

PROJET DE LOI

ENTITLED

The Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022

THE STATES, in pursuance of their Resolution of the 15th October, 2021^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 Bailiwick of Guernsey.

Amendment of the Human Rights Law.

1. (1) For section 9(2) of the Human Rights (Bailiwick of Guernsey) Law, 2000^b, substitute –

"(2) In proceedings under this Law in respect of a judicial act done in good faith, damages may not be awarded otherwise than –

- (a) to compensate a person to the extent required by Article 5(5) of the Convention, or
- (b) to compensate a person for a judicial act that is incompatible with Article 6 of the Convention in circumstances where the person is detained

^a Article VII of Billet d'État No. XX of 2021.

^b Order in Council No. XIV of 2000. This enactment has been amended.

and, but for the incompatibility, the person would not have been detained or would not have been detained for so long."

(2) The amendment made by subsection (1) applies in relation to judicial acts occurring before (as well as to those occurring after) this Law comes into force.

Citation.

2. This Law may be cited as the Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022.

Commencement.

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