

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Criminal Justice (Borstal Training) (Guernsey) Law, 1963

(Registered on the Records of the Island of Guernsey
on the 20th day of January, 1964.)



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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 20th day of January, 1964, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :— Sir John Leale, Théophile Le Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavay, Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, and William Burton Fox, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of November, 1963, ratifying a Projet de Loi entitled "The Criminal Justice (Borstal Training) (Guernsey) Law, 1963", 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 27th day of November, 1963.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

LORD CARRINGTON

LORD DRUMALBYN

MR. SECRETARY FRASER

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 13th day of November, 1963, 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 31st day of July, 1963, the States of Deliberation at a meeting held on the 30th day of October, 1963, approved a Bill or “Projet de Loi” entitled “The Criminal Justice (Borstal Training) (Guernsey) Law, 1963” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your 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 (Borstal Training) (Guernsey) Law, 1963" 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.

W. G. ACNEW.

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

**The Criminal Justice (Borstal Training)
(Guernsey) Law, 1963**

THE STATES, in pursuance of their Resolution of the thirty-first day of July, nineteen hundred and sixty-three, 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. (1) In this Law—

Interpreta-
tion.

(a) the expression “borstal institution” means a borstal institution provided by the Secretary of State under section forty-three of the Prison Act, 1952, being a place in which offenders not less than fifteen but under twenty-one years of age may be detained and given such training and instruction as will conduce to their reformation and the prevention of crime and the expression “borstal training” means training in a borstal institution;

(b) the expression “the Court” means the Royal Court sitting as a Full Court, the Royal Court sitting as an Ordinary Court or the Magistrate’s Court.

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

Borstal
training.

2. (1) Where a person is convicted by the Court of an offence punishable with imprisonment, then if on the day of his conviction he is not less than fifteen but under twenty-one years of age and a sentence of borstal training is available in his case under the next succeeding subsection, the Court may, in lieu of any other sentence, pass a sentence of borstal training.

(2) The power of the Court to pass a sentence of borstal training under subsection one of this section shall be exercisable in any case where the Court is of opinion, having regard to the circumstances of the offence and after taking into account the offender's character and previous conduct, that it is expedient that he should be detained for training for not less than six months:

Provided that such a sentence shall not be passed on a person who is under seventeen years of age on the day of his conviction unless the Court is of opinion that no other method of dealing with him is appropriate.

(3) Before passing a sentence of borstal training in the case of an offender of any age, the Court shall consider any report made in respect of him by the Chief Officer of Police and the Court shall cause a copy of any report in writing made as aforesaid to be given to the offender or his advocate.

Detention
pending
removal
to borstal
institution.

3. Where a person has been sentenced to borstal training under this Law the Court by which he was so sentenced may order him to be detained in such place as the Court thinks fit pending the completion of arrangements for his removal to a borstal institution and any order under this subsection shall have effect until he is removed to a borstal institution.

Appeals.

4. A person sentenced to borstal training under this Law by the Royal Court sitting as an Ordinary

Court or by the Magistrate's Court shall have the same right of appeal under the Police Court Appeals Law, 1939, against conviction or sentence or against both conviction and sentence as a person sentenced to such term of imprisonment as gives rise to a right of appeal under that Law and the provisions of that Law shall apply accordingly.

5. The Law entitled "Loi pour pourvoir à la détention de jeunes délinquants dans une Institution (Borstal Institution)" registered on the sixteenth day of April, nineteen hundred and twenty-eight, is hereby repealed. Repeal.

6. This Law may be cited as the Criminal Justice Citation. (Borstal Training) (Guernsey) Law, 1963.

R. H. VIDELO,

Her Majesty's Greffier.