

Consolidated text

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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No. I of 2008.

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ARRANGEMENT OF SECTIONS

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2. Abolition of common law offence.
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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) any liability incurred under the common law,

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

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

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

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

- (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.

NOTE

The Law was brought into force on 28th May, 2008 by the Criminal Justice (Aiding and Abetting etc.) (Bailiwick of Guernsey) Law, 2007 (Commencement) Ordinance, 2008, section 1.
