



Jersey

# **REHABILITATION OF OFFENDERS (JERSEY) LAW 2001**

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Jersey

## REHABILITATION OF OFFENDERS (JERSEY) LAW 2001

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Jersey

## REHABILITATION OF OFFENDERS (JERSEY) LAW 2001

A **LAW** to provide for the rehabilitation of certain offenders who have not been reconvicted, within a certain period of time, for a serious offence, to penalize the unauthorized disclosure of spent convictions, to amend the law of defamation and for connected purposes

Commencement [[see endnotes](#)]

### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“1935 Loi” means the Loi appliquant à cette Ile certaines des dispositions de l’Acte de Parlement intitulé Children and Young Persons Act 1933 confirmed by Order of His Majesty in Council of the 21st day of February 1935;

“1969 Law” means the Children (Jersey) Law 1969;<sup>1</sup>

“1994 Law” means the Criminal Justice (Young Offenders) (Jersey) Law 1994;<sup>2</sup>

“Air Force Act” means the Air Force Act 1955 of the United Kingdom as it has effect in Jersey by virtue of any Order in Council;

“Army Act” means the Army Act 1955 of the United Kingdom as it has effect in Jersey by virtue of any Order in Council;

“attendance centre order” means an order under Article 23 of the 1969 Law<sup>3</sup> or Article 8 of the 1994 Law;

“binding over order” means an order for the provisional release of an offender under Article 2 of the Loi (1937) sur l’atténuation des peines et sur la mise en liberté surveillée;<sup>4</sup>

“corresponding court-martial punishment” means a punishment awarded under section 71A(3) or (4) of the Army Act, section 71A(3) or (4) of the Air Force Act or section 43A(3) or (4) of the Naval Discipline Act;

“enactment” includes an enactment of the United Kingdom which has effect in Jersey, whether by Order in Council or otherwise;

“lesser sentence” means any sentence other than a sentence excluded from rehabilitation;

“Naval Discipline Act” means the Naval Discipline Act 1957 of the United Kingdom as it has effect in Jersey by virtue of any Order in Council;

“official record” means a record –

- (a) kept, for the purposes of its functions, by any court or public authority in Jersey or by the States of Jersey Police Force or the Honorary Police or kept, in Jersey or elsewhere, for the purposes of any of Her Majesty’s forces; and
- (b) containing information about persons convicted of offences;

“probation order” means an order under the Loi (1937) sur l’atténuation des peines et sur la mise en liberté surveillée made on the condition described in Article 3 thereof;

“proceedings before a judicial authority” means –

- (a) proceedings before any court of law; or
- (b) proceedings before any tribunal, body or person having power –
  - (i) by virtue of any enactment or rule of customary law or practice,
  - (ii) under the rules governing any association, institution, profession, occupation or employment, or
  - (iii) under any provision of an agreement providing for arbitration with respect to any questions arising under the agreement,

to determine any question affecting the rights, privileges, obligations or liabilities of any person, or to receive evidence affecting the determination of any such question;

“rehabilitation” means rehabilitation in accordance with and for the purposes of this Law;

“sentence” includes any order made by a court in respect of the conviction of a person of any offence or offences, other than –

- (a) an order for committal; or
- (b) any other order made –
  - (i) in default of payment of any fine or other sum adjudged to be paid by or imposed on a conviction, or
  - (ii) for want of sufficient distress to satisfy any such fine or other sum;

“sentence excluded from rehabilitation” means –

- (a) a sentence of imprisonment for life;
- (b) a sentence of custody for life;
- (c) a sentence of preventive detention;

- (d) a sentence of imprisonment, detention in a young offender institution, youth custody or corrective training for a term exceeding 30 months;
- (e) a sentence of detention during Her Majesty's pleasure or a sentence of detention for a term exceeding 30 months passed under Article 4 of the 1935 Loi, Article 13 of the 1969 Law or Article 5(4) of the 1994 Law or a corresponding court-martial punishment;

“service disciplinary proceedings” means any of the following –

- (a) any proceedings under the Army Act, the Air Force Act or the Naval Discipline Act (whether before a court-martial or before any other court or person authorized thereunder to award a punishment in respect of any offence);
- (b) any proceedings under any Act previously having effect in Jersey corresponding to any of the Acts mentioned in sub-paragraph (a);

“specified information” means information imputing that a named or otherwise identifiable rehabilitated living person has committed or been charged with or prosecuted for or convicted of or sentenced for any offence which is the subject of a spent conviction.

- (2) In this Law, a reference to a sentence of detention for any term without more means a sentence passed under Article 4 of the 1935 Loi, Article 13 of the 1969 Law<sup>5</sup> or Article 5(4) of the 1994 Law.
- (3) For the purposes of this Law, any finding that a person is guilty of an offence in respect of any act or omission which was the subject of service disciplinary proceedings shall be treated as a conviction and any punishment awarded or order made by virtue of Schedule 5A to the Army Act or the Air Force Act or by virtue of Schedule 4A to the Naval Discipline Act in respect of any such finding shall be treated as a sentence.
- (4) In this Law, any reference to a conviction, however expressed, includes a reference –
  - (a) to a conviction by or before a court outside Jersey; and
  - (b) to any finding, other than a finding linked with a finding of insanity, in any criminal proceedings that a person has committed an offence or done the act or made the omission charged.
- (5) In this Law, any reference to circumstances ancillary to a conviction shall be construed as a reference to any of the following –
  - (a) the offence or offences which were the subject of that conviction;
  - (b) the conduct constituting that offence or those offences; and
  - (c) any process or proceedings preliminary to that conviction, any sentence imposed in respect of that conviction, any proceedings, whether by way of appeal or otherwise, for reviewing that conviction or any such sentence, and anything done pursuant to, or undergone in compliance with, any such sentence.
- (6) In this Law, a reference to an enactment, is a reference to that enactment as amended from time to time and includes a reference to that enactment

as extended or applied under another enactment, including another provision of this Law.

## 2 General rule for rehabilitation

- (1) Rehabilitation shall only apply to a conviction, whether before or after this Law comes into force, for an offence for which a lesser sentence is imposed.
- (2) An individual shall be rehabilitated in respect of such a conviction if –
  - (a) during the rehabilitation period applicable to the conviction, there is not imposed on the individual, for a subsequent conviction, a sentence excluded from rehabilitation; and
  - (b) the individual has served or otherwise undergone or complied with any sentence imposed on the individual in respect of such conviction.
- (3) Where the conditions in paragraph (2) are satisfied, the individual shall be rehabilitated in respect of the conviction and the conviction treated as spent –
  - (a) after the end of the rehabilitation period applicable to the conviction; or
  - (b) where that period ended before this Law comes into force, after this Law comes into force.
- (4) An individual shall not be treated as having failed to satisfy the condition in paragraph (2)(b) by reason only of –
  - (a) the failure to pay a fine or other sum adjudged to be paid by or imposed on a conviction, or breach of a condition of a binding over order;
  - (b) the breach of any condition or requirement applicable in relation to a sentence which renders the person to whom it applies liable to be dealt with for the offence for which the sentence was imposed, or, where the sentence was a suspended sentence of imprisonment, liable to be dealt with in respect of that sentence (whether or not, in any case, he or she is in fact so dealt with); or
  - (c) a failure to comply with any requirement of a suspended sentence supervision order.<sup>6</sup>

## 3 Rehabilitation periods for particular sentences

- (1) The rehabilitation period applicable to a sentence specified in the first column of the table below is the period specified in the second column of that table in relation to that sentence in the case of any person or any particular description of person.

Sentence	Rehabilitation period
1 An absolute discharge.	6 months from the conviction date.
2 A binding over order.	Whichever is the longer of one year from



Sentence	Rehabilitation period
	the conviction date or the period beginning with that date and ending when the binding over order ceases or ceased to have effect.
3 An attendance centre order.	The period beginning with the conviction date and ending one year after the date on which the attendance centre order ceases or ceased to have effect.
4 A sentence, for a term not exceeding 6 months, of detention.	3 years from the conviction date.
5 A custodial order, where the maximum period of detention specified in the order is 6 months or less, under Schedule 5A to the Army Act or the Air Force Act or under Schedule 4A to the Naval Discipline Act.	3 years from the conviction date.
6 Any sentence of detention in respect of a conviction in service disciplinary proceedings.	Person aged 18 or more: 5 years from the conviction date. Person aged less than 18: 2½ years from the conviction date.
7 A fine, or any other sentence subject to rehabilitation under this Law, not being a sentence within any other item in this column of this table.	Person aged 18 or more: 5 years from the conviction date. Person aged less than 18: 2½ years from the conviction date.
8 A sentence, for a term exceeding 6 months but not exceeding 30 months, of detention.	5 years from the conviction date.
9 A probation order.	Person aged 18 or more: 5 years from the conviction date. Person aged less than 18: whichever is the longer of 2½ years from the conviction date or a period beginning with that date and ending when the probation order ceases or ceased to have effect.
10 A sentence, for a term not exceeding 6 months, of imprisonment, detention in a young offender institution or youth custody.	Person aged 18 or more: 7 years from the conviction date. Person aged less than 18: 3½ years from the conviction date.
11 A custodial order, where the maximum period of detention specified in the order is more than 6 months, under section 71AA of or Schedule 5A to the Army Act or the Air Force Act or under section 43AA of or Schedule 4A to the Naval Discipline Act.	7 years from the conviction date.

<b>Sentence</b>	<b>Rehabilitation period</b>
12 A sentence of dismissal from Her Majesty's service.	Person aged 18 or more: 7 years from the conviction date. Person aged less than 18: 3½ years from the conviction date.
13 A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service.	Person aged 18 or more: 10 years from the conviction date. Person aged less than 18: 5 years from the conviction date.
14 A sentence, for a term exceeding 6 months but not exceeding 30 months, of imprisonment, detention in a young offender institution, youth custody or corrective training.	Person aged 18 or more: 10 years from the conviction date. Person aged less than 18: 5 years from the conviction date.
<b>Sentence which may no longer be passed</b>	<b>Rehabilitation period</b>
15 Birching.	One year from the conviction date.
16 A fit person order under Article 24 of the 1969 Law.	Whichever is the longer of one year from the conviction date or the period beginning with that date and ending when the order ceases or ceased to have effect.
17 An approved school order under Article 7 of the 1935 Loi or under Article 24 of the 1969 Law <sup>7</sup> . An order under Article 13 of the 1935 Loi.	The period beginning with the conviction date and ending one year after the date on which the order ceases or ceased to have effect.
18 An order for detention in or committal to a detention centre or a young offenders' centre under Article 19 or 20 of the 1969 Law.	3 years from the conviction date.
19 A sentence of Borstal training.	7 years from the conviction date.

- (2) For the purpose of determining the rehabilitation period applicable to a person by virtue of the table above, the person's age shall be taken at the conviction date.
- (3) Where, in respect of a conviction, an order was made imposing on the person convicted any disqualification, disability, prohibition or other penalty, the rehabilitation period applicable to the sentence shall be a period beginning with the conviction date and ending on the date on which the disqualification, disability, prohibition or penalty, as the case may be, ceases or ceased to have effect.
- (4) The States may by Regulations substitute or amend the table in paragraph (1) for the purpose of re-arranging the table or of adding a description of sentence and specifying the rehabilitation period applicable to that sentence, and may specify different rehabilitation periods in the cases of persons of different ages.
- (5) For the purposes of this Article –

- (a) “sentence of imprisonment” includes a sentence of penal servitude or hard labour, and “term of imprisonment” shall be construed accordingly;
- (b) consecutive terms of imprisonment or of detention and terms that are wholly or partly concurrent, being terms of imprisonment or detention imposed in respect of offences of which a person was convicted in the same proceedings, shall be treated as a single term;
- (c) no account shall be taken of any subsequent variation, made by a court in dealing with a person in respect of a suspended sentence of imprisonment, of the term originally imposed; and
- (d) a sentence imposed by a court outside Jersey shall be treated as a sentence of that one of the descriptions in this Article which most nearly corresponds to the sentence imposed.<sup>8</sup>

#### **4 Rehabilitation period applicable to a conviction**

- (1) Subject to Articles 5 and 6, where only one lesser sentence is imposed for a conviction, the rehabilitation period applicable to the conviction is that which is applicable to that sentence in accordance with Article 3.
- (2) Subject to Articles 5 and 6, where 2 or more lesser sentences are imposed for a conviction (whether or not in the same proceedings), the rehabilitation period applicable to the conviction is that which is applicable to each of those sentences, if the same, or, if different, the longest of the rehabilitation periods applicable to those sentences.

#### **5 Effect of further conviction within rehabilitation period**

- (1) This Article applies where, during the rehabilitation period applicable to a conviction (the “first conviction”) –
  - (a) the person is convicted of a further offence (the “second conviction”) and the conviction is not –
    - (i) a conviction in service disciplinary proceedings for an offence listed in the Schedule, or
    - (ii) a conviction by or before a court outside Jersey of an offence in respect of conduct which, if it had taken place in Jersey, would not have constituted an offence under the laws of Jersey; and
  - (b) a sentence excluded from rehabilitation is not imposed on the person in respect of the second conviction.
- (2) Subject to paragraph (3), if the rehabilitation periods applicable to the first conviction and the second conviction would end on different dates, the period which would end first shall be extended so as to end on the same date as the other period.

- (3) The rehabilitation period applicable to a conviction shall not be extended where –
  - (a) only one lesser sentence was imposed for the other conviction; and
  - (b) the rehabilitation period applicable to that sentence was determined in accordance with Article 3(3).
- (4) For the purposes of paragraph (2), in determining the rehabilitation period applicable to a conviction for which 2 or more lesser sentences are imposed, there shall be disregarded any rehabilitation period applicable to a sentence in accordance with Article 3(3).

## **6 Effect of sentence for breach of binding over or probation after end of rehabilitation period**

- (1) This Article applies where a binding over order or probation order was imposed for a conviction and, after the end of the rehabilitation period applicable to the conviction in accordance with Article 4, the person is dealt with, in consequence of a breach of the binding over order or probation order, for the offence for which such order was imposed.
- (2) Without prejudice to Article 4(2), if the rehabilitation period applicable to the conviction in accordance with that paragraph, taking into account any sentence imposed when the person is dealt with for the breach, ends later than the rehabilitation period previously applicable to the conviction, the person shall be treated as not having become rehabilitated in respect of the conviction, and the conviction shall be treated as not having become spent, before the end of the new rehabilitation period.

## **7 Effect of rehabilitation: subsequent judicial proceedings**

- (1) Subject to Articles 8 and 9, a person rehabilitated in respect of a conviction shall be treated for all purposes in law as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence which was the subject of that conviction.
- (2) Subject to Articles 8 and 9, but notwithstanding any enactment or rule of customary law to the contrary –
  - (a) no evidence shall be admissible in any proceedings before a judicial authority to prove that a person who has become a rehabilitated person has committed or been charged with or prosecuted for or convicted of or sentenced for any offence which was the subject of a spent conviction; and
  - (b) a person shall not, in any such proceedings, be asked and, if asked, shall not be required to answer, any question relating to his or her past which cannot be answered without acknowledging or referring to a spent conviction or spent convictions or any circumstances ancillary to such convictions.

## **8 Limitations on rehabilitation: subsequent judicial proceedings**

- (1) Nothing in Article 7 shall affect –

- 
- (a) any right of Her Majesty, by virtue of Her Royal prerogative or otherwise, to grant a free pardon, to quash any conviction or sentence, or to commute any sentence;
    - (b) the enforcement by any process or proceedings of any fine or other sum adjudged to be paid by or imposed on a spent conviction;
    - (c) the issue of any process for the purpose of proceedings in respect of any breach of a condition or requirement applicable to a sentence imposed in respect of a spent conviction; or
    - (d) the operation of any enactment by virtue of which, in consequence of any conviction, a person is subject, otherwise than by way of sentence, to any disqualification, disability, prohibition or other penalty the period of which extends beyond the rehabilitation period applicable to the conviction.
  - (2) Nothing in Article 7 shall affect the determination of any issue, or prevent the admission or requirement of any evidence, relating to a person's previous convictions or to circumstances ancillary to them –
    - (a) in any criminal proceedings before a court in Jersey, including any appeal or reference in a criminal matter;
    - (b) in any service disciplinary proceedings or in any proceedings on appeal from any service disciplinary proceedings;
    - (c) in any proceedings relating to adoption, the marriage of any minor or the formation of a civil partnership of any minor, the exercise of the inherent jurisdiction of the Royal Court with respect to minors or the provision by any person of accommodation, care or schooling for minors;
    - (d) in any proceedings brought under the Children (Jersey) Law 2002<sup>9</sup> or the Day Care of Children (Jersey) Law 2002<sup>10</sup>;
    - (e) in any proceedings in which the person is a party or a witness, provided that, notwithstanding Article 7, on the occasion when the issue or the admission or requirement of the evidence falls to be determined, the person consents to the determination of the issue or, as the case may be, the admission or requirement of the evidence.<sup>11</sup>
  - (3) Subject to paragraph (4), if, at any stage in any proceedings before a judicial authority in Jersey, the authority is satisfied, in the light of any considerations which appear to it to be relevant, including any evidence which has been or may be thereafter put before it, that justice cannot be done in the case except by admitting or requiring evidence relating to a person's spent convictions or to circumstances ancillary to such convictions, the authority –
    - (a) notwithstanding Article 7, may admit or, as the case may be, require the evidence in question; and
    - (b) may, in determining any issue to which the evidence relates, disregard Article 7 so far as necessary.
  - (4) Paragraph (3) does not apply to proceedings –

- (a) to which, by virtue of paragraph (2) or any Regulations made under paragraph (5), Article 7 does not apply; or
  - (b) to which Article 9 applies.
- (5) The States may by Regulations exclude the application of Article 7 in relation to any proceedings specified in the Regulations, other than proceedings to which Article 9 applies, to such extent and for such purposes as may be so specified.
- (6) No order made by a court with respect to any person otherwise than on a conviction shall be included in any list or statement of that person's previous convictions given or made to any court which is considering how to deal with the person in respect of any offence.

## **9 Defamation actions**

- (1) For the purposes of this Article, "defamation action" means an action for libel or slander begun after this Law comes into force by a rehabilitated person and founded upon the publication of any matter imputing that the plaintiff has committed or been charged with or prosecuted for or convicted of or sentenced for an offence which was the subject of a spent conviction.
- (2) Nothing in Article 7 shall affect a defamation action where the publication complained of took place before the conviction in question became spent.
- (3) Paragraphs (4) to (8) apply to a defamation action where the publication complained of took place after the conviction in question became spent.
- (4) Subject to paragraphs (6) and (7), nothing in Article 7 shall prevent the defendant in a defamation action to which this paragraph applies from relying on any defence of justification or fair comment or of absolute or qualified privilege which is available to the defendant or restrict the matters he or she may establish in support of any such defence.
- (5) Without prejudice to the generality of paragraph (4), where, in any such action, malice is alleged against a defendant who is relying on a defence of qualified privilege, nothing in Article 7 shall restrict the matters the defendant may establish in rebuttal of the allegation.
- (6) A defendant in any such action shall not, by virtue of paragraph (4), be entitled to rely upon the defence of justification if the publication is proved to have been made with malice.
- (7) Subject to paragraph (8), a defendant in any such action shall not, by virtue of paragraph (4), be entitled to rely on any matter or adduce or require any evidence for the purpose of establishing the defence that the matter published constituted a fair and accurate report of judicial proceedings if it is proved that the publication contained a reference to evidence which was ruled to be inadmissible in the proceedings by virtue of Article 7.
- (8) Paragraph (4) shall apply without the qualifications imposed by paragraph (7) in relation to –

- (a) any report of judicial proceedings contained in any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law; and
- (b) any report or account of judicial proceedings published for *bona fide* educational, scientific or professional purposes, or given in the course of any lecture, class or discussion given or held for any of those purposes.

#### **10 Effect of rehabilitation: other circumstances**

- (1) Subject to Regulations made under paragraph (3), where a question seeking information with respect to a person's previous convictions, offences, conduct or circumstances is put to the person or to any other person otherwise than in proceedings before a judicial authority –
  - (a) the question shall be treated as not relating to spent convictions or to any circumstances ancillary to such convictions, and the answer to the question may be framed accordingly; and
  - (b) the person questioned shall not be subjected to any liability or otherwise prejudiced in law by reason of any failure to acknowledge or disclose a spent conviction or any circumstances ancillary to such a conviction in the person's answer to the question.
- (2) Subject to Regulations made under paragraph (3) –
  - (a) any obligation imposed on any person by any rule of law or by the provisions of any agreement or arrangement to disclose any matters to any other person shall not extend to requiring the person to disclose a spent conviction or any circumstances ancillary to such a conviction (whether the conviction is the person's own or another's); and
  - (b) a conviction which has become spent or any circumstances ancillary to it, or any failure to disclose a spent conviction or any such circumstances, shall not be a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing the person in any way in any occupation or employment.
- (3) The States may by Regulations –
  - (a) make such provisions as seem to them appropriate for excluding or modifying the application of either or both of paragraph (1)(a) and (b) in relation to questions put in such circumstances as may be specified in the Regulations; and
  - (b) provide for such exceptions from either or both of the provisions of paragraph (2) as seem to them appropriate, in such cases or classes of case, and in relation to convictions of such a description, as may be specified in the Regulations.

**11 Unauthorized disclosure of spent conviction**

- (1) Subject to Regulations made under paragraph (4), any person who, in the course of his or her official duties, has or at any time has had custody of or access to any official record or the information contained in it shall be guilty of an offence if, knowing or having reasonable cause to suspect that any specified information the person has obtained in the course of those duties is specified information, he or she discloses it to another person.
- (2) In any proceedings for an offence under paragraph (1), it shall be a defence for the defendant to show that the disclosure was made –
  - (a) to the rehabilitated person or to another person at the express request of the rehabilitated person; or
  - (b) to a person whom the defendant reasonably believed to be the rehabilitated person or to another person at the express request of a person whom the defendant reasonably believed to be the rehabilitated person.
- (3) Any person who obtains any specified information from any official record by means of any fraud, dishonesty or bribe shall be guilty of an offence.
- (4) The States may by Regulations make such provision as appears to them to be appropriate for excepting from paragraph (1) the disclosure of specified information derived from an official record, in such cases or classes of case as may be specified in the Regulations.
- (5) A person guilty of an offence under paragraph (1) shall be liable to a fine not exceeding level 3 on the standard scale.
- (6) A person guilty of an offence under paragraph (3) shall be liable to imprisonment for a term not exceeding 6 months or a fine not exceeding level 4 on the standard scale, or both.

**12 Citation**

This Law may be cited as the Rehabilitation of Offenders (Jersey) Law 2001.



**SCHEDULE**

(Article 5(1))

**SERVICE DISCIPLINARY CONVICTIONS**

- 1** Any conviction for an offence mentioned in this Schedule is a conviction referred to in Article 5(1)(a)(i).

**PROVISIONS OF THE ARMY ACT 1955 AND THE AIR FORCE ACT 1955**

- 2** Any offence under any of the provisions of the Army Act 1955 of the United Kingdom or the Air Force Act 1955 of the United Kingdom listed in the first column of the following table –

<b>Provision</b>	<b>Subject-matter</b>
Section 29	Offences by or in relation to sentries, persons on watch etc.
Section 29A	Failure to attend for duty, neglect of duty etc.
Section 33	Insubordinate behaviour.
Section 34	Disobedience to lawful commands.
Section 34A	Failure to provide a sample for drug testing.
Section 35	Obstruction of provost officers.
Section 36	Disobedience to standing orders.
Section 38	Absence without leave.
Section 39	Failure to report or apprehend deserters or absentees.
Section 42	Malingering.
Section 43	Drunkenness.
Section 43A	Fighting, threatening words etc.
Section 44	Damage to, and loss of, public or service property etc.
Section 44A	Damage to, and loss of, Her Majesty's aircraft or aircraft material.
Section 44B	Interference etc. with equipment, messages or signals.
Section 45	Misapplication and waste of public or service property.
Section 46	Offences relating to issues and decorations.
Section 47	Billeting offences.
Section 48	Offences in relation to requisitioning of vehicles.
Section 50	Inaccurate certification.
Section 51	Low flying.
Section 52	Annoyance by flying.
Section 54	Permitting escape, and unlawful release of prisoners.
Section 55	Resistance to arrest.

<b>Provision</b>	<b>Subject-matter</b>
Section 56	Escape from confinement.
Section 57	Offences in relation to courts-martial.
Section 61	Making of false statements on enlistment.
Section 62	Making of false documents.
Section 63	Offences against civilian population.
Section 69	Conduct to prejudice of military discipline or air-force discipline.

- 3 Any offence under section 68 or 68A of the Army Act 1955 of the United Kingdom in relation to an offence under any of the provisions of that Act listed in paragraph 2.
- 4 Any offence under section 68 or 68A of the Air Force Act 1955 of the United Kingdom in relation to an offence under any of the provisions of that Act listed in paragraph 2.

#### **PROVISIONS OF THE NAVAL DISCIPLINE ACT 1957**

- 5 Any offence under any of the provisions of the Naval Discipline Act 1957 of the United Kingdom listed in the first column of the following table –

<b>Provision</b>	<b>Subject-matter</b>
Section 6	Offences by or in relation to sentries, persons on watch, etc.
Section 7	Failure to attend for duty, neglect of duty, etc.
Section 11	Insubordinate behaviour.
Section 12	Disobedience to lawful commands.
Section 12A	Failure to provide a sample for drug testing.
Section 13	Fighting, threatening words etc.
Section 14	Obstruction of provost officers.
Section 14A	Disobedience to standing orders.
Section 17	Absence without leave etc.
Section 18	Failure to report deserters and absentees.
Section 21	Low flying.
Section 22	Annoyance by flying.
Section 25	Inaccurate certification.
Section 27	Malingering.
Section 28	Drunkenness.
Section 29	Damage to, and loss of, public or service property etc.
Section 29A	Damage to, and loss of, Her Majesty's aircraft or aircraft material.
Section 29B	Interference etc. with equipment, messages or signals.
Section 30	Misapplication and waste of public or service property.
Section 31	Offences relating to issues and decorations.
Section 32	Billeting offences.
Section 33	Offences in relation to the requisitioning of

Provision	Subject-matter
	vehicles etc.
Section 33A	Permitting escape, and unlawful release of prisoners.
Section 33B	Resistance to arrest.
Section 33C	Escape from confinement.
Section 34A	False statements on entry.
Section 35	Falsification of documents.
Section 35A	Offences against civilian population.
Section 38	Offences in relation to courts-martial.
Section 39	Conduct to the prejudice of naval discipline.

- 6 Any offence under section 40 or 41 of the Naval Discipline Act 1957 of the United Kingdom in relation to an offence under any of the provisions of that Act listed in paragraph 5.

## ENDNOTES

### Table of Legislation History

Legislation	Year and Number	Commencement
Rehabilitation of Offenders (Jersey) Law 2001	L.9/2001	1 December 2002 (R&O.123/2002)
Criminal Justice (Suspension of Prison Sentences) (Jersey) Law 2003	L.44/2003	19 December 2003
Children (Jersey) Law 2002	L.50/2002	1 August 2005 (R&O.74/2005)
Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012	R&O.47/2012	2 April 2012

### Table of Renumbered Provisions

Original	Current
1(6)	spent, omitted from this revised edition
1(7)	1(6)

### Table of Endnote References

<sup>1</sup>	<i>chapter 12.200</i>
<sup>2</sup>	<i>chapter 08.380</i>
<sup>3</sup>	<i>the Article referred to here was repealed by L.6/1994; formerly amended by L.32/1979, L.6/1979</i>
<sup>4</sup>	<i>chapter 08.020</i>
<sup>5</sup>	<i>the Article referred to here was repealed by L.6/1994</i>
<sup>6</sup> Article 2(4)	<i>substituted by L.44/2003</i>
<sup>7</sup>	<i>the Article referred to here was repealed by L.6/1994; formerly amended by L.32/1972</i>
<sup>8</sup> Article 3(5)	<i>substituted by L.44/2003</i>
<sup>9</sup>	<i>chapter 12.200</i>
<sup>10</sup>	<i>chapter 10.700</i>
<sup>11</sup> Article 8(2)	<i>amended by L.50/2002, R&amp;O.47/2012</i>