to an appropriate custodial sentence for a term of up to 30 days.
- (2) A young offender who is a young adult or young person released from an appropriate custodial sentence imposed under sub-paragraph (1)(b) is not liable to a period of supervision as a result of receiving that sentence.
- (3) In this paragraph, "appropriate custodial sentence" means –
  - (a) a sentence of imprisonment if the young offender is aged 21 or over when sentenced; or
  - (b) a sentence of youth detention in –

- (i) an appropriate place of custody if a young offender is a young person when sentenced; or
- (ii) the prison or a young offender institution if a young offender is a young adult when sentenced.

## SCHEDULE 2

(Article 9(2))

### PART 1

#### TEMPORARY RELEASE AND RECALL

##### 1 Interpretation of Schedule 2

- (1) In this Schedule –
  - “Prison Rules” means the [Prison \(Jersey\) Rules 2007](#);
  - “temporary release” means release in accordance with paragraph 2;
  - “transitional young offender” means a prisoner serving a sentence who is temporarily released under Rule 64 of the Prison Rules before the commencement of the Amendment Law, and whose temporary release continues on the commencement of the Amendment Law;
  - “written recall” has the meaning given in paragraph 3.
- (2) In the definition “transitional young offender”, “prisoner” has the meaning given in Article 1(1) of the Prison Law.
- (3) For the purposes of paragraphs 3(2) to (7) and 4 to 8, references to a young offender are taken to include a transitional young offender.

##### 2 Temporary release of young offender

- (1) The relevant person may order a young offender’s temporary release from youth custody for a specified period, or for a specified number of times over a specified period (a “temporary release order”).
- (2) The relevant person may attach conditions of release to a temporary release order –
  - (a) to enable the young offender to engage in employment or to receive education or training;
  - (b) to facilitate the young offender’s reintegration into the community; or
  - (c) for any other reason the relevant person considers appropriate in all the circumstances of the case.
- (3) Before ordering the young offender’s temporary release, the relevant person must cause an assessment to be undertaken of their suitability for release and for the purposes of determining –
  - (a) an appropriate date and period of release;
  - (b) the conditions of release, if any.
- (4) The relevant person, after consultation with the Jersey Probation and Aftercare Service or the Minister, may determine that a temporary release

order includes a condition that the young offender, when released, is supervised by a probation officer or another person that the relevant person determines is suitable.

- (5) The relevant person must notify the young offender in writing of the temporary release order and include the specified period of release, or number of releases and conditions of release.
- (6) The relevant person may, if they consider it necessary to do so, modify conditions of release and must notify the young offender in writing of that modification together with reasons.
- (7) In the case of a transitional young offender, the relevant person may modify any conditions that the Minister for Justice and Home Affairs determined under Rule 64 (1) of the Prison Rules in relation to the transitional young offender's temporary release, and sub-paragraphs (6) and (8) to (11) apply accordingly.
- (8) A notification under sub-paragraph (5) or (6) must be in a form that takes account, so far as practicable –
  - (a) of the young offender's age and maturity;
  - (b) of whether the young offender's first language is English; and
  - (c) of whether the young offender has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (9) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
  - (a) of whether the person's first language is English; and
  - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (10) But a copy of the notification must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the young offender to do so.
- (11) In this paragraph, "Jersey Probation and Aftercare Service" means the service of that name, or of any other name by which it may be known, responsible for discharging the function of probation officers.

### **3 Recall of young offender temporarily released**

- (1) The relevant person may, if satisfied in accordance with sub-paragraph (2), order the recall to youth custody of –
  - (a) a young offender temporarily released under paragraph 2; or
  - (b) a transitional young offender.
- (2) The relevant person may order the recall if they are satisfied that it is reasonable in all the circumstances to do so having regard to all or any of the following –
  - (a) the circumstances in which the young offender's temporary release was approved;
  - (b) the conditions of release, if any were attached under paragraph 2;

- (c) evidence that the young offender has, during the period of their release, committed an offence or is likely to do so;
  - (d) other factors that the relevant person considers appropriate.
- (3) The relevant person may order the recall regardless of whether the young offender has failed to comply with a condition.
- (4) The relevant person must order the recall in writing (the “written recall”), and the written recall must include –
  - (a) the reasons for ordering the recall;
  - (b) the place of youth custody to which the young offender is recalled; and
  - (c) the date by which the young offender must present themselves at the place of youth custody to which they are recalled.
- (5) The written recall must be in a form that takes account, so far as practicable –
  - (a) of the young offender’s age and maturity;
  - (b) of whether the young offender’s first language is English; and
  - (c) of whether the young offender has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (6) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the written recall and, so far as practicable, that copy may be in a form that takes account –
  - (a) of whether the person’s first language is English; and
  - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (7) But a copy of the written recall must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the young offender to do so.

#### **4 Police officer to effect written recall**

- (1) The relevant person must instruct a police officer to deliver the written recall to the young offender recalled under paragraph 3.
- (2) The police officer, in person, must –
  - (a) inform the young offender that they have been recalled to youth custody; and
  - (b) deliver the written recall to the young offender.
- (3) The police officer must escort the young offender to the place of youth custody by the date specified in the written recall.
- (4) The police officer may arrest the young offender if they resist being escorted.

## **5 Appeal against modified conditions of temporary release or recall to youth custody**

- (1) This paragraph applies to a young offender –
  - (a) whose conditions of temporary release are modified under paragraph 2(6) or (7); or
  - (b) recalled to youth custody under paragraph 3.
- (2) The relevant person giving the written notification under paragraph 2(6), or ordering the written recall must also notify the young offender in writing of their right –
  - (a) to appeal to the Youth Court against the relevant person's decision –
    - (i) to modify the conditions of temporary release; or
    - (ii) to order their recall; and
  - (b) to receive reasonable assistance, for the purpose of making the appeal, from a person appointed by –
    - (i) the Governor, if a young offender is a young adult or young person recalled to the prison or a young offender institution; or
    - (ii) the secure accommodation manager, if a young offender is a child or young person recalled to secure accommodation.
- (3) The notification must be in a form that takes account, so far as practicable –
  - (a) of the young offender's age and maturity;
  - (b) of whether the young offender's first language is English; and
  - (c) of whether the young offender has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (4) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
  - (a) of whether the person's first language is English; and
  - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (5) But a copy of the notification must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the young offender to do so.
- (6) A person with parental responsibility may appeal on the young offender's behalf.
- (7) An appeal may be made on 1 of the following grounds only –
  - (a) that the relevant person's decision to modify the conditions of temporary release, if any, was unreasonable in all the circumstances of the case;
  - (b) that the relevant person's decision to recall the young offender was unreasonable in all the circumstances of the case.
- (8) An appeal must –
  - (a) be made by application in writing to the Judicial Greffier;



- (b) contain reasons for the ground on which the appeal is made;
- (c) contain a copy of the written reasons for the relevant person's decision as provided to the young offender under paragraph 2 or 3; and
- (d) be made not later than the end of the period of 21 days beginning with –
  - (i) the date on which the young offender was notified under paragraph 2(6) of the relevant person's modification of the conditions of release; or
  - (ii) the date the young offender presented themselves at the place of youth custody to which they were recalled.

## **6 Determination of paragraph 5 appeals**

- (1) The chair of the Youth Court must determine an appeal made under paragraph 5 as soon as practicable after the Judicial Greffier receives the application for appeal.
- (2) Before determining an appeal, the chair must consider the relevant person's reasons for their decision.
- (3) The chair may, in respect of an appeal against a decision to modify the conditions of release under paragraph 2 –
  - (a) confirm or overturn the relevant person's decision; or
  - (b) order the relevant person to reconsider their decision and to have regard to opinions expressed by the chair.
- (4) The chair may, in respect of an appeal against a decision to recall the young offender to youth custody under paragraph 3 –
  - (a) confirm or overturn the relevant person's decision; or
  - (b) order the relevant person to reconsider their decision and to have regard to opinions expressed by the chair.

## **PART 2**

### **MISCELLANEOUS PROVISIONS**

## **7 Young offender unlawfully at large from youth custody**

- (1) A young offender is unlawfully at large if they –
  - (a) fail to return to youth custody –
    - (i) in accordance with the conditions imposed in respect of their temporary release or, if they are a transitional young offender, under Rule 64 of the Prison Rules;
    - (ii) on or before the expiry of the period for which the young offender was temporarily released;
    - (iii) by the date specified in the written recall;
    - (iv) in compliance with an order of the Minister for Justice and Home Affairs under Rule 64(2) of the Prison Rules, if they are a transitional young offender; or

- (b) escape from youth custody.
- (2) Sub-paragraph (3) applies if a young offender is unlawfully at large at any time during the period for which they are liable to be detained in accordance with their sentence.
- (3) Unless the Minister or, if the young offender is a young adult, the Minister for Justice and Home Affairs otherwise directs, in calculating the period for which the young offender is liable to be detained, no account must be taken of any time during which they are unlawfully at large from youth custody.
- (4) A young offender who is unlawfully at large is liable to be arrested and returned to youth custody by a police officer.

## **8 Regulation and management of secure accommodation**

- (1) The States may, by Regulations, provide for –
  - (a) the regulation and management of secure accommodation provided under Article 22A of the [Children \(Jersey\) Law 2002](#); and
  - (b) the assessment, treatment, discipline, control, care and reintegration back into the community of young offenders who are children or young people detained in secure accommodation whether –
    - (i) pending their first court appearance after being charged;
    - (ii) on remand; or
    - (iii) serving their sentence.
- (2) Regulations may include provision for a young offender to be required –
  - (a) to be measured;
  - (b) to be photographed;
  - (c) to have their fingerprints taken; or
  - (d) to have other measurements taken for the purposes of compiling biometrical information about them.
- (3) Regulations that provide for a requirement described in sub-paragraph (2) must also provide for –
  - (a) the manner in which the requirement is to be imposed;
  - (b) the keeping and destruction of a record of information obtained in respect of the young offender; and
  - (c) the record of the information referred to in clause (b) to be kept confidential unless its release is authorised under the Regulations.
- (4) Regulations may include a power for the Minister to direct a secure accommodation manager about the exercise of anything that may or must be done under the Regulations.
- (5) Regulations may disapply the operation of Regulations made under the [Regulation of Care \(Jersey\) Law 2014](#) if those Regulations are incompatible with Regulations made under this paragraph.
- (6) The States may, by Regulations, amend this paragraph to amend the scope of Regulations that may be made under this paragraph.

**22 Schedule (constitution and procedures of Youth Court) substituted**

For the Schedule there is substituted –

**SCHEDULE 3**

(Article 24)

**CONSTITUTION AND PROCEDURES OF YOUTH COURT****1 Appointment of members and constitution of Youth Court**

- (1) The Superior Number of the Royal Court must appoint people, other than the Magistrate, to a panel (the “Youth Court Panel”) to serve as members of the Youth Court.
- (2) A person appointed to the Youth Court Panel must, on appointment, take an oath to discharge the duties required of that appointment well and faithfully.
- (3) Appointment to the Youth Court Panel is for a term of not more than 10 years.
- (4) An appointment of less than 10 years may be renewed if the initial and renewed term of appointment do not exceed 10 years in total.
- (5) If a person is reappointed to the Youth Court Panel following a break in service, previous periods of appointment must be aggregated for the purposes of calculating the total 10-year period of appointment.
- (6) A person appointed to the Youth Court Panel must retire on or before their 70th birthday.
- (7) The Superior Number of the Royal Court may, as it considers necessary, determine –
  - (a) the number of people it appoints to the Youth Court Panel at any time; and
  - (b) the termination of an appointment to the Youth Court Panel.
- (8) The Youth Court is constituted of 3 members, 1 of whom is the Magistrate.
- (9) The Magistrate is the chair of the Youth Court.
- (10) There must be at least 1 female and at least 1 male member of the Youth Court.
- (11) The Youth Court may be constituted by the chair sitting alone for the purposes of –
  - (a) dealing with the remand of a defendant, the adjournment of a matter, an application for bail or an application in connection with bail;
  - (b) exercising any function under the Criminal Procedure Law that does not involve –
    - (i) a determination under Article 25, 26 or 27 of the Criminal Procedure Law (concerning the sending of a defendant for sentencing or trial before the Royal Court);
    - (ii) the hearing of a defendant’s trial (including a hearing, if required, under Article 78 of the Criminal Procedure Law to determine facts disputed); or

- (iii) the sentencing of a defendant;
- (c) determining an appeal made under Schedule 1, paragraph 10, or Schedule 2, paragraph 5.

## **2 Proceedings**

- (1) If, during proceedings before the Youth Court, a member of the Youth Court, other than the chair, absents themselves –
  - (a) that member is no longer permitted to participate in the proceedings; but
  - (b) the Youth Court remains constituted for those proceedings if it consists of the chair and the other remaining member.
- (2) If proceedings are adjourned after a defendant has been convicted, but before they are sentenced or otherwise dealt with, the Youth Court that sentences or deals with the defendant need not consist of the same members of the Youth Court that convicted the defendant.
- (3) Sub-paragraph (4) applies if the Youth Court is sitting to sentence, or otherwise deal with a defendant, and it consists of members who were not members of the Youth Court that convicted the defendant.
- (4) The Youth Court must, before sentencing or otherwise dealing with the defendant, make inquiries into the facts and circumstances of the case to enable the members, who were not members of the Youth Court that convicted the defendant, to be fully briefed about the case.
- (5) The chair must determine the conduct of the proceedings for the determination of an appeal in accordance with Schedule 1, paragraph 11 and Schedule 2, paragraph 6, and may for that purpose issue procedural rules or practice directions.

## **3 Decisions of Youth Court**

- (1) The Youth Court's decision on all matters must be –
  - (a) by a majority of the members; and
  - (b) pronounced by the chair, or another member at the request of the chair.
- (2) No other member of the Youth Court is permitted to make a separate pronouncement on a matter.
- (3) If, at a sitting of the Youth Court, the Court is constituted by the chair and 1 other member –
  - (a) the Youth Court's decision must, in the event of a disagreement between the chair and that other member, be the chair's decision; and
  - (b) the chair must pronounce the decision.
- (4) If, either during or after a hearing, and before the determination of a matter before the Youth Court, it appears to the chair that there is, or is likely to be, a difference of opinion between the members, the chair –
  - (a) must cause the deliberations on the matter to be conducted in private; and
  - (b) may, if the chair thinks fit, adjourn the hearing for that purpose.

## PART 2

### MISCELLANEOUS AMENDMENTS AND CLOSING PROVISION

#### **23 Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016 amended**

- (1) This Article amends the Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016.
- (2) In Regulation 1 (interpretation) –
  - (a) for the definition “decision” there is substituted –

“decision” means a decision or determination of the Panel under Article 18 of, or Schedule 1 or Schedule 2 to, the Law;
  - (b) after the definition “department” there is inserted –

“Law” means the Criminal Justice (Young Offenders) (Jersey) Law 2014;
  - (c) after the definition “States’ employee” there is inserted –

“young offender” means a child or young person who is sentenced to youth detention.
- (3) For Regulation 6 (appeals against decisions of the Panel) there is substituted –

#### **6 Appeals against decisions of the Panel**

- (1) This Regulation does not apply in respect of a decision of the Panel –
  - (a) to impose additional conditions within the meaning of Schedule 1, paragraph 1, to the Law;
  - (b) to modify conditions of temporary release under Schedule 2, paragraph 2, to the Law; or
  - (c) to recall a young offender to youth custody under Schedule 2, paragraph 3, to the Law.
- (2) A young offender, or a person with parental responsibility for a young offender, may appeal to the Minister if they are aggrieved by a decision of the Panel.
- (3) An appeal may be made on the ground only that the Panel’s decision is not in the best interests of the young offender.
- (4) An appeal must be made in writing to the Minister not later than 21 days after the date of the Panel’s decision.
- (5) The Minister may allow a longer period for making an appeal if they are satisfied that it is desirable in the interests of justice to do so.
- (6) On hearing the appeal, the Minister must, with reasons –
  - (a) confirm the Panel’s decision; or
  - (b) direct the Panel to reconsider its decision if the Minister considers that the decision was not in the best interests of the young offender.

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

In Article 1(1) (interpretation and application) of the [Criminal Procedure \(Jersey\) Law 2018](#), for the definition “Youth Court Panel” there is substituted –

“Youth Court Panel” has the meaning given in Article 1(1) of the Young Offenders Law.

**25 [Prison \(Jersey\) Law 1957](#) amended**

- (1) This Article amends the [Prison \(Jersey\) Law 1957](#).
- (2) In Article 17(1) (remission for good conduct and release on licence of persons sentenced to terms of imprisonment), “or youth detention” and “or a young offender institution” are deleted.
- (3) In Article 29 (rules and directions for the management of the prison and other institutions), in the heading, “and other institutions” is deleted.
- (4) For Article 30 (persons unlawfully at large) there is substituted –

**30 Persons unlawfully at large**

- (1) If a person sentenced to imprisonment, or committed to the prison, is unlawfully at large, they may be arrested by a police officer and taken to the prison.
- (2) Paragraph (3) applies if a person sentenced to imprisonment is unlawfully at large at any time during the period for which they are liable to be detained in accordance with their sentence.
- (3) Unless the Minister otherwise directs, in calculating the period for which the person is liable to be detained, no account must be taken of any time during which they are unlawfully at large from the prison.
- (4) Paragraphs (2) and (3) also apply to a person who is detained in custody in default of payment of a sum of money as if they were sentenced to imprisonment.
- (5) Paragraph (6) applies to a person who, after being temporarily released in accordance with Rules made under Article 29(5), is at large at any time during the period for which they are liable to be detained in accordance with their sentence.
- (6) A person is taken to be unlawfully at large –
  - (a) if the period for which they were temporarily released has expired; or
  - (b) if an order recalling the person to prison has been made by the Minister in accordance with the Rules.
- (7) This Article does not apply to a person who is a young adult or young person within the meaning of Article 1(1) of the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).

**26 [Prison \(Jersey\) Rules 2007](#) amended**

- (1) This Article amends the [Prison \(Jersey\) Rules 2007](#).
- (2) In Rule 63 (remission of sentence) –

- (a) in paragraphs (1), (2) and (3), “or youth detention” is deleted;
- (b) paragraphs (2A) and (2B) are deleted.
- (3) In Rule 64(1) (temporary release), “or youth detention” is deleted.

## **27 Citation and commencement**

This Law may be cited as the Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- and comes into force on a day to be specified by the Minister for Justice and Home Affairs by Order.