

ORDER IN COUNCIL

I
1989

ratifying a Projet de Loi

ENTITLED

The Criminal Justice (Day Training Centre) (Guernsey) Law, 1989

(Registered on the Records of the Island of Guernsey
on the 14th day of March, 1989.)



1989

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 14th day of March, 1989 before Graham Martyn Dorey, Esquire, Deputy Bailiff; present: Brian Ernest Herbert Joy, Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heatime, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris and Kenneth John Rowe, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 7th day of February, 1989, approving and ratifying a *Projet de Loi* entitled "The Criminal Justice (Day Training Centre) (Guernsey) Law, 1989", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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 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 7th day of February 1989

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 1989 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 1st day of November 1984, the States of Deliberation at a meeting held on the 26th day of October 1988 approved a Bill or “Projet de Loi” entitled “The Criminal Justice (Day Training Centre) (Guernsey) Law, 1989”, 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 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 (Day Training

Centre) (Guernsey) Law, 1989”, and to order that the same shall have force of law in the Island 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, and it is hereby ordered, that the same shall have the force of law within the Island 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.

G. I. de Deney.

LAW NOT YET IN FORCE

PROJET DE LOI

ENTITLED

The Criminal Justice (Day Training Centre) (Guernsey) Law, 1989

THE STATES, in pursuance of their Resolution of the 1st day of November, 1984, 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 States Prison Board ("the Board") may provide a day training centre ("the centre"), that is to say a place at the prison at which offenders aged 17 or over may be ordered to attend in pursuance of orders made under section 2(1) of this Law, and be given appropriate training and instruction under supervision. Establishment of a day training centre.

(2) For the purposes of the preceding subsection, the appropriate training and instruction given at the centre shall enable persons to acquire basic craft skills and, by subjecting them to prison style discipline, help them to acquire habits of self discipline designed to assist them to obtain and retain regular employment.

(3) The training and instruction outlined in the preceding subsection shall be in accordance with a scheme such as the Board may, from time to time, by order prescribe.

(4) Any power conferred on the Board by the preceding subsection to make any order shall be construed as a power exercisable in like manner to vary or repeal the order.

**Powers of
the court.**

2. (1) Where a court has power to impose imprisonment on a person aged 17 or over, or has the power to deal with any such person for failure to comply with the requirements of a probation order, the court may (if it has been notified by the Board that the centre is available for persons of his class or description) order him to attend the centre for such number of days as shall be specified in the order.

(2) The aggregate number of days on which a person shall be ordered to attend shall be not less than 12 nor exceed 48 in total, to be served in a period of 12 months from the date of sentencing, provided that the Board may extend the period to 15 months in such special circumstances as it deems appropriate in any particular case.

(3) The court which made an order under subsection (1) of this section may, on the application of the offender or Board, vary the number of days to be served or discharge the order; if the order is discharged the court may thereupon deal with the offender as if he had been convicted of the original offence or offences upon the occasion of the discharge.

(4) If the court which made an order under subsection (1) of this section is satisfied by information upon oath that the offender has:—

- (a) failed without reasonable cause to attend the centre; or,
- (b) while attending the centre committed a breach of any Ordinance then in force under section 3(1) of this Law;

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

(5) If it is proved to the court before which an offender appears under subsection (4) of this section that he has failed to attend or committed a breach of any Ordinance as aforesaid, then the court may deal with the offender in accordance with subsection (3) of this section upon discharging the order or by varying the number of days to be served.

3. (1) The States may, from time to time, by Ordinance, make provision for the regulation, discipline and management of the centre. **Power to make Ordinances.**

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

4. (1) The Governor of the States Prison ("the Governor") shall be responsible to the Board for the operation of the centre and shall comply with any Ordinance made under section 3 of this Law and any scheme made under section 1(3). **Periods of attendance.**

(2) The days and times at which an offender shall be required to attend the centre shall not, so far as practicable, interfere with the normal work of the offender, or his attendance at a school, or other educational establishment which is recognised by the Board.

(3) The first day and time upon which an offender shall attend the centre shall be specified in the order of the court and thereafter the Governor shall require the offender to attend on such days and at such times as he considers appropriate.

(4) An offender shall attend the centre for such a period on each day of the order as the Governor may require, provided that this daily period shall not exceed 12 hours, nor be less than 6.

(5) If an offender fails to attend the centre when required the Governor shall notify a Probation Officer, who will enquire into the reason for the failure to attend and report thereon to the Board.

Appeals.

5. For the purpose 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 (3) or subsection (5) of section 2 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.

Interpretation.

6. (1) In this Law, unless the context otherwise requires:—

“the Governor of the States Prison” means the person for the time being appointed under section 4 of the Prison Administration (Guernsey) Law, 1949(a);

“the prison” means the States Prison;

“a Probation Officer” means one or other of the Probation Officers appointed by the Civil Service Board and for the time being employed in that capacity by the Probation Service Committee;

“a probation order” means an order under Article 2 of the Law entitled “Loi relative à la probation de Délinquants” registered on the 23rd day of November 1929(b).

(2) Any reference in this Law to any other enactment shall except where the context otherwise

(a) Ordres en Conseil, Vol. XIV, p. 159.

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

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. (Day Training Centre) (Guernsey) Law, 1989.

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 provision 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 no such Ordinance or order shall come into force until this Law shall come into force.

K. H. TOUGH,

Her Majesty's Greffier.