

ORDER IN COUNCIL

XXI

1949

Ratifying a Projet de Loi entitled

"The Prison Administration (Guernsey) Law, 1949".

(Registered on the Records of the Island of Guernsey on
the 16th day of July, 1949.)



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1949.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of July, 1949, before Sir Ambrose James Sherwill, Knight, C.B.E., M.C., Bailiff; present : Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark and Ernest Francis Lainé, Esquires, Jurats.

THE BAILIFF having this day placed before the Court an Order of His Majesty in Council dated the 30th day of June, 1949, ratifying a *Projet de Loi* entitled "The Prison Administration (Guernsey) Law, 1949",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of the Island of Guernsey of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace,

The 30th day of June, 1949.

Present,

The King's Most Excellent Majesty.

LORD CHANCELLOR
LORD PRESIDENT
EARL OF LISTOWEL
LORD MORRISON
MR. SECRETARY WOODBURN
MR. RINFRET.

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 30th day of May, 1949, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, 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 26th day of March, 1947, and of the 4th day of June, 1948, the States of Deliberation at a meeting held on the 9th day of March, 1949, approved a Bill or “ *Projet de Loi* ” entitled “ The Prison Administration (Guernsey) Law, 1949 ” 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 (Guernsey) Law, 1949 ” and to order and direct that the same shall have 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*.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of

His 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 HIS 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 His 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.

E. C. E. Leadbitter.

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

PROJET DE LOI

ENTITLED

"The Prison Administration (Guernsey) Law, 1949".

WHEREAS His Majesty's Government of the United Kingdom have relinquished the control and administration of His Majesty's Prison in this Island, and the States, by Resolution dated the 26th day of March, 1947, have accepted the responsibility for such control and administration :

WHEREAS Regulations for the said Prison have heretofore been made by Ordinance of the Royal Court :

WHEREAS the States have on the 4th day of June, 1948, resolved in the exercise of such control to set up a Prison Board and a Panel of Visitors, as is hereinafter provided, in respect of the said Prison :

WHEREAS, in consequence thereof, it is necessary and expedient that the functions heretofore respectively exercised by His Excellency the Lieutenant Governor and Commander in Chief and by the Royal Court and the Jurats thereof in relation to the control and administration of the said Prison shall be transferred to the said Prison Board, and that the functions heretofore exercised by the said Jurats in relation to the periodic inspection of the said Prison shall be transferred to the said Panel of Visitors :

THE STATES, in pursuance of their said Resolutions have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

Constitution
of States
Prison
Board.

1. There shall be set up a Board, to be known as "the States Prison Board", which Board shall be constituted in accordance with the provisions

of any States Resolution in that behalf for the time being in force.

2. The functions in relation to the control and administration of the Prison heretofore respectively exercised by His Excellency the Lieutenant Governor and Commander in Chief and the Royal Court and the Jurats thereof are hereby transferred to the States Prison Board. Transfer of powers to the Board.

3. (1) In particular, and without prejudice to the generality of the last foregoing section, the States Prison Board may from time to time make Regulations for the government of the Prison and for defining the powers, duties and functions of the Governor thereof. Power to Board to make Regulations.

(2) Regulations made by the States Prison Board shall be submitted to the States for approval and the States may approve the same with or without amendment.

(3) Regulations approved by the States shall be made operative by Ordinance of the States.

4. The States Appointments Board shall from time to time appoint a person to be Governor of the Prison for such period and on such terms and conditions as that Board shall specify, who shall be responsible to and shall obey the orders of the States Prison Board in respect of the maintenance of discipline in the Prison and generally in respect of the operation of the Regulations from time to time in force for the government thereof, save that he shall not be dismissed from his appointment as such Governor except by the States Board of Administration. Governor.

5. (1) All property and rights held or enjoyed immediately before the coming into force of this Law in connection with any of the functions hereby transferred, and all liabilities to which any of them was then subject in connection therewith, are hereby transferred to the States of Guernsey. Consequential provisions.

(2) In the construction and for the purposes of any judgment, order, deed, contract or other document given or made before the coming into force of this Law, any reference to His Excellency the Lieutenant Governor and Commander in Chief, to His Majesty's Sheriff or to His Majesty's Receiver General shall so far only as may be necessary for or in consequence of the transfer of functions effected by this Law, be construed as a reference to the States Prison Board.

(3) The transfer of functions effected by this Law shall not prejudice the operation of any order, appointment, direction, instruction, approval, requirement or other thing made, given or done by His Excellency the Lieutenant Governor and Commander in Chief, His Majesty's Sheriff or by His Majesty's Receiver General or by any person acting on behalf of the States of Guernsey in relation to the functions transferred by this Law and before the coming into force thereof, but any such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the States Prison Board.

(4) Anything commenced before the coming into operation of this Law by or under the authority of His Excellency the Lieutenant Governor and Commander in Chief, His Majesty's Sheriff or His Majesty's Receiver General or by any person acting on behalf of the States of Guernsey may, so far as it relates to the functions transferred by this Law, be carried on by or under the authority of the States Prison Board.

(5) Where at the coming into force of this Law any legal proceeding is pending to which His Excellency the Lieutenant Governor and Commander in Chief, His Majesty's Sheriff or His Majesty's Receiver General is a party and the proceeding has reference to any of the functions transferred

by this Law, the States Prison Board shall be substituted in the proceeding for His said Excellency, the said Sheriff or the said Receiver General, as the case may be, and the proceeding shall not abate by reason of the substitution.

6. There shall be set up a Panel, to be known as ^{Constitution of Panel of Visitors.} "the Panel of Visitors", which Panel shall be constituted in accordance with the provisions of any States Resolution in that behalf for the time being in force.

7. There shall be transferred to the Panel of ^{Transfer of powers to the Panel.} Visitors the powers and duties in respect of the inspection of the Prison heretofore exercisable by and devolving upon the said Jurats of the Royal Court.

8. His Excellency the Lieutenant Governor ^{Saving of powers of inspection of the Lieutenant Governor and Commander in Chief and the Bailiff.} and Commander in Chief and the Bailiff shall each be entitled at all times to visit and inspect the Prison.

9. This Law shall come into force on such day ^{Operation of this Law.} as the States may by Resolution appoint.

JAMES E. LE PAGE,

H.M. Greffier.