

ORDER IN COUNCIL

XXV

ratifying a Projet de Loi

1957

ENTITLED

The Corporal Punishment (Guernsey) Law, 1957.

(Registered on the Records of the Island of Guernsey
on the 28th day of December, 1957.)



1957.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 28th day of December, 1957, before Frank Gahan, Esquire, Q.C., Lieutenant-Bailiff; present: Sir John Leale, Arthur Falla, William Robert Freake Clark, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, and Richard Edward Gibson, Esquire, O.B.E., Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of November, 1957, ratifying a *Projet de Loi* entitled "The Corporal Punishment (Guernsey) Law, 1957",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 27th day of November, 1957.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

SIR DAVID ECCLES

MR. AUBREY JONES

SIR ROBERT TREDGOLD

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 11th day of November, 1957, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:

- ‘ 1. That, in pursuance of their Resolution of the 3rd day of April, 1957, the States of Deliberation at a meeting held on the 16th day of October, 1957, approved a Bill or “Projet de Loi” entitled “The Corporal Punishment (Guernsey) Law, 1957” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto.
2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to

grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Corporal Punishment (Guernsey) Law, 1957" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

"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."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her 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 Bailiwick of Guernsey.

AND HER 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her 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.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Corporal Punishment (Guernsey) Law, 1957

THE STATES, in pursuance of their Resolution of the third day of April, nineteen hundred and fifty-seven, 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.

1. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Court” means the Royal Court sitting as a Full Court, the Royal Court sitting as an Ordinary Court or the Magistrate’s Court;

“young person” means a male person who has attained the age of twelve years but has not attained the age of eighteen years.

(2) Any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Law.

2. (1) A young person who is convicted by the Court of any offence committed in the Bailiwick of

Guernsey and which in the case of a person of full age is punishable by imprisonment shall be liable to be once privately whipped in addition to or in substitution for any other punishment to which he may by law be liable.

(2) Nothing in subsection (1) of section ten of the Magistrate's Court (Guernsey) Law, 1954 (which relates to the powers and duties of the Magistrate's Court) shall be taken to prevent the Magistrate's Court from imposing a sentence of whipping which that Court is empowered to impose under the provisions of this Law or of any other Law for the time being in force.

3. Where a sentence of whipping may be imposed under this Law or under any other Law or under the common law—

- (a) in the case of an offender who is a young person the number of strokes at such whipping shall not exceed twelve and the instrument used shall be a birch rod;
- (b) in the case of an offender aged eighteen years or over the number of strokes at such whipping shall not exceed twenty-four and the instrument used shall be a cat-o'-nine-tails or a birch rod;
- (c) in each case the Court in its sentence shall specify the number of strokes to be inflicted and the instrument to be used;
- (d) such whipping shall not take place after the expiration of six months from the passing of the sentence.

4. A sentence of whipping shall not be imposed by the Court on any person under the age of twelve years.

5. A sentence of whipping shall be executed within the precincts of the Prison in the Island of Guernsey and the whipping shall be inflicted by an officer of the Prison.

6. The enactments set out in the first column of the Schedule to this Law are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE

Section six

Enactments repealed

<i>Enactment.</i>	<i>Date of registration</i>	<i>Extent of repeal.</i>
The Law entitled "Loi relative à l'Application des Peines, tant au Criminel qu'en Police Correctionnelle".	5th July, 1856.	Article fourteen and Article fifteen.
The Law entitled "Loi supplémentaire à la Loi relative à l'application des Peines".	11th July, 1896.	The whole Law.

JAMES E. LE PAGE,

Her Majesty's Greffier.