

GUERNSEY STATUTORY INSTRUMENT

2006 No. 27

The Human Rights (Amendment) Order, 2006

<i>Made by the Policy Council</i>	<i>5th June, 2006</i>
<i>Made by the Policy and Finance Committee</i>	<i>22nd June, 2006</i>
<i>Made by the General Purposes and Finance Committee</i>	<i>22nd June 2006</i>
<i>Coming into operation</i>	<i>1st September, 2006</i>
<i>Laid before the States of Deliberation</i>	<i>2006</i>
<i>Laid before the States of Alderney</i>	<i>2006</i>
<i>Laid before the Chief Pleas of Sark</i>	<i>2006</i>

THE POLICY COUNCIL OF THE STATES OF GUERNSEY, THE POLICY AND FINANCE COMMITTEE OF THE STATES OF ALDERNEY AND THE GENERAL PURPOSES AND FINANCE COMMITTEE OF THE CHIEF PLEAS OF SARK, in exercise of the powers conferred upon them by sections 1(4) and 16 of the Human Rights (Bailiwick of Guernsey) Law, 2000¹, as amended ("the Human Rights Law"), hereby make the following order:-

Amendment of Human Rights Law.

1. (1) In section 1(1)(c) of the Human Rights Law (the Convention rights), for "Articles 1 and 2 of the Sixth Protocol" substitute "Article 1 of the Thirteenth Protocol".

(2) In section 17(1) of the Human Rights Law (interpretation) omit the definition of "the Sixth Protocol" and insert after the definition of "subordinate

¹ Order in Council No. XIV of 2000; amended by No. 1 of 2005. The powers were vested in the Sark General Purposes and Finance Committee by the Sark General Purposes and Advisory Committee (Transfer of Functions) (Guernsey) Ordinance, 2001 (No. XXXVII).

legislation" -

"the Thirteenth Protocol" means the protocol to the Convention (concerning the abolition of the death penalty in all circumstances) agreed at Vilnius on 3rd May 2002, as it has effect for the time being in relation to Guernsey;"

(3) For Part III of Schedule 1 to the Human Rights Law substitute -

"PART III

ARTICLE 1 OF THE THIRTEENTH PROTOCOL

"Abolition of the Death Penalty

The death penalty shall be abolished. No one shall be condemned to such penalty or executed."

Interpretation.

2. The Interpretation (Guernsey) Law, 1948² applies to the interpretation of this Order.

Citation.

3. This Order may be cited as the Human Rights (Amendment) Order, 2006.

Extent.

4. This Order has effect throughout the Bailiwick of Guernsey.

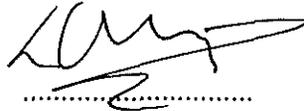
Commencement.

²

Ordres en Conseil Vol. XIII, p. 355.

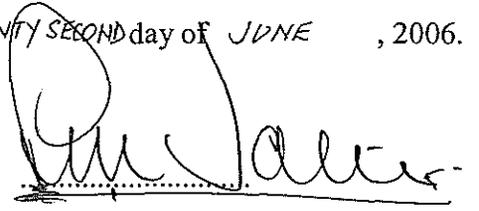
5. This Order shall come into force on the 1st September, 2006.

Dated this fifth day of June, 2006.



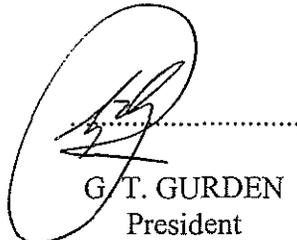
L. C. MORGAN
Chief Minister
For and on behalf of the Policy Council.

Dated this *TWENTY SECOND* day of *JUNE*, 2006.



P. F. WALTER, MBE MC
Chairman
For and on behalf of the Policy and Finance Committee
of the States of Alderney.

Dated this *22nd* day of *June*, 2006.



G. T. GURDEN
President
For and on behalf of the General Purposes and Finance Committee
of the Chief Pleas of Sark.

EXPLANATORY NOTE.

(This note is not part of the Order)

This Order is made following the ratification by the United Kingdom of the Thirteenth Protocol to the European Convention on Human Rights ("the Convention") on the 10th October, 2003. The Thirteenth Protocol abolishes the death penalty in all circumstances. It supersedes the Sixth Protocol to the Convention, which abolished the death penalty in most circumstances, but permitted States to make provision in their law for the death penalty in respect of acts committed in time of war or of imminent threat of war.

This Order amends the Human Rights (Bailiwick of Guernsey) Law, 2000 by substituting Article 1 of the Thirteenth Protocol for Articles 1 and 2 of the Sixth Protocol in Part III of Schedule 1 to that Law, which gives Articles 1 and 2 of the Sixth Protocol the status of "Convention rights" protected by the Law. Article 1 of the Thirteenth Protocol is in identical terms to Article 1 of the Sixth Protocol, but omits the exception allowing the death penalty in time of war previously contained in Article 2 of the Sixth Protocol.

This Order also amends section 1 of the Human Rights Law by substituting references to Article 1 of the Thirteenth Protocol for Articles 1 and 2 of the Sixth Protocol, and section 17 of the Law by omitting the definition of the Sixth Protocol and inserting a definition of the Thirteenth Protocol.