Jersey

DOMESTIC ABUSE (JERSEY) AMENDMENT LAW 202-

Contents

Article

1 Domestic Abuse (Jersey) Law 2022 amended 2
2 Article 1 (interpretation) amended 2
3 Part 2A (emergency barring notices and emergency barring orders) inserted 2
4 Article 12 (requirement to notify police of details) amended 10
5 Criminal Justice (Young Offenders) (Jersey) Law 2014 amended 10
6 Citation and commencement 10

Jersey

DOMESTIC ABUSE (JERSEY) AMENDMENT LAW 202-

A LAW to amend the Domestic Abuse (Jersey) Law 2022 to provide for emergency barring notices and emergency barring orders.

Adopted by the States	*11 March 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 –

---

1 Domestic Abuse (Jersey) Law 2022 amended

This Law amends the Domestic Abuse (Jersey) Law 2022.

2 Article 1 (interpretation) amended

In Article 1(1), after the definition "domestic abuse protection order" there is inserted –

> "emergency barring notice" means a notice issued under Article 4A;
>
> "emergency barring order" means an order issued by a court under Article 4F;

3 Part 2A (emergency barring notices and emergency barring orders) inserted

After Article 4 there is inserted –

PART 2A

EMERGENCY BARRING NOTICES AND EMERGENCY BARRING ORDERS

DIVISION 1 – EMERGENCY BARRING NOTICES

4A Issuing emergency barring notices

(1) A police officer of the rank of chief inspector or above (a "senior officer") may issue, or authorise an officer of a lower rank to issue, an emergency barring notice to a person ("A") if the senior officer has reasonable grounds to suspect that –

(a) A has engaged in behaviour that is domestic abuse towards another person ("B"); and

(b) it is necessary to issue the notice to protect B from the risk of further domestic abuse carried out by A.

(2) A senior officer may issue, or authorise the issue of, an emergency barring notice to A regardless of whether B wishes the notice to be issued.

(3) Before issuing or authorising the issue of an emergency barring notice, the senior officer must –

(a) consider any statements made by A or B on the matter;

(b) consider the welfare of any person under the age of 18 (other than A or B) whose interests the officer considers relevant to the giving of the notice (whether or not that person and A are personally connected);

(c) if the notice will limit or prevent A from entering the premises where B lives, take reasonable steps to discover and consider the opinion of any other person who lives at the premises and is personally connected to A or B; and

(d) consider whether the effect of the notice (to protect B from further abuse from A) could be achieved by other means.

(4) An emergency barring notice must be in writing and must state –

(a) the grounds on which the notice has been issued;

(b) the period for which the notice is in force;

(c) the potential consequences of breaching the order; and

(d) that the Attorney General may apply to the Magistrate's Court for an emergency barring order.

(5) An emergency barring notice may –

(a) prohibit A from contacting B;

(b) prohibit A from coming within a specified distance of B;

(c) if A and B live together at the same premises –

(i) require A to leave the premises;

(ii) prohibit A from entering the premises; and

(iii) prohibit A from evicting or excluding B from the premises; and

(d) impose any other condition on A that the senior officer considers reasonably necessary to protect B from further abuse from A.

(6) A police officer must serve the emergency barring notice on A by personal service.

4B Duration of emergency barring notice

(1) An emergency barring notice comes into force at the time it is served on the person to whom it is issued.

(2) If, before a notice expires, the Attorney General applies to the Magistrate's Court for an emergency barring order against the person, the notice continues in force until the Court has determined the application.

(3) Otherwise, an emergency barring notice expires –

(a) 72 hours after it comes into force, not counting time that falls on a Saturday or a day that is not a business day (as defined in Article 1(1) of the Public Holidays and Bank Holidays (Jersey) Law 1951);

(b) if, before that time, an authorised officer withdraws the notice, at the time it is withdrawn; or

(c) if the Magistrate's Court extends the duration of notice, at the time specified by the Court for the notice's expiry.

(4) The Magistrate's Court may extend the duration of a notice if –

(a) despite making reasonable efforts, circumstances have prevented, or will prevent, the Attorney General from applying for an emergency barring order before the notice's expiry; or

(b) it is necessary to do so in the interests of justice or for the protection of any person.

(5) If the Magistrate's Court extends the duration of a notice, a police officer must notify the person to whom the notice was issued.

4C Person issued emergency barring notice must give name and address

(1) A person who is served with an emergency barring notice must tell the police officer who serves the notice –

(a) the person's name;

(b) the person's contact details (such as phone number or email address); and

(c) if known at the time of service, the address at which the person will be residing while the notice is in force.

(2) If, at the time a notice is served, the person does not know the address at which they will be residing while the notice is in force, the person must notify an authorised officer of the address as soon as is practicable but, in any event, no later than 48 hours after the notice is served.

(3) If, while the notice is in force, the person changes the address at which they are residing, the person must, as soon as practicable, notify an authorised officer of the new address.

(4) A person who is required to provide information under this Article commits an offence and is liable to imprisonment for a term of 12 months and to a fine if the person –

(a) fails, without reasonable excuse, to provide the information within the required timeframe; or

(b) knowingly provides false information.

4D Power to arrest for breach of emergency barring notice

(1) While an emergency barring notice issued to a person is in force, and a police officer has reasonable grounds to believe that the person has failed to comply with the notice, the police officer may –

(a) arrest the person; and

(b) exercise the power in Article 19(1)(a) of the Police Procedures and Criminal Evidence (Jersey) Law 2003 to enter and search any premises for the purpose of arresting the person as if the breach of the notice were an offence.

(2) If a police officer arrests a person under this Article –

(a) the Attorney General must, as soon as practicable but in any case no later than the specified time, apply to the Magistrate's Court for an emergency barring order against the person; and

(b) the person must, by the specified time, be brought before the Court for consideration of the application.

(3) For the purposes of Article 28A of the Police Procedures and Criminal Evidence (Jersey) Law 2003 and Rule 3 of the Prison (Jersey) Rules 2007, failure to comply with an emergency barring notice must be treated as if it were an offence.

(4) In this Article, the "specified time" is 48 hours after the arrest, not counting time that falls on a Saturday or a day that is not a business day (as defined in Article 1(1) of the Public Holidays and Bank Holidays (Jersey) Law 1951).

4E Restriction on issuing subsequent emergency barring notice

If a person ("A") has been issued an emergency barring notice, a police officer must not issue another emergency barring notice to A unless the police officer has reasonable grounds to suspect that A has engaged in behaviour –

(a) that is domestic abuse; and

(b) that was not the basis for the prior notice being issued.

DIVISION 2 – EMERGENCY BARRING ORDERS

4F Issuing emergency barring order

(1) The Magistrate's Court may issue an emergency barring order against a person ("A") if –

(a) the Court receives an application by the Attorney General; and

(b) the Court is satisfied that –

(i) on the balance of probabilities, A has engaged in behaviour that is domestic abuse towards another person ("B"); and

(ii) it is necessary and proportionate to issue the order to protect B from the risk of further domestic abuse carried out by A.

(2) Before issuing an emergency barring order, the Court must –

(a) consider any statements made by A or B on the matter;

(b) consider the welfare of any person under the age of 18 whose interests the Court considers relevant to the giving of the order (whether or not that person and A are personally connected); and

(c) if the order will limit or prevent A from entering the premises where B lives, take reasonable steps to discover and consider the opinion of any other person who lives at the premises and is personally connected to A or B.

(3) For the purpose of assessing whether A has engaged in behaviour that is domestic abuse towards B, it is irrelevant –

(a) whether the behaviour alleged to be domestic abuse occurred –

(i) in Jersey or elsewhere; or

(ii) before or after the commencement of this Law; or

(b) whether A has been convicted of an offence in relation to the behaviour.

4G Summons to attend hearing for emergency barring order

(1) Once a hearing is set to hear an application for an emergency barring order against a person ("A"), the police must summon the person to appear before the Magistrate's Court at the time and on the date notified in the summons.

(2) The summons must explain, in simple terms –

(a) that the hearing will determine whether an emergency barring order will be issued against A;

(b) the measures that the police are requesting to be included in the emergency barring order; and

(c) the consequences of failing to comply with the summons.

(3) A police officer must serve the summons on A by personal service.

4H Failure to comply with summons

(1) If a person fails, without reasonable excuse, to comply with a summons issued under Article 4G, the Magistrate's Court may, upon proof of the service of the summons, order the person's arrest.

(2) If the Court orders the person's arrest, a police officer may –

(a) arrest the person; and

(b) exercise the power in Article 19(1)(a) of the Police Procedures and Criminal Evidence (Jersey) Law 2003 to enter and search any premises for the purpose of arresting the person as if failure to comply with the summons were an offence.

(3) If a police officer arrests a person under this Article, the person must, by the specified time, be brought before the Court for consideration of the application for the emergency barring order.

(4) For the purposes of Article 28A of the Police Procedures and Criminal Evidence (Jersey) Law 2003 and Rule 3 of the Prison (Jersey) Rules 2007, failure to comply with a summons must be treated as if it were an offence.

(5) In this Article, the "specified time" is 48 hours after the arrest, not counting time that falls on a Saturday or a day that is not a business day (as defined in Article 1(1) of the Public Holidays and Bank Holidays (Jersey) Law 1951).

4I Content and duration of emergency barring order

(1) An emergency barring order may –

(a) prohibit the person the order is issued against ("A") from contacting the person for whose protection it is made ("B");

(b) prohibit A from coming within a specified distance of B;

(c) prohibit A from coming within a specified distance of specified premises;

(d) if A and B live together at the same premises –

(i) require A to leave the premises;

(ii) prohibit A from entering the premises; and

(iii) prohibit A from evicting or excluding B from the premises;

(e) require A to attend specified counselling or education; and

(f) impose any other requirement on A that the court considers necessary to protect B from the risk of further domestic abuse carried out by A.

(2) In imposing prohibitions or requirements on A in an emergency barring order, the court must, so far as practicable, avoid –

(a) conflict with A's religious beliefs;

(b) interference with A's work or with A's attendance at an educational establishment; and

(c) conflict with the requirements of any other court order or injunction to which A is subject.

(3) An emergency barring order must state the period for which the order is in force, which must not exceed 3 months.

4J Renewal of emergency barring order

(1) The Magistrate's Court may renew an emergency barring order against a person ("A") if –

(a) the Court receives an application by the Attorney General during the period that an emergency barring order is in force against A; and

(b) the Court is satisfied that the grounds for issuing the order continue to be met.

(2) Once a hearing is set to hear the application, the police must give A written notice of the hearing, and notice is deemed to have been given if notice of the hearing has been left at the address given by A under Article 4K.

(3) An order to renew an emergency barring order must state the period for which the order is renewed, which must not exceed 3 months.

(4) There is no limit on how many times the Court may renew an emergency barring order.

(5) When renewing an order, the Court may vary the order if the Court is satisfied that –

(a) the terms of the order are no longer sufficient to protect the person for whose protection the order was issued from the risk of harm caused by domestic abuse by A; or

(b) the terms of the order are no longer necessary or proportionate to protect the person for whose protection the order was issued from the risk of harm caused by domestic abuse by A.

4K Person issued emergency barring order must give address

(1) If a court issues an emergency barring order against a person, the person must –

(a) as soon as practicable after the order is issued, notify an authorised officer of the address at which the person is residing; and

(b) while the order is in force, notify an authorised officer if the address at which the person is residing changes –

(i) if the person has prior knowledge of the change, at least 24 hours before the change, if this is possible; or

(ii) in any other case, as soon as reasonably practicable but, in any event, within 24 hours after the change.

(2) A person who is required to provide information under this Article commits an offence and is liable to imprisonment for a term of 12 months and to a fine if the person –

(a) fails, without reasonable excuse, to provide the information within the required timeframe; or

(b) knowingly provides false information.

4L Varying or revoking emergency barring order

(1) This Article applies if –

(a) the Magistrate's Court issues an emergency barring order against a person ("A") for the protection of another person ("B"); and

(b) either –

(i) the terms of the order are no longer sufficient to protect B from the risk of harm caused by domestic abuse by A; or

(ii) the terms of the order are no longer necessary or proportionate to protect B from the risk of harm caused by domestic abuse by A.

(2) The following people may apply to the Magistrate's Court for the order to be varied or revoked –

(a) A;

(b) B;

(c) the Attorney General.

(3) The following people have a right to be heard on an application –

(a) A;

(b) B;

(c) the Attorney General; and

(d) the Chief Officer of the States of Jersey Police Force.

(4) The Magistrate's Court may vary or revoke the emergency barring order if the court is satisfied that it is appropriate to do so.

(5) An emergency barring order that is the subject of an application –

(a) may be stayed (in part or in full) by the Magistrate's Court until the application to vary, renew or revoke is determined; but

(b) otherwise continues to have effect until that application is determined.

4M Appeal against decision relating to emergency barring order

(1) This Article applies in respect of a decision of the Magistrate's Court to –

(a) issue, renew, revoke or vary an emergency barring order;

(b) refuse an application to issue, renew, revoke or vary an emergency barring order; or

(c) impose certain prohibitions or requirements in an emergency barring order.

(2) The following people may appeal against the decision on the grounds that the decision is based on an error of law or fact –

(a) the person against whom the order is (or would be) issued;

(b) the person for whose protection the order is (or would be) issued;

(c) the Attorney General.

(3) An appeal must be made to the Royal Court within 14 days after the decision is made.

(4) The following people have the right to be heard on an appeal –

(a) the person against whom the order is (or would be) issued;

(b) the person for whose protection the order is (or would be) issued;

(c) the Chief Officer or a delegate;

(d) the Attorney General.

(5) A court that hears an appeal under this Article may uphold, overturn or vary the decision as the court thinks appropriate.

(6) A decision that is the subject of an appeal –

(a) may be stayed (in part or in full) by the Magistrate's Court until the application to vary, renew or revoke is determined; but

(b) otherwise continues to have effect until that application is determined.

4N Failure to comply with emergency barring order

(1) A person who, without reasonable excuse, fails to comply with an emergency barring order commits an offence and is liable to imprisonment for a term of 5 years and to a fine.

(2) If a person who is habitually resident in Jersey fails, without reasonable excuse, to comply with an emergency barring order while in a jurisdiction outside of Jersey –

(a) the person commits an offence under paragraph (1); and

(b) the person may be proceeded against in Jersey in respect of the offence.

4 Article 12 (requirement to notify police of details) amended

In Article 12(2)(a), for "on the day" there is substituted "as soon as practicable after".

5 Criminal Justice (Young Offenders) (Jersey) Law 2014 amended

After Article 26(3) of the Criminal Justice (Young Offenders) (Jersey) Law 2014 there is inserted –

(4) The Youth Court –

(a) may exercise the powers given to the Magistrate's Court under Part 2A of the Domestic Abuse (Jersey) Law 2022 in respect of an application relating to an emergency barring order (as defined in Article 1(1) of that Law) against a person who is 16 or 17 years of age; and

(b) may exercise the powers given to the Magistrate's Court under Part 3 of the Harassment and Stalking (Jersey) Law 202- in respect of an application relating to a stalking protection order or an interim stalking protection order (as defined in Article 1 of that Law) against a person who is 16 or 17 years of age.

6 Citation and commencement

This Law may be cited as the Domestic Abuse (Jersey) Amendment Law 202- and comes into force on a day to be specified by the Minister for Justice and Home Affairs by Order.