



Attorney General's Guidance to the Media

Article 105 of the Police Procedures and Criminal Evidence (Jersey) Law 2003

Reporting of Committal Proceedings

- 1) The Attorney General is issuing this guidance to all media. The media is reminded that strict restrictions are placed on the reporting of committal proceedings. Breaching those restrictions is a strict liability offence.

Restrictions on reporting

- 2) Paragraph (1) of Article 105 provides that no person may:

- a) publish in Jersey a written report, or
- b) include in a relevant programme for reception in Jersey,

a report of any committal proceedings in Jersey containing any matter other than that permitted by paragraph (6) of the Article.

Definition

- 3) Paragraph (10) of the Article defines committal proceedings as any proceedings before the Magistrate which concern the Magistrate's inquiry into whether to commit an offence for trial before the Royal Court. The restrictions apply from the first appearance of an offender and cease when the case is committed to the Royal Court or the Magistrate decides that she has jurisdiction and begins to hear the case.

Matters that may be published

- 4) Paragraph (6) of the Article provides that the following matters may be reported:

- a) the identity of the Court and the name of the person presiding;
- b) the name, home address, occupation and age of the accused and any witness;
- c) the offence or offences with which the accused is charged, or a summary of them;
- d) the name of the legal representative of the accused and the name of the person presenting the case;
- e) any decision of the Court to commit the accused for trial and any decision of the Court on the disposal of the case of any accused not committed;
- f) where the Court commits an accused for trial, the charge or charges on which the accused is committed;

- g) where the committal proceedings are adjourned, the date to which they are adjourned;
- h) any arrangements as to bail on committal or adjournment; and
- i) whether legal aid has been granted to an accused.

5) This list is exhaustive. No matter other than those listed may be reported. Though not specified in paragraph (6) of the Article, description of the clothing of a defendant has generally been considered acceptable.

Exceptions

6) The only exception to the restrictions outlined above is where the Magistrate's Court has made an order that the restrictions do not apply. Such orders may only be made on the application of the accused.

Offences

7) Contravention of the restrictions in paragraph (1) of the Article is a strict liability offence.

Penalties

8) Breach of the restrictions renders a person or body liable to a fine not exceeding Level 4 on the standard scale of fines. At present, Level 4 is set at £10,000. The following people are liable for a breach of the restrictions:

- a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
- b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it; and
- c) in the case of the inclusion of a report in a relevant programme, any body corporate which provides the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.