

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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.

© States of Guernsey

* Ordres en Conseil Vol. XXVIII, p. 540; as amended by the Criminal Justice (Suspended Sentence Supervision Orders) (Amendment) (Bailiwick of Guernsey) Law, 1994 (No. XXXII of 1994); the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004 (No. IX of 2005). See also the Bail (Bailiwick of Guernsey) Law, 2003 (No. XVII of 2003).

PROJET DE LOI

ENTITLED

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

ARRANGEMENT OF SECTIONS

1. Suspended sentence supervision order.
2. Breach of requirements of suspended sentence supervision order.
3. Rights of appeal.
4. Interpretation.
5. Citation.

PROJET DE LOI

ENTITLED

The Criminal Justice (Suspended Sentence Supervision Orders) (Bailiwick 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**")^a, 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.

^a Ordres en Conseil Vol. XXIII, p. 344.

Consolidated text

(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

Consolidated text

- (b) if the Court which passed the sentence could have made such an order but did not do so, or
- (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.

[(8) In addition to the requirements of subsection (2), a person subject to a supervision order shall comply with such additional requirements as may be specified by the Court.

(9) Any additional requirements imposed under subsection (8) shall be included in the copy of the supervision order given under subsection (3) to the offender and to the person under whose supervision he is placed.

(10) The Court may, on the application of the Probation Officer or other person appointed by the Court or the offender, vary or revoke any additional requirements imposed under subsection (8).]

NOTES

In section 1, subsection (8), subsection (9) and subsection (1) were inserted by the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, section 10(1), with effect from 8th July, 2005.

The following case has referred to this Law:

Law Officers of the Crown v. McDonald (1995) 20.GLJ.89.

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 [imposed by or under section 1(2) or (8)] 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 [imposed by or under section 1(2) or (8)] of this Law the Court may, without prejudice to the continuance of the order, impose on him a fine not exceeding [level 4 on the uniform scale or such other level or amount as the States may determine by Ordinance].

NOTES

In section 2,

the words in square brackets in subsection (1) and in the first pair of square brackets in subsection (2) were substituted by the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, section 10(2), with effect from 8th July, 2005;

the words and figure in the second pair square brackets in subsection (2) were substituted by the Criminal Justice (Suspended Sentence Supervision Orders) (Amendment) (Bailiwick of Guernsey) Law, 1994, section 1, with effect from 31st January, 1995.

In accordance with the provisions of the Bail (Bailiwick of Guernsey) Law, 2003, section 2(4)(a), with effect from 5th April, 2004, section 2 of that Law ("The right to bail") applies to a person who, having been convicted of an offence, appears or is brought before a court to be dealt with under this section.

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.

Interpretation.

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 –

"**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.

Citation.

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

NOTE

The Law received Royal Sanction on 30th October, 1984 and was registered on the Records of the Island of Guernsey on 27th November, 1984.
