

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE SEXUAL OFFENCES (BAILIWICK OF GUERNSEY) LAW, 2020 (COMMENCEMENT)
ORDINANCE, 2022**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance brings the Sexual Offences (Bailiwick of Guernsey) Law, 2020 ("the Law") into force on 1st March 2022, with the exception of Chapters VIII (offences involving an abuse of a position of trust) and IX (offences by careworkers against persons with a mental disorder), as further definitions are required to be made by Ordinance before these provisions can be commenced. Although the Law repeals the legislation setting out the previous sexual offences, section 18 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 permits the investigation, prosecution and punishment for any offences committed prior to the commencement of the Law. A further saving is made in relation to notification requirements under the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 and other ancillary orders.

The Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022

THE STATES, in exercise of the powers conferred on them by sections 111 and 114 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020^a, and all other powers enabling them in that behalf, hereby order:-

Commencement of Law.

1. The following provisions of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 ("**the Law**") shall come into force on 1st March, 2022 -

- (a) Part I (except Chapter VIII (offences involving an abuse of a position of trust) & Chapter IX (offences by careworkers against persons with a mental disorder),
- (b) Parts II and III, and
- (c) Schedules 1 and 2.

Savings, etc.

2. For the avoidance of doubt -

- (a) section 18 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016^b shall

^a Order in Council No. II of 2021.

^b Order in Council No. V of 2018; this enactment has been amended.

have effect in relation to any act done or omission made before the Law came into force, and

(b) notwithstanding the repeal of any enactment by this Law -

(i) Parts II and III of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 ("**the 2013 Law**")^c shall continue to apply to a person who is convicted, after the commencement of Schedule 2 to this Law, of a relevant offence for the purposes of the 2013 Law which is set out in an enactment repealed by this Law as if that enactment had not been repealed, and the functions of the court and any other person under Parts II and III of the 2013 Law may be exercised accordingly, and

(ii) a court may make, after the commencement of Schedule 2 to this Law, any ancillary provision in relation to a person convicted of an offence -

(A) committed before the commencement of that Schedule, and

^c Order in Council No. IX of 2014; there are amendments to this enactment.

(B) which is an offence set out in an enactment which has been repealed under that Schedule,

which the court could have made before the commencement of that Schedule, as if that enactment had not been repealed.

Citation.

3. This Ordinance may be cited as the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.