

STATES OF JERSEY



Jersey

DRAFT CRIMINAL PROCEDURE (CONSEQUENTIAL AMENDMENTS – ACCESS TO JUSTICE) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 14th January 2022
by the Chief Minister
Earliest date for debate: 1st March 2022**

STATES GREFFE

REPORT

These draft Regulations, if adopted, would substitute Article 21 of the [Access to Justice \(Jersey\) Law 2019](#).

At present, Article 21 of the Access to Justice Law makes reference to the [Magistrate’s Court \(Miscellaneous Provisions\) \(Jersey\) Law 1949](#) (the “1949 Law”). The 1949 Law has since been repealed by the [Criminal Procedure \(Jersey\) Law 2018](#), which itself has been brought into effect at various stages by Appointed Day Acts.

The effect and purpose of Article 21, which is to enable costs orders and payments to be made as provided for by Regulations made under Article 6 of the [Costs in Criminal Cases \(Jersey\) Law 1961](#), is retained by this substituted Article. The amendment is simply to ensure that the outdated reference to the 1949 Law is removed and that the Access to Justice Law correctly references a corresponding provision in the Criminal Procedure Law.

The draft Regulations also propose that Article 22 of the Access to Justice Law is deleted. Article 22 makes reference to Article 106 of the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#). Article 106 was similarly deleted by the Criminal Procedure Law and, accordingly, this part of the Access to Justice Law is no longer required.

These draft Regulations are a tidying up provision, and ensure that all references in the Access to Justice Law are up-to-date in time for the Law to come fully into force on the day that the first Legal Aid Guidelines comes into effect, which is currently intended to be 1st April 2022.

Financial and manpower implications

There are no resource implications that would arise as a consequence of these draft Regulations being adopted.

EXPLANATORY NOTE

The Criminal Procedure (Consequential Amendments – Access to Justice) (Jersey) Regulations 202-, if passed, will amend Article 21 of the Access to Justice (Jersey) Law 2019 to update an outdated reference in that Law to the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949 (which was repealed by the Criminal Procedure (Jersey) Law 2018) so that it references the correct provision in the Criminal Procedure (Jersey) Law 2018; and delete Article 22 which is no longer required. The Regulations would commence immediately before Article 21 of the Access to Justice (Jersey) Law 2019, which comes into force on the day that the first Legal Aid Guidelines published by the Minister come into effect.



Jersey

DRAFT CRIMINAL PROCEDURE (CONSEQUENTIAL AMENDMENTS – ACCESS TO JUSTICE) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 115 of the [Criminal Procedure \(Jersey\) Law 2018](#) –

1 [Access to Justice \(Jersey\) Law 2019](#) amended

In the [Access to Justice \(Jersey\) Law 2019](#) –

(a) for Article 21 there is substituted –

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

In the [Criminal Procedure \(Jersey\) Law 2018](#) –

(a) after Article 41(3) there is inserted –

“(4) Costs ordered to be paid under this Part shall be subject to such rates or scales of payment of any costs payable out of public funds or by the defendant as are provided for by Regulations made under Article 6 of the [Costs in Criminal Cases \(Jersey\) Law 1961](#).”;

(b) for Article 89(4)(c) there is substituted –

“(c) make an order as to costs subject to such rates or scales of payment of any costs payable out of public funds or by the defendant as are provided for by Regulations made under Article 6 of the [Costs in Criminal Cases \(Jersey\) Law 1961](#).”;

(b) Article 22 is deleted.

2 Citation and commencement

These Regulations may be cited as the Criminal Procedure (Consequential Amendments – Access to Justice) (Jersey) Regulations 202- and come into force immediately before Article 21 of the [Access to Justice \(Jersey\) Law 2019](#) comes into force.