

STATES OF JERSEY



DRAFT DOMESTIC ABUSE (JERSEY) AMENDMENT LAW 202- (P.7/2026): 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 Domestic Abuse (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 specifically intended to address Recommendation 24 of the VAWG Taskforce report, which included two parts, namely:

- *Emergency barring orders should be re-introduced into the Domestic Abuse (Jersey) Law 2022.*
- *An accountability mechanism for the use of emergency barring orders by the police service should be established in their design.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 existing Domestic Abuse (Jersey) Law 2022 to introduce emergency barring notices and emergency barring orders, which will allow the States of Jersey Police to take earlier action in cases of suspected domestic abuse.

The draft Law will also amend the Criminal Justice (Young Offenders) (Jersey) Law 2014 in order to provide the Youth Court with equivalent powers relating to emergency barring orders applied for against persons who are 16 or 17 years of age and, also, in respect of stalking protection orders (as per the Harassment and Stalking (Jersey) Law 202-).

Emergency Barring Notices ('EBN')

These notices would be issued by a police officer prior to a conviction and would put a number of restrictions in place, for example, preventing the suspected perpetrator from remaining in the same residence as the victim and requiring them to discontinue contact. The physical distance and communication break can help to protect victims from further violence. The notices can be in place for 72 hours, or until the application for a longer-term Emergency Barring Order has been determined.

Emergency Barring Orders ('EBO')

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

These orders are made by the Magistrates Court following an application by the Attorney General. A key point is that there is no requirement for the suspected person to have been convicted of a relevant offence for the order to be issued. This is different to the existing Domestic Abuse Protection Orders ‘DAPOs’, which can be made under the Domestic Abuse (Jersey) Law 2022 (‘DA Law’) to a person who has been convicted of a relevant offence under the DA Law. The EBO may be imposed for up to three months at a time and can be renewed by the court in further three-month periods, with no limit on the number of renewals.

Queries from the Panel

Impact on children

In the submission received from the Office of the Children’s Commissioner for Jersey (‘OCCJ’) it was highlighted that during their briefings from Government about the draft Law during its development, it had been highlighted that it omitted specific reference to the Youth Court in dealing with matters relating to children and young people, which was “*a missed opportunity to build in child-centred safeguards and provisions to the legislation, in line with the principles of the Youth Justice Roadmap.*”² This had subsequently been addressed in the lodged version of the draft Law. The OCCJ explained that this enabled the Youth Court to exercise equivalent powers to the Magistrate’s Court for these offences, which would ensure that children are dealt with in developmentally appropriate settings.

The submission from the OCCJ also highlighted concerns about the potential risk of criminalisation of children under aspects such as the proposed EBNs and EBOs, as these could be applied to children from the age of 16. The OCCJ stated that:

*The application of these orders to children risks drawing them prematurely into the formal criminal justice system. The breach of an order is a criminal offence, meaning that behaviour leading to the breach, which can sometimes be rooted in immaturity, trauma or unmet welfare needs, could escalate into prosecution or even detention. As such our view is that the application of these orders to children should be approached very cautiously.*³

The Panel notes the OCCJ suggested that the Attorney General should develop and issue a directive to accompany guidance detailing how children should be dealt with when they are subject to the draft Law in order to ensure suitable interpretation which ensures a child centred and proportionate approach.⁴

In addition to the potential criminalisation of children, the Panel is also conscious of the impact on children in their position as dependants, or residents in the same household, of an individual, or individuals, who are a party to an EBO. The Panel understands that measures are included, in Article 4F, paragraph (2) of the draft Law, for the court to consider the welfare of relevant individuals under 18 and, also, any other person who lives at the relevant premises. During the briefing, the Panel sought further clarification

² [Submission](#) – Office of the Children’s Commissioner for Jersey – VAWG Legislation – 13th February 2026

³ Ibid

⁴ Ibid

on this support, and it was explained that it would be provided through the normal operation of social services.

Welfare and finances of relevant parties

During the briefing to the Panel, members queried what would happen in certain situations where complexities arose – for example, where a suspected perpetrator’s workplace was also the residence which they could be barred from and / or a situation where the finances of a suspected perpetrator and victim were tied together. Government officers informed the Panel that an element of practical judgement would be required from the Police when enforcing EBNs. For example, officers may need to allow a suspected perpetrator time to pack a bag and ensure that individuals without alternative accommodation are referred to the housing advice service. It was confirmed that operational procedures would be in place to set out the appropriate actions for such scenarios prior to the commencement of the draft Law.

The Panel asked what protection there was in relation to vexatious claims in relation to EBNs and EBOs and was advised that the threshold for EBNs was that a police officer had “reasonable grounds to suspect”⁵, so it was acknowledged that this could be a relatively low bar, however, an EBO was considered by the Magistrates Court and so was issued on the grounds of probability.

Financial and operational 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”⁶ and that the number of VAWG-related reported crimes has increased by 27% in the last 3 years.⁷ 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.⁸ 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.*⁹

⁵ Article 4A, paragraph (1) of the Draft Law

⁶ Report accompanying re-issued ‘Draft Domestic Abuse (Jersey) Amendment Law 202-’
[[P.7/2026](#)], p.9

⁷ Ibid

⁸ [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p. 11

⁹ [Letter](#) – Minister for Justice and Home Affairs – 13th February 2026

In the letter dated 13th February the Minister also confirmed that “*it is expected that most functions of the criminal justice system will need an increase in staff.*”¹⁰ 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

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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.

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.

Timescale for implementation

If approved by the States Assembly, the draft law will be brought into force by Ministerial Order. The Panel was advised at the public hearing on 29th January 2026 that this approach was intended to ensure operational readiness. The Panel had noted that the report accompanying the proposition referenced that approximately 20 EBOs were expected to be issued each year and stated that each one would be time consuming and complex. It was confirmed to the Panel that the analysis of the impact of this work on services was underway.¹² The Panel asked for further detail in writing and the Minister confirmed that the anticipated timescale for commencement would also require the development of rules to outline Court operations in relation to protection orders.

Conclusion

The Panel is supportive of the draft Law and its intended effect to improve the protections available for victims of domestic abuse, prior to any conviction of a suspect, for a relevant offence. The Panel notes that this change will support the Government’s Common Strategic Policy objective to action the VAWG Taskforce recommendations

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

¹¹ Report accompanying re-issued ‘Draft Domestic Abuse (Jersey) Amendment Law 202-’ [\[P.7/2026\]](#), p.10

¹² [Transcript](#) – Quarterly Hearing with the Minister for Justice and Home Affairs – 29th January 2026, p.11

from 2023. However, as with the other items of VAWG legislation being proposed by the Minister for Justice and Home Affairs, the Panel notes 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.

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.
