

ORDER IN COUNCIL

VI
2000

ratifying a Projet de Loi

ENTITLED

The Sexual Offences (Amendment) (Guernsey) Law, 2000

(Registered on the Records of the Island of Guernsey
on the 23rd May, 2000.)



2000

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 23rd day of May, 2000 before Andrew Christopher King Day, Esquire, Deputy Bailiff; present:- John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, O.B.E., Esquires, The Reverend Peter Gerald Lane, Michael John Wilson and Michael Henry De La Mare, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th April, 2000, approving and ratifying a Projet de Loi entitled "The Sexual Offences (Amendment) (Guernsey) Law, 2000", 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 of which Order in Council the tenor followeth:-.

At the Court at Windsor Castle

The 19th day of April 2000

PRESENT,

The Queen's Most Excellent Majesty in Council

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 12th day of April 2000 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 30th day of June 1999, the States of Deliberation at a meeting held on the 29th day of September 1999 approved a Bill or “Projet de Loi” entitled “The Sexual Offences (Amendment) (Guernsey) Law 2000”, 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 as 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 Sexual Offences (Amendment) (Guernsey) Law 2000”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.

“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, and it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

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.

A. K. Galloway

The Sexual Offences (Amendment) (Guernsey) Law, 2000

THE STATES, in pursuance of their Resolution of 30th June 1999^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Reduced age of consent for homosexual acts in private

1. In subsections (1) and (4) of section 1 of the Sexual Offences (Bailiwick of Guernsey) Law, 1983^b ("the Law of 1983") for "twenty-one years", wherever appearing, substitute "18 years".

Homosexual acts on merchant ships

2. (1) Section 2 of the Law of 1983 is repealed.

(2) The repeal effected by subsection (1) of this section shall not be taken to prevent a homosexual act from constituting a ground for dismissing a member of the crew of a Guernsey merchant ship from his ship.

(3) In this section -

"Guernsey merchant ship" means a ship registered in Guernsey and habitually used, or used at the time of the act concerned, for the purpose of carrying passengers or goods for reward;

^a on Article 7 of Billet d'État No. XII of 1999.

^b Ordres en Conseil Vol. XXVIII, p.316.

"**member of the crew**", in relation to a ship, includes the master of the ship and any apprentice to the sea serving in the ship.

Reduction of age by reference to which maximum punishment is ascertained

3. In section 3(1) of the Law of 1983 for "that age", wherever appearing, substitute "the age of 18 years".

Past offences

4. (1) Subject to subsection (2) of this section, the amendments made by this Law to the Law of 1983 shall have effect in relation to acts done before the commencement of this Law as they apply in relation to acts done after the commencement of this Law.

(2) This Law shall not have effect in relation to any act which is, or apart from this Law would be, an offence, where the defendant to an indictment for that offence has been committed for trial before the commencement of this Law.

Citation and construction

5. (1) This Law may be cited as the Sexual Offences (Amendment) (Guernsey) Law, 2000.

(2) This Law is to be construed as one with the Law of 1983.

Commencement

6. This Law shall come into force on the day after its registration on the records of the Island of Guernsey.