

ORDER IN COUNCIL

I
2008

ratifying a Projet de Loi

ENTITLED

The Criminal Justice (Aiding and Abetting etc) (Bailiwick of Guernsey) Law, 2007

(Registered on the Records of the Island of Guernsey
on the 18th February, 2008.)



2008

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

18th day of February, 2008 before Geoffrey Robert Rowland, Esquire, Bailiff; present:- David Charles Lowe, O.B.E., Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, Keith Bichard, O.B.E., Michael Henry De La Mare, Esquires, Susan Mowbray, Barbara Jean Bartie, David Osmond Le Conte and John Ferguson, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 12th February 2008 approving and ratifying a Projet de Loi entitled the Criminal Justice (Aiding and Abetting etc) (Bailiwick of Guernsey) Law 2007, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ORDERED: -

1. That the said Order in Council be registered on the records of this Island;
and
2. That an extract of this present Act, together with a copy of the said Order in Council be sent by Her Majesty's Greffier to the Greffier of the Court of Alderney and to the S n schal of Sark for registration on the records of those Islands respectively.



At the Court at Buckingham Palace

THE 12th DAY OF FEBRUARY 2008

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolutions of 30th September 1998 and 27th April 2006, the States of Deliberation at a meeting on 25th July 2007 approved a *Projet de Loi* entitled *The Criminal Justice (Aiding and Abetting etc.) (Bailiwick of Guernsey) Law 2007* and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction *The Criminal Justice (Aiding and Abetting etc.) (Bailiwick of Guernsey) Law 2007*, and to order that it shall have force of law in the Bailiwick of Guernsey.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it."

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Bailiwick of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

Judith Simpson

PROJET DE LOI

ENTITLED

The Criminal Justice (Aiding and Abetting etc.) (Bailiwick of Guernsey) Law, 2007

THE STATES, in pursuance of their Resolutions of the 30th September, 1998^a and the 27th April, 2006^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Criminal liability, trial and sentencing of secondary party to offence.

1. A person ("**the secondary party to an offence**") who aids, abets, counsels or procures the commission by another person ("**the principal offender**") of an offence, whether at common law or by virtue of an enactment, is guilty of the same offence and may be proceeded against and punished accordingly.

Abolition of common law offence.

2. (1) The common law offence of aiding, abetting, counselling or procuring the commission of an offence is abolished.

(2) The abolition by subsection (1) of the common law offence of aiding, abetting, counselling or procuring the commission of an offence does not affect -

^a Article XVI of Billet d'État No. XXI of 1998.

^b Article XI of Billet d'État No. VIII of 2006.

- (a) any liability incurred under the common law,
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the common law,
- (c) any investigation or legal proceeding in respect of any such liability, penalty, forfeiture or punishment,

and any such investigation or legal proceeding may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the common law offence had not been abolished.

Supplementary provisions.

3. (1) Except as regards offences committed before the date of commencement of this Law, references in any enactment to the common law offence of aiding, abetting, counselling or procuring the commission of an offence shall be construed as references to the offence under section 1.

(2) This Law is without prejudice to any other enactment which creates an offence of aiding, abetting, counselling or procuring the commission of an offence.

Interpretation.

4. (1) In this Law, unless the context otherwise requires -

"**common law**" includes the customary law,

"**enactment**" includes a Law, an Ordinance, an Act of Parliament, an Order in Council and any subordinate legislation,

"the principal offender" has the meaning given in section 1(1), and

"the secondary party to an offence" has the meaning given in section 1(1).

(2) The Interpretation (Guernsey) Law 1948^c applies to the interpretation of this Law throughout the Bailiwick of Guernsey.

(3) Any reference in this Law to an enactment is a reference thereto as from time to time amended, replaced, re-enacted, extended or applied.

Power to amend Law by Ordinance.

5. (1) The States may by Ordinance amend this Law.

(2) An Ordinance under this Law -

(a) may be amended or repealed by a subsequent Ordinance hereunder, and

(b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient.

(3) Any power conferred by this Law to make an Ordinance may be exercised -

(a) in relation to all cases to which the power extends, or

^c Ordres en Conseil Vol. XIII, p. 355.

in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

Citation and commencement.

6. (1) This Law may be cited as the Criminal Justice (Aiding and Abetting etc.) (Bailiwick of Guernsey) Law, 2007.

(2) This Law shall come into operation on such day as the States may by Ordinance appoint.