

PROJET DE LOI

ENTITLED

The Homicide (Guernsey) Law, 1965 *

[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.

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* Ordres en Conseil Vol. XX, p. 59; as amended by the Children and Young Persons (Guernsey) Law, 1967 (Ordres en Conseil Vol. XXI, p. 34); the Criminal Justice (Minimum Terms for Sentences of Life Imprisonment) (Bailiwick of Guernsey) Law, 2011 (No. ** of 2012). See also the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 639).

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The Homicide (Guernsey) Law, 1965

ARRANGEMENT OF SECTIONS

1. Abolition of death penalty for murder.
2. Amendment and repeals.
3. Citation.

SCHEDULE Enactments repealed.

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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.

Abolition of death penalty for murder.

1. (1) No person shall suffer death for murder, and a person found guilty of murder shall, subject to [subsections (1A) and (2)], be sentenced to imprisonment for life.

[(1A) Where a person aged under 21 who is found guilty of murder appears to the Royal Court to have been aged eighteen years or over at the time that 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 youth custody for life.]

(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.

NOTES

In section 1, subsection (1A), and the words, parentheses, figures and letters in square brackets in subsection (1) were, respectively, inserted and substituted by the Criminal Justice (Minimum Terms for Sentences of Life Imprisonment) (Bailiwick of Guernsey) Law, 2011, section 20, Schedule, paragraph 2 and paragraph 1, with effect from 27th June, 2012.

The provisions of subsection (3) and subsection (4) of section 1 were brought into force on 1st April, 1973 by the Homicide (Guernsey) Law, 1965 (Commencement) Ordinance, 1973, section 1.

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in subsection (1), a court, instead of or in addition to any other punishment which may lawfully

be imposed, may fine the offender for such offence.

Amendment and repeals.

2. (1) ...

(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.

NOTE

In section 2, subsection (1) was repealed by the Children and Young Persons (Guernsey) Law, 1967, section 37, Second Schedule, Part II, with effect from 29th November, 1967.

Citation.

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

NOTE

The Law received Royal Sanction on 24th June, 1965 and was registered on the Records of the Island of Guernsey and came into force on 24th August, 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

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

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