

ORDER IN COUNCIL

VIII

ratifying a Projet de Loi

1965

ENTITLED

The Homicide (Guernsey) Law, 1965

(Registered on the Records of the Island of Guernsey
on the 24th day of August, 1965.)



1965.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 24th day of August, 1965, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :— Sir John Leale, 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., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, and William Burton Fox, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th day of June, 1965, ratifying a *Projet de Loi* entitled "The Homicide (Guernsey) Law, 1965", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller 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 24th day of June, 1965.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT
LORD SHEPHERD
MR. PEART
MR. CROSSMAN
MR. WILLEY
MR. DIAMOND
DOCTOR KING

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 21st day of June, 1965, 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 Resolutions of the 25th day of January, 1950, and the 29th day of April, 1964, the States of Deliberation at a meeting held on the 28th day of April, 1965, approved a Bill or “Projet de Loi” entitled “The Homicide (Guernsey) Law, 1965” 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 Homicide (Guernsey) Law, 1965" and to order that the same shall have 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 of 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 Homicide (Guernsey) Law, 1965

THE STATES, in pursuance of their Resolutions of the twenty-fifth day of January, nineteen hundred and fifty, and the twenty-ninth day of April, nineteen hundred and sixty-four, 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) No person shall suffer death for murder, and a person found guilty of murder shall, subject to the next succeeding subsection, be sentenced to imprisonment for life. Abolition of
death
penalty for
murder.

(2) Where a person found guilty of murder appears to the Royal Court to have been under the age of eighteen years at the time the offence was committed, such person shall not be sentenced to imprisonment for life under subsection (1) of this section but in lieu thereof the Royal Court shall sentence him to be detained during Her Majesty's pleasure.

(3) A person sentenced to be detained as aforesaid shall be liable to be detained in such place and under such conditions as the Secretary of State may direct.

(4) Where a person has been sentenced to be detained as aforesaid, the Royal Court shall order him to be detained in such place as it thinks fit pending his removal to such place as the Secretary

of State may direct and any order under this subsection shall have effect until he is removed to such last-mentioned place.

(5) The provisions of the last two preceding subsections shall not come into force until such day as shall be appointed in that behalf by Ordinance of the States.

(6) Until the coming into force of the provisions of subsection (3) and subsection (4) of this section, a person sentenced to be detained as aforesaid shall be treated as a person on whom a sentence of imprisonment for life has been passed.

Amendment
and repeals.

2. (1) Section eleven of the Family Allowances (Guernsey) Law, 1950(a), as amended, is hereby further amended as follows, that is to say—

- (a) the word “or” immediately after paragraph (b) thereof is hereby repealed;
- (b) for the full stop at the end of paragraph (c) thereof there is hereby substituted a semi-colon;
- (c) immediately after paragraph (c) thereof there is hereby inserted the following paragraph—
 - “(d) detained in any place in pursuance of the provisions of section one of the Homicide (Guernsey) Law, 1965.”.

(2) The enactments specified in the first column of the Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule.

(a) Ordres en Conseil, Vol. XIV. p. 332.

3. This Law may be cited as the Homicide Citation.
(Guernsey) Law, 1965.

SCHEDULE

Section two

Enactments repealed

| <i>Enactment</i> | <i>Extent of repeal</i> |
|---|-------------------------|
| Law entitled "Loi ayant rapport à la protection des enfants et des jeunes personnes" registered on the tenth day of February, nineteen hundred and seventeen ^(b) . | Article 33 |
| The Capital Punishment Amendment Law, (Guernsey), 1937 ^(c) . | The whole Law |

R. H. VIDELO,

Her Majesty's Greffier.

^(b) Ordres en Conseil, Vol. V, p. 345.

^(c) Ordres en Conseil, Vol. XI, p. 67.