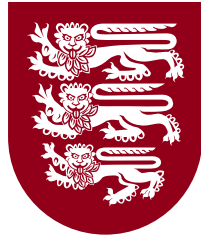


STATES OF JERSEY



Jersey

DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT No. 2 LAW 202-

**Lodged au Greffe on 8th December 2025
by the Minister for Justice and Home Affairs
Earliest date for debate: 20th January 2026**

STATES GREFFE



Jersey

DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT No. 2 LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Justice and Home Affairs has made the following statement –

In the view of the Minister for Justice and Home Affairs, the provisions of the Draft Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- are compatible with the Convention Rights.

Signed: **Deputy M.R. Le Hegarat of St. Helier North**
Minister for Justice and Home Affairs

Dated: 2nd December 2025

REPORT

Background and purpose

This Amendment to the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#) is intended to address an identified gap in Jersey's legislation and in doing so, improve the rights of children and young people within the justice system as well as enhancing the management of young offenders.

Currently, there is no legislation for children (10 – 14 years) and young people (15 – 17 years), serving a sentence of youth detention within secure accommodation (i.e. Greenfields) that entitles them to gain temporary release or early release (remission). This is not the case for young people serving a sentence within a young offenders' institute (YOI) or for young offenders or adults within the prison.

The impact is that children and young people in secure accommodation must serve the full length of their sentence whereas if serving a sentence within the prison estate, they could gain temporary release and early release at the two-thirds point of their sentence. Children and young people within secure accommodation would therefore, for example, be deprived of their liberty for an additional four months if they were sentenced to a 12-month sentence of youth detention. It is understood from operational staff that this position is known by young people and provides some incentive to behave badly in order that the Placement Panel is in effect forced to require their transfer to the prison estate; a less child friendly environment.

Efforts to avoid children and young people entering the prison estate are important and underlined in many sources. Within the Jersey context, the following are pertinent:

- **The prison inspection:** The 2025 inspection report says, "As the only prison in Jersey, it holds men, women, young offenders and in exceptional circumstances children, though we were pleased to see that the Island authorities went to great lengths to try and prevent this and it had not occurred recently." The 2017 inspection said that "We also remain concerned that, while it is rare, there was still a chance that children under the age of 18 could be imprisoned in La Moye. **Children should never be held in an adult prison.**"

- **United Nations Convention on Rights of the Child (UNCRC):** There would be improved compliance with the UNCRC if these amendments were adopted. The UNCRC most notably includes:

Article 37(b) "*No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and **shall be used only as a measure of last resort and for the shortest appropriate period of time;***"

- **United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)**

The Havana Rules state.

*"The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her **early release.**"*

"All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end."

- [The Jersey Youth Justice Review \(2019\)](#)

Recommendation

“6.24 The decline in the use of custodial sentencing since the Review in 2010 is to be welcomed, but this has resulted in the risk of social isolation for some children in Greenfields Secure Children’s Home. It is therefore recommended that the walls of secure accommodation are more permeable in terms of developing a more integrated approach to the use of the facility. This could include, (i) Greater use of properly risk-assessed day release in order for children to partake of community resources such as education and training;”

Effects of the amendments

- Summary

If approved, the Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- will:

- provide for temporary release for children and young people serving a sentence of youth detention in secure accommodation (i.e. Greenfields)
- provide for early release for children and young people serving a sentence of youth detention in secure accommodation (i.e. Greenfields)

There are also amendments to the Prison Law and Prison Rules that provide for greater parity for all young offenders (10 – 20 years old) regardless of whether they are serving their sentence within secure accommodation or within the prison estate.

Specific areas of the amendments

To achieve its primary purpose and improve the laws for young offenders, amendments include the following, which are explained in more detail within the body of the report.

- Temporary Release
- Temporary Release – Appeal
- Early Release
- Supervision after early release including additional conditions
- Early Release – Appeal
- The Placement Panel
- Transitional arrangements
- Unlawfully at large
- Change of Ministerial responsibility
- Regulation and management of secure accommodation
- Places of custody for male and female young offenders
- Courts powers
- Prison law and rules amendments

- Temporary Release

The Amendment, if approved, will make provision for young offenders (10 – 20 years old) to gain temporary release from secure accommodation or the prison estate. This means, that during

their sentence, young offenders can be temporarily released on occasions under a “temporary release order”.

The purpose of allowing a young offender to be temporarily released is to enable them to access employment or education within the community and/or to assist in other reintegration opportunities that will assist in the young person successfully returning to the community. The objective is to help reduce the risk of re-offending and support the young offender live a pro-social life. This could include opportunities such as family visits, engaging with the probation service and therapeutic interventions.

Such opportunities are highlighted in the [Review of Greenfields Secure Care Unit \(2019\)](#), when it stated.

“Work should take place to determine how children and young people resident in Greenfields might be permitted risk assessed access to education, work and opportunities to constructively socialise with their peers out of and inside the unit.”

The decision whether to grant temporary release and on what conditions will be made by the Placement Panel in the case of secure accommodation and the Prison Governor in relation to the prison estate. These decisions will be supported by assessment. Conditions of temporary release will be made in writing and in appropriate language to the young offender. This information will also be provided to persons with parental responsibility unless considered not to be in the best interests of the young person.

Temporary release has the objective of providing positive reintegrative opportunities. If, however, there were concerns, for example conditions were not being followed or there was an increased risk of a further offence, the young offender could be recalled back to secure accommodation or the prison estate. The return of a young offender would be done by a police officer.

- Temporary Release – Appeal

If the Amendment is passed, a young offender or person with parental responsibility will have the right to appeal a decision made to modify the conditions of temporary release or recall on the grounds that they were unreasonable.

The appeal will be made to the Judicial Greffier and heard by the chair of the Youth Court (i.e. the Magistrate). The chair can confirm or overturn the Placement Panel’s decision or order the Panel to reconsider its decision and have regard to the options expressed by the chair.

The principle is that young offenders should have equal treatment regardless of where they are serving their sentence. To that end, amendments are also made to the Prison Law and Prison Rules to create parity, with the Placement Panel taking decisions for young people in secure accommodation, and the Prison Governor taking decisions for young offenders in the prison estate.

- Early Release

Currently, the [Prison \(Jersey\) Law 1957](#) provides that young offenders within the prison estate (YOI or prison) can be released at the 2/3 point of their sentence on the grounds of ‘industry and good conduct’. In practice, all prisoners are released at the 2/3 point. However, that does not apply to young offenders held in secure accommodation.

The Amendment will correct this by creating the presumption that young offenders will gain early release at 2/3 of their sentence when in secure accommodation.

However, the Prison Governor in the case of the prison estate, or the Placement Panel in relation to secure accommodation, will have the authority to delay release if there are serious concerns about harm to the young person or others that could not be managed by conditions.

All young offenders are subject to Article 9 of the Young Offenders Law that requires them to be supervised by a probation officer and comply with written requirements, similar to the standard conditions of the current amendments.

- Supervision after early release including additional conditions

Young offenders sentenced to youth detention for 4 months or more will be subject to supervision after release by the probation service, to receive support and oversight.

If approved, the Amendment will introduce a standard set of conditions for the protection of the public, to prevent re-offending and to secure successful reintegration into the community. They include conditions such as to be of good behaviour, not to commit an offence, and to reside at an address approved by the probation officer.

It is envisaged that these standard conditions will be sufficient to allow for release and to provide sufficient intervention and support. However, there may be offenders who present with specific needs and or risks that need additional conditions to adequately protect the public, prevent re-offending and secure successful reintegration into the community.

Regulations will be made under Article 18 to establish the additional conditions that can be applied to cover a range of needs and risks, for example, not to have contact with a named victim, or receive home visits from a mental health worker.

Some of the conditions can impinge on a young offender's life and therefore can only be imposed if they are necessary and proportionate, for the purposes of supplementing the standard conditions and for the purpose to protect the public, prevent re-offending and/or secure successful reintegration into the community.

Additional conditions can be imposed or cancelled by the Governor or Panel at any time during the supervision period, following consultation with the young offender and probation officer.

These conditions must be communicated in writing and in appropriate language that can be clearly understood.

It should be noted that adult offenders are not currently subject to any statutory post release supervision, although legislation is in the process of being drafted to resolve this.

Note: Regulations providing for additional supervision conditions are being developed and are expected to be lodged after the election.

- Early Release – Appeal

As with temporary release, this Amendment introduces process by which a young offender or a person with parental responsibility can appeal against decisions of the Governor or the Placement Panel. The grounds for appeal would be that additional conditions were unreasonable in all the circumstances of the case.

Appeal will be heard by the chair of the Youth Court, who may confirm or overturn the decision to impose additional conditions or order the relevant person to reconsider their decision and to have regard to the opinions expressed by the Youth Court.

Similarly to the current law, if a young offender does not comply with their supervision conditions, they commit an offence and may be charged with an offence. The penalty is a fine or a custodial sentence up to 30 days.

- The Placement Panel

To facilitate early and temporary release, the remit of the Placement Panel under the Young Offenders Law will be extended to act as decision maker for temporary and early release of young offenders within secure accommodation.

- Transitional arrangements

The Amendment makes transitional provisions for young offenders who were already under supervision before the commencement of this Law (a “transitional young offender”).

A transitional young offender must continue to comply with the original written requirements of their supervision until the end of their supervision period, which cannot be modified or cancelled but the relevant person may impose additional supervision conditions. The power to make Regulations about additional conditions under Article 8 includes transitional young offenders.

- Unlawfully at large

Paragraph 7 of Schedule 2 states the circumstances in which a young offender is unlawfully at large and liable to be arrested and returned to youth custody. Time spent unlawfully at large from youth custody is disregarded for the purposes of calculating the period for which the young offender is liable to be detained under their sentence.

Article 25 makes minor consequential amendments to Articles 17 and 29 of the Prison Law and substitutes Article 30. The effect is to clarify that the Prison Law does not apply to young offenders who are unlawfully at large from secure accommodation, as that will fall under the remit of new Schedule 2 to the Young Offenders Law.

- Change of Ministerial Responsibility

Article 2 of the Young Offenders Law adds and amends some defined terms used in the Law. In particular, it amends the definition “Minister” to transfer functions in respect of children and young people sentenced to youth detention, or remanded into custody, from the Minister for Justice and Home Affairs to the Minister for Children and Families.

The change is made as whilst children and young people are young offenders, they are firstly children and when in secure accommodation are held within a secure children’s home, managed by children service staff and are Looked After Children (LAC) under the [Children \(Jersey\) Law 2002](#). The policy position is to take a “child first” approach.

New Article 11 provides a power for the Minister to issue directions to the Placement Panel as to the exercise of its functions under Article 18, including directing the Panel to reconsider its decisions if they are not in the best interests of a child or young person.

- Regulation and management of secure accommodation

Young offenders within the prison and YOI are subject to the [Prison \(Jersey\) Rules 2007](#). These Rules are extensive; covering areas such as their entry into the prison, privileges, correspondence and legal visits.

As an example, the Prison Rules allow the Attorney General to gain records for the purposes of an investigation of criminal proceedings from the prison. Young Offenders within secure accommodation are subject to the [Regulation of Care \(Jersey\) Law 2014](#) which contain no such provision.

To future proof any potential need for the management of secure accommodation, this Amendment provides the power to make Regulations for the purposes of regulating and managing secure accommodation for young offenders on remand or following sentence and for the assessment, treatment, discipline, control, care and reintegration back into the community that would not be included within the Regulation of Care Law.

- Court powers

The Amendment allows young offenders or a person with parental responsibility to make an appeal in relation to temporary and early release, as outlined.

For the Court to hear those appeals, the Amendment provides the necessary powers to the Youth Court chair including the range of decision making that can be used in determining those appeals.

- Places of custody for male and female young offenders

The Young Offenders Law currently makes provision about the place of custody for young offenders including different places of custody for male and female young offenders. For example, Article 7(1) provides that where a court orders a young adult is sentenced to youth detention, the court shall order the person to be detained, in the case of a female young adult, in the prison whereas a male young adult is to be detained in a YOI.

The amendment, if passed, will through *Articles 4, 6 and 9* substitute Articles 7, 10 and 16, respectively, of the Young Offenders Law to treat male and female young adult offenders equally in respect of where they must serve their sentence of youth detention or be remanded into custody.

- Prison Law and Rules amendments

Article 26 amends the Prison Rules to remove references to youth detention in Rule 63 (remission of sentence) and 64 (temporary release). This provision now falls under the new Schedules within the Young Offenders Law.

Consultation

The draft Law has been developed by officers over a prolonged period. During this time, there has been ongoing consultation with key stakeholders including the, Legislative Drafting Office, Law Officers' Department, Justice and Home Affairs Department, Children's Service, States of Jersey Prison Service, States of Jersey Police, Honorary Police, Office for the Children's Commissioner, Jersey Care Commission, Judicial Greffe and the judiciary.

There has been no direct consultation with children and young people but there has been consultation with operational stakeholders. They have informed officers on the implications for young offenders of not having this legislation in force and also the direct views of children and young people who are aware they are significantly discriminated against by serving their sentence of youth detention in a secure children's home compared to being in a Young Offenders Institute/Prison estate, in that they must serve an extra 1/3 within secure accommodation and are unable to access temporary release and so unable to access supports and transitional arrangements such as family visits and education within the community.

Financial and staffing implications

The departments and agencies concerned have confirmed that there are no financial or manpower implications that will result from this Amendment.

It is acknowledged that the Placement Panel will have some additional duties, the police will return young offenders back to their place of detention in the event they are recalled or escape, the Children Service may have to accommodate someone slightly earlier within one of their homes and the chair of the Youth Court will oversee the appeal process. However, the number of young offenders in this process will be low and therefore no financial or staffing issues will arise.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Diversity, Equity and Inclusion

This Amendment will ensure that communication and written notifications to young offenders must be in a form that takes account, so far as practicable, of the young offender's age and maturity, whether their first language is English and whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.

Similarly, communication to a person who has parental responsibility for the young offender, must be given in a form that takes account, if practicable, of their needs.

Several Articles of the Young Offenders Law have been updated to current drafting practice including making language gender neutral.

The amendment, if passed, will treat male and female young adult offenders equally in respect of where they must serve their sentence of youth detention or be remanded into custody which is not the case currently under the law.

Data protection implications

A data protection assessment under Article 18 of the [Data Protection \(Jersey\) Law 2018](#) was submitted for review by the Data Protection Unit, which concluded that the data provided and assessed remains largely unchanged and therefore a full Data Protection Impact Assessment (DPIA) was not required.

Timescale

If adopted, Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- will come into force on a day specified by the Minister for Justice and Home Affairs by Order.

Human Rights

The amendment will improve the current position for children and young people and bring greater parity for young offenders regardless of whether they are serving youth detention within secure accommodation or within a Young Offender's Institute or the prison.

The proposed Law has been reviewed. It is compatible with the European Convention on Human Rights, and the Law Officers' opinion is contained in the **Appendix**.

APPENDIX TO REPORT**Human Rights Notes on the draft Criminal Justice (Young Offenders)
(Jersey) Amendment No. 2 Law 202-**

These Notes have been prepared in respect of the draft Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law, if passed, would amend various provisions of the Criminal Justice (Young Offenders) (Jersey) Law 2014 (the “**2014 Law**”) most notably Article 9 and insert Schedules 1, 2 and 3 into the 2014 Law so as to provide for:

- (i) the early release of young offenders from secure accommodation, the young offender institution or the prison (as relevant), including supervision on early release and appeal against the imposition of additional supervision conditions;
- (ii) the temporary release of young offenders from secure accommodation, the young offender institution or the prison (as relevant), including the imposition, or modification, of conditions of temporary release, recall and appeal;
- (iii) the constitution and procedures of the Youth Court.

The draft Law would also make miscellaneous amendments to the Prison (Jersey) Law 1957, the Prison (Jersey) Rules 2007, the Criminal Procedure (Jersey) Law 2018 and the Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016. This note briefly describes below the provisions where ECHR issues arise and then analyses any ECHR implications of the relevant provision.

Detention of young offenders

The draft Law would make several provisions permitting the detention of young offenders in custody. These provisions would restate, with minor substantive amendments, existing provisions in the 2014 Law.

The following provisions of the draft Law are relevant: new Article 7 (substituted by Article 4 of the draft Law) would permit the court to order a young offender to be detained in a place of custody. New Article 16 (substituted by Article 9 of the draft Law) would permit a young offender to be placed on remand in a place of custody. New Schedule 1, paragraph 12 (to be inserted by Article 21 of the draft Law) would permit the detention of a young offender in a place of custody if found guilty of non-compliance with supervision conditions.

The placing of an individual in detention, pursuant to these provisions, would deprive the individual of their liberty, and by their nature would engage Article 5 ECHR. Article 5(1)(a) ECHR permits the deprivation of a person’s liberty, in accordance with a procedure prescribed by law, where they are lawfully detained after conviction by a competent court. ‘Conviction’ signifies both a finding of guilt and the imposition of some other measure involving the deprivation of liberty, for instance remand. The provisions of the draft Law noted above are, on

this basis, compatible with Article 5 ECHR on the basis that they are powers to lawfully detain an individual following either conviction or an order for remand by the court, and are imposed following a procedure prescribed by law.

Custody arrangements for young offenders

The 2014 Law currently makes various provision about the place of custody for young offenders and, in some instances, provides for a different place of custody for male and female young offenders. These provisions are Article 1(1); Article 7(1); Article 7(3)(a) and (b); Article 9(6)(b)(ii) and (iii); Article 10(3); Article 16(2)(c) and (d) and Article 16(3).

The draft Law would make various amendments to the 2014 Law to bring about an equal application in these provisions as between male and female young offenders. The definition of ‘appropriate place of custody’ in Article 1(1) of the 2014 Law would be amended (by Article 2 of the draft Law) so that female and male young people alike may be detained in a YOI. Article 7 of the 2014 Law would be amended (by Article 4 of the draft Law) so that female and male young adults alike may be ordered to serve a sentence of youth detention in a YOI or in the prison, and a female young person would be detained in secure accommodation pending the Panel’s determination as to appropriate place of custody, as is the case for male young persons. The penalty provisions at Article 9(5) and (6) of the 2014 Law would be deleted and replaced (by Article 5 and 21 of the draft Law) by a new provision at Schedule 1, paragraph 12, in which the place of detention for a male and female young adult alike would be the prison or a YOI. Article 10(3) of the 2014 Law would be deleted and replaced with a provision that would no longer permit the Governor to transfer a female young person to the prison (that provision replaced with a new Article 10, by Article 6 of the draft Law, that would permit young adults only to be moved by the Governor between a YOI and the prison). Finally, Article 16 of the 2014 Law would be amended (by Article 9 of the draft Law) so that male and female young adults alike are remanded to a YOI.

Arrangements for the lawful detention of an individual will engage Article 5 ECHR and the distinctions in the current arrangements under the 2014 Law as between male and female detainees noted above, has the potential to engage Article 14 ECHR, read in conjunction with Article 5 ECHR. The amendments to these provisions in the draft Law would have the effect of aligning the position of male and female young offenders in their detention arrangements, removing what could be challenged to be arbitrary and unjustifiable distinctions. In ECHR terms these amendments are considered to be rights enhancing measures when taken in the context of Article 5 ECHR, read in conjunction with Article 14 ECHR.

Grounds for Early Release – Proposed new Article 9(1) together with proposed new paragraph 2(3) of new Schedule 1 to the 2014 Law

Proposed new Article 9(1) together with proposed new paragraph 2(3) of new Schedule 1 to the 2014 Law (as substituted and inserted by Articles 5 and 21 of the draft Law respectively), will provide for the early release of all young offenders at the two thirds point of their sentence (whether serving their sentence in secure accommodation, the YOI or the prison) unless the young offender is not eligible for early release due to the grounds set out at proposed paragraph 2(3) of Schedule 1 to the 2014 Law. Articles 5, 6 and 14 ECHR are relevant.

A young offender may be denied early release if it is determined that one of the grounds under the new paragraph 2(3) of Schedule 1 to the 2014 Law apply, specifically that it is determined that the young offender is at significant risk of harm if released or of conduct that would cause harm to another person once released (and in either case no supervision conditions could eliminate or reduce this risk), or there are exceptional circumstances to justify not releasing the young offender. In such circumstances the young offender may continue to be detained until the end of their custodial sentence (although there is a requirement to review the determination

every 4 weeks). The grounds for early release in new Schedule 1, paragraph 2(3), would also be different to those presently applicable in the case of young offenders currently detained in prison or a YOI.

In their case, Article 17(1) of the Prison (Jersey) Law 1957 and Rule 63(2) Prison (Jersey) Rules 2007 apply to provide that remission of a sentence of youth detention may be granted “on the ground of the person’s industry and good conduct”. Accordingly young offenders currently serving sentences of detention in the prison or YOI are eligible for release for their industry and good conduct, but the enactment of the draft Law would result in the application of remission grounds that are dependent on the assessment of personal and external risk factors, rather than the offender’s own conduct in detention. As such, the draft Law may result in some young offenders in YOI or prison being assessed not to be eligible for release, who would otherwise have been eligible under the present system.

The denial of early release from a sentence of youth detention, and the change in early release grounds that would result from the enactment of the draft Law, might be considered on one view to engage the Article 5 ECHR right of young offenders because the denial of early release engages Article 5 ECHR as it would result in the continued deprivation of liberty of the individual. A young offender who is subject to a sentence of youth detention, and placed in legal custody in secure accommodation, a YOI or the prison, is detained in lawful custody pursuant to an order of a competent court, and so that deprivation of liberty is compatible with Article 5(1)(a) ECHR. The denial of early release and the change in early release grounds would have no impact on a young offender continuing to be lawfully detained under the 2014 Law, in a manner compatible with Article 5(1)(a) ECHR.

New Article 9, together with proposed paragraph 2(3) of new Schedule 1 to the 2014 Law (as substituted and inserted by Articles 5 and 21 of the draft Law respectively) would result in different remission or early release grounds applying for young offenders serving a sentence of youth detention in secure accommodation, a YOI or the prison under the 2014 Law as do apply for adult offenders serving a sentence of imprisonment in the prison under prison legislation. The grounds for early release for children, young persons and young adults (wherever detained) provided for at Article 21 of the draft Law (which inserts paragraph 2(3) of Schedule 1 into the 2014 Law) will be different from the remission grounds for adults (aged 21 and over) in prison as provided for under Article 17(1) of the Prison (Jersey) Law 1957 (as proposed to be amended by Article 25 of the draft Law) (the “1957 Law”) and Rule 63 of the Prison (Jersey) Rules 2007 (as proposed to be amended by Article 26 of the draft Law) (the “2007 Rules”).

The grounds under Article 17(1) of the 1957 Law and Rule 63(2) of the 2007 Rules are that remission may be granted “on the ground of the person’s industry and good conduct”, which would currently be applicable to adults serving a sentence of imprisonment in the prison and to a young offender serving a sentence of youth detention in the prison or a YOI (there is currently no remission provision for young offenders in secure accommodation). The proposed grounds set out at Article 21 of the draft Law (which inserts paragraph 2(3) of Schedule 1 into the 2014 Law) are that young offenders (whether they are detained in secure accommodation, YOI or prison), are not eligible for early release if it is determined that the young offender is at significant risk of harm if released or of conduct that would cause harm to another person once released (and in either case no supervision conditions could eliminate or reduce this risk), or there are exceptional circumstances to justify not releasing the young offender.

The difference in remission or early release grounds that would apply as between adult offenders and young offenders has the potential to engage Article 14 ECHR, when read in conjunction with the need to ensure protection from arbitrary detention under Article 5 ECHR, in treating offenders differently on the grounds of their age and detention status.

In order for an issue to arise under Article 14 ECHR, there must, however, be a difference in treatment of “persons in an analogous or relevantly similar situation”. The elements which characterise different situations, and determine their comparability, must be assessed in light of

the subject-matter, objective of the impugned provision and the context in which the asserted discrimination is occurring. The ECtHR has found life-term prisoners and other prisoners to be analogous to one another, as well as male and female prisoners, and prisoners detained in remand prisons and those detained in regular prisons. In the present case, it is considered that adult offenders and young offenders are, in principle, not in an analogous or relatively similar situation. This is because the arrangements for their lawful custody would be governed by distinctly different legal regimes, under which adult and young offenders would have different detention status. Moreover, in case of a young offender who is a ‘young person’ under the 2014 Law, i.e. aged 15-17 years old, it is considered that they are not in an analogous or relatively similar situation as an adult prisoner of 21 and older years of age who is subject to a sentence of imprisonment.

It is recognised, however, that there is potential for an argument, on the basis of the status of age, that the situation of a 21 year old prisoner subject to imprisonment in the prison, and a young adult offender, i.e. a young offender aged 18-20 years old, who is 20 years of age detained in a YOI or the prison, could be said to be relatively similar. If this is correct, it would be necessary under Article 14 ECHR to show that the difference in treatment is objectively justified. This requires the difference in treatment to pursue a legitimate aim and to be reasonably proportionate to the aim pursued. In the present case, the differential treatment between young offenders and adult offenders is considered to be justified for Article 14 ECHR purposes because it pursues a legitimate aim of facilitating the rehabilitation of juvenile offenders, which has been recognised by the ECtHR as a legitimate aim. It is also considered important to ensure that there are operationally sound remission grounds which work practically to provide the same remission grounds for children, young persons and young adults regardless of their place of detention. The different early release grounds are considered proportionate to the specific criminal justice and rehabilitative policies applying in the case of young offenders as compared with adult offenders. For these reasons, the difference in remission grounds between young offenders and adult offenders is considered to be compatible with Article 14 ECHR, read in conjunction with Article 5 ECHR, to the extent engaged.

Finally, in the proposed provisions for early release in the draft Law, it is noted that there is no statutory appeal mechanism for an offender to appeal against the denial of early release. Article 6 ECHR guarantees the right to a fair trial, and it is applicable where there is a genuine and serious dispute as to a civil right that is arguably recognised in domestic law and where the proceedings in issue are determinative of that right. It might conceivably be contended that, in the present context, the ‘civil right’ being determined might be the right to liberty under Article 5 ECHR, or perhaps a right to early release, and that in the event of a denial of early release, the decision of the relevant person (i.e. the Governor or the Panel) was determinative of these rights.

Where, however, an individual has been lawfully detained pursuant to an order of a court made in accordance with a procedure prescribed by law, there is no right to liberty which is determined by the denial of early release. Moreover, there is no right to early release in the domestic law that would be applicable under the 2014 Law – the 2014 Law would make it clear that in new Schedule 1, paragraph 2 that early release is based on eligibility criteria being met which itself involves the determination of circumstantial factors by the relevant person. It is noted that ECtHR has held in cases where early release was, in substance, a ‘privilege’ in domestic law there could be no “right” of a “civil” nature in domestic law or under the ECHR, making Article 6 ECHR inapplicable.

Imposition of early release supervision conditions and conditions of temporary release

Proposed new Article 9 together with proposed new paragraph 6 of Schedule 1 to the 2014 Law (as substituted and inserted by Articles 5 and 21 of the draft Law respectively) would provide the power for the imposition of standard supervision conditions upon all young offenders

servicing sentences of youth detention of four months or more who are released early at the two thirds point of their sentence under the proposed paragraph 2 of Schedule 1 of the 2014 Law (as amended by the draft Law). The standard supervision conditions include, amongst other things, under paragraph 7(2) the requirement to receive visits from their probation officer, to reside permanently at an approved address with a requirement to seek permission for staying at a different address, only undertake approved work, not travel outside Jersey without permission and inform their probation officer of changes to name and contact details.

Proposed new Article 9 and paragraph 8 of Schedule 1 to the 2014 Law (as substituted and inserted by Articles 5 and 21 of the draft Law respectively) will provide the power for additional supervision conditions to be imposed upon some young offenders on early release. Any additional supervision conditions must be necessary to fulfil the purpose of supervision conditions and proportionate in the circumstances of the case (proposed paragraph 8(3) of Schedule 1). There is a right of appeal to the Youth Court against the imposition of additional supervision conditions (proposed paragraph 10 of Schedule 1).

Proposed new Article 9 and paragraph 2(2) of Schedule 2 to the 2014 Law (substituted and inserted by Articles 5 and 21 of the draft Law respectively) will provide the power for conditions of release to be imposed upon young offenders on temporary release. These conditions may be modified (proposed paragraph 2(6) of Schedule 2) and young offenders may be recalled from temporary release (proposed paragraph 3 of Schedule 2). There is a right to appeal to the Youth Court against modified conditions of temporary release or recall (paragraph 5 of Schedule 2).

The imposition of standard supervision conditions and additional supervision conditions on early release offenders and conditions of release on temporary release offenders engages Article 8 ECHR, the right to private life. The imposition of standard supervision conditions which require, for instance, an offender to accept visits from their probation officer (paragraph 7(2)(d) of Schedule 1), to reside permanently at an address approved by their probation officer (paragraph 7(2)(e) of Schedule 1), and to not undertake work, or a certain type of work (paragraph 7(2)(f) of Schedule 1), have the potential to constitute an interference with the right to private life. It is likely that the sorts of additional conditions that conceivably could be imposed under paragraph 8 of Schedule 1, or as conditions on temporary release under paragraph 2(2) of Schedule 2, would also constitute an interference with Article 8 ECHR.

Interference with Article 8 ECHR is lawful if, under Article 8(2) ECHR, the interference is in accordance with the law, and necessary for and proportionate to a legitimate purpose. Provisions in the draft Law that would permit the imposition of conditions in the context of supervised release or temporary release are considered compatible with Article 8 ECHR because they would be imposed in accordance with the law (i.e. the 2014 Law and secondary legislation where relevant), and –

- (i) In the case of the standard supervision conditions and the additional supervision conditions are imposed with the purpose of protecting the public, preventing young offenders from re-offending and securing the successful reintegration of a young offender into the community (paragraph 6(2) of Schedule 1) which are matters coming within the legitimate aim of prevention of disorder or crime and public safety.
- (ii) In the case of conditions on temporary release the conditions could be imposed for enabling the offender to receive education or training and for reintegration (paragraph 2(2) of Schedule 2), these too are matters coming within the legitimate aim of prevention of disorder or crime and public safety.
- (iii) The imposition of the types of conditions on offenders subject to early release and temporary release are necessary and proportionate to the aforementioned legitimate aims.

- (iv) The release framework would impose safeguards on the application of additional conditions, including that those conditions are required to be necessary to fulfil the purpose of supervision conditions and proportionate in the circumstances of the case (paragraph 8(3) of Schedule 1). This reflects the principles of proportionality in Article 8(2) ECHR. There is also a right of appeal to the Youth Court against the imposition of additional supervision conditions (paragraph 10 of Schedule 1) on the ground that the relevant person's decision to impose additional conditions was unreasonable in all the circumstances of the case.
- (v) The Prison Governor or the Panel, as the case may be, are public authorities for the purposes of Article 7 of the Human Rights (Jersey) Law 2000, and are in a position to ensure that supervision conditions are as a whole a proportionate interference with the offender's Article 8 ECHR rights.
- (vi) Where temporary release conditions are modified there is an appeal provision available (paragraph 5 of Schedule 2) on the grounds that the relevant person's decision was unreasonable in all the circumstances of the case.

It can be noted that the standard supervision conditions (paragraph 7 of Schedule 1) replicate those in the English Criminal Justice (Sentencing) (Licence Conditions) Order 2015 (updated by the Criminal Justice (Sentencing) (Licence Conditions) (Amendment No 2) Order 2022). The supervision conditions set out at section 256AB of the Criminal Justice Act 2003 are similar to the standard conditions in the 2015 Order. These conditions were assessed, as noted in the ECHR memorandum to the Offender Rehabilitation Bill (Bills 13-14) (the "ORB memorandum"), to be compatible with the ECHR. It is worth noting that aspects of the analysis in the ORB memorandum can be applied in the assessment of certain elements of the draft Law's proposed conditions, in particular –

- a. In respect of the standard condition to be of good behaviour and to not behave in a way that undermines the purposes of supervision conditions (paragraph 6(2)(a) Schedule 1) the 'good behaviour' element of this requirement is considered to be in accordance with the law for the purposes of Art. 8(2) as it is considered to be sufficiently certain and because the conditions imposed occur after the offender has already been convicted in relation to a specific criminal act. The good behaviour requirement is that the offender is to refrain from committing acts during the supervision period which bear some connection to that offending behaviour (or undermine the purpose of the supervision period).
- b. In respect of the requirement to permanently reside at an address, the English courts have held that managing, by the imposition of conditions, where offenders may reside during supervision is in principle a justifiable interference with the offender's Article 8 ECHR right.

Recall of Offender Temporarily Released – Proposed new Article 9(1) together with proposed new paragraph 3 of new Schedule 2 to the 2014 Law

Proposed new Article 9(1) together with proposed new paragraph 3 of new Schedule 2 to the 2014 Law (as substituted and inserted by Articles 5 and 21 of the draft Law respectively), will provide for the recall of young offenders who are temporarily released from secure accommodation, prison or YOI where the relevant person is satisfied that it is reasonable in the circumstances to do so having regard to the circumstances in which the young offender's temporary release was approved; the conditions of release, if any were attached, evidence that the young offender has, during the period of their release, committed an offence or is likely to do so, other factors that the relevant person considers appropriate.

Article 5(1)(a) ECHR provides that a person can be deprived of their liberty where they are lawfully detained after conviction by a competent court and in accordance with a procedure prescribed by law. The draft Law, in providing for recall from temporary release from youth detention is not considered to raise issues under Article 5 ECHR. The original sentence of youth detention will have been imposed by a competent court and in accordance with a procedure prescribed by law, and would continue despite the temporary release of the offender. Moreover, Article 5 ECHR caselaw indicates that there is no interference with Article 5 ECHR in the situation of a prisoner who is recalled to prison from temporary release for breach of licence conditions. In this situation, where an offender has been convicted and sentenced by a competent court to a determinate term of imprisonment for the purposes of punishment, the review of the lawfulness of detention was incorporated in the trial and appeal procedures, and no new issues of lawfulness concerning the basis of detention arise on recall, such that there could be no right to a fresh review of the lawfulness of detention for the purposes of Article 5 ECHR.

For these reasons, it is considered that the new paragraph 3 of Schedule 2 to the 2014 Law (inserted by Article 21 of the draft Law) is compatible with Article 5 ECHR because the original detention of the young offender will have been in accordance with a lawful sentence passed after conviction by a competent court (in accordance with the Article 5(1)(a) ECHR exception), even if a young offender is recalled under the proposed new paragraph 3 of Schedule 2. Further there is an appeal provision in the draft Law against recall to youth custody (paragraph 5 of Schedule 2) on the grounds of unreasonableness.

Rights of appeal against imposition of supervision conditions and temporary release conditions.

The draft Law would amend the 2014 Law to include provision for a right of appeal to the Youth Court against the imposition of additional supervision conditions following early release (paragraph 10 of Schedule 1) on the ground that the relevant person's decision to impose additional conditions was unreasonable in all the circumstances of the case. Where temporary release conditions are modified the offender may appeal to the Youth Court (paragraph 5 of Schedule 2) on the grounds that the relevant person's decision was unreasonable in all the circumstances of the case.

The right to a fair trial under Article 6 ECHR will be relevant in these circumstances to the extent that a decision is made which is determinative of a civil right. It is possible that decisions to impose additional conditions or to modify supervision conditions and temporary release conditions will be determinative of a civil right, in that they could substantially interfere with aspects of the offender's right to private life under Article 8 ECHR. To the extent that Article 6 ECHR is engaged, provision for an appeal to the Youth Court to challenge the modification of a condition will constitute an Article 6 ECHR compatible right of appeal to an independent and impartial tribunal.

There is no right of appeal proposed in the draft Law for the imposition of standard conditions. These conditions apply automatically to all offenders eligible for early release (see new paragraphs 6 and 7 to Schedule 1) and cannot be modified or cancelled. In this instance there is no discretionary element in the imposition of a condition that could be determinative of an offender's civil right post-release, rather any post-release engaging of civil rights would be in the way in which an authority exercises a power under an imposed condition (e.g. the manner in which visits are exercised or permission to change address) is exercised. In this context it is considered that an offender who wished to challenge the imposition of standard conditions, or to challenge an authority's exercise of its power under a standard condition, could do so by way of judicial review. Judicial review would, in Jersey law, constitute an Article 6 ECHR compatible appeal to an independent and impartial tribunal."

EXPLANATORY NOTE

The Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- (the “Law”), if passed, will amend the Criminal Justice (Young Offenders) (Jersey) Law 2014 (the “Young Offenders Law”) to provide for the early or temporary release and supervision of young offenders serving youth detention in secure accommodation, a young offender institution or the prison. As a result of the amendments to the Young Offenders Law, this Law also makes consequential amendments to the Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016 (the “Placement Panel Regulations”), the Criminal Procedure (Jersey) Law 2018, the Prison (Jersey) Law 1957 (the “Prison Law”) and the Prison (Jersey) Rules 2007 (the “Prison Rules”).

Article 1 states that *Part 1* of the Law amends the Young Offenders Law.

Article 2 amends Article 1 of the Young Offenders Law to add and amend some defined terms used in that Law. In particular, it amends the definition “Minister” to transfer functions in respect of children and young people sentenced to youth detention, or remanded into custody, from the Minister for Justice and Home Affairs to the Minister for Children and Families. It also defines “parental responsibility”, an expression that is used, but not currently defined, in that Law, and introduces a definition of “person with parental responsibility”. *Article 2* also introduces a definition of “relevant person” (the Placement Panel (“Panel”) or the Governor, depending on whether the young offender is serving their sentence in secure accommodation or a young offender institution or the prison). *Article 2* also adds a definition of “secure accommodation manager” (and *Article 3* updates Article 6 as a consequence of this). Other minor consequential and updating amendments are also made to other defined terms in the Young Offenders Law.

Articles 4, 6 and 9 substitute Articles 7, 10 and 16, respectively, of the Young Offenders Law to treat male and female young adult offenders equally in respect of where they must serve their sentence of youth detention or be remanded into custody. This could be the prison or a young offender institution. Those Articles are also updated to current drafting practice. The offence of assisting escape etc. of a person on remand under Article 16, which is currently situated in Article 16 of the Young Offenders Law, is moved into new Article 16A (inserted by *Article 10*) but the penalty for the offence remains the same.

Article 5 substitutes Article 9 of the Young Offenders Law to introduce 2 new Schedules (which are inserted by *Article 21* of this Law).

New Schedule 1 makes provision about:

- the early release of young offenders from youth custody (before completion of their sentence);
- the supervision of young offenders after their early release;
- appeals against decisions relating to the early release and supervision of young offenders.

In Schedule 1 –

Paragraph 1 defines some terms used only in Schedule 1. For the purposes of transitional young offenders (explained below), references to Article 9 of the Young Offenders Law means Article 9 as it was before it was amended by this Law.

Paragraph 2 provides that a young offender may be eligible for early release from youth custody before they have completed the full term of their sentence if they have served at least two-thirds of their sentence. But the young offender is not eligible if the relevant person determines that:

- the young offender would be at significant risk of harm if released, and no supervision conditions could eliminate or sufficiently reduce that risk;
- there is a significant risk that the young offender would, once released, engage in conduct that would, or would be likely to, cause harm to an individual other than the young offender, and no supervision conditions could eliminate or sufficiently reduce that risk; or
- there are exceptional circumstances that justify not releasing the young offender.

Paragraph 3 provides that a young offender must be supervised by a probation officer from the time of their early release until the end of their supervision period. This paragraph also sets out how the supervision period is calculated for different classes of young offender. But the supervision period must not exceed 12 months. This paragraph also provides that the States may make Regulations, in relation to the supervision of young offenders under Schedule 1, to confer further or different powers or impose further or different duties on probation officers.

Paragraphs 4 and 5 make transitional provision in respect of supervision of a young offender who had already been released from youth custody under supervision before the commencement of this Law (a “transitional young offender”). A transitional young offender must continue to comply with the original written requirements of their supervision until the end of their supervision period. These original written requirements cannot be modified or cancelled but the relevant person may impose additional supervision conditions (“additional conditions”) on a transitional young offender’s supervised release. The power to make Regulations about additional conditions under paragraph 8, includes the power to make Regulations in relation to transitional young offenders.

Paragraph 6 provides that a young offender must comply with the standard supervision conditions and any additional conditions that apply to their supervised release. The purposes of supervision conditions are to protect the public, to prevent re-offending and to ensure successful reintegration into the community.

Paragraph 7 sets out the standard supervision conditions that apply automatically to a young offender from the time of their supervised release until the end of their supervision period.

Paragraph 8 provides that the States may, by Regulations, prescribe additional supervision conditions. These conditions should be imposed only if they are necessary and proportionate. The relevant person may impose or cancel additional conditions at any time during the supervision period.

Paragraph 9 provides that the relevant person, before imposing or cancelling additional supervision conditions during the supervision period, must first consult the young offender and their probation officer.

Paragraph 10 provides for the appeal against the imposition of additional supervision conditions, and paragraph 11 sets out how the chair of the Youth Court (the “chair”) must determine those appeals.

Paragraph 11 provides for the chair’s determination of an appeal. The relevant person’s decision to impose additional conditions may be confirmed or overturned or the chair may order the relevant person to reconsider their decision and to have regard to opinions expressed by the chair.

Paragraph 12 states that it is an offence for a young offender to fail to comply (without reasonable excuse) with their supervision conditions. If they commit this offence and the young offender is a child, they are liable to a fine of level 2 on the standard scale (currently, up to £1,000). If the young offender is a young adult or a young person, they are liable to a fine of level 2 on the standard scale or an appropriate custodial sentence for a term of up to 30 days.

Consultations and written notifications given under Schedule 1 must be in a form that takes account, so far as practicable of the young offender's age and maturity, whether their first language is English and whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information. Similarly, if a copy of the written notification is given to a person who has parental responsibility for the young offender, it must be given in a form that takes account, if practicable, of their special needs (if any).

New Schedule 2 makes provision, in particular, about:

- young offenders being temporarily released during their sentence;
- the recall of temporarily released young offenders to youth custody;
- appeals against decisions relating to the temporary release and recall of young offenders.

In Schedule 2 –

Paragraph 1 defines some terms used only in Schedule 2.

Paragraph 2 enables the relevant person to temporarily release a young offender from youth custody for a specified period, and on the conditions, determined by the relevant person. For example, the young offender's temporary release may be on condition that they are supervised by a probation officer. The relevant person may modify the conditions of release but must notify the young offender, in writing, of any modification and give written reasons for the modification. Written notifications and written recall (see explanation below) must be in a form that takes account, so far as practicable, of the young offender's age and maturity, whether their first language is English and whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information. Similarly, if a copy of the written notification or written recall is given to a person who has parental responsibility for the young offender, it must be given in a form that takes account, if practicable, of their special needs (if any).

Paragraph 3 enables the relevant person, having regard to certain factors, to order the recall to youth custody of a young offender who has been temporarily released. The order to recall must be made in writing (the "written recall") and the young offender must be given written reasons for the recall and specify the date by which they must return to youth custody. Paragraph 4 enables a police officer to effect any written recall given by escorting the young offender to the place of youth custody, with a power of arrest if the young offender resists being escorted.

Paragraph 5 enables a young offender to appeal, or a person with parental responsibility to appeal on the young offender's behalf, against a decision of the relevant person to modify a condition of release under paragraph 2 or to order the young offender's recall under paragraph 3. The appeal must be made in writing to the Judicial Greffier within 21 days of the notification of the modification of the conditions of release, or date of the young offender's return to youth custody. The grounds of the appeal are limited to the relevant person's decision to modify the conditions of release or to order recall as being unreasonable in all the circumstances of the case.

Paragraph 6 sets out the range of decisions that the chair of the Youth Court may make in determining an appeal brought under paragraph 5. Those include confirming the relevant person's decision or ordering the reinstatement of the young offender's temporary release with modified conditions.

Paragraph 7 states the circumstances in which a young offender is unlawfully at large and liable to be arrested and returned to youth custody. Time spent unlawfully at large from youth custody

is to be disregarded for the purposes of calculating the period for which the young offender is liable to be detained under their sentence.

Paragraph 8 gives the States the power to make Regulations for the purposes of regulating and managing secure accommodation provided under Article 22A (secure accommodation for children on remand or following sentence) of the Children (Jersey) Law 2002 and for the assessment, treatment, discipline, control, care and reintegration back into the community of young offenders detained in secure accommodation.

Articles 7 and 8 are minor consequential amendments to, respectively, Articles 11 and 15 of the Young Offenders Law, as a result of introducing the definition “Children Law” in Article 1 of the Young Offenders Law.

Article 11 substitutes Article 18 of the Young Offenders Law to clarify the functions of the Panel for children and young persons, established under Article 17, which are exercisable under Article 18. This Article also provides a power for the Minister to issue directions to the Panel as to the exercise of its functions under Article 18 of the Young Offenders Law including directing the Panel to reconsider its decisions if they are not in the best interests of a child or young person.

Article 12 substitutes Article 19 of the Young Offenders Law. This substitution is related to the deletion of Article 20 of that Law by *Article 13*.

Article 13 deletes Article 20 of the Young Offenders Law, which has been replaced by the Minister’s power to issue directions now contained in amended Article 18 of the Young Offenders Law.

Article 14 corrects an omission in Article 22 of the Young Offenders Law to enable children to appeal against decisions of the Panel.

Article 15 amends Article 24 of the Young Offenders Law to:

- renumber the existing Schedule (which sets out the constitution and procedures of the Youth Court) to that Law as Schedule 3; and
- introduce a power for the States to amend that Schedule by Regulations.

Article 16 deletes Article 25 of the Young Offenders Law because Part 5 of that Law has a wider application than specified in that Article.

Article 17 amends Article 26 of the Young Offenders Law to give the Youth Court the jurisdiction to hear an appeal made under Schedule 1, paragraph 10, and Schedule 2, paragraph 5, if the young offender in question is a young adult.

Article 18 amends Article 28 of the Young Offenders Law to clarify that the provision applies to a person who is believed to be a child or young person.

Article 19 makes a minor amendment to Article 29 to update the drafting practice.

Article 20 replaces Article 32 to give the States the power to, by Regulations, amend any enactment if the amendment is required as a consequence of the coming into force of this Law.

Article 22 replaces the existing Schedule to the Young Offenders Law (and renumbers it as Schedule 3). Renumbered Schedule 3 restates the constitution and procedures of the Youth Court in modern drafting style and –

- extends the power of the chair, sitting alone, to determine an appeal made under new Schedule 1 or new Schedule 2 to the Young Offenders Law; and
- requires the chair to determine the conduct of appeal proceedings under those new Schedules.

Article 23 consequentially amends the Placement Panel Regulations to extend their scope to decisions of the Panel under Article 18 of, or Schedule 1 or Schedule 2 to, the Young Offenders

Law. But, under amended Regulation 6, the Minister cannot hear appeals against decisions of the Panel to impose additional conditions under new Schedule 1 to the Young Offenders Law, or to modify conditions of temporary release or recall a young offender to youth custody under new Schedule 2 to the Young Offenders Law. This is because those decisions fall to the chair of the Youth Court to determine on appeal under those new Schedules.

Article 24 consequentially amends the definition of “Youth Court Panel” in the Criminal Procedure (Jersey) Law 2018 so that it has the meaning given in Article 1(1) of the Young Offenders Law.

Article 25 makes minor consequential amendments to Articles 17 and 29 of the Prison Law, and also substitutes Article 30 (persons unlawfully at large) of that Law. The effect of the new provision is to clarify that Article 30 is not concerned with young offenders who are unlawfully at large from secure accommodation. That falls under the remit of new Schedule 2 to the Young Offenders Law.

Article 26 amends the Prison Rules to remove references to youth detention in Rules 63 (remission of sentence) and 64 (temporary release). This provision now falls under the new Schedules to the Young Offenders Law.

Article 27 gives the title of the Law and provides for it to come into force on a day specified by the Minister for Justice and Home Affairs by Order.



Jersey

DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT No. 2 LAW 202-

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Jersey

DRAFT CRIMINAL JUSTICE (YOUNG OFFENDERS) (JERSEY) AMENDMENT No. 2 LAW 202-

A LAW to amend the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#) to provide for the early or temporary release and supervision of young offenders serving youth detention in secure accommodation, a young offender institution or the prison, and to amend the [Criminal Justice \(Young Offenders\) \(Placement Panel\) \(Jersey\) Regulations 2016](#), the [Criminal Procedure \(Jersey\) Law 2018](#), the [Prison \(Jersey\) Law 1957](#) and the [Prison \(Jersey\) Rules 2007](#) for connected purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

PART 1

[CRIMINAL JUSTICE \(YOUNG OFFENDERS\) \(JERSEY\) LAW 2014](#)

1 [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#) amended

This Part amends the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).

2 **Article 1 (interpretation) amended**

(1) In Article 1(1) –

(a) before the definition “appropriate place of custody” there is inserted –

“Amendment Law” means the Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202-;

(b) for the definition “appropriate place of custody” there is substituted –

“appropriate place of custody” means, in relation to the Panel’s determination under Article 18(1)(a) –

- (a) if a young offender is a child or young person, appropriate secure accommodation; or
- (b) if a young offender is a young person, an appropriate young offender institution;
- (c) after the definition “appropriate place of custody” there is inserted –
“chair of the Youth Court” and “chair” means the Magistrate in accordance with Schedule 3, paragraph 1(9);
- (d) after the definition “child” there is inserted –
“Children Law” means the [Children \(Jersey\) Law 2002](#);
- (e) in the definition “Governor”, for “same meaning as in the [Prison \(Jersey\) Law 1957](#)” there is substituted “meaning given in Article 1(1) of the Prison Law”;
- (f) in the definition “Minister”, for “Justice and Home Affairs” there is substituted “Children and Families”;
- (g) after the definition “Panel” there is inserted –
“parental responsibility” has the meaning given in Article 1(1) of the Children Law;
“person with parental responsibility”, in relation to a young offender who is a child or young person, means –
 - (a) their father, mother or second parent in accordance with, Article 9A (parental responsibility for children) of the Children Law;
 - (b) their father in accordance with Article 9C (acquisition of parental responsibility by father) of the Children Law;
 - (c) their second parent in accordance with Article 9D (acquisition of parental responsibility by second parent) of the Children Law;
 - (d) their step-parent in accordance with Article 9E (acquisition of parental responsibility by step-parent) of the Children Law;
 - (e) a person in whose favour a parental order is made under Article 9G (parental orders) of the Children Law;
 - (f) a person in whose favour a recognition order is made under Article 9N (recognition of pre-existing parental orders made in England and Wales) of the Children Law;
 - (g) a person appointed as a guardian in accordance with Article 7 (appointment of guardians) of the Children Law;
 - (h) a person in whose favour a residence order is made under Article 13 (residence orders and parental responsibility) of the Children Law;
 - (i) the Minister in accordance with Article 26 (effect of care order) of the Children Law;
 - (j) if an emergency protection order under Article 37 of the Children Law is in force, the applicant in whose favour the order is made;
 - (k) the Minister in accordance with Article 12 (freeing child for adoption) of the [Adoption \(Jersey\) Law 1961](#) (the “Adoption Law”); and
 - (l) an adopter in accordance with Article 20 (consequences of adoption) of the Adoption Law;

- (h) in the definition “prison”, in sub-paragraph (c), for “[Prison \(Jersey\) Law 1957](#)” there is substituted “Prison Law”;
- (i) after the definition “prison” there is inserted –
“Prison Law” means the [Prison \(Jersey\) Law 1957](#);
- (j) after the definition “probation order” there is inserted –
“relevant person”, in relation to a young offender, means –
 - (a) the Governor, if a young offender is a young adult or young person serving their sentence in the prison or a young offender institution immediately before, on or after the commencement of the Amendment Law;
 - (b) the Panel, if a young offender is a child or young person serving their sentence in secure accommodation;
- (k) in the definition “secure accommodation”, for “has the same meaning as in Article 1 of the [Children \(Jersey\) Law 2002](#)” there is substituted “has the meaning given in Article 1(1) of the Children Law”;
- (l) after the definition “secure accommodation” there is inserted –
“secure accommodation manager” means the person appointed to manage secure accommodation or their delegate;
“sentence” means a sentence of youth detention;
- (m) after the definition “young adult” there is inserted –
“young offender” means a child, young person or young adult who is sentenced to youth detention;
- (n) in the definition “young offender institution”, for “Minister under Article 27 of the [Prison \(Jersey\) Law 1957](#)” there is substituted “Minister for Justice and Home Affairs under Article 27 of the Prison Law”;
- (o) after the definition “Youth Court” there is inserted –
“Youth Court Panel” means the panel appointed under Schedule 3, paragraph 1;
“youth custody” means if a young offender is –
 - (a) a young adult, custody in the prison or a young offender institution;
 - (b) a child or young person, custody in an appropriate place of custody;
- (2) After Article 1(2) there is inserted –
 - (3) In the definition “person with parental responsibility”, “second parent” has the meaning given by Article 1(1) of the Children Law.
 - (4) Where this Law refers to an Act of the United Kingdom –
 - (a) Article 9(3) of the [Interpretation \(Jersey\) Law 1954](#) applies to that reference as it applies to a reference to an enactment; and
 - (b) Article 6 of the [Legislation \(Jersey\) Law 2021](#) applies in relation to that Act of the United Kingdom, and to any legislation of the United Kingdom that repeals or re-enacts it, as it applies in relation to Jersey legislation.

3 Article 6 (sentence of youth detention for default) amended

In Article 6(3)(c), for “person in charge of managing the secure accommodation” there is substituted “secure accommodation manager”.

4 Article 7 (place of custody for children, young persons and young adults sentenced to youth detention) substituted

For Article 7 there is substituted –

7 Place of custody for young offenders after sentence

- (1) If a court orders a young adult to be sentenced to youth detention, the court must order the young adult to be detained in a young offender institution or the prison.
- (2) If a court orders a child or young person to be sentenced to youth detention, the court must –
 - (a) in the case of a child, order the child to be detained in secure accommodation pending the Panel’s determination about the appropriate place of custody; and
 - (b) in the case of a young person, order the young person to be detained in secure accommodation pending the Panel’s determination about the appropriate place of custody, subject to paragraph (3).
- (3) Despite paragraph (2)(b), the court –
 - (a) must consider what is in the best interests of a young person and of any child or other young person who is, or may be, detained in the same place of custody; and
 - (b) after having regard to the matters in paragraph (4), may order a young person to be detained in a young offender institution.
- (4) The court must have regard to –
 - (a) the young person’s behaviour;
 - (b) the likely impact of the young person’s behaviour on any children or other young persons detained in the same place of custody;
 - (c) the likely impact of the behaviour of any children or other young persons on the young person detained in the same place of custody;
 - (d) the young person’s views;
 - (e) the opinion of a person with parental responsibility for the young person;
 - (f) the young person’s educational needs;
 - (g) any other matters the court considers relevant; and
 - (h) the availability of secure accommodation and whether that accommodation is suitable for the young person.
- (5) The Panel must determine the appropriate place of custody as soon as reasonably practicable and, in any event, not later than –
 - (a) the specified period after the child or young person was detained; or

- (b) 72 hours after the child or young person was detained if there is no specified period.
- (6) Paragraph (5) does not limit the exercise of the Governor's powers under Article 10 in relation to a young person.
- (7) In this Article –
 - (a) in paragraphs (3)(a) and (4)(b) and (c), “place of custody” means secure accommodation or a young offender institution;
 - (b) “specified period” means the period specified by the Minister by Order.
- (8) Nothing in this Article affects the powers of the Secretary of State under Schedule 1 to the Crime (Sentences) Act 1997 of the United Kingdom.

5 Article 9 (supervision of young offenders after release from youth detention) substituted

For Article 9 there is substituted –

9 Early release, temporary release and supervision of released young offenders

- (1) Schedule 1 provides for –
 - (a) the release of young offenders from youth custody before completion of their sentence (“early release”);
 - (b) the supervision of young offenders after their early release; and
 - (c) appeals against decisions under Schedule 1.
- (2) Schedule 2 provides for –
 - (a) young offenders to be temporarily released during their sentence;
 - (b) the recall of temporarily released young offenders to youth custody;
 - (c) appeals against decisions under Schedule 2; and
 - (d) miscellaneous matters.
- (3) The States may, by Regulations, amend Schedule 1 or Schedule 2 for the purposes of –
 - (a) making further or different provision about early release, supervision, temporary release, recall to youth custody, appeals or failure to return to, or escape from, youth custody;
 - (b) making further transitional provisions; or
 - (c) amending or repealing transitional provisions.

6 Article 10 (power of Governor to move young adults and young persons in certain circumstances) substituted

For Article 10 there is substituted –

10 Power of Governor to transfer young adults in certain circumstances

- (1) This Article applies to a young offender who is a young adult on remand or serving a sentence in a young offender institution.
- (2) Paragraph (3) applies if the Governor is of the opinion –
 - (a) that because of the young adult’s behaviour it is not in their interests, or the interests of other people detained in the same young offender institution, to continue to detain the young adult in that institution; or
 - (b) having regard to all relevant circumstances, the prison is more suitable for the young adult.
- (3) The Governor may require the young adult to be transferred to the prison –
 - (a) for the period of their remand; or
 - (b) for a fixed term or for the remaining part of the young adult’s sentence.
- (4) If the young offender has reached the age of 18 while on remand or serving a sentence, the Governor must first consult the Panel before exercising their powers under paragraph (3).
- (5) The Governor may, if they consider it necessary having regard to all the relevant circumstances, require a young adult to be transferred to a prison medical facility or to a hospital for medical treatment.
- (6) For the purpose of transferring a young adult under this Article, it is lawful for a person acting on behalf of the Governor to carry out the transfer of that young adult, and to detain them for the purpose of carrying out that transfer.
- (7) Under paragraph (6) –
 - (a) a young adult is taken to be in lawful custody during the period of the transfer; and
 - (b) in the case of a young adult sentenced to youth detention, the period of transfer is treated as a part of the young adult’s sentence.

7 Article 11 (attendance at court of parents of child or young person brought before court) amended

In Article 11 –

- (a) in the heading, for “parents” there is substituted “parent or guardian”;
- (b) in paragraph (1), for “required by the Court” there is substituted “required by the court”;
- (c) for paragraph (3) there is substituted –
 - (3) The reference in paragraphs (1) and (2) to a person who is a parent or guardian of a child or young person is taken to include an officer of an administration of the States for which the Minister has responsibility –
 - (a) if the Minister has parental responsibility for the child or young person; or
 - (b) if the child or young person is being looked after within the meaning of Article 1A(a) or (b) of the Children Law.

8 Article 15 (saving with regard to court proceedings involving children) amended

In Article 15, for “[Children \(Jersey\) Law 2002](#)” there is substituted “Children Law”.

9 Article 16 (remand of children, young persons and young adults) substituted

For Article 16 there is substituted –

16 Remand of children, young persons and young adults

- (1) This Article applies to a child, young person or young adult who is placed on remand following the order of a court, or the issuing of a warrant.
- (2) A young adult must be remanded to a young offender institution.
- (3) A child must be remanded to secure accommodation pending the Panel’s determination about the appropriate place of custody.
- (4) A young person must be remanded to secure accommodation pending the Panel’s determination about the appropriate place of custody, subject to paragraph (5).
- (5) Despite paragraph (4), the court ordering the remand, or person issuing a warrant for the remand –
 - (a) must consider what is in the best interests of a young person and of any child or other young person who is, or may be, detained in the same place of custody; and
 - (b) after having regard to the matters in paragraph (6), may remand the young person to a young offender institution.
- (6) The court or person must have regard to –
 - (a) the young person’s behaviour;
 - (b) the likely impact of the young person’s behaviour on any children or other young persons detained in the same place of custody;
 - (c) the likely impact of the behaviour of any children or other young persons on the young person detained in the same place of custody;
 - (d) the young person’s views;
 - (e) the opinion of a person with parental responsibility for the young person;
 - (f) the young person’s educational needs;
 - (g) any other matters the court or person considers relevant; and
 - (h) the availability of secure accommodation and whether that accommodation is suitable for the young person.
- (7) The Panel must determine the appropriate place of custody as soon as reasonably practicable and, in any event, not later than –
 - (a) the specified period after the child or young person was detained; or
 - (b) 72 hours after the child or young person was detained if there is no specified period.
- (8) Paragraph (7) does not limit the exercise of the Governor’s powers under Article 10 in relation to a young person.
- (9) In this Article –

- (a) in paragraphs (5)(a) and 6(b) and (c), “place of custody” means secure accommodation or a young offender institution;
- (b) “specified period” means the period specified by the Minister by Order.

10 Article 16A (offence of assisting escape etc. of a person on remand under Article 16) inserted

After Article 16 there is inserted –

16A Offence of assisting escape etc. of a person on remand under Article 16

- (1) A person commits an offence, and is liable to a fine and to imprisonment for a term of 2 years, if –
 - (a) they knowingly assist or induce a person on remand to escape from a place of custody;
 - (b) without lawful authority, they take a person on remand away from a place of custody; or
 - (c) they knowingly –
 - (i) harbour or conceal a person on remand who has escaped or been taken away from a place of custody; or
 - (ii) prevent the person on remand from returning to a place of custody.
- (2) In this Article –
 - “person on remand” means a child, young person or young adult who is remanded in accordance with Article 16;
 - “place of custody” means –
 - (a) in relation to a young adult, a young offender institution;
 - (b) in relation to a young person, secure accommodation or a young offender institution;
 - (c) in relation to a child, secure accommodation;
 - (d) a place in which a person on remand is detained pending their remand to secure accommodation or a young offender institution; or
 - (e) the transportation in which a person on remand is conveyed to secure accommodation or a young offender institution.

11 Article 18 (functions of the Panel) substituted

For Article 18 there is substituted –

18 Functions of the Panel

- (1) The Panel has, in addition to its functions under Schedule 1 and Schedule 2, the following functions in relation to a child or young person –
 - (a) determining the appropriate place of custody for a child or young person who is remanded in custody or sentenced to youth detention;

- (b) reviewing its determination of an appropriate place of custody within 1 month of the start of the child's or young person's placement and then at intervals not exceeding 3 months;
 - (c) if it thinks it appropriate to do so, requiring the child or young person to be transferred to another appropriate place of custody (if available);
 - (d) making assessments of children and young persons for the purpose of exercising its functions under this Article;
 - (e) consulting the Secretary of State as to whether, in the case of a child or young person sentenced to youth detention, all or part of the sentence should be served outside Jersey under the Crime (Sentences) Act 1997 of the United Kingdom;
 - (f) authorising arrangements for the transfer of a child or young person to or from a place of custody to or from which the child or young person is required to be transferred under this Law.
- (2) The Minister may issue directions to the Panel about the exercise of its functions under paragraph (1)(a) to (f).
- (3) A direction may require the Panel to reconsider a decision or determination taken in the exercise of its functions under this Article if the Minister considers that the Panel's decision or determination was not in the best interests of –
- (a) the child or young person; or
 - (b) another child or young person who is, or may be, detained in the same place of custody.
- (4) In this Article –
- (a) in paragraph (1)(f), "place of custody" means –
 - (i) in relation to a child, secure accommodation;
 - (ii) in relation to a young person, secure accommodation or a young offender institution; or
 - (iii) a place in which a child or young person on remand is detained pending their remand to secure accommodation or a young offender institution;
 - (b) in paragraph (3)(b), "place of custody" means –
 - (i) in relation to a child, secure accommodation;
 - (ii) in relation to a young person, secure accommodation or a young offender institution.

12 Article 19 (matters to be taken into account by the Panel when exercising its functions) substituted

For Article 19 there is substituted –

19 Matters to be taken into account by the Panel when exercising its functions

- (1) In exercise of its functions under Article 18, the Panel must consider what is in the best interests of a child or young person and of any other child or

young person who is, or may be, detained in the same place of custody having regard to –

- (a) the behaviour of the child or young person;
- (b) the likely impact of the behaviour of the child or young person on other children or young persons detained in the same place of custody;
- (c) the likely impact of the behaviour of other children or young persons on the child or young person detained in the same place of custody;
- (d) the views of the child or young person;
- (e) the opinion of a person with parental responsibility for the child or young person;
- (f) the educational needs of the child or young person; and
- (g) any other matters the Panel considers relevant.

(2) in this Article, “place of custody” means –

- (a) in relation to a child, secure accommodation;
- (b) in relation to a young person, secure accommodation or a young offender institution.

13 Article 20 (functions of the Minister) deleted

Article 20 is deleted.

14 Article 22 (States to make Regulations concerning the Panel) amended

In Article 22, after “appeal by a” there is inserted “child or”.

15 Article 24 (Youth Court) amended

For Article 24(3) and (4) there is substituted –

- (3) Schedule 3 sets out the constitution and procedures of the Youth Court.
- (4) The States may, by Regulations, amend Schedule 3 to make further or different provision about the constitution and procedures of the Youth Court.
- (5) Subject to the provisions of this Law, the provisions of any other enactment relating to the practice and procedures of the Magistrate’s Court apply to the practice and procedures of the Youth Court.

16 Article 25 (persons to whom this Part applies) deleted

Article 25 is deleted.

17 Article 26 (jurisdiction of Youth Court) amended

- (1) In Article 26(1), for “persons to whom this Part applies regardless of whether such a person attains” there is substituted “a child or young person regardless of whether they attain”.
- (2) In Article 26(1)(a), (b) and (c), (2) and (3), for “a person to whom this Part applies” there is substituted “a child or young person”.

(3) After Article 26(3) there is inserted –

- (4) If a young offender is a young adult, the Youth Court has the jurisdiction to hear an appeal made under Schedule 1, paragraph 10, and Schedule 2, paragraph 5.

18 Article 28 (miscellaneous provisions as to powers of Youth Court) amended

In Article 28(1), for “a person to whom this Part applies” there is substituted “a child or young person”.

19 Article 29 (appeals from Youth Court) amended

For Article 29(1) there is substituted –

- (1) The Youth Appeal Court is established.
- (1A) The Youth Appeal Court consists of the Bailiff and 3 members of the Youth Court Panel who were not members of the Youth Court from which the appeal is being heard.

20 Article 32 (consequential amendments to enactments and transitional provisions) substituted

For Article 32 there is substituted –

32 Consequential amendments to enactments

The States may, by Regulations, amend any enactment, including this Law, for the purpose of making any provision they consider necessary or expedient as a consequence of the coming into force of this Law or the Amendment Law.

21 Schedule 1 (early release and supervision of young offenders) and Schedule 2 (temporary release, recall and general provisions) inserted

Before the Schedule (constitution and procedures of Youth Court) there is inserted –

SCHEDULE 1

(Article 9(1))

PART 1

EARLY RELEASE AND SUPERVISION OF YOUNG OFFENDERS

1 Interpretation of Schedule 1

- (1) In this Schedule –
- “additional conditions” means supervision conditions prescribed by Regulations made under paragraph 8;
- “early release” means release in accordance with paragraph 2;

“purposes of supervision conditions” means the purposes set out in paragraph 6;

“standard conditions” means the supervision conditions listed in paragraph 7;

“supervision conditions” has the meaning given in paragraph 6 and, in relation to a transitional young offender, includes the written requirements referred to in paragraph 5;

“supervision period” has the meaning given in paragraph 3;

“supervised release” means release under supervision in accordance with paragraph 3(2) and, in relation to a transitional young offender, paragraph 4;

“transitional young offender” means a person referred to in Article 9 released from custody before the commencement of the Amendment Law.

- (2) In the definition “transitional young offender”, “custody” means custody in prison or a young offender institution.
- (3) In this Schedule –
 - (a) a reference to Article 9, and to any of its provisions, means Article 9 (supervision of young offenders after release from youth detention) immediately before it was amended by the Amendment Law;
 - (b) a reference to a probation officer includes a probation officer who is not the probation officer assigned to supervise a young offender.

2 Early release

- (1) A young offender is eligible to be released from youth custody before they have completed the full term of their sentence if they have served at least two-thirds of the term of their sentence (“early release”), subject to sub-paragraph (3).
- (2) The effect of early release is that a young offender’s sentence is completed on the date that they are released.
- (3) Sub-paragraph (1) does not apply if the relevant person determines that a young offender is not eligible for early release because –
 - (a) the young offender would be at significant risk of harm if released, and no supervision conditions could eliminate or sufficiently reduce that risk;
 - (b) there is a significant risk that the young offender would, once released, engage in conduct that would, or would be likely to, cause harm to an individual other than the young offender and no supervision conditions could eliminate or sufficiently reduce that risk; or
 - (c) there are exceptional circumstances that justify not releasing the young offender.
- (4) If the relevant person determines that a young offender is not eligible for early release, that determination must be reviewed every 4 weeks until a determination is made to release the young offender.
- (5) If a young offender’s date of release falls on –
 - (a) a Saturday or a Sunday, they must be released on the preceding Friday;

(b) Christmas Day, Good Friday, or a day appointed to be observed as a public holiday under Article 2 of the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#), they must be released on the preceding day.

(6) In this paragraph, “harm” means mental or physical harm.

3 Supervision and supervision period after early release

- (1) This paragraph applies to a young offender whose sentence is for a term of 4 months or more, and who is eligible for early release.
- (2) A young offender to whom this paragraph applies must be supervised by a probation officer for the period beginning with the date that they are released and ending on the date specified in sub-paragraph (5) or (7) (the “supervision period”).
- (3) Despite sub-paragraph (2) the supervision period must not exceed 12 months.
- (4) Sub-paragraph (5) applies if a young offender is –
 - (a) a young adult who prior to release was serving their sentence in the prison; or
 - (b) a young adult or young person who prior to release was serving their sentence in a young offender institution.
- (5) The supervision period in respect of a young offender to whom this sub-paragraph applies ends on whichever of the following dates occurs first –
 - (a) the date on which they would have been released had they had not been granted early release; or
 - (b) the date on which they reach the age of 22.
- (6) Sub-paragraph (7) applies if a young offender is a child or young person who prior to release was serving their sentence in secure accommodation.
- (7) The supervision period in respect of a young offender to whom this sub-paragraph applies ends on the date on which they would have been released had they not been granted early release.
- (8) The States may, by Regulations, in relation to the supervision of young offenders under this Schedule, confer further or different powers or impose further or different duties on probation officers.

4 Supervision and supervision period after early release – transitional young offenders

- (1) Despite the amendment of Article 9 by the Amendment Law, a transitional young offender must continue to be under the supervision of a probation officer for the period of supervision ending in accordance with Article 9(2).
- (2) The power to make Regulations under paragraph 3(8) includes the power to make Regulations in relation to the supervision of transitional young offenders.

PART 2**SUPERVISION CONDITIONS****5 Supervision conditions – transitional young offenders**

- (1) This paragraph applies to a transitional young offender.
- (2) A transitional young offender must continue to comply with the written requirements notified to them by the Minister for Justice and Home Affairs under Article 9(3).
- (3) The written requirements –
 - (a) continue in effect until the end of the period of supervision under Article 9(2); and
 - (b) cannot be modified or cancelled.
- (4) The relevant person may, in accordance with paragraph 8, determine to impose additional conditions on a transitional young offender's supervised release, and the power to make Regulations under that paragraph includes the power to make Regulations in relation to transitional young offenders.
- (5) If sub-paragraph (4) applies, paragraphs 9 to 11 apply as if the transitional young offender were a young offender released from youth custody on, or after, the commencement of the Amendment Law.
- (6) The offence set out in paragraph 12 applies if a transitional young offender fails without reasonable excuse to comply with the written requirements or additional conditions.
- (7) In this paragraph, "written requirements" includes modified requirements notified to the transitional young offender by the Minister for Justice and Home Affairs under Article 9(4).

6 Supervision conditions

- (1) A young offender must comply with the standard conditions and any additional conditions ("supervision conditions") that apply to their supervised release.
- (2) The purposes of supervision conditions are –
 - (a) to protect the public;
 - (b) to prevent a young offender from re-offending; and
 - (c) to secure the successful reintegration of a young offender into the community.

7 Standard supervision conditions

- (1) The standard supervision conditions ("standard conditions") –
 - (a) apply automatically upon a young offender's supervised release;
 - (b) continue until the end of the supervision period; and
 - (c) cannot be modified or cancelled.
- (2) A young offender must comply with all the following standard conditions –

- (a) they must be of good behaviour and not behave in a way that undermines the purposes of supervision conditions;
 - (b) they must not commit an offence;
 - (c) they must keep in touch with their probation officer as instructed by the officer;
 - (d) they must accept visits from their probation officer as notified by the officer;
 - (e) they must reside permanently at an address approved by their probation officer and obtain the probation officer's prior written permission for a stay of 1 or more nights at a different address;
 - (f) they must not undertake work, or a particular type of work, unless it is approved by their probation officer and they must notify their probation officer in advance of a proposal to undertake work, or a particular type of work;
 - (g) they must not travel outside Jersey unless –
 - (i) they have their probation officer's prior written permission;
 - (ii) they are being deported; or
 - (iii) immigration rules require them to do so;
 - (h) they must inform their probation officer if they use a name that is different to the name they used before their release; and
 - (i) they must inform their probation officer if they change their contact details, including phone number or email address.
- (3) A young offender's probation officer must, before the young offender is released, notify them in writing of –
- (a) the standard conditions;
 - (b) the requirement to comply with them; and
 - (c) the offence of non-compliance under paragraph 12.
- (4) The notification to the young offender must be in a form that takes account, so far as practicable –
- (a) of their age and maturity;
 - (b) of whether their first language is English; and
 - (c) of whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (5) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
- (a) of whether the person's first language is English; and
 - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (6) In this paragraph, "immigration rules" means any enactment, rules or direction under immigration legislation.
- (7) In the definition immigration rules, "immigration legislation" means –

- (a) the legislation of the United Kingdom extended to Jersey by the Immigration (Jersey) Order 2021, as amended from time to time; and
- (b) any other legislation of the United Kingdom that relates to immigration and is extended to Jersey from time to time.

8 Regulations and determination to impose additional conditions

- (1) The States may, by Regulations, prescribe additional conditions that the relevant person may impose on a young offender's supervised release.
- (2) Regulations under this paragraph may –
 - (a) specify details of how additional conditions are to be given effect, or otherwise operate (the “operational details”);
 - (b) provide for a written notification that specifies the operational details to be given to the young offender, a person with parental responsibility or another person;
 - (c) require the relevant person or another person to give the written notification;
 - (d) provide for when, and the form in which, the written notification is to be given.
- (3) The relevant person must not determine to impose additional conditions unless the additional conditions are –
 - (a) necessary to supplement the standard conditions to fulfil the purposes of supervision conditions; and
 - (b) proportionate in the circumstances of the case.
- (4) The relevant person may impose or cancel additional conditions at any time during the supervision period.

9 Consultation and notification of additional conditions

- (1) The relevant person must, before imposing additional conditions, consult the young offender and their probation officer.
- (2) The consultation with the young offender must be in a form that takes account, so far as practicable –
 - (a) of their age and maturity;
 - (b) of whether their first language is English; and
 - (c) of whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (3) The relevant person must notify the young offender in writing of –
 - (a) the imposition of additional conditions together with reasons;
 - (b) the requirement to comply with them;
 - (c) the offence of non-compliance under paragraph 12; and
 - (d) their cancellation.
- (4) The notification to the young offender must be in a form that takes account, so far as practicable –

- (a) of their age and maturity;
 - (b) of whether their first language is English; and
 - (c) of whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (5) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
- (a) of whether the person’s first language is English; and
 - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (6) But a copy of the notification must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the child or young person to do so.

10 Appeal against imposition of additional conditions

- (1) The relevant person must, when giving a notification under paragraph 9, also notify the young offender in writing of their right –
- (a) to appeal to the Youth Court against the decision to impose additional conditions; and
 - (b) to receive reasonable assistance, for the purpose of making the appeal, from a person appointed by –
 - (i) the Governor, if a young offender is a young adult or young person who prior to release was serving their sentence in the prison or a young offender institution; or
 - (ii) the secure accommodation manager, if a young offender is a child or young person who prior to release was serving their sentence in secure accommodation.
- (2) The notification to the young offender must be in a form that takes account, so far as practicable –
- (a) of their age and maturity;
 - (b) of whether their first language is English; and
 - (c) of whether they have a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (3) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
- (a) of whether the person’s first language is English; and
 - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.

- (4) But a copy of the notification must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the child or young person to do so.
- (5) A person with parental responsibility may appeal on the child's or young person's behalf.
- (6) An appeal may be made on the ground only that the relevant person's decision to impose additional conditions was unreasonable in all the circumstances of the case.
- (7) An appeal must –
 - (a) be made by application in writing to the Judicial Greffier;
 - (b) contain reasons for the ground on which the appeal is made;
 - (c) contain a copy of the relevant person's reasons for imposing additional supervision conditions as provided to the young offender under paragraph 8; and
 - (d) be made not later than the end of the period of 21 days beginning with the date on which the young offender was notified of their right to appeal.

11 Determination of paragraph 10 appeals

- (1) The chair of the Youth Court must determine an appeal made under paragraph 10 as soon as practicable after the Judicial Greffier receives the application for appeal.
- (2) Before determining an appeal, the chair must consider the relevant person's reasons for their decision.
- (3) The chair may –
 - (a) confirm or overturn the relevant person's decision to impose additional conditions;
 - (b) order the relevant person to reconsider their decision and to have regard to opinions expressed by the chair.

12 Offence of non-compliance with supervision conditions

- (1) If a young offender fails, without reasonable excuse, to comply with supervision conditions, they commit an offence and –
 - (a) if they are a young adult, a young person or a child, they are liable to a fine of level 2 on the standard scale; or
 - (b) if they are a young adult or a young person, they are liable to an appropriate custodial sentence for a term of up to 30 days.
- (2) A young offender who is a young adult or young person released from an appropriate custodial sentence imposed under sub-paragraph (1)(b) is not liable to a period of supervision as a result of receiving that sentence.
- (3) In this paragraph, "appropriate custodial sentence" means –
 - (a) a sentence of imprisonment if the young offender is aged 21 or over when sentenced; or
 - (b) a sentence of youth detention in –

- (i) an appropriate place of custody if a young offender is a young person when sentenced; or
- (ii) the prison or a young offender institution if a young offender is a young adult when sentenced.

SCHEDULE 2

(Article 9(2))

PART 1

TEMPORARY RELEASE AND RECALL

1 Interpretation of Schedule 2

- (1) In this Schedule –
 - “Prison Rules” means the [Prison \(Jersey\) Rules 2007](#);
 - “temporary release” means release in accordance with paragraph 2;
 - “transitional young offender” means a prisoner serving a sentence who is temporarily released under Rule 64 of the Prison Rules before the commencement of the Amendment Law, and whose temporary release continues on the commencement of the Amendment Law;
 - “written recall” has the meaning given in paragraph 3.
- (2) In the definition “transitional young offender”, “prisoner” has the meaning given in Article 1(1) of the Prison Law.
- (3) For the purposes of paragraphs 3(2) to (7) and 4 to 8, references to a young offender are taken to include a transitional young offender.

2 Temporary release of young offender

- (1) The relevant person may order a young offender’s temporary release from youth custody for a specified period, or for a specified number of times over a specified period (a “temporary release order”).
- (2) The relevant person may attach conditions of release to a temporary release order –
 - (a) to enable the young offender to engage in employment or to receive education or training;
 - (b) to facilitate the young offender’s reintegration into the community; or
 - (c) for any other reason the relevant person considers appropriate in all the circumstances of the case.
- (3) Before ordering the young offender’s temporary release, the relevant person must cause an assessment to be undertaken of their suitability for release and for the purposes of determining –
 - (a) an appropriate date and period of release;
 - (b) the conditions of release, if any.
- (4) The relevant person, after consultation with the Jersey Probation and Aftercare Service or the Minister, may determine that a temporary release

order includes a condition that the young offender, when released, is supervised by a probation officer or another person that the relevant person determines is suitable.

- (5) The relevant person must notify the young offender in writing of the temporary release order and include the specified period of release, or number of releases and conditions of release.
- (6) The relevant person may, if they consider it necessary to do so, modify conditions of release and must notify the young offender in writing of that modification together with reasons.
- (7) In the case of a transitional young offender, the relevant person may modify any conditions that the Minister for Justice and Home Affairs determined under Rule 64 (1) of the Prison Rules in relation to the transitional young offender's temporary release, and sub-paragraphs (6) and (8) to (11) apply accordingly.
- (8) A notification under sub-paragraph (5) or (6) must be in a form that takes account, so far as practicable –
 - (a) of the young offender's age and maturity;
 - (b) of whether the young offender's first language is English; and
 - (c) of whether the young offender has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (9) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
 - (a) of whether the person's first language is English; and
 - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (10) But a copy of the notification must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the young offender to do so.
- (11) In this paragraph, "Jersey Probation and Aftercare Service" means the service of that name, or of any other name by which it may be known, responsible for discharging the function of probation officers.

3 Recall of young offender temporarily released

- (1) The relevant person may, if satisfied in accordance with sub-paragraph (2), order the recall to youth custody of –
 - (a) a young offender temporarily released under paragraph 2; or
 - (b) a transitional young offender.
- (2) The relevant person may order the recall if they are satisfied that it is reasonable in all the circumstances to do so having regard to all or any of the following –
 - (a) the circumstances in which the young offender's temporary release was approved;
 - (b) the conditions of release, if any were attached under paragraph 2;

- (c) evidence that the young offender has, during the period of their release, committed an offence or is likely to do so;
 - (d) other factors that the relevant person considers appropriate.
- (3) The relevant person may order the recall regardless of whether the young offender has failed to comply with a condition.
- (4) The relevant person must order the recall in writing (the “written recall”), and the written recall must include –
 - (a) the reasons for ordering the recall;
 - (b) the place of youth custody to which the young offender is recalled; and
 - (c) the date by which the young offender must present themselves at the place of youth custody to which they are recalled.
- (5) The written recall must be in a form that takes account, so far as practicable –
 - (a) of the young offender’s age and maturity;
 - (b) of whether the young offender’s first language is English; and
 - (c) of whether the young offender has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (6) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the written recall and, so far as practicable, that copy may be in a form that takes account –
 - (a) of whether the person’s first language is English; and
 - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (7) But a copy of the written recall must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the young offender to do so.

4 Police officer to effect written recall

- (1) The relevant person must instruct a police officer to deliver the written recall to the young offender recalled under paragraph 3.
- (2) The police officer, in person, must –
 - (a) inform the young offender that they have been recalled to youth custody; and
 - (b) deliver the written recall to the young offender.
- (3) The police officer must escort the young offender to the place of youth custody by the date specified in the written recall.
- (4) The police officer may arrest the young offender if they resist being escorted.

5 Appeal against modified conditions of temporary release or recall to youth custody

- (1) This paragraph applies to a young offender –
 - (a) whose conditions of temporary release are modified under paragraph 2(6) or (7); or
 - (b) recalled to youth custody under paragraph 3.
- (2) The relevant person giving the written notification under paragraph 2(6), or ordering the written recall must also notify the young offender in writing of their right –
 - (a) to appeal to the Youth Court against the relevant person’s decision –
 - (i) to modify the conditions of temporary release; or
 - (ii) to order their recall; and
 - (b) to receive reasonable assistance, for the purpose of making the appeal, from a person appointed by –
 - (i) the Governor, if a young offender is a young adult or young person recalled to the prison or a young offender institution; or
 - (ii) the secure accommodation manager, if a young offender is a child or young person recalled to secure accommodation.
- (3) The notification must be in a form that takes account, so far as practicable –
 - (a) of the young offender’s age and maturity;
 - (b) of whether the young offender’s first language is English; and
 - (c) of whether the young offender has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (4) A person with parental responsibility for a young offender who is a child or young person may be given a copy of the notification and, so far as practicable, that copy may be in a form that takes account –
 - (a) of whether the person’s first language is English; and
 - (b) of whether the person has a mental, physical or sensory impairment, learning disability or difficulty or a condition affecting their ability to communicate, understand or process information.
- (5) But a copy of the notification must not be given to a person with parental responsibility if the relevant person considers that it would not be in the best interests of the young offender to do so.
- (6) A person with parental responsibility may appeal on the young offender’s behalf.
- (7) An appeal may be made on 1 of the following grounds only –
 - (a) that the relevant person’s decision to modify the conditions of temporary release, if any, was unreasonable in all the circumstances of the case;
 - (b) that the relevant person’s decision to recall the young offender was unreasonable in all the circumstances of the case.
- (8) An appeal must –
 - (a) be made by application in writing to the Judicial Greffier;

- (b) contain reasons for the ground on which the appeal is made;
- (c) contain a copy of the written reasons for the relevant person's decision as provided to the young offender under paragraph 2 or 3; and
- (d) be made not later than the end of the period of 21 days beginning with –
 - (i) the date on which the young offender was notified under paragraph 2(6) of the relevant person's modification of the conditions of release; or
 - (ii) the date the young offender presented themselves at the place of youth custody to which they were recalled.

6 Determination of paragraph 5 appeals

- (1) The chair of the Youth Court must determine an appeal made under paragraph 5 as soon as practicable after the Judicial Greffier receives the application for appeal.
- (2) Before determining an appeal, the chair must consider the relevant person's reasons for their decision.
- (3) The chair may, in respect of an appeal against a decision to modify the conditions of release under paragraph 2 –
 - (a) confirm or overturn the relevant person's decision; or
 - (b) order the relevant person to reconsider their decision and to have regard to opinions expressed by the chair.
- (4) The chair may, in respect of an appeal against a decision to recall the young offender to youth custody under paragraph 3 –
 - (a) confirm or overturn the relevant person's decision; or
 - (b) order the relevant person to reconsider their decision and to have regard to opinions expressed by the chair.

PART 2

MISCELLANEOUS PROVISIONS

7 Young offender unlawfully at large from youth custody

- (1) A young offender is unlawfully at large if they –
 - (a) fail to return to youth custody –
 - (i) in accordance with the conditions imposed in respect of their temporary release or, if they are a transitional young offender, under Rule 64 of the Prison Rules;
 - (ii) on or before the expiry of the period for which the young offender was temporarily released;
 - (iii) by the date specified in the written recall;
 - (iv) in compliance with an order of the Minister for Justice and Home Affairs under Rule 64(2) of the Prison Rules, if they are a transitional young offender; or

- (b) escape from youth custody.
- (2) Sub-paragraph (3) applies if a young offender is unlawfully at large at any time during the period for which they are liable to be detained in accordance with their sentence.
- (3) Unless the Minister or, if the young offender is a young adult, the Minister for Justice and Home Affairs otherwise directs, in calculating the period for which the young offender is liable to be detained, no account must be taken of any time during which they are unlawfully at large from youth custody.
- (4) A young offender who is unlawfully at large is liable to be arrested and returned to youth custody by a police officer.

8 Regulation and management of secure accommodation

- (1) The States may, by Regulations, provide for –
 - (a) the regulation and management of secure accommodation provided under Article 22A of the [Children \(Jersey\) Law 2002](#); and
 - (b) the assessment, treatment, discipline, control, care and reintegration back into the community of young offenders who are children or young people detained in secure accommodation whether –
 - (i) pending their first court appearance after being charged;
 - (ii) on remand; or
 - (iii) serving their sentence.
- (2) Regulations may include provision for a young offender to be required –
 - (a) to be measured;
 - (b) to be photographed;
 - (c) to have their fingerprints taken; or
 - (d) to have other measurements taken for the purposes of compiling biometrical information about them.
- (3) Regulations that provide for a requirement described in sub-paragraph (2) must also provide for –
 - (a) the manner in which the requirement is to be imposed;
 - (b) the keeping and destruction of a record of information obtained in respect of the young offender; and
 - (c) the record of the information referred to in clause (b) to be kept confidential unless its release is authorised under the Regulations.
- (4) Regulations may include a power for the Minister to direct a secure accommodation manager about the exercise of anything that may or must be done under the Regulations.
- (5) Regulations may disapply the operation of Regulations made under the [Regulation of Care \(Jersey\) Law 2014](#) if those Regulations are incompatible with Regulations made under this paragraph.
- (6) The States may, by Regulations, amend this paragraph to amend the scope of Regulations that may be made under this paragraph.

22 Schedule (constitution and procedures of Youth Court) substituted

For the Schedule there is substituted –

SCHEDULE 3

(Article 24)

CONSTITUTION AND PROCEDURES OF YOUTH COURT**1 Appointment of members and constitution of Youth Court**

- (1) The Superior Number of the Royal Court must appoint people, other than the Magistrate, to a panel (the “Youth Court Panel”) to serve as members of the Youth Court.
- (2) A person appointed to the Youth Court Panel must, on appointment, take an oath to discharge the duties required of that appointment well and faithfully.
- (3) Appointment to the Youth Court Panel is for a term of not more than 10 years.
- (4) An appointment of less than 10 years may be renewed if the initial and renewed term of appointment do not exceed 10 years in total.
- (5) If a person is reappointed to the Youth Court Panel following a break in service, previous periods of appointment must be aggregated for the purposes of calculating the total 10-year period of appointment.
- (6) A person appointed to the Youth Court Panel must retire on or before their 70th birthday.
- (7) The Superior Number of the Royal Court may, as it considers necessary, determine –
 - (a) the number of people it appoints to the Youth Court Panel at any time; and
 - (b) the termination of an appointment to the Youth Court Panel.
- (8) The Youth Court is constituted of 3 members, 1 of whom is the Magistrate.
- (9) The Magistrate is the chair of the Youth Court.
- (10) There must be at least 1 female and at least 1 male member of the Youth Court.
- (11) The Youth Court may be constituted by the chair sitting alone for the purposes of –
 - (a) dealing with the remand of a defendant, the adjournment of a matter, an application for bail or an application in connection with bail;
 - (b) exercising any function under the Criminal Procedure Law that does not involve –
 - (i) a determination under Article 25, 26 or 27 of the Criminal Procedure Law (concerning the sending of a defendant for sentencing or trial before the Royal Court);
 - (ii) the hearing of a defendant’s trial (including a hearing, if required, under Article 78 of the Criminal Procedure Law to determine facts disputed); or

- (iii) the sentencing of a defendant;
- (c) determining an appeal made under Schedule 1, paragraph 10, or Schedule 2, paragraph 5.

2 Proceedings

- (1) If, during proceedings before the Youth Court, a member of the Youth Court, other than the chair, absents themselves –
 - (a) that member is no longer permitted to participate in the proceedings; but
 - (b) the Youth Court remains constituted for those proceedings if it consists of the chair and the other remaining member.
- (2) If proceedings are adjourned after a defendant has been convicted, but before they are sentenced or otherwise dealt with, the Youth Court that sentences or deals with the defendant need not consist of the same members of the Youth Court that convicted the defendant.
- (3) Sub-paragraph (4) applies if the Youth Court is sitting to sentence, or otherwise deal with a defendant, and it consists of members who were not members of the Youth Court that convicted the defendant.
- (4) The Youth Court must, before sentencing or otherwise dealing with the defendant, make inquiries into the facts and circumstances of the case to enable the members, who were not members of the Youth Court that convicted the defendant, to be fully briefed about the case.
- (5) The chair must determine the conduct of the proceedings for the determination of an appeal in accordance with Schedule 1, paragraph 11 and Schedule 2, paragraph 6, and may for that purpose issue procedural rules or practice directions.

3 Decisions of Youth Court

- (1) The Youth Court's decision on all matters must be –
 - (a) by a majority of the members; and
 - (b) pronounced by the chair, or another member at the request of the chair.
- (2) No other member of the Youth Court is permitted to make a separate pronouncement on a matter.
- (3) If, at a sitting of the Youth Court, the Court is constituted by the chair and 1 other member –
 - (a) the Youth Court's decision must, in the event of a disagreement between the chair and that other member, be the chair's decision; and
 - (b) the chair must pronounce the decision.
- (4) If, either during or after a hearing, and before the determination of a matter before the Youth Court, it appears to the chair that there is, or is likely to be, a difference of opinion between the members, the chair –
 - (a) must cause the deliberations on the matter to be conducted in private; and
 - (b) may, if the chair thinks fit, adjourn the hearing for that purpose.

PART 2

MISCELLANEOUS AMENDMENTS AND CLOSING PROVISION

23 Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016 amended

- (1) This Article amends the Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016.
- (2) In Regulation 1 (interpretation) –
 - (a) for the definition “decision” there is substituted –

“decision” means a decision or determination of the Panel under Article 18 of, or Schedule 1 or Schedule 2 to, the Law;
 - (b) after the definition “department” there is inserted –

“Law” means the Criminal Justice (Young Offenders) (Jersey) Law 2014;
 - (c) after the definition “States’ employee” there is inserted –

“young offender” means a child or young person who is sentenced to youth detention.
- (3) For Regulation 6 (appeals against decisions of the Panel) there is substituted –

6 Appeals against decisions of the Panel

- (1) This Regulation does not apply in respect of a decision of the Panel –
 - (a) to impose additional conditions within the meaning of Schedule 1, paragraph 1, to the Law;
 - (b) to modify conditions of temporary release under Schedule 2, paragraph 2, to the Law; or
 - (c) to recall a young offender to youth custody under Schedule 2, paragraph 3, to the Law.
- (2) A young offender, or a person with parental responsibility for a young offender, may appeal to the Minister if they are aggrieved by a decision of the Panel.
- (3) An appeal may be made on the ground only that the Panel’s decision is not in the best interests of the young offender.
- (4) An appeal must be made in writing to the Minister not later than 21 days after the date of the Panel’s decision.
- (5) The Minister may allow a longer period for making an appeal if they are satisfied that it is desirable in the interests of justice to do so.
- (6) On hearing the appeal, the Minister must, with reasons –
 - (a) confirm the Panel’s decision; or
 - (b) direct the Panel to reconsider its decision if the Minister considers that the decision was not in the best interests of the young offender.

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

In Article 1(1) (interpretation and application) of the [Criminal Procedure \(Jersey\) Law 2018](#), for the definition “Youth Court Panel” there is substituted –

“Youth Court Panel” has the meaning given in Article 1(1) of the Young Offenders Law.

25 [Prison \(Jersey\) Law 1957](#) amended

- (1) This Article amends the [Prison \(Jersey\) Law 1957](#).
- (2) In Article 17(1) (remission for good conduct and release on licence of persons sentenced to terms of imprisonment), “or youth detention” and “or a young offender institution” are deleted.
- (3) In Article 29 (rules and directions for the management of the prison and other institutions), in the heading, “and other institutions” is deleted.
- (4) For Article 30 (persons unlawfully at large) there is substituted –

30 Persons unlawfully at large

- (1) If a person sentenced to imprisonment, or committed to the prison, is unlawfully at large, they may be arrested by a police officer and taken to the prison.
- (2) Paragraph (3) applies if a person sentenced to imprisonment is unlawfully at large at any time during the period for which they are liable to be detained in accordance with their sentence.
- (3) Unless the Minister otherwise directs, in calculating the period for which the person is liable to be detained, no account must be taken of any time during which they are unlawfully at large from the prison.
- (4) Paragraphs (2) and (3) also apply to a person who is detained in custody in default of payment of a sum of money as if they were sentenced to imprisonment.
- (5) Paragraph (6) applies to a person who, after being temporarily released in accordance with Rules made under Article 29(5), is at large at any time during the period for which they are liable to be detained in accordance with their sentence.
- (6) A person is taken to be unlawfully at large –
 - (a) if the period for which they were temporarily released has expired; or
 - (b) if an order recalling the person to prison has been made by the Minister in accordance with the Rules.
- (7) This Article does not apply to a person who is a young adult or young person within the meaning of Article 1(1) of the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).

26 [Prison \(Jersey\) Rules 2007](#) amended

- (1) This Article amends the [Prison \(Jersey\) Rules 2007](#).
- (2) In Rule 63 (remission of sentence) –

- (a) in paragraphs (1), (2) and (3), “or youth detention” is deleted;
- (b) paragraphs (2A) and (2B) are deleted.
- (3) In Rule 64(1) (temporary release), “or youth detention” is deleted.

27 Citation and commencement

This Law may be cited as the Criminal Justice (Young Offenders) (Jersey) Amendment No. 2 Law 202- and comes into force on a day to be specified by the Minister for Justice and Home Affairs by Order.