

Jersey Law 12/1989

**COURT OF APPEAL (AMENDMENT No. 4) (JERSEY) LAW,
1989.**

A LAW to amend further the Court of Appeal (Jersey) Law, 1961,
sanctioned by Order of Her Majesty in Council of the

2nd day of August, 1989.

(Registered on the 1st day of September, 1989.)

STATES OF JERSEY.

The 4th day of April, 1989.

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

ARTICLE 1

After Part III of the Court of Appeal (Jersey) Law, 1961, as
amended,¹ there shall be inserted the following Part –

“PART IIIA

ARTICLE 42A

**Reference to Court of Appeal of point of law following
acquittal**

(1) Where a person tried in the Royal Court on
indictment or otherwise has been acquitted (whether in respect

¹ Volume 1961–1962, page 124.

of the whole or part of the indictment or charge) the Attorney General may, if he desires the opinion of the Court of Appeal on a point of law which has arisen in the case, refer that point to that Court, and that Court shall, in accordance with this Article consider the point and give its opinion on it.

(2) For the purpose of its consideration of a point referred to it under this Article the Court of Appeal shall hear argument –

- (a) by the Attorney General; and
- (b) if the acquitted person desires to present any argument to the Court, by counsel on his behalf or, with the leave of the Court, by the acquitted person himself.

(3) Where, on a point being referred to the Court of Appeal under this Article the acquitted person appears by counsel for the purpose of presenting any argument to the Court he shall be entitled to his costs, that is to say to the payment out of the Annual Income of such sums as are reasonably sufficient to compensate him for expenses properly incurred by him for the purpose of being represented on the reference; and any amount recoverable under this paragraph shall be ascertained, as soon as practicable, by the Judicial Greffier.

(4) A reference under this Article shall not affect the trial in relation to which the reference is made or any acquittal in that trial.

ARTICLE 42B

Rules of Court

Rules of court for the purposes of this Part shall be made by the Court of Appeal.”.

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*Court of Appeal (Amendment No. 4) (Jersey)
Law, 1989*

ARTICLE 2

Short title

This Law may be cited as the Court of Appeal (Amendment No. 4) (Jersey) Law, 1989.

E.J.M. POTTER

Greffier of the States.