

205/3/16

17th May, 1965.

*Dear Newell,*

I regret that I have not been able before now to reply to your letter of the 7th February, with which you enclosed some observations on Part IV of the draft Childrens' Bill.

.. In case you did not keep a copy of your comments, I enclose a typed copy of them, together with my replies, the numbers of my replies corresponding to the numbers of your comments.

Since writing my replies to your comments, I read in the Sunday Times yesterday that the Home Secretary is planning a major reform programme affecting the trial and treatment of young offenders, and that to implement this a new Criminal Justice Bill is likely to be introduced next session.

The three main features of the Bill will be, apparently, the removal of juvenile delinquents under 16 from the atmosphere of the Courts to be dealt with by new agencies of a more social service character; more variety in the methods of treating young offenders; and new methods for treating offenders between 16 and 21 to prevent them coming into close contact with hardened criminals.

In these circumstances, I think that before we meet to discuss the points you raise in Nos. 10 and 11 of your comments, it would be advisable for me to ascertain from the Home Office what form the proposed new Criminal Justice Bill is to take, because it may well be that we shall wish to consider whether, in the light of what is proposed, we ought to make amendments to our Bill. Unless you have any comments to the contrary, that is what I would propose to do.

M. Newell, Esq.,  
Police Court Magistrate.

*M. Newell*

Note on Magistrate's Observations on Part IV of Childrens Bill

The numbers correspond to the numbers in your note.

1 & 2. Agreed.

3. It has been recognised that a Detention Centre with Staff must be set up before the Law comes into force, and the Prison Board will be consulted at a very early date regarding this matter.

4. There would appear to be a potential difficulty in deleting Article 25 completely because any prisoner sent from Jersey to serve his sentence in the United Kingdom is treated in all respects as a prisoner sentenced by a Court in the United Kingdom. If, therefore, a Jersey Court sentenced a person of 20 to two years imprisonment it is probable that the sentence would be "changed" to one or two years Borstal Training. Moreover, the view has always been held that because persons sentenced to 12 months or more serve their sentence in the United Kingdom it is not right that they should serve a sentence there which they could not have received had they been sentenced in the United Kingdom. However, I will try to find out whether the Home Office has received any representation from Magistrates etc., and if so whether they are contemplating changing the procedure. As you say, this is not a matter which affects your Court, but it will be discussed with the Royal Court,

5. I agree, but the problem here will be to get the Childrens Officer and Probation Officer to agree. There is in fact nothing in Article 45 et seq, to prevent police being in uniform.

6. Paragraph 2 is a matter of policy for the Royal Court. But I would point out that in the United Kingdom a child under 17 cannot be sentenced to imprisonment at all. I do not understand your comment on paragraph 3.

7. The Education Committee has asked for the complete deletion of Article 22 and, therefore, there will be no limit on the amount a young offender may be fined.

8. I do not understand your comments on Article 26.

9. Agreed.

10. This is a matter of policy about which I would like to have discussions with you, the Probation Officer and the Childrens Officer.

11. I am inclined to agree with you regarding the Sittings of the Juvenile Court, but here again you will have to convince the Childrens Officer and the Probation Officer. However, the paragraph should not be completely deleted because the latter half is, I would think, important in so far as it makes the Juvenile Court a very much more private affair than the ordinary Magistrate's Court.

12. I am not sure what you have in mind here, but perhaps the insertion at the beginning of the paragraph of the words "subject to the provisions of this Law" might meet your point.

13. I think the words "if at all" should remain, because they make it quite clear that the Court has an absolute discretion in the matter. I do not think that they unduly fetter the Court within the terms of reference which the legislature has laid down.