

# PROJET DE LOI

ENTITLED

## **Loi relative à la Servitude Pénale \***

[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.*

©States of Guernsey

---

\* Ordres en Conseil Vol. II, p. 72; as amended by the Loi portant modification à la Loi relative à la Servitude Pénale (Ordres en Conseil Vol. II, p. 397). See also the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172).

# PROJET DE LOI

ENTITLED

## **Loi relative à la Servitude Pénale**

ARRANGEMENT OF ARTICLES

1. Article 1.
2. Article 2.
3. Article 3.
4. Article 4.

# PROJET DE LOI

ENTITLED

## Loi relative à la Servitude Pénale

### Article 1.

1. La peine de Déportation ne sera plus prononcée par la Cour Royale.

### Article 2.

2. Dans le cas où un criminel peut maintenant être condamné au Bannissement pour cause de félonie, la Cour Royale pourra à l'avenir ajouter au Bannissement la Servitude Pénale, en adjugeant ledit criminel à être banni hors de ce bailliage pour subir la Servitude Pénale (pendant                      ans, ou à perpétuité suivant le cas) sous la discipline prescrite par la législation du Royaume Uni.

---

### NOTES

*While the power to banish remains, technically, in force, it is not known to have been exercised in many years.*

*In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(1), with effect from 21st January, 1980, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to penal servitude and accordingly the power conferred under this Article shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before that date.*

---

### Article 3.

[3. La peine de Servitude Pénale ne pourra être prononcée pour un terme de moins de trois ans.]

---

### NOTES

*Article 3 was substituted by the Loi portant modification à la Loi relative à la Servitude Pénale, 1892, with effect from 10th December, 1892.*

*In accordance with the provisions of the Criminal Justice (Bailiwick of*

*Guernsey) Law, 1979, section 2(1), with effect from 21st January, 1980, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to penal servitude and accordingly the power conferred under this Article shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before that date.*

---

**Article 4.**

4. Une sentence de Bannissement, soit avec Servitude Pénale, soit sans Servitude Pénale, n'emportera ni confiscation, ni forfaiture, ni mort civile.

---

**NOTES**

*The Law received Royal Sanction on 19th July, 1870 and was registered on the Records of the Island of Guernsey and came into force in the Bailiwick of Guernsey on 8th August, 1870.*

*While the power to banish remains, technically, in force, it is not known to have been exercised in many years.*

*In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(1), with effect from 21st January, 1980, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to penal servitude and accordingly the power conferred under this Article shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before that date.*

---