

STATES OF JERSEY



DRAFT CRIME (PUBLIC ORDER) (JERSEY) AMENDMENT LAW 202- (P.9/2026): COMMENTS

**Presented to the States on 9th March 2026
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

Background context

Within the Government of Jersey's 2024–2026 Common Strategic Policy, a stated priority is to implement the recommendations of the Violence Against Women and Girls ('VAWG') Taskforce report, which was published in November 2023. The Draft Crime (Public Order) (Jersey) Amendment Law 202- (the 'draft Law') is one of five pieces of legislation lodged by the Minister for Justice and Home Affairs on 13th January 2026 to address some of the recommendations of that VAWG Taskforce report.

As set out in the report accompanying the proposition, the draft Law is intended to allow the justice system to better address threats of sexual harm. The change proposed by the draft Law was not a specific recommendation of the VAWG Taskforce report, however, it reflects action towards Recommendation 8, namely:

The Government of Jersey should strengthen legislation to combat sexual harassment and misogynistic behaviour towards women and girls in public spaces. In doing so, the Government of Jersey should draw on the recent work of Scotland and the UK to inform its approach on how best to improve women's safety in the public sphere.¹

The Panel was initially briefed about the draft Law on 12th February 2025. A public hearing with a focus on VAWG was held with the Minister for Justice and Home Affairs on 16th July 2025. The Panel received a further briefing prior to the lodging of the draft Law on 17th December 2025.

What will the draft Law do?

The draft Law will amend the Crime (Public Order) (Jersey) Law 2024 to change the offence of threatening to kill, rape or cause serious physical injury. At present, under the current Crime (Public Order) (Jersey) Law 2024, it is an offence to threaten to kill, rape or cause serious injury to any person, however, the law does not include offences as a result of threats to commit sexual offences that are not rape unless they meet the threshold for serious physical harm. Therefore, it is not an offence to threaten non-sexual penetration, causing sexual acts, sexual offences against children and threats to carry out female genital mutilation. The draft Law includes these as offences through a change to Article 4 of the Crime (Public Order) (Jersey) Law 2024.

Queries from the Panel

Consultation

The Panel had learned during the public hearing on 29th January 2026 that the usual consultation process had not been required for this (and other pieces of VAWG legislation) due to the original work done by the VAWG Taskforce.² The Panel therefore asked the Minister for Justice and Home Affairs to describe the advice received which

¹ [“It's a Hidden Problem” The issue of Violence Against Women and Girls in Jersey: A report by the Taskforce on Violence Against Women and Girls](#), November 2023

² [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p.10

identified the gaps in the current ‘threats’ offence legislation. The Minister advised that engagement had taken place with key stakeholders across the criminal justice system who would be involved in implementing the new laws, and that one of the points identified by a detailed review of the current legislative framework was the amendment to the drafting of Article 4 of the Crime (Public Order) (Jersey) Law 2024 to include threats to commit other sexual offences.³

Impact on children

The Children’s Rights Impact Assessment (CRIA) accompanying the draft Law proposition details that this decision could impact all children and young people. It details that the change will positively impact children and young people’s protection from discrimination which is, more often, experienced by girls.

The CRIA states that the draft Law does not seek to criminalise children who engage in the unlawful behaviours and that the policy intent is clear that the courts should take a child’s age into account when deciding sentences. However, a submission received from the Office of the Children’s Commissioner for Jersey (OCCJ) highlights that it has a number of concerns for the unintended criminalisation of children in relation to the draft law. The submission acknowledges that, whilst the CRIA notes that the policy intent is not to criminalise children and take age into account when sentencing, it highlights that:

*policy intent alone does not guarantee protection in practice. Without clear legal provisions or guidance, there is limited assurance that children will be consistently safeguarded across proceedings.*⁴

As a way to mitigate this risk the OCCJ suggests that “*guidance, including a directive from the Attorney General, should be developed in relation to how children will be dealt with where they are subject to the draft Laws.*”⁵ This would ensure consistency and child-centred and proportionate interpretation by professionals where required. They also highlighted that this would be in line with the Building a Safer Community Youth Justice Roadmap.⁶

The Panel agrees that this approach would be beneficial. While it recognises that the Minister for Justice and Home Affairs will have limited capacity to comment on proposed work for the Attorney General, it considers that an update to the Assembly on whether this could form part of the operational preparedness for implementing the law would be helpful.

Financial impact on Government provided services

The proposition report notes potential wide impact on Government services in the ‘Financial and staffing implications’ section, as it is indicted that “the criminal justice system is already under significant pressure”⁷ and that the number of VAWG-related

³ [Letter](#) – Minister for Justice and Home Affairs to CEHA Scrutiny Panel – 13th February 2026

⁴ [Submission](#) – Office of the Children’s Commissioner for Jersey – VAWG Legislation – 13th February 2026

⁵ Ibid

⁶ Ibid

⁷ Report accompanying re-issued ‘Draft Crime (Public Order) (Jersey) Amendment Law 202-’ [\[P.9/2026\]](#), p.3

reported crimes has increased by 27% in the last 3 years.⁸ The re-issued proposition report notes that the demands on the system will increase as new legislation is brought forward and estimates that up to 369 additional crimes are likely to be recorded in the second year of implementation, resulting in a total revenue cost of £3 million - £7 million.

During the public hearing on 29th January 2026 the Panel had asked for more information on the financial implications and the Minister for Justice and Home Affairs indicated that development of an investment plan in relation to all the resources requires and all the services impacted was ongoing.⁹ The Panel asked for further details in writing following the hearing and the Minister responded to explain that:

Assumptions then need to be made about how many cases this will equate to in each part of the system, and how the increase will be seen in phases. This has recently (on Wednesday 11 February) been discussed at the Criminal Justice Systems Board (reconvened for the first time in some years, as previously discussed with the Panel), and members of the Criminal Justice Working Group are considering their respective requirements.¹⁰

In the letter dated 13th February 2026 the Minister also confirmed that “it is expected that most functions of the criminal justice system will need an increase in staff.”¹¹ Together with other anticipated investments and modernisations impacting digital storage, prison accommodation and court facilities.

The Minister for Justice and Home Affairs re-issued the report with the proposition on 9th March 2026 in order to reference updated financial analysis which had been undertaken to assess the impact of the draft Law and the other proposed legislative updates collectively. The table provided in the re-issued report details the range of cost which could be incurred through low / central / higher levels of offending and crime. The table is copied below for ease of reference:

	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

12

The Panel also notes that the Government intends to create a demand-led funding model which will be included in the next Government Budget, for 2027 – 2030.

⁸ Ibid

⁹ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p.11

¹⁰ [Letter](#) – Minister for Justice and Home Affairs to CEHA Scrutiny Panel – 13th February 2026

¹¹ Ibid

¹² Report accompanying re-issued ‘Draft Crime (Public Order) (Jersey) Amendment Law 202-’ [[P.9/2026](#)], p.4

The Panel has also received confidential letters from the States of Jersey Prison Service, the States of Jersey Police, and sexual assault support services to provide further breakdown of detail in respect of the financial implications for each of those services.

Operational preparedness

If approved by the States Assembly, the draft Law will be brought into force by Ministerial Order. The Minister for Justice and Home Affairs has advised the Panel that there will be “*probably no barrier to rapid implementation*”¹³ of the draft Law. However, as highlighted above and recommended by the OCCJ submission, guidance relating to offenders who are children or young people should be specifically prepared in relation to the draft Law.

Furthermore, the Panel highlights that in relation to the draft Law and, also, the other four pieces of VAWG legislation, further investment across the criminal justice system will be required to support operational requirements. The Minister has suggested that this may require a phased approach.¹⁴

Conclusion

The Panel is supportive of the draft Law and its intended effect to widen the scope of the threats offence to include those made in relation to serious sexual offences, noting that the next Government Budget will need to address the matter of further funding across the criminal justice system in order to adequately deliver on the draft Law and other VAWG legislation.

The Panel would like the Government to commit to the development of suitable accompanying guidance in relation to the draft Law (and any other VAWG-related legislation currently under consideration) to help ensure that a child-centred approach is applied in cases involving potential or suspected child or young offenders.

Statement under Standing Order 37A

These comments were submitted after the noon deadline as the Panel received the updated financial analysis information in the afternoon of Wednesday 4th March 2026 and morning of Thursday 5th March 2026. Combined with the earlier commencement of the States Assembly sitting (now expected on Monday 9th March 2026), we have not been able to process the information, finalise, and publish the comments by the deadline.

¹³ [Letter](#) – Minister for Justice and Home Affairs to CEHA Scrutiny Panel – 13th February 2026

¹⁴ Ibid