

Jersey Law 6/1994**CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) LAW
1994**

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Jersey Law 6/1994

*Criminal Justice (Young Offenders) (Jersey)
Law 1994*

A LAW to re-enact provisions relating to, and to provide new methods of dealing with, offenders under the age of twenty-one, sanctioned by Order of Her Majesty in Council of the

15th day of MARCH 1994

(Registered on the 22nd day of April 1994)

STATES OF JERSEY

The 12th day of October 1993

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

PART I

PRELIMINARY

ARTICLE 1

Interpretation

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

“attendance centre” means an attendance centre provided by the Prison Board under Article 25A of the Prison (Jersey) Law 1957;¹

¹ Tome VIII, page 669.

“attendance centre order” means an order made under paragraph (1) of Article 8;

“compensation order” includes an order made under paragraph (1) of Article 2 of the Criminal Justice (Compensation Orders) (Jersey) Law 1994;²

“guardian” includes a person who, in the opinion of the court hearing the case in which a person under the age of twenty is concerned, has for the time being charge of or control over that person;

“the Juvenile Appeal Court” and the Juvenile Court” mean the Courts established under Article 38 and 41A, respectively, of the Children (Jersey) Law 1969;³

“the Magistrate” means the “Juge d’Instruction” appointed under the “Lois (1864 à 1969) concernant la charge de Juge d’Instruction” and includes a person exercising those functions;

“place of safety” has the same meaning as in Article 1 of the Children (Jersey) Law 1969;⁵

“the prison” has the same meaning as in Article 1 of the Prison (Jersey) Law 1957;⁶

“the Probation Law” means the “Loi (1937) sur l’atténuation des peines et sur la mise en liberté surveillée”;

“probation officer” means a “délégué” appointed under Article 7 of the Probation Law;

² Volume 1994–1969, page 16.

³ Volume 1968–1969, page 286, and Volume 1973–1974, page 371.

⁴ Tomes I–III, page 303, and Volume 1968–1969, page 343.

⁵ Volume 1968–1969, page 247, Volume 1970–1972, page 511, and Volume 1979–1981, page 25.

⁶ Tome VIII, page 657.

⁷ Tome VIII, page 188.

“probation order” means an order made under the Probation Law;

“young offender institution” means a young offender institution provided by the Prison Board under Article 25A of the Prison (Jersey) Law 1957;⁸

“the Youth Court” means the Court established by Article 11; and

“youth detention” means a sentence of detention in a young offender institution imposed by virtue of paragraph (1) of Article 4.

(2) A reference in this Law to a Part, Article or Schedule by number only, and without further identification, is a reference to the Part, Article or Schedule of that number in this Law.

(3) A reference in an Article or other division of this Law to a paragraph or sub-paragraph by number only and without further identification, is a reference to the paragraph or sub-paragraph of that number in the Article or other division in which that reference occurs.

(4) Where this Law refers to an enactment, the reference is to that enactment as amended from time to time, and includes a reference to that enactment as extended or applied by or under any other enactment, including any other provision of that enactment.

⁸ Tome VIII, page 657.

PART II

YOUNG OFFENDERS

ARTICLE 2

Age of criminal responsibility

It shall be conclusively presumed that no person under the age of ten can be guilty of an offence.

ARTICLE 3

Custodial sentences for young offenders

- (1) No court shall pass a sentence of imprisonment on a person under the age of twenty-one.
- (2) No court shall pass a sentence of borstal training.

ARTICLE 4

Sentences of youth detention for offenders less than twenty-one years old

- (1) Subject to Article 5 and to the following provisions of this Article, where a person who is aged not less than fifteen but under twenty-one is convicted of an offence which is, in the case of a person aged twenty-one or over, punishable with imprisonment, the court may pass a sentence of detention in a young offender institution.
- (2) A court shall not pass a sentence of youth detention unless it considers that no other method of dealing with him is appropriate because it appears to the court that –
 - (a) he has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them; or

- (b) only a custodial sentence would be adequate to protect the public from serious harm from him; or
- (c) the offence or the totality of the offending is so serious that a non custodial sentence cannot be justified;

and the court shall state in open court its reasons for imposing a sentence of youth detention and shall explain to the person that on his release he may be subject to a period of supervision in accordance with Article 10.

(3) Subject to paragraph (5), the maximum term of a sentence of youth detention that a court may impose is the same as the maximum term of imprisonment (including a maximum term of imprisonment for life) which a court could impose on a person aged twenty-one or over for the same offence.

(4) A court may pass consecutive sentences of youth detention in the same way as consecutive sentences of imprisonment; and where an offender serving a sentence of youth detention is aged twenty-one or over and is convicted of one or more further offences for which he is liable to imprisonment, the court may pass one or more sentences of imprisonment to run consecutively to the sentence of youth detention.

(5) Notwithstanding paragraphs (3) and (4), but subject to Article 5, a court shall not pass on any one occasion a sentence or sentences on an offender aged less than seventeen the effect of which would be that he would on that occasion be sentenced to a term of youth detention exceeding twelve months and so much of any such term for which an offender is sentenced as exceeds twelve months shall be treated as remitted.

ARTICLE 5

Custody where life sentence fixed by law and sentences for serious offence

(1) Subject to paragraph (2), where a person under twenty-one is convicted of murder or any other offence for which the sentence is

fixed by law as imprisonment for life, the court shall sentence him to custody for life.

(2) Where it appears to a court that a person convicted of an offence referred to in paragraph (1) was at the time the offence was committed under the age of eighteen the court shall instead sentence him to be detained during Her Majesty's pleasure.

(3) A person sentenced under paragraph (2) shall be detained in a place and under conditions which the Secretary of State may direct, and pending those directions shall be detained as the Royal Court shall direct.

(4) Where a person under seventeen years of age is convicted of any offence punishable in the case of a person aged twenty-one or over with imprisonment for fourteen years or more, not being an offence for which the sentence is fixed by law, and the court is of the opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period, not exceeding the maximum term of imprisonment with which the offender is punishable in the case of a person aged twenty-one or over, as may be specified in the sentence and, where such a sentence has been passed, the person so sentenced shall be detained in such place and under such conditions as the Secretary of State may direct.

ARTICLE 6

Detention in a young offender institution for default

(1) Where in the case of a person aged twenty-one or over a court could –

- (a) fix a term of imprisonment in the event of default of payment of a fine, a compensation order or a sum due under a recognisance;
- (b) commit the person to prison as the result of such default;

- (c) commit the person to prison for contempt of court or any kindred offence,

the court may, in the case of a person aged not less than seventeen but under twenty-one, fix a term of youth detention or, as the case may be, commit him to be detained in a young offender institution, for a term not exceeding the term of imprisonment.

(2) A court shall not commit a person under paragraph (1) unless it is of the opinion that no other method of dealing with him is appropriate, and the court's reasons for its opinion shall be stated in open court.

(3) Articles 4 and 5 of the Criminal Justice (Jersey) Law 1957⁹ (powers of courts in relation to fines and forfeited recognizances) and Articles 3 and 5 of the Criminal Justice (Compensation Orders) (Jersey) Law 1994¹⁰ shall apply as if references to imprisonment were references to youth detention under this Article, and references in those Articles to the prison or the governor of the prison shall be construed accordingly.

(4) Notwithstanding anything in Article 5 of the Criminal Justice (Jersey) Law 1957⁹ or Article 5 of the Criminal Justice (Compensation Orders) (Jersey) Law 1994¹⁰, where a court has made an order under either Article 4 of the first mentioned of those Laws or, as the case may be, Article 3 of the latter of those Laws, in respect of a person under the age of twenty-one and that person is in default of that order, the officer responsible for the recovery of the fine or the sum due under the recognisance shall bring the person before the court which made the order and the court, after making such enquiry into the reasons for the default as appears to it to be requisite may, either –

- (a) order that the person shall forthwith serve the term of youth detention which had been fixed, or

⁹ Tome VIII, pages 677 and 678, and Volume 1984–1985, page 10.

¹⁰ Volume 1994–199, page 16.

- (b) make such other order with respect to him as appears to be just.

ARTICLE 7

Matters affecting a court's power to pass a sentence of youth detention

(1) For the purpose of determining whether there is an appropriate method of dealing with an offender other than by passing a sentence of youth detention the court shall obtain and consider information about the circumstances and shall take into account information before the court which is relevant to his character and physical and mental condition, and in particular the court shall, unless it considers it unnecessary to do so in a particular case, obtain a report on him from a probation officer.

(2) If the Youth Court or the Police Court imposes a sentence of youth detention without having obtained a report from a probation officer it shall state in open court the reasons why it considered the report unnecessary.

ARTICLE 8

Attendance at an attendance centre

- (1) Where a court could –
 - (a) in the case of a person aged twenty-one or over pass a sentence of imprisonment or make an order committing him to prison for default; or
 - (b) deal with a person under Article 5 of the Probation Law for failure to comply with a requirement of a probation order,

the court may, in the case of a person who is under the age of twenty-one, and where it has been notified by the Prison Board that an attendance

centre is available for persons of his class or description, order him to attend a specified attendance centre for a specified number of hours.

(2) An attendance centre order shall not be made in respect of a person previously sentenced to imprisonment, borstal training, youth detention or youth custody unless the court considers that there are special circumstances, whether related to the offence or the offender, which warrant the making of an order in his case.

(3) The aggregate number of hours for which an attendance centre order may require a person to attend at an attendance centre shall not exceed thirty-six and shall not be less than twelve unless he is under the age of fourteen and the court considers that, having regard to his age or other circumstances, twelve hours would be excessive.

(4) A court may make an attendance centre order in respect of an offender before a previous attendance centre order in respect of him has ceased to have effect, and may determine the number of hours to be specified in the order without regard –

- (a) to the number of hours specified in the previous order; or
- (b) to the fact that that order is still in effect.

(5) The times at which an offender is required to attend at an attendance centre shall avoid interference, so far as practicable, with his school or working hours, and the first such time shall be specified in the order (being a time at which the centre is available for the attendance of the offender in accordance with the notification of the Prison Board) and the subsequent times shall be fixed by the person in charge of the centre, having regard to the offender's circumstances, but the offender shall not be required to attend at an attendance centre on more than one occasion on one day, or for more than two hours on one occasion.

(6) The court which made an attendance centre order may, on the application of the offender or of the person in charge of the attendance centre specified in the order, either discharge it or vary the day or hour specified therein for the offender's first attendance, and

where the application is made by the person in charge of the attendance centre the court may deal with it in the absence of the offender.

(7) A copy of an order made under paragraph (1) or (6) shall be given by the Judicial Greffier to the person in charge of the attendance centre specified therein and to the offender.

(8) Where a person has been ordered to attend an attendance centre in default of payment of a fine or a compensation order

- (a) on payment of the whole sum to a person authorised to receive it the order shall cease to have effect;
- (b) on payment of part of the sum, the total number of hours for which an offender is required to attend the centre shall be reduced *pro rata* to the amount paid.

(9) Where an attendance centre order has been made and it appears on information to the Bailiff or to the Magistrate that the offender –

- (a) has failed without reasonable excuse to attend at the centre in accordance with the order; or
- (b) while attending the centre has committed a breach of rules made under the Prison (Jersey) Law 1957,¹¹ which cannot be adequately dealt with under those rules,

the Bailiff or the Magistrate may require that the offender be taken before the court by which the order was made or may, if the information is in writing and on oath, order his arrest with a view to being brought before that court.

(10) If the court is satisfied as to the matters set out in subparagraph (a) or (b) of paragraph (9) it may revoke the attendance centre

¹¹ Tome VIII, page 657, and Volume 1986–1987, page 20.

order and deal with the offender in any manner in which he could have been dealt with by the court if the order had not been made.

ARTICLE 9

Power to order parent or guardian to pay fine, etc.

(1) Where a person under the age of eighteen is charged with an offence for the commission of which a fine or costs may be imposed, if the court is of the opinion that the case would be best met by the imposition of a fine or costs, whether with or without any other punishment, the court may, and shall if the offender is under the age of fourteen, order that the fine or costs awarded be paid by the parent or guardian of the offender instead of by the offender, unless the court is satisfied –

- (a) that the parent or guardian cannot be found; or
- (b) that it would be unreasonable to make such an order having regard to the circumstances of the case.

(2) In the case of a person under the age of eighteen charged with an offence, the court may order his parent or guardian to give security for his good behaviour.

(3) An order under this Article may be made against a parent or guardian who, having been required to attend, has failed to do so, but except in that case, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Sums ordered to be paid by a parent or guardian, either under this Article or on forfeiture of security for good behaviour, may be recovered from him and shall be disposed of as if the order had been made on the conviction of the parent or guardian of the offence with which the offender was charged.

(5) A parent or guardian may appeal against an order under this Article as if he had been convicted of the offence with which the offender was charged.

ARTICLE 10

Supervision of young offenders after release from youth detention

(1) Where a person who has been sentenced to a term of youth detention of four months or more is released from custody he shall on being so released be under the supervision of a supervisor who shall be either a probation officer or an officer of the Education Committee.

(2) The period of supervision under paragraph (1) shall end with –

- (a) the date on which the person would have been released from custody if he had not been granted remission under the Prison (Jersey) Law 1957;¹² or
- (b) his twenty-second birthday,

whichever is sooner, but in any event shall not extend more than twelve months from the date of his release.

(3) While a person is under supervision he shall comply with such written requirements as the Prison Board, after consultation with that person's supervisor, shall notify to him.

(4) The Prison Board may, after consulting with the person's supervisor, at any time modify or cancel any of the requirements notified in accordance with paragraph (2) and shall give written notice to the person under supervision of any such cancellation or modification.

(5) If a person who is subject to supervision under this Article fails without reasonable excuse to comply with any requirement

¹² Tome VIII, page 657, and Volume 1986–1987, page 20.

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or modified requirement notified to him under paragraph (1) or (2) he shall be guilty of an offence and liable to –

- (a) a fine not exceeding five hundred pounds; or
- (b) an appropriate custodial sentence for a period not exceeding thirty days.

(6) In paragraph (5) “appropriate custodial sentence” means a sentence –

- (a) of imprisonment if the offender has attained the age of twenty-one when he is sentenced; or
- (b) youth detention if he has not attained that age.

(7) A person released from a custodial sentence passed under paragraph (5) shall not be liable to a period of supervision in consequence of his conviction thereunder, but his conviction shall not affect any liability to supervision to which he was previously subject, and that liability shall accordingly continue until the end of the relevant period.

PART III

THE YOUTH COURT

ARTICLE 11

Establishment and constitution of Youth Court

(1) There shall be a Youth Court which shall have and may exercise the jurisdiction conferred upon it by this or any other enactment.

(2) The First Schedule shall have effect in relation to the constitution and procedures of the Youth Court.

(3) Where in any enactment other than this Law there is a reference to the Juvenile Court that reference shall be construed as a reference to the Youth Court.

(4) Subject to the provisions of this Law, the provisions of any other enactment relating to the practice and procedure in the Police Court shall apply to the practice and procedure in the Youth Court.

ARTICLE 12

Jurisdiction of Youth Court

(1) The Youth Court shall have the same powers as are vested in the Police Court and shall have jurisdiction to hear charges against persons under the age of eighteen, but, subject to paragraph (2) –

- (a) a charge made jointly against a person under the age of eighteen and a person who has attained the age of eighteen shall be heard by the Police Court and not by the Youth Court;
- (b) where a person under the age of eighteen is charged with an offence, the charge may be heard by the Police Court if a person who has attained the age of eighteen is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence;
- (c) where, in the course of proceedings before the Police Court, it appears that the person to whom the proceedings relate is under the age of eighteen, nothing in this paragraph shall be construed as preventing the Police Court, if it thinks fit so to do, from continuing with the hearing and determination of those proceedings.

(2) Notwithstanding the fact that the Police Court has heard a case involving a person under the age of eighteen, where that person is convicted of an offence and is on the date of conviction still

under that age, the Court may remand him in custody or on bail for sentence by the Youth Court.

(3) For the avoidance of doubt, it is declared that, in respect of a person under the age of eighteen, the Youth Court shall have and may exercise the same power to commit for trial by the Royal Court as is vested in the Police Court by paragraph (2) of Article 4 of the Police Court (Miscellaneous Provisions) (Jersey) Law 1949.¹³

ARTICLE 13

Procedure in Youth Court

(1) The Youth Court shall sit as often as may be necessary for the purpose of exercising the jurisdiction conferred on it by or under this Law or any other enactment and, unless there are no cases before the Court, it shall sit on at least one occasion in each week.

(2) No person shall be present at a sitting of the Youth Court except –

- (a) members and officers of the court;
- (b) parties to the case before the court, their advocates and solicitors, and witnesses and other persons directly concerned in that case;
- (c) *bona fide* representatives of newspapers, news agencies or sound or television broadcasting companies;
- (d) such other persons as the court may specially authorise to be present.

¹³ Tome VIII, page 546, and Volume 1979–1981, page 205.

ARTICLE 14

Miscellaneous provisions as to powers of Youth Court

(1) The Youth Court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be under the age of eighteen may, if it thinks fit to do so, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not under that age.

(2) The attainment of the age of eighteen by a person in respect of whom a probation order is in force, or a person in whose case an order for conditional discharge has been made, shall not deprive the Youth Court of jurisdiction to enforce his attendance and deal with the requirements of the probation order, or the commission of a further offence, or to amend or discharge the probation order.

ARTICLE 15

Appeals from Youth Court

(1) There shall be a Youth Appeal Court consisting of the Bailiff and three members of the panel appointed under paragraph 1 of the First Schedule who were not members of the Youth Court from which the appeal is being heard.

(2) A person convicted by the Youth Court may appeal to the Youth Appeal Court and the provisions of Part IV of the Police Court (Miscellaneous Provisions) (Jersey) Law 1949,¹⁴ shall apply *mutatis mutandis* to any such appeal.

¹⁴ Tome VII, page 550.

PART IV

MISCELLANEOUS

ARTICLE 16

Remand of persons under school leaving age to remand centres

(1) A person who is under the maximum age at which, by virtue of Article 20 of the “Loi (1912) sur l’instruction primaire¹⁵”, he ceases to be required to attend school (in this Article referred to as the “school leaving age”) who may lawfully be remanded in custody may be so remanded to a remand centre established under the Children (Jersey) Law 1969¹⁶ and a person who is over school leaving age but under the age of twenty-one who may lawfully be remanded in custody may be so remanded to a young offender institution.

(2) The order in pursuance of which a person under the school leaving age is committed to custody in a remand centre shall be delivered with that person to the person in charge of the centre and shall be a sufficient authority for his detention in the centre in accordance with the terms thereof.

(3) A person under school leaving age while so detained and while being conveyed to and from a remand centre shall be deemed to be in lawful custody.

(4) A person who –

- (a) knowingly assists or induces a person under school leaving age to escape from a remand centre;
- (b) without lawful authority takes a person under school leaving age away from a remand centre; or

¹⁵ Tomes IV–VI, page 303, and Volume 1992–1993, page 79.

¹⁶ Volume 1968–1969, page 247, Volume 1970–1972, pages 511, 512 and 513, Volume 1973–1974, pages 371 and 374, Volume 1979–1981, pages 25, 26 and 27, and Volume 1986–1987, page 173.

- (c) knowingly harbours or conceals a person under school leaving age who has so escaped or been taken away, or prevents him from returning,

shall be guilty of an offence and liable to a fine, or to imprisonment for a term not exceeding six months, or to both.

ARTICLE 17

Power of prison governor to transfer young offenders in certain circumstances

(1) Without prejudice to any other power vested in the governor of the prison, he may instruct that a person under twenty-one who is remanded in custody to a young offender institution or serving a sentence of youth detention may be transferred –

- (a) to a prison medical facility or to a hospital for medical treatment;
- (b) to the prison, either for a fixed term or for the remaining part of his sentence or the period of his remand, if the governor is of the opinion that, by reason of that person's behaviour whilst detained it is not in his interests or the interests of other persons there detained to continue to detain him in the young offender institution; or
- (c) to the prison, either for a fixed term or for the remaining part of his sentence, or for the period of his remand, if the governor is of the opinion that no suitable facilities exist in the young offender institution for the detention of that person.

(2) Where a person is transferred from a young offender institution under this Article, he shall be in lawful custody during the period of the transfer and the period of transfer shall be treated for all purposes as a part of his sentence.

ARTICLE 18

**Attendance at court of parents of person aged under eighteen
brought before court**

(1) Where a person under the age of eighteen is charged with an offence or is for any other reason brought before a court, a person who is a parent or guardian of his and who is resident in the Island shall, and if not so resident may, be required to attend at the court before which the case is held or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance or that his attendance at any stage of the proceedings is unnecessary.

(2) Where a person under the age of eighteen is apprehended or taken to a place of safety, such steps shall be taken as may be practicable to inform at least one person whose attendance is, or may be, required under this Article of that fact and of the place and time at which his attendance at the court is or may be required.

ARTICLE 19

Determination of age

The age of a person shall be deemed to be or to have been that which appears to the court, after receiving any available evidence, to be or to have been his age at the material time.

ARTICLE 20

Offences committed by persons aged under fourteen

In any proceedings for an offence committed or alleged to have been committed by a person of or over the age of twenty-one, any offence of which he was convicted while under the age of fourteen shall be disregarded for the purposes of any evidence relating to his previous convictions; and he shall not be asked, and if asked shall not be required to answer, any question relating to such an offence, notwithstanding that

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the question would otherwise be admissible under Article 2 of the “Loi (1908) au sujet des témoins et informateurs¹⁷”.

ARTICLE 21

Saving with regard to court proceedings involving children

Nothing in this Law shall derogate from the provisions of Articles 36 and 37 and Part XIII A of the Children (Jersey) Law 1969¹⁸ (proceedings in court in relation to children).

ARTICLE 22

Amendments and transitional provisions

(1) Article 1 of the Police Court (Miscellaneous Provisions) (Jersey) Law 1949¹⁹ shall be amended –

- (a) by re-numbering Article 1 as paragraph (1) of that Article;
- (b) by substituting a semi-colon for the full-stop at the end of paragraph (1) and by inserting thereafter the following definition –

“ ‘youth detention’ has the meaning given by paragraph (1) of Article 1 of the Criminal Justice (Young Offenders) (Jersey) Law 1994.”; and

- (c) by inserting after paragraph (1) the following paragraph –

“(2) In this Law a reference to prison or to imprisonment or to liability to imprisonment, includes in the case of a person who is under the age of twenty-one, a reference to a young offender institution, or to a sentence of youth detention or liability to that sentence.”.

¹⁷ Tomes IV-VI, page 275, and Volume 1963–1965, page 114.

¹⁸ Volume 1968–1969, page 285, and Volume 1972–1973, page 371.

¹⁹ Tome VII, page 545.

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(2) The Criminal Justice (Jersey) Law 1957²⁰ shall be amended –

- (a) in paragraph (2) of Article 3 by inserting after the words “Borstal training,” the words “youth detention,”; and
- (b) in paragraph (1) of Article 7 by inserting at the end of that paragraph the words “and ‘youth detention’ means a sentence of youth detention imposed under Article 4 of the Criminal Justice (Young Offenders) (Jersey) Law 1994”.

(3) The Children (Jersey) Law 1969, shall be amended as provided in the Second Schedule.

(4) For sub-paragraph (b) of paragraph (2) of Article 1 of the Criminal Justice (Probation Orders) (Jersey) Law 1986²¹ there shall be substituted the following sub-paragraph –

- “(b) in the case of a probationer to whom Article 4 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 applies, a sentence of youth detention.”.

(5) In paragraph (5) of Article 7 of the Drug Trafficking Offences (Jersey) Law 1988²² for the words “, detention in a Young Offender’s Centre or borstal training” there shall be substituted the words “or youth detention”.

(6) This Law shall have effect subject to the transitional provisions set out in the Third Schedule.

²⁰ Tome VIII, page 676.

²¹ Volume 1986–1987, page 74.

²² Volume 1988–1989, page 274.

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ARTICLE 23

Short title and commencement

This Law may be cited as the Criminal Justice (Young Offenders) (Jersey) Law 1994, and shall come into force on such day as the States may by Act appoint and different days may be appointed for different purposes or provisions of this Law.

G.H.C. COPPOCK

Greffier of the States.

*FIRST SCHEDULE***(Article 11)****Youth Court**

1.-(1) Subject to paragraph 5, the Youth Court shall be duly constituted if it consists of the Magistrate, who shall be the chairman, and two other members, at least one of whom shall be a woman.

(2) The other members shall be persons from a panel (hereinafter referred to as “the Youth Court Panel”) appointed for the purpose by the Superior Number of the Royal Court.

(3) Any appointment to the panel of the Juvenile Court made by the Superior Number of the Royal Court under the Second Schedule to the Children (Jersey) Law 1969²³, which is subsisting on the coming into force of Article 11 of this Law shall continue to subsist as if it had been an appointment to the Youth Court panel made under this Law but shall expire on the date on which it would have expired if that Article had not come into force.

2. Every member of the Youth Court panel shall, on appointment, take an oath to discharge the duties attached to that office well and faithfully.

3. No person shall remain on the Youth Court panel for longer than ten years and a member of the panel shall retire on his sixtieth birthday.

4. The Superior Number of the Royal Court may make such appointments to, or deletions from, the Youth Court panel as it considers necessary.

5.-(1) If a member of the Youth Court (other than the chairman) before which any proceedings take place absents himself, he shall cease

²³ Volume 1968–1969, page 338, and Volume 1973–1974, page 374.

to to act further in those proceedings and the Court shall be duly constituted to continue those proceedings while it consists of the chairman and the other remaining member.

(2) Where the trial of any matter is adjourned after the defendant has been convicted and before he is sentenced or otherwise dealt with, the Youth Court which deals with him need not be composed of the same members as that which convicted him; but where among the members of the Court which sentences or deals with an offender there are any who were not sitting when he was convicted, the Court shall before sentencing or otherwise dealing with him, make such inquiry into the facts and circumstances of the case as will enable the members who were not sitting when the offender was convicted to be fully acquainted with those facts and circumstances.

(3) For the purpose of dealing with a remand of a defendant or the adjournment of any matter or an application for bail, the Youth Court may be duly constituted by the chairman sitting alone.

6.-(1) The decision of the Youth Court on any matter shall be by a majority of the members and shall be pronounced by the chairman, or another member at the request of the chairman, and no other member of the court shall make a separate pronouncement thereon.

(2) Where the chairman and one other member only attend and remain present during the sitting of the court, the decision of the court shall, in the event of disagreement between the chairman and that other member, be the decision of the chairman and shall be pronounced by the chairman.

(3) Where during or after the hearing and before the determination of a matter before the Youth Court it appears to the chairman that there is, or is likely to be, a difference of opinion between the members, he shall cause the deliberations of the court on that matter to be conducted in private, and may if he thinks fit adjourn the case for that purpose.

*SECOND SCHEDULE***(Article 22(3))****Amendments of the Children (Jersey) Law 1969²⁴**

1. Article 1(1) shall be amended by deleting the definitions of “attendance centre”, “borstal institution”, “default”, “impose imprisonment”, “the Juvenile Court”, “the prison”, “the statutory restrictions on imprisonment of young offender”, “the young offender centre” and “young offender centre order”.
2. Paragraphs (3) and (4) of Article 1 shall be deleted.
3. Articles 11 to 26 inclusive and 38 to 41A inclusive are repealed.
4. In Article 42(1) for the words “is charged with any offence or is for any other reason” there shall be substituted the words “is in connexion with any proceedings under this Law”.

²⁴ Volume 1968–1969, pages 248, 249, 250, 251, 263 and 288, Volume 1973–1974, page 371, and Volume 1978–1979, page 25.

THIRD SCHEDULE**(Article 22(6))****Transitional provisions**

1. Where, before the commencement of Part II –
 - (a) a sentence of borstal training had been imposed and not completed at that commencement, the unexpired portion of the sentence shall thereafter be carried out as though the sentence had been one of twelve months' youth detention;
 - (b) a sentence of imprisonment (including a sentence of imprisonment for default) on a person under the age of twenty-one, or of detention in the young offender centre, had been imposed and likewise not completed, the unexpired portion of the sentence shall thereafter be carried out as though the sentence had been one of the same period of youth detention.
2. Nothing in paragraph 1 shall derogate from the power of the Prison Board to substitute a sentence of imprisonment for one of youth detention under Article 25B of the Prison (Jersey) Law 1957, in the circumstances set out therein.
3. Where, immediately before the commencement of Part III any proceedings are pending before the Juvenile Court or the Juvenile Appeal Court, those proceedings shall be dealt with or otherwise completed in all respects as if this Law had not been enacted.