

# PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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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\* Ordres en Conseil Vol. XXXI, p. 210; as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Prison (Guernsey) Ordinance, 2013 (No. XXIX of 2013); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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### ARRANGEMENT OF SECTIONS

1. Establishment of a day training centre.
2. Powers of the court.
3. Power to make Ordinances.
4. Periods of attendance.
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## **The Criminal Justice (Day Training Centre) (Guernsey) Law, 1989**

**THE STATES**, in pursuance of their Resolution of the 1<sup>st</sup> 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.

### **Establishment of a day training centre.**

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.

(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.

**Power to make Ordinances.**

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

(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.

**Periods of attendance.**

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).

(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 Governor within the meaning of section 55(1) of the Prison (Guernsey) Ordinance, 2013,]

**"the prison"** means the States Prison,

**"a Probation Officer"** means one or other of the Probation Officers appointed by the [Policy & Resources Committee] and for the time being employed in that capacity by the [Committee for Home Affairs],

**"a probation order"** means an order under Article 2 of the Law entitled "Loi relative à la probation de Délinquants" registered on the 23<sup>rd</sup> day of November 1929<sup>b</sup>.

(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

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<sup>b</sup> Ordres en Conseil, Vol. VIII, p. 363.

enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

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**NOTES**

*In section 6,*

*the definition of the expression "the Governor of the States Prison" in subsection (1) was substituted by the Prison (Guernsey) Ordinance, 2013, section 59, Schedule 7, with effect from 4th November, 2013, subject to the transitional and savings provisions in section 60 of, and Schedule 8 to, the 2013 Ordinance;*

*the words in the first pair of square brackets in the definition of the expression "a Probation Officer" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016;<sup>1</sup>*

*the words in the second pair of square brackets in the definition of the expression "a Probation Officer" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.<sup>2</sup>*

*The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>3</sup>*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>4</sup>*

*The Loi relative à la Probation de Délinquants, 1929 has since been repealed by the Probation (Bailiwick of Guernsey) Law, 2018, section 21(1), with effect from 17th October, 2019.*

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**Citation.**

7. This Law may be cited as the Criminal Justice (Day Training Centre)

(Guernsey) Law, 1989.

**Commencement.**

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

(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.

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**NOTE**

*The Law is not yet in force.*

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<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004.

<sup>2</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 21, with effect from 6th May, 2004.

<sup>3</sup> The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Civil Service Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>4</sup> The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Probation Service Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 21, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.