

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

Loi relative à la Probation de Délinquants.

(Enregistré sur les Records de l'île de Guernesey le
23 novembre 1929.)



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1929.

VII.
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ORDRE EN CONSEIL.



À LA COUR ROYALE DE L'ILE DE GUERNESEY.

*Le vingt trois novembre mil neuf cent vingt neuf par
devant Arthur William Bell, écuyer, Baillif,
présents : William de Prélaz Crousaz, Jean
Allès Simon, Jean Ernest Dorey, John Roussel,
Richard Francis McCrea, Osmond Priaula
Gallienne, Geoffrey Alfred Carey, Ernest de Garis,
et Sidney Beckwith Mainquy écuyers, Jurés.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 5 novembre 1929 ratifiant un Projet de Loi intitulé "Loi relative à la Probation de Délinquants." La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile duquel Ordre la teneur suit :—

At the Court at Suckingham Palace,

The 5th day of November, 1929.

Present,

The King's Most Excellent Majesty

PRIME MINISTER,
LORD PRESIDENT
LORD CHAMBERLAIN,
LORD SOUTHBOROUGH,
HON. SIR FRANCIS LINDLEY.

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 August, 1929, in the words following, viz. :—

LE 23 NOVEMBRE 1929.

“ **Your Majesty** having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

“ 1. That by an Order in Council of the 1st August, 1896, the Law intituled ‘ Loi relative aux personnes accusées de crime pour la première fois ’ was duly registered on the Records of the Island of Guernsey : 2. That on the 22nd June, 1929, the Royal Court adopted a *Projet de Loi* prepared by the Law Officers of the Crown, amending the aforesaid Law and adding provisions for the appointment of a Probation Officer in accordance with those contained in the Probation Act of 1907, and requested the Bailiff to submit the same to the States of Deliberation for their approval : 3. That on the 10th July, 1929, the said *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorising the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 4. That the said *Projet de Loi* is intituled ‘ Loi relative à la Probation de Délinquants,’ and is in the words and figures set forth in the Schedule annexed to the said Petition. And humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey, intituled ‘ Loi relative à la Probation de Délinquants,’ and to order and direct that the same shall have the force of Law within the said Island.”

“ **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 said 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 Island 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 or 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.

M. P. A. HANKLEY.

“PROJET DE LOI” referred to in the foregoing
Order in Council.

LOI RELATIVE À LA PROBATION
DE DÉLINQUANTS.

Attendu qu'il est expédient de faire de règlements semblables aux dispositions des Actes du Parlement relatifs à la Probation de Délinquants; est et demeure rappelée la Loi relative aux personnes accusées de crime pour la première fois, confirmée par un Ordre de Sa Majesté en Conseil en date du 1er août 1896 enregistré sur les records de cette Ile le 19 août 1896, et les règlements qui ensuivent rédigés en anglais auront force de loi en cette Ile.

1.—(1) Where any person is charged before the Police Court with an offence punishable by such Court and the Court thinks that the charge is proved but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the Court may without proceeding to conviction, make an order, either—

- (i) dismissing the charge; or
- (ii) discharging the offender conditionally on his taking an oath or finding bail with or without sureties in such sum as the Court shall think fit, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2)—Where any person has been convicted on indictment of any offence punishable with imprisonment, and the Court is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature

of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the Court may, in lieu of imposing a sentence of imprisonment, make an order discharging the offender conditionally on his taking an oath or finding bail with or without sureties in such sum as the Court shall think fit, to be of good behaviour and to appear for sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(3)—The Court may, in addition to any such order, order the offender to pay such damages for injury or compensation for loss (not exceeding in the case of the Police Court ten pounds, or, if a higher limit is fixed by any enactment relating to the offence, that higher limit) and such costs of the proceedings as the Court thinks reasonable, and if the offender is under the age of sixteen years, and it appears to the Court that the parent or guardian of the offender has conduced to the commission of the offence, the Court may order payment of such damages and costs by such parent or guardian.

(4)—Where an order under this article is made by the Police Court, the order shall for the purpose of revesting or restoring stolen property, and of enabling the Court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with such restitution, or delivery, have the like effect as a conviction.

2.—(1)—In addition to taking an oath or finding bail as provided by the preceding article the Court may order that the offender be under the supervision of such person as may be named in the order during the period specified in the order and may make such conditions for securing such supervision as the Court

thinks fit. Such order in this law is referred to as a probation order.

(2)—A probation order may contain such additional conditions with respect to residence, abstention from intoxicating liquor and any other matters as the Court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences.

3.—(1)—The Royal Court shall appoint a person or persons of either sex to be probation officers and a probation officer when acting under a probation order shall be subject to the control of the Court which made the order.

(2)—A probation officer may be paid such salary or remuneration as the Royal Court may determine, and if not so paid by salary may receive such out of pocket expenses as the Royal Court may from time to time determine.

(3)—A person named as a probation officer may at any time be relieved of his duties by the Royal Court and in such case or in the case of the death of a probation officer another person may be substituted by the Royal Court.

4.—It shall be the duty of a probation officer, subject to the directions of the Court—

- (a) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order, or subject thereto, as the probation officer may think fit ;
- (b) to see that he obeys the conditions of the probation order ;
- (c) to report to the Court as to his behaviour ;
- (d) to advise, assist, and befriend him, and, when necessary, to endeavour to find him suitable employment.

5.—The Court may—

- (a) at any time if it appears to it, upon the application of the probation officer, that it is expedient

that the terms or conditions of the order should be varied, cause the person in respect of whom the order was made, to appear before it and if he fails to show cause why such variation should not be made, vary the terms of the order by extending or diminishing the duration thereof (so however that it shall not exceed three years from the date of the original order), or by altering the conditions thereof, or by inserting additional conditions ; or

- (b) on application being made by the probation officer, and on being satisfied that the conduct of the person in respect of whom the order was made has been such as to make it unnecessary that he any longer be under supervision, discharge the order.

6.—If the Court is satisfied by information on oath that the offender has failed to observe any of the conditions of the order, it may order that he be apprehended or be warned to appear before the Court and the Court on being satisfied that he has failed to observe any conditions of the order, may without further proof of his guilt, convict and sentence him for the original offence.

7.—The Royal Court is authorised to pass all and such Ordinances for carrying this Law into effect and in particular for prescribing such matters incidental to the appointment, resignation and removal of probation officers, and the performance of their duties and the reports to be made by them, as may appear necessary.

QUERTIER LE PELLEY.

Greffier du Roi.