

ORDER IN COUNCIL

ratifying a Projet de Loi

II
1982

ENTITLED

The Summary Offences (Bailiwick of Guernsey) Law, 1982

(Registered on the Records of the Island of Guernsey
on the 23rd day of February, 1982.)



ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 23rd day of February, 1982 before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Richard Alan Kinnersly, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon and James de Sausmarez Carey, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 10th day of February, 1982, ratifying a *Projet de Loi* entitled "The Summary Offences (Bailiwick of Guernsey) Law, 1982", 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 10th day of February 1982

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 24th day of December 1981 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 23rd day of July 1981, the States of Deliberation at a meeting held on the 1st day of October 1981 approved a Bill or “Projet de Loi” entitled “The Summary Offences (Bailiwick of Guernsey) Law, 1982”, 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 Summary Offences (Bailiwick of Guernsey) Law, 1982” 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.

N. E. Leigh

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

PROJET DE LOI

ENTITLED

The Summary Offences (Bailiwick of Guernsey) Law, 1982

ARRANGEMENT OF SECTIONS

Section

1. Offences punishable with fine not exceeding £200.
2. Offences punishable with fine not exceeding £100.
3. Offences punishable with fine not exceeding £50.
4. Punishment of fraudulent mediums, etc.
5. Penalties in connection with straying animals.
6. Forfeiting obscene articles.
7. Interpretation.
8. Amendment to Alderney Law of 1931.
9. Amendment to Law of 1960.
10. Repeals.
11. Citation.
12. Commencement.

SCHEDULE—Enactments Repealed.

PROJET DE LOI

ENTITLED

The Summary Offences (Bailiwick of Guernsey) Law, 1982

THE STATES, in pursuance of their Resolution of the twenty-third day of July, nineteen hundred and eighty-one, 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.

Offences punishable with fine not exceeding £200.

1. A person who—

- (a) wanders abroad, or places himself in any public place, for the purpose of begging or gathering alms, or causes, procures or encourages any child to do so; or
- (b) goes about as a gatherer or collector of alms, or endeavours to collect charitable contributions of any kind, under any false or fraudulent pretence; or
- (c) in any public place or upon premises belonging to another—
 - (i) while in a state of drunkenness, behaves in a disorderly or indecent manner; or
 - (ii) behaves in a disorderly or indecent manner; or
- (d) attends any court in a state of drunkenness; or
- (e) is found in or upon any dwelling-house or any other building or in any enclosed yard, garden or area and fails to give a good account of himself; or
- (f) is found in or upon any vessel and fails to give a good account of himself; or

- (g) without lawful cause, unfastens or tampers with the moorings of any vessel; or
- (h) loiters or solicits in a public place for the purposes of prostitution; or
- (i) in any public place or at any public meeting uses threatening, abusive or insulting words, or distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting, with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned; or
- (j) wilfully exposes to view in any street, road or highway, or public place, or in the window or other part of any shop, or other building, situate in any street, road, highway or public place, any obscene print, picture or other indecent exhibition; or
- (k) being able to maintain himself and his family, by work or other means, wilfully refuses or neglects to do so and thereby causes himself or any member of his family whom he is legally bound to maintain to become chargeable to the States of Guernsey, the States of Alderney, the Chief Pleas of Sark or to any Parish;

shall be guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

2. A person who—

- (a) permits a mischievous or ferocious animal to wander; or

Offences punishable with fine not exceeding £100.

- (b) incites a dog belonging to him or in his care to attack or chase a passer-by or fails to restrain such a dog from attacking or chasing a passer-by; or
- (c) incites a dog belonging to him or in his care to attack or chase any animal belonging to another person or fails to restrain such a dog from attacking or chasing any such animal; or
- (d) ignites or discharges any firework in a public place without the prior permission—
 - (i) in the Island of Guernsey, of the Constables of the Parish in which that place is situated;
 - (ii) in the Island of Alderney, of the Clerk of the States;
 - (iii) in the Island of Sark, of the Constable or, in his absence, the Vingtenier; or
- (e) makes, or contributes to the making of, any noise or disturbance to the annoyance of persons in the neighbourhood; or
- (f) interrupts or disturbs any religious service being held in any church or other place of worship or in any cemetery or burial-ground;

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

Offences
punishable
with fine not
exceeding
£50.

3. A person who—

- (a) having been informed by a police officer that he is required to attend the Magistrate's

Court at a specified time and date to give evidence in a criminal matter or at an inquest, fails, without good reason, so to attend; or

(b) having been requested by a police officer to assist the police officer in the execution of his duty, fails to assist the police officer; or

(c) is found lying drunk in the open air or in a building belonging to another;

shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding two weeks or to both such fine and such imprisonment.

4. (1) Subject to the provisions of this section, any person who:—

Punishment
of fraudu-
lent
mediums,
etc.

(a) with intent to deceive purports to act as a spiritualistic medium or to exercise any powers of telepathy, clairvoyance or other similar powers; or

(b) in purporting to act as a spiritualistic medium or to exercise such powers as aforesaid, uses any fraudulent device;

shall be guilty of an offence.

(2) A person shall not be convicted of an offence under the foregoing subsection unless it is proved that he acted for reward; and for the purposes of this section a person shall be deemed to act for reward if any money is paid, or other valuable thing given, in respect of what he does, whether to him or to any other person.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(4) Nothing in subsection (1) of this section shall apply to anything done solely for the purpose of entertainment.

Penalties in connection with straying animals.

5. (1) If any horses, ponies, asses, mules, donkeys, cattle, sheep, goats or swine are at any time found straying or lying on or at the side of any road, street or lane their keeper shall be guilty of an offence:

Provided that the provisions of this subsection shall not apply to any animal found at the side of any road, street or lane and securely tethered so that no part of the animal can reach the carriage-way of such road, street or lane.

(2) A person guilty of an offence under this section shall be liable on conviction to a fine not exceeding one hundred pounds.

(3) A person guilty of an offence under this section shall also be liable to pay the reasonable expenses of removing any animal so found straying or lying to the premises of the keeper thereof or to such other place as may have been provided for the purpose; and any person who has incurred such expenses shall be entitled to recover them as a civil debt.

(4) In this section the expression "keeper", in relation to any animal, means the owner or the person in charge of the animal.

6. Where a person is convicted of an offence under paragraph (j) of section one of this Law, the court by or before which he is convicted may order that any obscene article to which such conviction relates shall be forfeited and destroyed or otherwise disposed of as the court may direct.

Forfeiting
obscene
articles.

7. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpre-
tation.

“child” means a person under the age of fourteen years;

“the Magistrate’s Court” means—

- (a) in relation to the Island of Guernsey, the Magistrate’s Court;
- (b) in relation to the Island of Alderney, the Court of Alderney;
- (c) in relation to the Island of Sark, the Court of the Seneschal;
- (d) in relation to any criminal matter arising in the Island of Alderney or the Island of Sark and transferred to the Royal Court sitting as an Ordinary Court under the provisions of Part IV of the Magistrate’s Court (Guernsey) Law, 1954, as amended^(a), the Royal Court sitting as an Ordinary Court;

“police officer” means—

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his

(a) Ordres en Conseil Vol. XVI, p. 103; Vol. XVII, p. 218; No. VI of 1976; No. XII of 1979.

- jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (b) in relation to the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney;
- (c) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;

“public place” includes any road, street or lane and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.

(2) The Interpretation (Guernsey) Law, 1948(b) shall apply to the interpretation of this Law throughout the Bailiwick.

(3) Where any provision of a Law repealed by this Law has been re-enacted, with or without modification, by this Law, any reference in any other enactment to the provision so repealed shall, unless the contrary intention appears, be construed as a reference to the corresponding provision as so re-enacted.

(4) Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as including a reference to that enactment as amended, extended, repealed or replaced by or under any other enactment including this Law.

Amendment
to Alderney
Law of 1931.

8. In Article II of the Law entitled “Loi ayant rapport à la Constitution d’une Liste d’Interdits

(Black List) pour cette Ile” registered on the nineteenth day of January, nineteen hundred and thirty-one (c) the words “les sections trois et cinq de l’Article dix de la “Loi relative à l’application des Peines tant au Criminel qu’en Police Correctionnelle” sanctionnée par un Ordre de sa Majesté en Conseil en date du 24 juin 1856, et enregistré sur les Records de cette Ile le 19 juillet 1856,” are hereby repealed and the following words are hereby substituted therefor:—

“le sous-alinéa (i) de l’alinéa (c) de la section un ou l’alinéa (c) de la section trois de la Loi intitulée ‘The Summary Offences (Bailiwick of Guernsey) Law, 1982,’”.

9. In subsection (1) of section one of the Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960(d) the words “Upon the conviction of a person of an offence against section three or section five of Article ten of the Law entitled “Loi relative à l’Application des Peines tant au Criminel qu’en Police Correctionnelle” registered on the Records of this Island on the fifth day of July, eighteen hundred and fifty-six,” are hereby repealed and the following words are hereby substituted therefor:—

Amendment
to Law of
1960.

“Upon the conviction of a person of an offence against sub-paragraph (i) of paragraph (c) of section one or paragraph (c) of section three of the Summary Offences (Bailiwick of Guernsey) Law, 1982,”.

10. The enactments set out in the Schedule to this Law are hereby repealed. Repeals.

(c) Ordres en Conseil Vol. IX, p. 1.

(d) Ordres en Conseil Vol. XVIII, p. 247.

Citation. 11. This Law may be cited as the Summary Offences (Bailiwick of Guernsey) Law, 1982.

Commence-
ment. 12. This Law shall come into force on the expiration of the period of one month commencing on the date on which it is registered on the records of the Island of Guernsey.

SCHEDULE Section 10

Enactments Repealed

1. The Law entitled "Loi relative à l'Application des Peines, tant au Criminel qu'en Police Correctionnelle" registered on the fifth day of July, eighteen hundred and fifty-six(e).
2. The Law entitled "Loi contenant des Articles Supplémentaires à la Loi de 1856, relative à l'Application des Peines" registered on the thirteenth day of April, eighteen hundred and seventy-eight(f).
3. The Law entitled "Loi étendant les pouvoirs de la Cour Royale siégeant en Police Correctionnelle" registered on the first day of December, eighteen hundred and eighty-eight(g).
4. The Law entitled "Loi supplémentaire à la Loi relative à l'application des peines tant au Criminel qu'en Police Correctionnelle (1856)" registered on the tenth day of April, nineteen hundred and fifteen(h).

A. G. LE CHEMINANT.

Her Majesty's Deputy Greffier.

(e) Ordres en Conseil Vol. I, p. 249.
 (f) Ordres en Conseil Vol. II, p. 187.
 (g) Ordres en Conseil Vol. II, p. 297.
 (h) Ordres en Conseil Vol. V, p. 110.