



Jersey

**SEX OFFENDERS LAW
(MAGISTRATE'S COURT APPEALS)
RULES 2010**

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

23.815.50

Showing the law from 1 January 2019 to Current



Jersey

SEX OFFENDERS LAW (MAGISTRATE'S COURT APPEALS) RULES 2010

Contents

Rule

PART 1	5
INTERPRETATION	5
1 Definitions	5
PART 2	5
APPEAL UNDER ARTICLE 19, 20, 21 OR 22 OF THE LAW	5
2 Application	5
3 Notice of appeal	6
4 Respondent's notice	6
5 Amendment of notice of appeal and respondent's notice	7
6 Directions	7
7 Hearing of appeal	7
PART 3	7
GENERAL PROVISIONS	7
8 Party in custody	7
9 Stay	8
10 Extending or shortening time	8
11 Abandonment	8
12 Citation	8
SCHEDULE	9
FORM 1	9
FORM 2	10
FORM 3	11
FORM 4	12
FORM 5	13

ENDNOTES	14
Table of Legislation History	14
Table of Renumbered Provisions	14
Table of Endnote References	14



Jersey

SEX OFFENDERS LAW (MAGISTRATE'S COURT APPEALS) RULES 2010

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 29(2) of the Sex Offenders (Jersey) Law 2010 and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [[see endnotes](#)]

PART 1

INTERPRETATION

1 Definitions

In these Rules, unless the context otherwise requires –

“appeal” and “appellant” have the meanings given in Rule 2(2);

“Greffier” means the Judicial Greffier;

“Law” means the Sex Offenders (Jersey) Law 2010;

“respondent” has the meaning given in Rule 2(2).

PART 2

APPEAL UNDER ARTICLE 19, 20, 21 OR 22 OF THE LAW

2 Application

(1) These Rules apply to an appeal to the Royal Court under Article 19, 20, 21 or 22 of the Law.

(2) Accordingly, in these Rules –

“appeal” means any such appeal;

“appellant” means –

- (a) the Attorney General; or
- (b) the offender, notifier or other person the subject of the proceedings under Article 19, 20, 21 or 22 of the Law,

when bringing or intending to bring the appeal;

“respondent” means the Attorney General, offender, notifier or other person, when party to the appeal brought or intended to be brought by the appellant.

3 Notice of appeal

- (1) An appeal shall be commenced by the appellant giving notice of appeal, in accordance with this Rule, not later than 8 days after the day on which the decision appealed against is given.
- (2) The notice required by paragraph (1) must –
 - (a) be in writing in the Form specified in the Schedule appropriate to the appeal;
 - (b) specify the grounds of the appeal; and
 - (c) be signed by the appellant or by his or her advocate,and be sent to the Greffier.
- (3) The Greffier shall send a copy of the notice of appeal to the respondent.
- (4) For the purposes of paragraph (1), where the Magistrate's Court has adjourned the trial of a case after conviction, the day on which the decision appealed against is given shall be taken to be the day on which the Court sentences or otherwise deals with the offender.

4 Respondent's notice

- (1) A respondent who has received a copy of a notice of appeal in accordance with Rule 3(3) may serve a respondent's notice, and must do so if –
 - (a) the respondent wants to make representations to the Royal Court; or
 - (b) the Royal Court so directs.
- (2) The respondent must send the respondent's notice to the Greffier not more than 8 days after –
 - (a) the respondent receives the notice of appeal; or
 - (b) a direction to do so.
- (3) The respondent's notice must –
 - (a) state if the respondent wants to make representations at the hearing of the appeal; and
 - (b) include or attach any application, with reasons, for an extension of time within which to serve the respondent's notice.

- (4) The Greffier shall send a copy of the respondent's notice to the appellant.

5 Amendment of notice of appeal and respondent's notice

A notice of appeal or respondent's notice may be amended with the leave of the Royal Court.

6 Directions

When the respondent's notice has been served, or the time limited for serving it has expired, the Greffier shall –

- (a) make arrangements for the hearing as soon as may be of the appeal by the Royal Court; and
- (b) give such directions to the parties as may be necessary in connection with the hearing, including (but without limiting what directions may be given) directions as to the lodging, in advance of the hearing, of copies of documents, including authorities, and summary arguments that each party intends to put to the Court.

7 Hearing of appeal

When a date has been fixed for the hearing of the appeal, the Greffier shall give notice of the date to the appellant and the respondent or as necessary to the advocate or solicitor of either.

PART 3

GENERAL PROVISIONS

8 Party in custody

- (1) This Rule applies where the offender, notifier or other person who is the appellant or respondent is in custody.
- (2) The person –
 - (a) shall be entitled to be present (if he or she desires it) on the hearing of the appeal; but
 - (b) shall not be entitled to be present at proceedings preliminary or incidental to the appeal unless the person –
 - (i) is given leave by the Royal Court to be present, or
 - (ii) is not legally represented.
- (3) When the Court has heard and dealt with any application in, or on the determination by the Royal Court of, an appeal, if the person has not been present at the application or determination, the Greffier shall give notice of the decision or determination of the Court to the person.

9 Stay

Except so far as the Royal Court may otherwise direct –

- (a) an appeal shall not operate as a stay of execution or of proceedings under the decision appealed from; and
- (b) no intermediate act or proceeding shall be invalidated by an appeal.

10 Extending or shortening time

The Royal Court may extend or shorten the time appointed by these Rules or by any rule of practice for the time being in force for doing anything in connection with an appeal.

11 Abandonment

- (1) An appellant at any time may abandon his or her appeal by written notice to the Greffier, and on such notice being given the appeal shall be taken to have been dismissed.
- (2) Where an appeal is taken to have been dismissed under this Rule, the Royal Court may still make an award of costs.

12 Citation

These Rules may be cited as the Sex Offenders Law (Magistrate's Court Appeals) Rules 2010.

SCHEDULE

(Rule 3(2)(a))

FORM 1

IN THE ROYAL COURT OF JERSEY

On appeal from the Magistrate's Court**NOTICE OF APPEAL AGAINST [REFUSAL OF]¹ CERTIFICATION UNDER
ARTICLE [3(4)] [10(2)] [14(1)] [16(1)]² OF THE SEX OFFENDERS (JERSEY)
LAW 2010 THAT AN OFFENCE WAS SEXUALLY AGGRAVATED****Name of offender** _____

TAKE NOTICE that, on appeal from the decision of the Magistrate's Court given on the day of , 20 [not]³ to certify that the offence (particulars of which are given below) was sexually aggravated, the appellant will ask the Royal Court to order that:⁴

Particulars of offence⁵
(use separate sheet if nec.)

THE GROUNDS of appeal are:⁶
(use separate sheet if nec.)

(Signed)
(Appellant).

Date:.....

¹ Delete if not applicable² Delete as appropriate³ Delete if not applicable⁴ State order applied for⁵ Give full details, including circumstances⁶ State grounds for arguing that the offence did/did not warrant being certified as sexually aggravated

FORM 2

IN THE ROYAL COURT OF JERSEY

On appeal from the Magistrate's Court**NOTICE OF APPEAL AGAINST NOTIFICATION PERIOD SPECIFIED
UNDER ARTICLE [5(1)] [5(2)] [5(3)] [5(7)]⁷ OF THE SEX OFFENDERS
(JERSEY) LAW 2010****Name of notifier** _____TAKE NOTICE that, on appeal from the decision of the Magistrate's Court given on
the day of , 20 specifying the period of⁸.....
that must expire before the notifier may apply to the Magistrate's Court under
Article 5(5) of the Sex Offenders (Jersey) Law 2010 for an order that the notifier no
longer be subject to notification requirements under the said Law, the appellant will
ask the Royal Court to order that:⁹THE GROUNDS of the appeal are:¹⁰
(*use separate sheet if nec.*)(Signed)
(Appellant).

Date:.....

⁷ Delete as appropriate⁸ State period specified by the Magistrate's Court⁹ State order applied for¹⁰ State full grounds

FORM 3

IN THE ROYAL COURT OF JERSEY

On appeal from the Magistrate's Court**NOTICE OF APPEAL AGAINST ORDER UNDER ARTICLE 5(5) OF THE
SEX OFFENDERS (JERSEY) LAW 2010 THAT A PERSON [CONTINUE TO]
[NO LONGER]¹¹ BE SUBJECT TO NOTIFICATION REQUIREMENTS
UNDER THE LAW****Name of person currently subject to notification requirements:**

TAKE NOTICE that, on appeal from the decision of the Magistrate's Court given on the day of , 20 ordering that the said person [continue to] [no longer]¹² be subject to notification requirements under the Sex Offenders (Jersey) Law 2010, the appellant will ask the Royal Court to order that:¹³

THE GROUNDS of the appeal are:¹⁴
(use separate sheet if nec.)

(Signed)
(Appellant).

Date:.....

¹¹ Delete as appropriate

¹² Delete as appropriate

¹³ State order applied for

¹⁴ State full grounds

FORM 4

IN THE ROYAL COURT OF JERSEY

On appeal from the Magistrate's Court**NOTICE OF APPEAL AGAINST [REFUSAL OF]¹⁵ ORDER UNDER
ARTICLE 13(2) OF THE SEX OFFENDERS (JERSEY) LAW 2010 THAT A
PERSON BECOME SUBJECT TO NOTIFICATION REQUIREMENTS****Name of person:**

TAKE NOTICE that, on appeal from the decision of the Magistrate's Court given on the day of , 20 [ordering] [refusing to order]¹⁶ that the said person become subject to the notification requirements of the Sex Offenders (Jersey) Law 2010, the appellant will ask the Royal Court to order that:¹⁷

THE GROUNDS of the appeal are:¹⁸
(*use separate sheet if nec.*)

(Signed)
(Appellant).

Date:.....

¹⁵ *Delete if not applicable*

¹⁶ *Delete as appropriate*

¹⁷ *State order applied for*

¹⁸ *State full grounds*

FORM 5

IN THE ROYAL COURT OF JERSEY

On appeal from the Magistrate's Court**NOTICE OF APPEAL AGAINST [REFUSAL OF]¹⁹ A RESTRAINING ORDER
UNDER ARTICLE [10(4)] [10(5)] [10(11)]²⁰ OF THE SEX OFFENDERS
(JERSEY) LAW 2010****Name of offender:**

TAKE NOTICE that, on appeal from the decision of the Magistrate's Court given on the day of , 20 [making/amending] [refusing to make/amend]²¹ a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010 in respect of the above-named offender, the appellant will ask the Royal Court to order that:²²

THE GROUNDS of the appeal are:²³
(use separate sheet if nec.)

(Signed)
(Appellant).

Date:.....

¹⁹ Delete if not applicable

²⁰ Delete as appropriate

²¹ Delete as appropriate

²² State order applied for

²³ State full grounds

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Sex Offenders Law (Magistrate's Court Appeals) Rules 2010	R&O.130/2010	1 January 2011

Table of Renumbered Provisions

Original	Current
12(1)	12
12(2)	Spent, omitted

Table of Endnote References

There are currently no endnote references