

ORDER IN COUNCIL

XVIII

ratifying a Projet de Loi

1957

ENTITLED

The Prison Administration (Amendment) (Guernsey) Law, 1957.

(Registered on the Records of the Island of Guernsey
on the 26th day of October, 1957.)



1957.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 26th day of October, 1957, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, Arthur Falla, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Bertram Guy Blampied and Claude Fortescue Nason, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 8th day of October, 1957, ratifying a *Projet de Loi* entitled "The Prison Administration (Amendment) (Guernsey) Law, 1957",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island.

At the Court at Buckingham Palace,

The 8th day of October, 1957.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SECRETARY HARE

MR. ORMSBY-GORE

MR. BROOKE

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 1st day of October, 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 Resolutions of the 20th day of June, 1951, the 19th day of September, 1951, and the 3rd day of April, 1957, the States of Deliberation at a meeting held on the 3rd day of July, 1957, approved a Bill or “Projet de Loi” entitled “The Prison Administration (Amendment) (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 Prison Administration (Amendment) (Guernsey) Law, 1957" and to order that the same shall have the force of Law in the Island 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 Island 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 Prison Administration (Amendment) (Guernsey) Law, 1957

THE STATES, in pursuance of their Resolutions of the twentieth day of June, nineteen hundred and fifty-one, the nineteenth day of September, nineteen hundred and fifty-one, and 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 this Island.

1. Section three of the Prison Administration (Guernsey) Law, 1949 (hereinafter referred to as "the principal Law") is hereby repealed and the following section is hereby substituted therefor—

" 3. (1) Subject to the provisions of this section, the States may from time to time by Ordinance make provision for the government, control and administration of the Prison and, in particular but without prejudice to the generality of the foregoing, for all or any of the following purposes, that is to say, the classification, treatment, employment, discipline and control of persons required to be detained therein.

(2) An Ordinance made under this section shall make provision for ensuring that a person who is charged with any offence under that Ordinance shall be given a proper opportunity of presenting his case.

(3) An Ordinance made under this section shall provide for the special treatment of the following persons whilst required to be detained in the Prison, that is to say—

- (a) any person who is detained in the Prison pending the determination of an appeal by him against conviction or sentence or against both conviction and sentence;
- (b) any other person detained in the prison, not being a person serving a sentence or a person imprisoned in default of payment of a sum adjudged to be paid by him on his conviction.

(4) An Ordinance made under this section may make provision whereby, in such circumstances as may be prescribed by the Ordinance, a person serving a sentence of imprisonment in the Prison for such a term as may be so prescribed may be granted remission of such part of that sentence as may be so prescribed on the ground of his industry and good conduct; and on the discharge of a person from the Prison in pursuance of any such remission as aforesaid his sentence shall expire.

(5) If it appears to the States Prison Board that a person serving a sentence of imprisonment was under the age of twenty-one years at the commencement of his sentence, it may direct that instead of being granted remission of his sentence under any Ordinance made under this section he shall, at any time on or after the day on which he could have been discharged if the remission had been granted, be released on licence under the provisions of the Schedule to this Law.

(6) Except as provided by subsections (7) to (11), both subsections inclusive, of this section, an Ordinance made under this section shall not

authorise the infliction of corporal punishment in the Prison.

(7) Subject to the succeeding provisions of this section, an Ordinance made under this section may authorise the infliction of corporal punishment for mutiny, incitement to mutiny or gross personal violence to an officer of the Prison when committed by a male person serving a sentence of imprisonment and detained in the Prison in consequence thereof.

(8) An Ordinance made under this section shall not authorise the infliction of corporal punishment except by order of the States Prison Board made after an inquiry by a meeting thereof at which not less than three members are present and at which the evidence is given on oath, the person who is performing the duties of chairman at that meeting being hereby authorised to administer that oath; throughout every such meeting a Law Officer of the Crown shall be present to assist in the proper conduct of the proceedings.

(9) The rules of evidence to be adopted at an inquiry held in pursuance of the last preceding subsection shall be those for the time being followed in the Royal Court.

(10) The punishment which may be inflicted under an order made by the States Prison Board as aforesaid shall not exceed—

- (a) in the case of a person appearing to the said Board to be not less than eighteen years of age, twenty-four strokes of a cat-o'-nine-tails or birch rod; or
- (b) in the case of a person appearing to the said Board to be under that age, twelve strokes of a birch rod;

and if corporal punishment is inflicted, no further punishment by way of confinement in cells or restricted diet shall be imposed.

(11) Where an order for the infliction of corporal punishment has been made under this section, a copy of the notes of the evidence given at the inquiry, a copy of the order and a statement of the grounds on which it was made shall forthwith be given to the Bailiff; and the order shall be carried into effect only after confirmation by the Bailiff, and, if the Bailiff confirms the order but reduces the sentence, in accordance with the order as so modified.

(12) A refusal by the Bailiff to confirm such an order as aforesaid shall not prejudice any power of the States Prison Board to impose another punishment for the offence for which the order was made.

(13) For the purposes of this section, a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated as one term.”.

2. There is hereby inserted at the end of the principal Law as the Schedule to that Law the Schedule to this Law.

3. This Law and the principal Law may be cited together as the Prison Administration (Guernsey) Laws, 1949 and 1957.

" SCHEDULE Section 3 (5)

*Release of Young Offenders from the Prison on
Licence*

1. A person released on licence under subsection (5) of section three of this Law shall until the expiration of his sentence be under the supervision of such person or persons as may be specified in the licence and shall comply with such other requirements as may be so specified:

PROVIDED that the States Prison Board may at any time modify or cancel any such requirements.

2. If before the expiration of his sentence the States Prison Board is satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, it may by order recall him to the Prison; and thereupon he shall be liable to be detained in the Prison until the expiration of his sentence and, if at large, shall be deemed to be unlawfully at large.

3. The States Prison Board may release on licence a person detained in the Prison under the last foregoing paragraph at any time before the expiration of his sentence; and the foregoing provisions of this Schedule shall apply in the case of a person released under this paragraph as they apply in the case of a person released under subsection (5) of section three of this Law.

4. Where the unexpired part of the sentence of a person released under subsection (5) of the said section three is less than six months, the provisions of this Schedule shall apply to him subject to the following modifications—

- (a) the period for which he is under supervision under paragraph 1 of this Schedule and is liable

to recall under paragraph 2 of this Schedule shall be a period of six months from the date of his release under the said subsection (5);

- (b) if he is recalled under paragraph 2 of this Schedule the period for which he may be detained thereunder shall be whichever is the shorter of the following, that is to say—
 - (i) the remainder of the said period of six months; or
 - (ii) the part of his sentence which was unexpired on the date of his release under the said subsection (5), reduced by any time during which he has been so detained since that date;

and he may be released on licence under paragraph 3 of this Schedule at any time before the expiration of that period.”

JAMES E. LE PAGE,

Her Majesty's Greffier.