

STATES OF JERSEY



Jersey

DRAFT CRIMINAL JUSTICE (PROCEDURES) (JERSEY) AMENDMENT LAW 202- (P.38/2026): AMENDMENT

**Lodged au Greffe on 10th March 2026
by the Minister for Justice and Home Affairs
Earliest date for debate: 24th March 2026**

STATES GREFFE

DRAFT CRIMINAL JUSTICE (PROCEDURES) (JERSEY) AMENDMENT LAW 202-
(P.38/2026): AMENDMENT

1 PAGE 25, ARTICLE 11 –

In Article 11, in inserted Article 75A(6), for “7 days” substitute “14 days”.

2 PAGE 26, ARTICLE 12 –

(1) Delete Article 12(1).

(2) In Article 12(2), for substituted Article 83(5) substitute –

(5) Paragraph (5A) applies if the court has not, under paragraph (3), dispensed with the requirement to give a defence case statement, and it appears to the Magistrate or Bailiff that –

(a) the defendant has not given a defence case statement as required under paragraph (1); or

(b) the defendant’s defence case statement, although given as required under paragraph (1), does not comply with paragraph (2).

(3) Renumber the subsequent paragraphs accordingly.

MINISTER FOR JUSTICE AND HOME AFFAIRS

REPORT

Together with some more significant changes, the draft Criminal Justice (Procedures) (Jersey) Amendment Law 202- (the [Amending Law](#)) makes a number of minor and administrative improvements to the operation of the [Criminal Procedure \(Jersey\) Law 2018](#).

This proposition would partially remove a change proposed in that Amendment regarding defence case statements.

A defence case statement is a document served by the defence in criminal trials outlining the defendant's case. Before the Amending Law, the Criminal Procedure Law only allows a court to dispense with the requirement to submit one where the defendant is unrepresented.

The Amending Law would allow courts discretion to permit defendants to decline to give such statements whether they are legally represented or not, as well as allowing the courts greater flexibility in determining whether costs should be awarded when a trial becomes longer and more complicated than necessary because one is not provided when it should be.

It is true that allowing courts to waive the requirement for defendants (whether represented or not) to submit a defence case statement may increase their flexibility to react to rare or special circumstances. However, following further consultation with practitioners in the justice system, concerns have been raised that it would create significant new issues.

In particular, if a court could allow a defendant to avoid submitting a case statement even where they have a legal representative, there may be a perverse incentive to encourage defence advocates to make the argument that this waiver should be allowed in their case. While courts might very seldom agree to that, it could add a new phase of argument to a reasonable number of trials, with no meaningful benefit to any party.

Accordingly, this proposition would remove the provision in the Amending Law that would allow a court to waive the requirement for a defence case statement to be submitted by defendants with a legal representative, although it retains, with minor adjustments, the remainder of the changes made by the Amending Law to Article 83 of the Criminal Procedure Law which allow the courts greater flexibility in directing costs arising from not submitting a defence case statement when a defendant is required to do so.

Financial and staffing implications

No financial and staffing implications are anticipated, beyond the possibility that the amendment will prevent the unproductive use of court time.

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 individuals and a full DPIA not required.

Children's Rights Impact Assessment

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