

ORDER IN COUNCIL

XVII

Ratifying a Projet de Loi entitled

1950

"Offences against Girls (Availability of Defences) Law, 1950".

(Registered on the Records of the Island of Guernsey on
the 12th day of August, 1950.)



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1950.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 12th day of August, 1950, before Quartier Le Pelley, Esquire, Lieutenant-Bailiff; present:—Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, James Frederick Carey, Arthur Falla, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 21st day of July, 1950, ratifying a *Projet de Loi* entitled "Offences against Girls (Availability of Defences) Law, 1950",—the Court, after the reading of the said Order in Council and after having heard His 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 His 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, of which Order in Council the tenor followeth. :—

At the Court at Buckingham Palace

The 21st day of July, 1950.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT
LORD HENDERSON
LORD MORRISON
MAJOR MILNER
MR. WILSON.

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 15th day of July, 1950, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, 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 11th day of January, 1950, the States of Deliberation, at a meeting held on the 5th day of April, 1950, approved a Bill or “Projet de Loi” entitled “Offences against Girls (Availability of Defences) Law, 1950,” 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 "Offences against Girls (Availability of Defences) Law, 1950," and to order that the same shall have force of Law in the Bailiwick of Guernsey.'

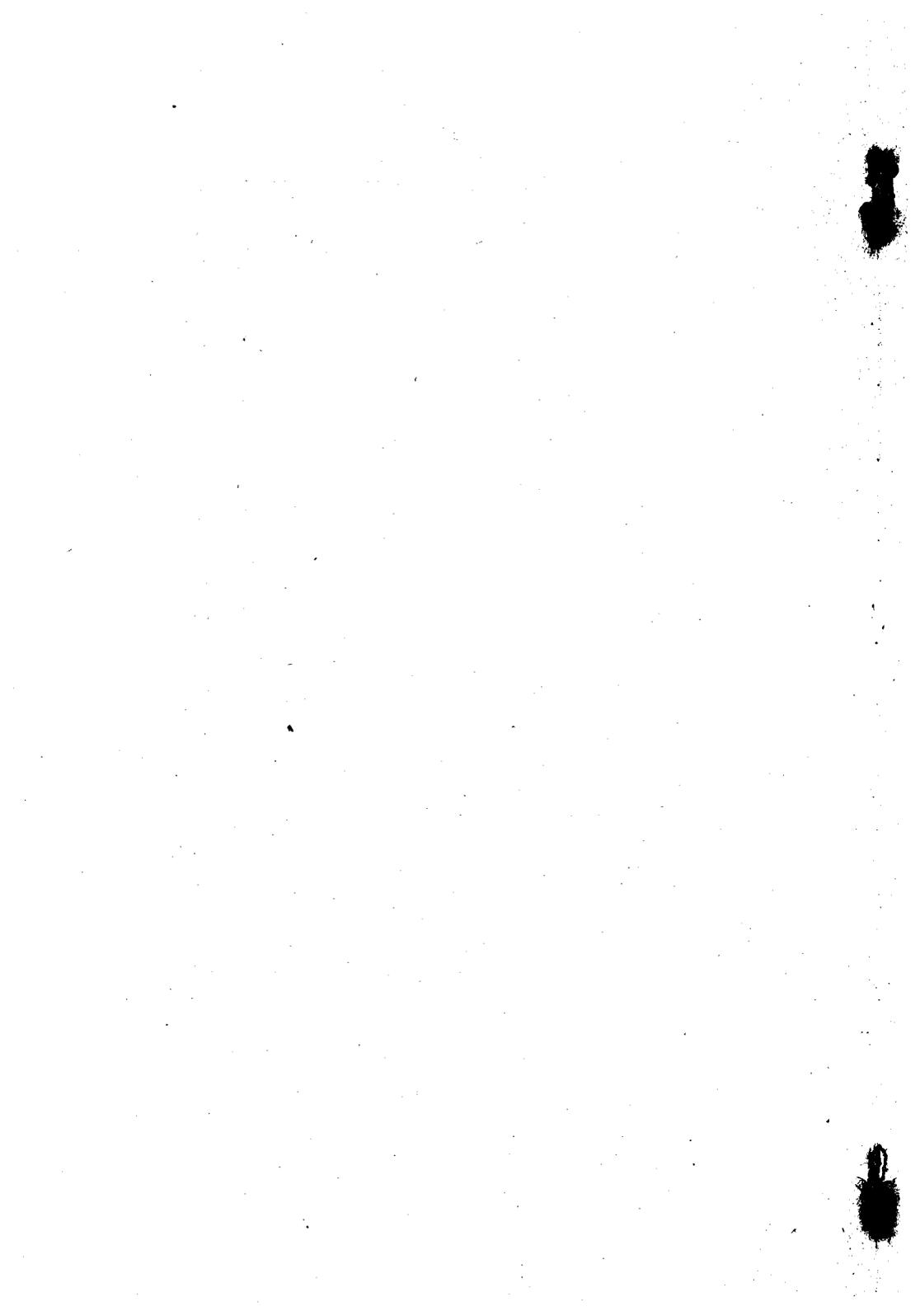
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer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

HIS MAJESTY having taken the Report into consideration is pleased by and with the advice of His 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 HIS 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 His 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.

E. C. E. Leadbitter.



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

PROJET DE LOI

ENTITLED

**“Offences against Girls (Availability of
Defences) Law, 1950”.**

THE STATES, in pursuance of their Resolution of the 11th day of January, 1950, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. Notwithstanding the provisions of Article three of the Law entitled “Loi ayant Rapport à la Protection des Femmes et Filles Mineurs”, registered on the Records of the Island of Guernsey on the 1st day of August, 1914, (hereinafter referred to as “the principal Law”) it shall not be a valid defence to a charge of having, or of attempting to have, unlawful carnal knowledge of any girl aged above thirteen years but below sixteen years that the person charged had reasonable grounds for believing that the girl was over the age of sixteen years, unless such person is a man under twenty four years of age who has not previously been charged with an offence under paragraph (a) of Article three of the principal Law or with indecent assault upon a girl over the age of thirteen years but below the age of sixteen years.

2. It shall not be a valid defence to a charge of indecent assault upon any girl below the age of sixteen years that the girl consented to the assault:

PROVIDED that in the case of a man under twenty four years of age charged with an indecent assault upon any girl above the age of thirteen years but below the age of sixteen years who consented to the assault, the presence of reasonable cause on his part to believe that the girl was over the age of sixteen years shall be a valid defence if he has not been previously charged either with an offence under paragraph (a) of Article three of the principal Law or with an indecent assault upon a girl above the age of thirteen years but below the age of sixteen years.

3. Nothing in this Law contained shall prejudice the validity of any conviction recorded against, or sentence imposed on, any person before the coming into force of this Law.

4. This Law shall have force of law throughout the Bailiwick of Guernsey.

JAMES E. LE PAGE,

H.M. Greffier.