

PROJET DE LOI

ENTITLED

Loi sur l'Avortement *

[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. IV, p. 359; as amended by the Abortion (Guernsey) Law, 1997 (No. VI of 1997, Ordres en Conseil Vol. XXXVII, p. 72). See also the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 639). This Law has been repealed in the Islands of Guernsey, Herm and Jethou by the Abortion (Guernsey) Law, 1997 (*supra*); and is prospectively repealed in the Island of Alderney by the Abortion (Alderney) Law, 2022 (No. ** of 2022).

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Loi sur l'Avortement

ARRANGEMENT OF ARTICLES

1. Sera coupable de félonie toute femme enceinte qui essaie de se procurer un avortement et toute personne qui essaie de procurer un avortement à une autre.
2. Sera coupable d'un délit toute personne qui fournit ou procure aucun poison ou autre chose nuisible avec l'intention de procurer un avortement.
3. Naissance d'un enfant cachée et concelée.

Loi applicable au Bailliage.

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Loi sur l'Avortement

Sera coupable de félonie toute femme enceinte qui essaie de se procurer un avortement et toute personne qui essaie de procurer un avortement à une autre.

1. Toute femme, étant enceinte, qui, avec l'intention de se procurer un avortement, administrera illégalement à elle-même aucun poison, breuvage, aliment, médicament ou autre chose nuisible, ou se fera aucune violence, ou qui se servira illégalement d'aucun instrument ou autre moyen quelconque avec la même intention, et toute personne qui, avec l'intention de causer ou procurer un avortement à aucune femme, qu'elle soit enceinte ou non, lui administrera ou lui fera prendre illégalement aucun poison ou autre chose nuisible, ou qui se servira illégalement d'aucun instrument ou autre moyen quelconque avec la même intention, sera coupable de félonie, et étant trouvée coupable sera passible, à discrétion de justice, à être condamnée à la Servitude Pénale, pour sa vie ou pour aucun autre terme de pas moins de trois ans, ou à être envoyée en prison pour un terme n'excédant pas deux ans, avec ou sans travail forcé, et avec ou sans emprisonnement au secret.

NOTES

The Law, and Article 1 thereof, were repealed in respect of the Islands of Guernsey, Herm and Jethou by the Abortion (Guernsey) Law, 1997, section 10, with effect from 18th March, 1997.

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.

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), 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 imprisonment with hard labour 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 for which a sentence of imprisonment with hard labour could have been passed in that case immediately before that date.

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, with reference to the penalty prescribed for the offences in this Article and subject also to the provisions of section 12 and section 13 of the Government of Alderney Law, 2004 or section 11 of the Reform (Sark) Law, 2008, a court in Guernsey (but not in Alderney or Sark), instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Sera coupable d'un délit toute personne qui fournit ou procure aucun poison ou autre chose nuisible avec l'intention de procurer un avortement.

2. Toute personne qui fournira ou procurera illégalement aucun poison ou autre chose nuisible, ou aucun instrument ou chose quelconque, sachant que tel poison ou telle chose nuisible servira ou sera employée illégalement avec l'intention de procurer l'avortement d'une femme qu'elle soit enceinte ou non, sera coupable d'un délit, et étant trouvée coupable sera passible, à discrétion de Justice, à être condamnée à la Servitude Pénale pour le terme de trois ans, ou à être emprisonnée pour aucun terme n'excédant pas deux ans, avec ou sans travail forcé.

NOTES

Article 2 was repealed in respect of the Islands of Guernsey, Herm and Jethou by the Abortion (Guernsey) Law, 1997, section 10, with effect from 18th March, 1997.

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.

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), 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 imprisonment with hard labour 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 for which a sentence of imprisonment with hard labour could have been passed in that case immediately before that date.

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, with reference to the penalty prescribed for the offences in this Article and subject also to the provisions of section 12 and section 13 of the Government of Alderney Law, 2004 or section 11 of the Reform (Sark) Law, 2008, a court in Guernsey (but not in Alderney or Sark), instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Naissance d'un enfant cachée et conelée.

3. Dans le cas ou une femme donnera naissance à un enfant, toute personne qui, au moyen d'aucune disposition secrète du cadavre de tel enfant, soit que tel enfant est mort avant ou après naissance, essayera de cacher la naissance de tel enfant, sera coupable d'un délit, et étant trouvée coupable sera passible, à discrétion de justice, à un emprisonnement pour un terme n'excédant pas deux ans, avec ou sans travail forcé:

Pourvu toutefois qu'aucune personne qui a été traduite en justice pour le meurtre d'aucun enfant n'étant pas trouvé coupable, il sera loisible à la Cour qui, par son jugement, a libéré telle personne, de déclarer, en cas qu'il le paraîtrait en témoignage, que l'enfant est né récemment, et que telle personne, par quelque disposition secrète du cadavre de tel enfant a essayé de cacher la naissance de tel enfant, et en conséquence de cela la Cour pourra passer telle sentence comme si telle personne avait été trouvée coupable sous l'accusation pour la suppression de la naissance.

NOTES

Article 3 was repealed in respect of the Islands of Guernsey, Herm and Jethou by the Abortion (Guernsey) Law, 1997, section 10, with effect from 18th March, 1997.

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), 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 imprisonment with hard labour 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 for which a sentence of imprisonment with hard labour could have been passed in that case immediately before that date.

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, with reference to the penalty prescribed for the offences in this Article and subject also to the provisions of section 12 and section 13 of the Government of Alderney Law, 2004 or section 11 of the Reform (Sark) Law, 2008, a court in Guernsey (but not in Alderney or Sark), instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Loi applicable au Bailliage.

Et seront les dispositions de cette loi applicables au Bailliage de l'île de Guernesey.

NOTES

This Article was repealed in respect of the Islands of Guernsey, Herm and Jethou by the Abortion (Guernsey) Law, 1997, section 10, with effect from 18th March, 1997.

The Law received Royal Sanction on 7th November, 1910 and was registered on the Records of the Island of Guernsey and came into force on 26th November, 1910. In accordance with the provisions of the Order in Council to which it is Scheduled, this Law had from that date force of law in the Bailiwick of Guernsey until its repeal in respect of the Islands of Guernsey, Herm and Jethou by the Abortion (Guernsey) Law, 1997, section 10, with effect from 18th March, 1997, whereafter it continues to have force of law in the Island of Alderney and the Island of Sark.
