

ORDER IN COUNCIL

XII

1979

ratifying a *Projet de Loi*

ENTITLED

The Criminal Justice (Bailiwick of Guernsey) Law, 1979

(Registered on the Records of the Island of Guernsey
on the 21st January, 1980.)



1980

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of January, 1980 before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Oliver Symons, 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., and Brian Ernest Herbert Joy, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of December, 1979, ratifying a *Projet de Loi* entitled "The Criminal Justice (Bailiwick of Guernsey) Law, 1979", 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 and 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 Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 19th day of December, 1979

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 30th day of November 1979 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, 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 March 1978 and the 25th day of April 1979, the States of Deliberation at a meeting held on the said 25th day of April 1979 approved a Bill or “Projet de Loi” entitled “The Criminal Justice (Bailiwick of Guernsey) Law, 1979”, 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 (Bailiwick of Guernsey) Law, 1979”, and

to order that the same shall have force of law in the Bailiwick of Guernsey.’.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi”.

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

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

PROJET DE LOI

ENTITLED

The Criminal Justice (Bailiwick of Guernsey) Law, 1979

THE STATES, in pursuance of their Resolutions of the twenty-ninth day of March, nineteen hundred and seventy-eight, and the twenty-fifth day of April, 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 Bailiwick of Guernsey.

1. Subsection (1) of section ten of the Magistrate's Court (Guernsey) Law, 1954, as amended^(a), is hereby further amended as follows:—

Amend-
ment to the
Magistrate's
Court
(Guernsey)
Law, 1954.

- (a) in paragraph (a) thereof the words "one hundred" are repealed and the words "five hundred" are substituted therefor;
- (b) in the proviso to paragraph (a) thereof the words "two hundred" are repealed and the words "one thousand" are substituted therefor;
- (c) in paragraph (c) thereof—
 - (i) the word and comma "arson," are repealed;
 - (ii) the words "one hundred" are repealed and the words "five hundred" are substituted therefor.

(a) Ordres en Conseil Vol. XVI, p. 103; Vol. XVII, p. 218; No. VI of 1976.

Abolition of
penal
servitude
and hard
labour.

2. (1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this Law.

(2) No person shall be sentenced by a Court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Law; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.

(3) Notwithstanding the foregoing provisions of this section, every enactment conferring power upon a court to pass a sentence of penal servitude or, in the alternative, to pass a sentence of imprisonment with or without hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of penal servitude could have been passed in that case immediately before the commencement of this Law.

Extent.

3. (1) The provisions of this Law other than the provisions of section one thereof shall have effect throughout the Bailiwick of Guernsey.

(2) The provisions of section one of this Law shall have effect only in the Islands of Guernsey, Herm and Jethou.

4. This Law may be cited as the Criminal Justice Citation. (Bailiwick of Guernsey) Law, 1979.

R. H. VIDELO,

Her Majesty's Greffier.