

Jersey Law 5/2001

HOMICIDE (AMENDMENT) (JERSEY) LAW 2001

A LAW to amend the Homicide (Jersey) Law 1986, sanctioned by Order of Her Majesty in Council of the

14th day of FEBRUARY 2001

(Registered on the 2nd day of March 2001)

STATES OF JERSEY

The 10th day of October 2000

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

ARTICLE 1

After Article 4 of the Homicide (Jersey) Law 1986¹ there shall be inserted the following Articles -

“ARTICLE 4A.

Time of death.

For the purposes of any offence involving death or suicide, there shall be no presumption of law that, by reason of the elapsing of any particular period of time between an act or omission and the date of the death, that act or omission is conclusively proved not to have caused the death.

¹ Volume 1986-1987, page 19.

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ARTICLE 4B.

Restrictions on prosecution for a fatal offence.

(1) No prosecution to which this Article applies shall be instituted without the consent of the Attorney General.

(2) This Article applies to a prosecution against a person for a fatal offence, if -

(a) the injury alleged to have caused the death was sustained more than three years before the death occurred; or

(b) the person has previously been convicted of an offence in circumstances alleged to be connected with the death.

(3) In this Article, 'fatal offence' means -

(a) murder, manslaughter, infanticide or any other offence of which one of the elements is causing a person's death; or

(b) the offence of aiding, abetting, counselling or procuring a person's suicide.

ARTICLE 4C.

Saving.

Article 4A of this Law does not affect the application of any customary rule of law in a case where the act or omission (or the last of the acts or omissions) which is alleged to have caused the death occurred before the commencement of that Article."

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ARTICLE 2

This Law may be cited as the Homicide (Amendment) (Jersey) Law 2001 and shall come into force on the day following its registration.

M.N. DE LA HAYE

Deputy Greffier of the States.