

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

Offences against Girls (Availability of Defences) Law, 1956.

(Registered on the Records of the Island of Guernsey
on the 21st day of January, 1957.)



1957.

I
1957

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of January, 1957, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present:— Sir John Leale, Arthur Falla, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., and Claude Fortescue Nason, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of December, 1956, ratifying a *Projet de Loi* entitled "Offences against Girls (Availability of Defences) Law, 1956",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur 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 19th day of December, 1956.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

EARL OF HOME

MR. SECRETARY LENNOX-BOYD

SIR REGINALD MANNINGHAM-BULLER

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 11th day of December, 1956, 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 19th day of September, 1956, the States of Deliberation at a meeting held on the 21st day of November, 1956, approved a Bill or “Projet de Loi” entitled “Offences against Girls (Availability of Defences) Law, 1956,” 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, 1956," and to order that the same shall have the force of Law in the Bailiwick of Guernsey.'

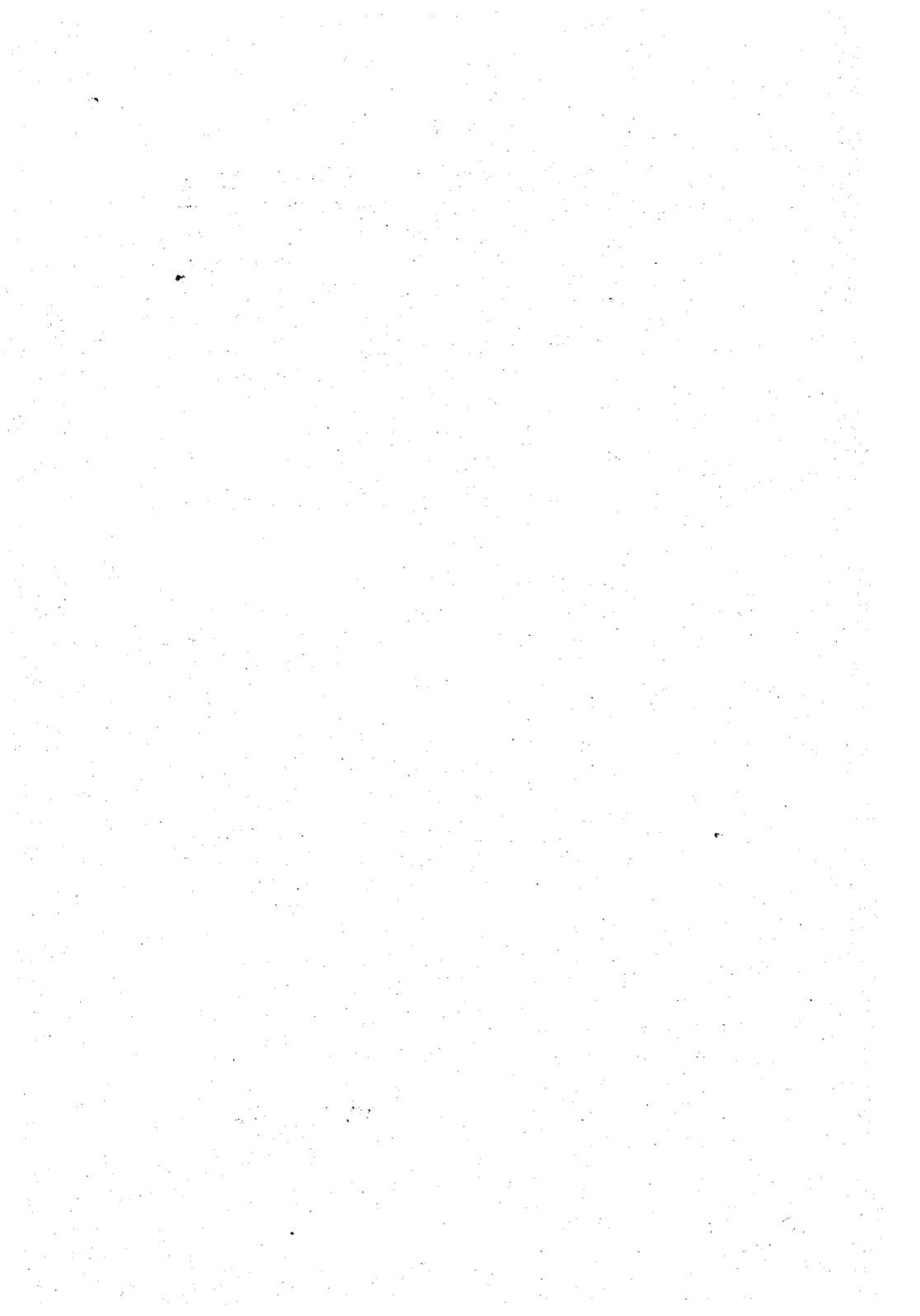
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer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

**Offences against Girls (Availability of
Defences) Law, 1956.**

THE STATES, in pursuance of their Resolution of the nineteenth day of September, nineteen hundred and fifty-six, 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. Notwithstanding the provisions of Article three of the Law entitled "Loi ayant Rapport à la Protection des Femmes et Filles Mineures", 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—

Girl
apparently
over sixteen.

- (a) who has not previously been charged either 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; or

- (b) who, having previously been so charged, was acquitted of the charge.

Consent of
girl under
sixteen.

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 who was above the age of thirteen years but below the age of sixteen years and who consented to the assault, the existence of reasonable cause on his part to believe that the girl was over the age of sixteen years shall be a valid defence—

- (i) 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; or
- (ii) if, having previously been so charged, he was acquitted of the charge.

Convictions
already
recorded.

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

Repeal.

4. The Offences against Girls (Availability of Defences) Law, 1950, is hereby repealed.

JAMES E. LE PAGE,

Her Majesty's Greffier.