

ORDER IN COUNCIL

XI

ratifying a *Projet de Loi*

1961

ENTITLED

The Criminal Justice (Special Verdicts) (Guernsey) Law, 1961

(Registered on the Records of the Island of Guernsey
on the 17th day of October, 1961.)



1961.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 17th day of October, 1961, before William Henry Arnold, Esquire, C.B.E., Bailiff; present:— Sir John Leale, William Robert Freake Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., and Albert Victor Dorey, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 25th day of September, 1961, ratifying a *Projet de Loi* entitled "The Criminal Justice (Special Verdicts) (Guernsey) Law, 1961",—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 25th day of September, 1961.

PRESENT,

The Queen's Most Excellent Majesty.

ARCHBISHOP OF YORK
 LORD PRESIDENT
 MR. SECRETARY SANDYS
 MR. SECRETARY MACLEOD
 MR. VOSPER

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 25th day of August, 1961, 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 24th day of May, 1961, the States of Deliberation at a meeting held on the 5th day of July, 1961, approved a Bill or “Projet de Loi” entitled “The Criminal Justice (Special Verdicts) (Guernsey) Law, 1961” 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 (Special Verdicts)

(Guernsey) Law, 1961 ” and to order that the same shall have the force of law in the Bailiwick of Guernsey.’

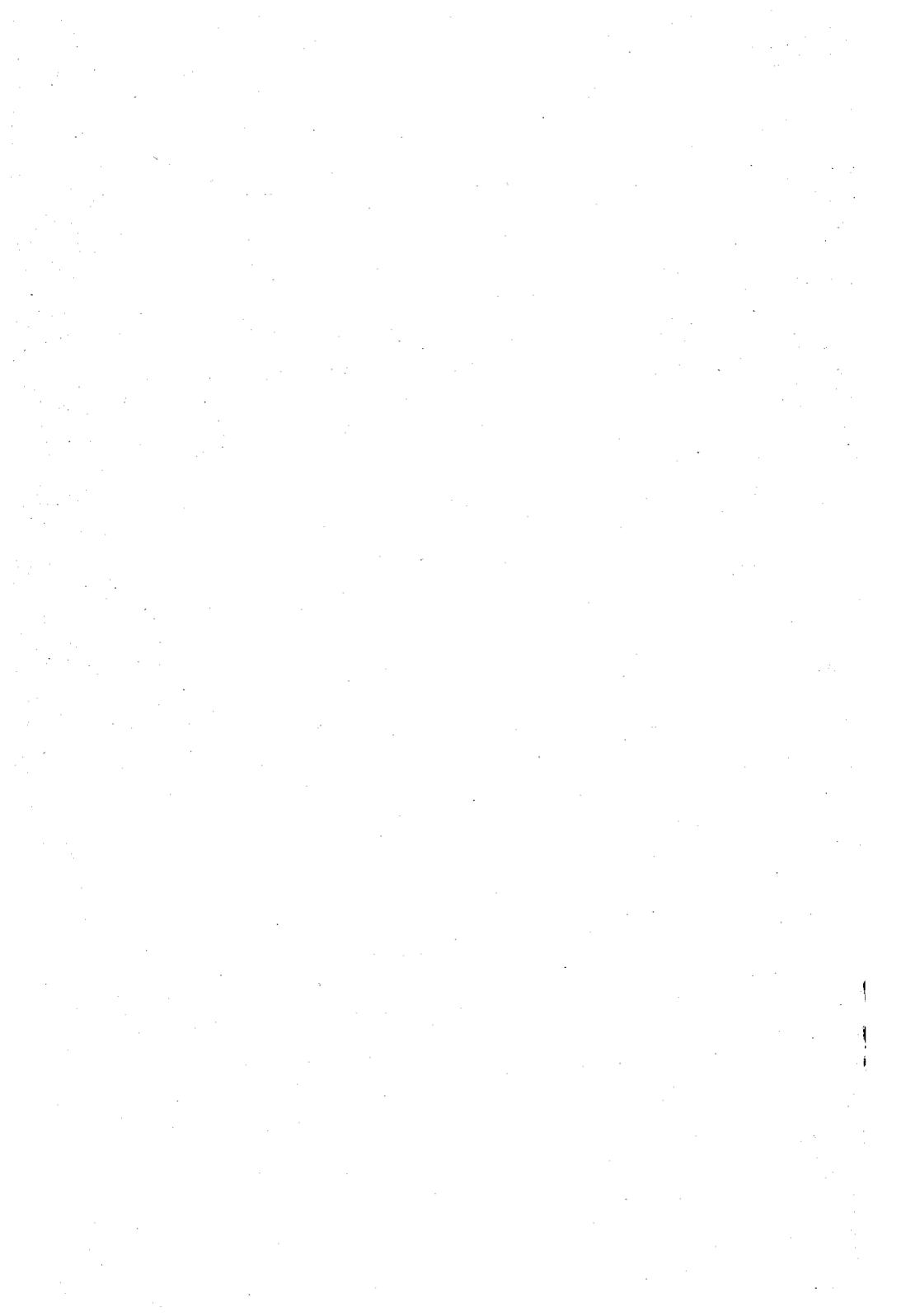
“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer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



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

PROJET DE LOI

ENTITLED

The Criminal Justice (Special Verdicts) (Guernsey) Law, 1961

THE STATES, in pursuance of their Resolution of the twenty-fourth day of May, nineteen hundred and sixty-one, 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) Where any person is indicted for any offence and upon presentation of the indictment that person is found by the Royal Court to be insane so that such person cannot be tried upon that indictment or if, upon the trial of any person so indicted, such person shall appear to the Royal Court to be insane, the Royal Court shall order him to be detained during Her Majesty's pleasure; and such person shall thereupon be detained in a mental hospital until further Order.

Persons found insane on indictment to be detained during pleasure.

(2) In all cases of insanity so found in pursuance of the provisions of subsection (1) of this section Her Majesty may thereupon, and from time to time thereafter, make such order for the safe custody of such person during pleasure in such place and in such manner as to Her Majesty may seem fit.

2. (1) Where in any indictment any act or omission is charged against any person as an offence, and it is given in evidence at the trial of such person for that offence that he was insane so as not to be responsible, according to law, for his actions at the time when

Persons found not guilty by reason of insanity to be detained during pleasure.

the act was done or omission made, then, if it appears to the Royal Court that he did the act or made the omission charged but was insane as aforesaid at the time when he did or made the same, the Royal Court shall return a special verdict to the effect that the accused was not guilty of the offence charged against him by reason of insanity at the time when he did the act or made the omission and shall order him to be detained during Her Majesty's pleasure; and such person shall thereupon be detained in a mental hospital until further Order.

(2) Where a verdict is returned in pursuance of the provisions of subsection (1) of this section, Her Majesty may thereupon, and from time to time thereafter, give such order for the safe custody of such person during pleasure in such place and in such manner as to Her Majesty may seem fit.

Persons
detained at
commence-
ment of Law.

3. Any person who, on the commencement of this Law, is detained in accordance with the provisions of an Order of the Royal Court by reason of his having been found not guilty of an offence by reason of insanity shall thereupon and thereafter be deemed to be a person in respect of whom the Royal Court has made an Order under the provisions of subsection (1) of the last preceding section and the provisions of subsection (2) of that section shall have effect accordingly.

Detention
in mental
hospital
during
pleasure.

4. A person in respect of whom an Order has been made or is deemed to have been made by the Royal Court under section one or section two of this Law shall, notwithstanding any of the provisions of the 1939 Law, be received and detained in a mental hospital until Her Majesty's pleasure shall be made known and may there be detained during Her Majesty's pleasure.

5. Where a person is detained in a mental hospital in accordance with the provisions of an Order made or deemed to have been made under section one or section two of this Law and the Medical Superintendent of the mental hospital is of opinion that it is necessary, in the interests of the patient, that he should be temporarily released from detention and is further of the opinion, having regard to the protection of other persons, that such person can safely be so released, whether in the care of a relative or otherwise, the Medical Superintendent shall so inform a Law Officer of the Crown who may, if he thinks fit, order the release of such person on licence for such period and subject to such conditions as he may deem necessary and he may at any time rescind or amend such order or any condition attaching thereto.

Temporary
release from
mental
hospital.

6. Any person detained in a mental hospital by virtue of an Order made or deemed to have been made under section one or section two of this Law who escapes may be retaken at any time after his escape by—

Retaking of
persons who
escape from
mental
hospital.

- (a) any officer of the mental hospital in which he was detained;
- (b) any person authorised by any such officer;
or
- (c) any officer of police.

7. In subsection (1) of section seven of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950, the words "guilty but insane" where those words occur in that subsection are hereby deleted and the words "not guilty by reason of insanity" are hereby substituted therefor.

Amendment
to 1950 Law.

Amendment
to 1939 Law.

8. The following provisions of the 1939 Law, that is to say, paragraph (4) and paragraph (5) of Article three (which relates to the general powers and duties of the Board of Health), Article thirty-six (which relates to mechanical restraint), Article thirty-seven (which contains provisions respecting employment of males in controlling female patients), paragraph (2) of Article thirty-eight (which relates to persons disqualified to be medical attendants of patients), Article forty (which provides for the visitation of patients) shall have effect as if any reference therein to a patient included a reference to a person detained in a mental hospital in pursuance of the provisions of this Law.

Interpreta-
tion.

9. (1) In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Medical Superintendent” has the same meaning as in the 1939 Law;

“mental hospital” has the same meaning as in the 1939 Law;

“officer of police” has the same meaning as in the Larceny (Guernsey) Law, 1958;

“the 1939 Law” means the Mental Treatment Law (Guernsey), 1939.

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

Citation.

10. This Law may be cited as the Criminal Justice (Special Verdicts) (Guernsey) Law, 1961.

R. H. VIDELO,

Her Majesty's Greffier.