

1984

*(Registered on the Records on the 27th November, 1984.)*

## AT THE COURT AT BUCKINGHAM PALACE

The 30th day of October 1984

PRESENT,

## THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

Criminal  
Justice  
(Suspended  
Sentence  
Supervision  
Orders)  
(Bailiwick of  
Guernsey)  
Law, 1984.

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 September 1984 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 28th day of July 1983 the States of Deliberation at a meeting held on the 23rd day of May 1984 approved a Bill or “Projet de Loi” entitled “The Criminal Justice (Suspended Sentence Supervision Orders) (Bailiwick of Guernsey) Law, 1984”, 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 (Suspended

Sentence Supervision Orders) (Bailiwick of Guernsey) Law, 1984”, and to order that the same shall have force of law in the Bailiwick of Guernsey.’

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“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 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.

*G. I. de Deney.*

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

## PROJET DE LOI

## ENTITLED

(No. XX  
—1984)

THE CRIMINAL JUSTICE (SUSPENDED  
SENTENCE SUPERVISION ORDERS)  
(BAILWICK OF GUERNSEY) LAW, 1984

THE STATES, in pursuance of their Resolution of the 28th day of July, 1983, 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.

Suspended  
sentence  
supervision  
order.

1. (1) Where a Court passes on an offender a suspended sentence under the provisions of the Criminal Justice (Power to Suspend Sentence) (Bailiwick of Guernsey) Law, 1972 (hereinafter referred to as "the principal Law")<sup>(a)</sup>, the Court may make a suspended sentence supervision order (in this Law referred to as a "supervision order") placing the offender under the supervision of a probation officer, or of some other person appointed for the purpose by the Court, for a period specified in the order, being a period not exceeding the period of suspension of the suspended sentence.

(2) An offender in respect of whom a supervision order is in force shall keep in touch with the person under whose supervision he has been placed in accordance with such instructions as he may from time to time be given by that person and shall notify him of any change of address.

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<sup>(a)</sup> Ordres en Conseil Vol. XXIII, p. 344.

(3) The Court by which a supervision order is made shall forthwith give copies of the order to the offender and to the person under whose supervision he has been placed.

(4) A supervision order shall cease to have effect if before the end of the period specified in it—

- (a) a Court orders under section 2 of the principal Law that a suspended sentence passed in the proceedings in which the order was made shall have effect; or
- (b) the order is discharged or replaced under the subsequent provisions of this section.

(5) A supervision order may be discharged on the application of the probation officer, such other person appointed by the Court under section 1(1) hereof or the offender by the Court which first made the order:

Provided that if the supervision order was made by the Court of Appeal or the Royal Court sitting as a Full Court the powers under this section shall be exercisable by the Royal Court.

(6) Where under section 2 of the principal Law a Court deals with an offender in respect of a suspended sentence by varying the period of suspension of the sentence or by making no order with respect to the sentence the Court may make a supervision order in respect of the offender—

- (a) in place of any such order made when the suspended sentence was passed; or
- (b) if the Court which passed the sentence could have made such an order but did not do so; or

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(c) if that Court could not then have made such an order but would have had power to do so if subsection (1) above had then had effect as it has effect at the time when the offender is dealt with under section 2 of the principal Law.

(7) On making a supervision order the Court shall in ordinary language explain its effect to the offender.

Breach of requirements of suspended sentence supervision order.

2. (1) If at any time while a supervision order is in force in respect of an offender it appears to the Court that the offender has failed to comply with any of the requirements of section 1(2) of this Law the Court may order that he be apprehended or be warned to appear before the Court:

Provided that if the supervision order was made by the Court of Appeal or the Royal Court sitting as a Full Court the powers under this section shall be exercisable by the Royal Court.

(2) If it is proved to the satisfaction of the Court before which an offender appears or is brought under this section that he has failed without reasonable cause to comply with any of the requirements of section 1(2) of this Law the Court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £50.

Rights of appeal.

3. For the purposes of any enactment conferring rights of appeal any order made by a Court under the provisions of section 1(1) or section 1(6) of this Law shall be treated as a sentence passed on the offender by that Court for the offence for which the supervision order was passed.

4. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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Interpretation.

“Royal Court” means the Royal Court sitting as a Full Court except in the case where a suspended sentence has been passed by the Royal Court sitting as an Ordinary Court in which case it shall mean the Royal Court sitting as an Ordinary Court;

“supervision order” has the meaning assigned to it by section 1(1) of this Law;

“suspended sentence” means a sentence to which an order under section 1(1) of the principal Law relates.

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

5. This Law may be cited as the Criminal Justice Citation. (Suspended Sentence Supervision Orders) (Bailiwick of Guernsey) Law, 1984.

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