

PROJET DE LOI

ENTITLED

The Offences Against Girls (Availability of Defences) Law, 1956 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XVII, p. 142. This Law has been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (No. VII of 2021).

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ARRANGEMENT OF SECTIONS

1. Girl apparently over sixteen.
2. Consent of girl under sixteen.
3. Convictions already recorded.
4. Repeal.

REPEALED

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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.

Girl apparently over sixteen.

1. Notwithstanding the provisions of Article three of the Law entitled "Loi ayant Rapport à la Protection des Femmes et des 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 –

- (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.

NOTE

The following case has referred to this Law:

Petro Ascolese v. Law Officers of the Crown (2015) (Unreported, Royal Court, 2nd September) (Guernsey Judgment No 45/2015).

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.

NOTE

The following case has referred to section 2:

Petro Ascolese v. Law Officers of the Crown (2015) (Unreported, Royal Court, 2nd September) (Guernsey Judgment No 45/2015).

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.

NOTE

The Law received Royal Sanction on 19th December, 1956 and was registered on the Records of the Island of Guernsey and came into force on 21st January, 1957.
