

ORDER IN COUNCIL

III

1982

ratifying a Projet de Loi

ENTITLED

The Criminal Justice (Attendance Centre) (Guernsey) Law, 1982

(Registered on the Records of the Island of Guernsey
on the 23rd February, 1982.)



1982

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 23rd day of February, 1982 before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Richard Alan Kinnersly, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon and James de Sausmarez Carey, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 10th day of February, 1982, ratifying a *Projet de Loi* entitled "The Criminal Justice (Attendance Centre) (Guernsey) Law, 1982", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 10th day of February 1982

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 26th day of January 1982 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1982, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

‘1. That, in pursuance of their Resolution of the 29th day of November 1979 the States of Deliberation at a meeting held on the 1st day of October 1981 approved a Bill or “Projet de Loi” entitled “The Criminal Justice (Attendance Centre) (Guernsey) Law, 1982”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Criminal Justice (Attendance Centre) (Guernsey) Law, 1982”, and to order that the same shall have force of law in the Island of Guernsey.’

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Criminal Justice (Attendance Centre) (Guernsey) Law, 1982

THE STATES, in pursuance of their Resolution of the twenty-ninth day of November, nineteen hundred and seventy-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) The Committee may provide attendance centres, that is to say places in which offenders may be ordered to attend, in pursuance of orders made under subsection (1) of the next succeeding section, and be given under supervision appropriate occupation and instruction; and for that purpose the Committee may make arrangements for the use of any premises owned by or under the control of the States.

Attendance centres and scheme of occupation and instruction.

(2) For the purposes of the last preceding subsection, the appropriate occupation and instruction given at an attendance centre shall be such as to occupy the persons attending thereat during the period of attendance in a manner conducive to health of mind and body and such occupation and instruction shall be in accordance with a scheme as the Committee may, from time to time, by order prescribe.

(3) Any power conferred by the last preceding subsection to make any order shall be construed as

a power exercisable in like manner to vary or repeal the order.

Attendance
at an
attendance
centre.

2. (1) Where a Court has power, or would but for any statutory restrictions upon the imprisonment of young offenders have power, to impose imprisonment on a person who is under twenty-one years of age, or to deal with any such person under Article six of the Law entitled "Loi relative à la Probation de Délinquants" registered on the twenty-third day of November, nineteen hundred and twenty-nine^(a), for failure to comply with any of the requirements of a probation order, the Court may, if it has been notified by the Committee that an attendance centre is available for the reception from that Court of persons of his class or description, order him to attend at such an attendance centre, to be specified in the order, for such number of hours as may be so specified:

Provided that no such order shall be made in the case of a person who has been previously sentenced to imprisonment, Borstal training, or has been made subject to a special care order.

(2) The aggregate number of hours for which a person may be required to attend at an attendance centre in pursuance of an order made under subsection (1) of this section—

- (a) shall not be less than twelve except where he is under fourteen years of age and the Court is of opinion, having regard to his age or any other circumstances, that twelve hours would be excessive; and
- (b) shall not exceed twelve except where the Court is of opinion, having regard to all

(a) Ordres en Conseil Vol. VIII, p. 363.

the circumstances, that twelve hours would be inadequate, and in that case shall not exceed twenty-four hours.

(3) The times at which an offender is required to attend at an attendance centre in pursuance of an order made under subsection (1) of this section shall be such as to avoid interference, so far as practicable, with his school hours or working hours, and the first such time shall be specified in the order (being a time at which the attendance centre is available for the attendance of the offender in accordance with the notification of the Committee) and the subsequent times shall be fixed by the officer in charge of the attendance centre, having regard to the offender's circumstances:

Provided that an offender shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.

(4) The Court by which an order has been made under subsection (1) of this section may, on the application of the offender or of the officer in charge of the attendance centre specified in the order—

(a) by order discharge the order; or

(b) by order vary the day or hour specified therein for the offender's first attendance at the attendance centre.

(5) If the Court by which an order under subsection (1) of this section was made is satisfied by information on oath that the person in whose case the order was made—

(a) has failed without reasonable excuse to attend at the attendance centre in accordance with the order; or

- (b) while attending at the attendance centre has committed a breach of any Ordinance for the time being in force made under the provisions of the next succeeding section which cannot be adequately dealt with under that Ordinance;

the Court may order that he be apprehended or be warned to appear before the Court.

(6) If it is proved to the satisfaction of the Court before which an offender appears or is brought under the last preceding subsection that he has failed to attend as aforesaid, or has committed such a breach of any Ordinance as aforesaid, the Court may revoke the order requiring his attendance at the attendance centre and deal with him in any manner in which he could have been dealt with by the Court if the order had not been made.

Ordinance for the management of attendance centres.

3. (1) The States may, from time to time, by Ordinance, make provision for the regulation and management of attendance centres.

(2) Any power conferred by the last preceding subsection to make any Ordinance shall be construed as a power exercisable in like manner to vary or repeal the Ordinance.

Responsibilities of the officer in charge.

4. The officer in charge of an attendance centre shall be responsible to and shall obey the orders of the Committee in respect of the maintenance of discipline at the attendance centre and generally in respect of the operation of any Ordinance for the time being in force made under section three of this Law and of any scheme for the time being in force prescribed under section one of this Law.

Rights of Appeal.

5. For the purposes of any enactment conferring rights of appeal and notwithstanding any limitations

therein on rights of appeal, any order made by a Court under subsection (1) or subsection (6) of section two of this Law shall be treated as a sentence passed on the offender by that Court for the offence for which the order was made conferring a right of appeal.

6. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpre-
tation.

“the Committee” means the Island Police Committee;

“the officer in charge” means the person for the time being appointed by the States Civil Service Board to be in charge of an attendance centre and includes any person for the time being in charge of an attendance centre acting by or under the authority of the officer in charge.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

7. This Law may be cited as the Criminal Justice Citation. (Attendance Centre) (Guernsey) Law, 1982.

8. (1) This Law shall come into force on such day as the States may by Ordinance appoint.

Commence-
ment.

(2) Any power conferred by any provisions of this Law to make any Ordinance or order may be exercised at any time after the registration of this

Law and before the day on which this Law shall come into force:

Provided that such Ordinance or order shall not come into force until this Law shall come into force.

A. G. LE CHEMINANT,
Her Majesty's Deputy Greffier.