

# STATES OF JERSEY



Jersey

## **DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT LAW 202-**

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**Lodged au Greffe on 13th January 2026  
by the Minister for Justice and Home Affairs  
Earliest date for debate: 24th February 2026**

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**STATES GREFFE**



Jersey

## **DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT 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 Crime (Public Order) (Jersey) Amendment 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: 9th January 2026

## REPORT

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### Background

This amendment to the [Crime \(Public Order\) \(Jersey\) Law 2024](#) is intended to allow the justice system to better address threats of sexual harm.

To achieve this, the law expands the definition of a criminal threat to include threats to commit the most serious sexual offences.

### The ‘Threats’ Offence

The Taskforce took as its definition of violence against women and girls (VAWG) the text in Article 1 of the United Nations Declaration (1993) on the Elimination of Violence Against Women, which reads in part –

*“Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts...”*

Currently, the Public Order Law provides that threats meet the criminal threshold if they are to ‘kill, rape or cause serious physical injury to any person’. Although the Taskforce did not make an explicit recommendation to this effect, it has been noted that there is a gap between the well-established international understanding of what constitutes VAWG and the way in which our threats offence is constructed. Currently, threats to commit sexual offences that do not constitute rape would only be treated as criminal if they met the alternative threshold of ‘serious physical harm’.

To address this, the Amendment would expand that threats offence to also capture threats relating to non-consensual sexual penetration, causing sexual acts, all sexual offences against children, and threats to carry out female genital mutilation offences.

### Timescale

If adopted, this Amendment will come into force by Commencement Order once the necessary preparations for implementation have been made.

### Financial and staffing implications

The proposed introduction of this new law, which forms one component of a wider package of five pieces of legislation related to addressing crimes associated with violence against women and girls, comes at a time when the criminal justice system is already under significant pressure. Following the publication of the VAWG Taskforce report, and the subsequent inclusion of the implementation of the VAWG Taskforce’s recommendations as a CSP priority, there has been a significant uptick in the reporting of VAWG-related crimes in Jersey. According to data collected by the States of Jersey Police, the number of VAWG-related reported crimes has increased by 27% in the last three years. This reporting increase is thought to be largely attributable to the high-profile nature of VAWG resulting in an increase in general awareness and public confidence.

This increase in reporting has already placed criminal justice agencies and victim support services under significant strain.

- Victim support services have expressed a need for new dedicated clinical leadership so that their service is appropriately resourced to cope with demand. This new post will be

crucial to ensuring that the Sexual Assault Referral Centre in Jersey is able to operate safely and in line with national standards.

- La Moye Prison is currently experiencing intense population pressures, noted as an extreme risk on the States of Jersey Prison Service risk register. At time of reporting, the prison is at 92% overall occupancy. The Vulnerable Prisoner Unit, which accommodates most prisoners convicted of sexual offences, reached full capacity in February 2025 and a temporary expansion was put in place to increase capacity from 59 to 63. Despite increased capacity, the Unit has maintained an average occupancy rate of 95% from 1 February 2025, with just one bed available at the time of reporting.

It is important to recognise that demands on the system will only continue to rise as new legislation is brought forward.

Detailed analysis has been undertaken by the States of Jersey Police, other criminal justice partners and Treasury and Exchequer to assess the cost of increased demand further to the implementation of these laws.

This analysis, which is based on assumptions, indicates a high level range of 199-369 new crimes per year (by second year of implementation) resulting in a total revenue cost of £3 million - £7 million.

(NB this is revised from 275-300 new crimes per year included in Financial Assessment on lodging the Laws, following further analytical work).

The estimated revenue impact, for low, medium and high impact scenarios, is included below:

	2027	2028	2029	2030
Low Range	1,701	3,039	3,193	3,327
Central	2,598	5,209	5,545	5,937
Higher Range	3,495	7,255	7,855	8,426

The level of resourcing ultimately required will depend on the incidence and severity of offending that is reported, though it is expected to fall within the range identified. Ministers have agreed that funding should be linked to actual demand once the legislation is in force, with resources phased in as necessary to maintain effective service delivery across the criminal justice system.

A demand-led funding model is being developed, which will be recommended for incorporation into Budget 2027–30. This is likely to involve some funding being held in the Central Reserve and released as required to match resources to workload.

In respect of the specific implications of the Crime (Public Order) (Jersey) Amendment Law 202-, initial analysis undertaken to predict the impact on the States of Jersey Prison Service forecasts that there will be no immediate impact.

### 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.

### Data Protection Implications

An initial Data Protection Impact Assessment was undertaken. This was reviewed by the Information and Data Security Team. It concluded that the amendments do not have a high impact on the rights and freedoms of the individuals affected and a full DPIA not required.

**Human Rights**

The notes on the human rights aspects of the Draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not, be taken as legal advice.

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**Re-issue Note**

This proposition has been re-issued to add an additional financial assessment on page 4.

**APPENDIX TO REPORT****Human Rights Notes on the Draft Crime (Public Order) (Jersey) Amendment Law 202-**

These notes have been prepared in respect of the Draft Crime (Public Order) (Jersey) Amendment 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, in the form reviewed by them, 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 would, if adopted, substitute a new Article 4 for the existing provision in the Crime (Public Order) (Jersey) Law 2024 (the “2024 Law”) addressing threats to kill, rape or cause serious physical injury. The substituted provision, new Article 4, would restructure the existing provision slightly and, in place of the reference of a threat to ‘rape’ in paragraph (1)(b) of the Article, would introduce a reference to specific offences contained in the Sexual Offences (Jersey) Law 2018, namely rape (which is referred to in the existing provision but would now be cited with reference to its statutory provision in Article 5 of the 2018 Law), sexual penetration without consent (Article 6 of the 2018 Law), and the offences detailed in Parts 3, 4 or 8 of the 2018 Law. There is no change to the penalty for the offence (imprisonment for a term of 10 years and a fine).

The effect of the amendment to the 2024 Law is to expand the offence in Article 4 of the 2024 Law by including additional sexual offences within its scope. This amendment is not considered to raise any material ECHR compatibility issues, in particular with Article 7 ECHR – the amendment to the offence is clear such that the criminal conduct covered by the offence remains sufficiently certain and ascertainable, and the application of the penalty in paragraph (2) to the expanded criminal conduct is proportionate to the offending involved and is not arbitrary.

## EXPLANATORY NOTE

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This Law, if adopted, would amend the Crime (Public Order) (Jersey) Law 2024 to extend the offence of threatening to rape a person to cover threats to commit most sexual offences.

*Article 1* states that this Law amends the Crime (Public Order) (Jersey) Law 2024.

*Article 2* amends the existing offence of threatening to kill, rape or cause serious physical injury to a person to include threats of committing an offence under Article 6 (sexual penetration without consent), or Part 3, 4 or 8 of the Sexual Offences (Jersey) Law 2018 against any person.

*Article 3* gives the name of this Law and provides that it will come into force on a day to be specified by Order by the Minister for Justice and Home Affairs.



Jersey

## **DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT LAW 202-**

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Jersey

## DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT LAW 202-

A **LAW** to amend the [Crime \(Public Order\) \(Jersey\) Law 2024](#) to amend the offence of threatening to kill, rape or cause serious physical injury.

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<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 –

### 1 [Crime \(Public Order\) \(Jersey\) Law 2024](#) amended

This Law amends the [Crime \(Public Order\) \(Jersey\) Law 2024](#).

### 2 **Article 4 (threats to kill, rape or cause serious physical injury) substituted**

For Article 4 there is substituted –

#### **4 Threats to kill, cause serious physical injury or commit sexual offence**

- (1) A person commits an offence if –
  - (a) without lawful excuse, the person threatens another person by any means, intending the other person to believe that the threat would be carried out; and
  - (b) the threat is to –
    - (i) kill or cause serious physical injury to any person; or
    - (ii) commit an offence under Article 5 (rape), Article 6 (sexual penetration without consent), or Part 3, 4 or 8 of the [Sexual Offences \(Jersey\) Law 2018](#) against any person.
- (2) A person who commits an offence is liable to imprisonment for 10 years and to a fine.

**3 Citation and commencement**

This Law may be cited as the Crime (Public Order) (Jersey) Amendment Law 202- and comes into force on a day to be specified by the Minister for Justice and Home Affairs by Order.