

APPENDIX 1

Offence	Source of offence
<p>Rape</p> <p>Indecent assault</p> <p>Indecent exposure</p>	<p>Common law</p>
<p>Incest</p>	<p>Loi pour la punition d'inceste, 1909</p>
<p>Having unlawful sexual intercourse with a girl under 13 or 16</p> <p>Living on the earnings of prostitution</p> <p>Procuring a girl or woman for sexual intercourse/to become a prostitute/to leave the Bailiwick (to become a prostitute)</p> <p>Menacing/intimidating a girl or woman to have sexual intercourse</p> <p>Using false representations to cause a woman or girl to have sexual intercourse</p> <p>Administering etc any drug, substance or thing to a woman or girl so that "her modesty might be impugned" or to enable sexual intercourse</p> <p>Having unlawful sexual intercourse with a girl under 13</p> <p>Having unlawful sexual intercourse with a girl between 13 & 16</p> <p>Having unlawful sexual intercourse with a girl or woman of unsound mind</p> <p>Permitting a girl under 16 to use premises to have sexual intercourse</p> <p>Removing an unmarried girl under 18 from her parents' or guardian's custody for an immoral purpose</p> <p>Detaining a woman or girl against her</p>	<p>Loi relative à la protection des femmes & filles mineures, 1914</p>

<p>will in a house of prostitution or elsewhere for the purpose of unlawful sexual intercourse</p> <p>(Man) Living on the earnings of prostitution</p> <p>(Man) Persistently soliciting for immoral purposes in a public place</p> <p>(Woman) Controlling/being in charge of prostitutes</p>	
<p>(Parent/guardian) Allowing child under 16 to live in/frequent house of prostitution</p> <p>Using or encouraging seduction, unlawful sexual intercourse with, or the prostitution or indecent assault of, a girl under 16</p> <p>Taking/causing to be taken an unmarried girl under 16</p>	Loi ayant rapport à la Protection des Enfants et des Jeunes personnes, 1917
<p>Indecent assault of or gross indecency with a male</p> <p>Sodomy (with person or beast)</p>	Loi relative à la Sodomie, 1929
<p>Behaving in an indecent manner</p>	Summary Offences (Bailiwick of Guernsey) Law, 1982
<p>Living on the earnings of prostitution of a man</p> <p>Procuring a man to commit buggery</p> <p>Keeping/managing/letting etc premises for purpose of lewd homosexual practices</p>	Sexual Offences (Bailiwick of Guernsey) Law, 1983
<p>Burglary with intent to rape</p>	Theft (Bailiwick of Guernsey) Law, 1983
<p>Gross indecency or inciting gross indecency with a child</p> <p>Taking, making, distributing, possessing (with view to distribution) or publishing indecent photographs of a child</p> <p>Obscene publications</p>	Protection of Children (Bailiwick of Guernsey) Law, 1985

APPENDIX 2

Offence in 2003 Act	Recommended maximum sentence on conviction on indictment	Recommended maximum sentence on summary conviction
ss.1 (rape) & 2 (assault by penetration)	Life	-
ss. 3 (sexual assault) & 4 (causing a person to engage in sexual activity)	10 years/fine	2 years/level 5 fine
ss.9-12 (child sex offences)	14 years/fine	2 years/level 5 fine
s.15 (grooming)	10 years/fine	2 years/level 5 fine
s.30 (sexual activity with a person with a mental disorder impeding choice)	14 years/fine	2 years/level 5 fine
ss.57 & 59 (trafficking in & out of the UK)	14 years/fine	2 years/level 5 fine
ss.64 & 65 (sex with a family member)	2 years/fine	2 years/level 5 fine

APPENDIX 3¹

DRAFTING OF LEGISLATION - PRIORITY RATING SCHEME

STATES REPORT ON SEXUAL OFFENCES

Criteria
<p data-bbox="236 591 660 624">Criteria 1 - Need for legislation</p> <p data-bbox="236 651 1304 835">This legislation is needed urgently to protect the community from those who present a risk of sexual harm towards its members, especially those who are most vulnerable. This will be achieved by introducing a comprehensive range of offences and notification requirements as civil orders which can be used to prevent contact between those posing that risk and those who require added protection.</p> <p data-bbox="236 862 1304 1081">Set as one of the Department's objectives in the Social Policy Plan update in 2010, the legislation will adopt a proportionate approach in the sensitive area of sexual morality, showing respect for the right to private life whilst criminalising sexual conduct which merits criminal sanction. Furthermore, the notification requirements and civil orders will allow vulnerable people to receive increased protection through the Police, the Probation Service and other related agencies.</p>
<p data-bbox="236 1240 511 1274">Criteria 2 - Funding</p> <p data-bbox="236 1301 1304 1373">Funding to be provided by a New Service Development Bid in the States Strategic Plan for 2013.</p> <p data-bbox="236 1400 370 1433"><u>Staff costs</u></p> <p data-bbox="236 1460 1304 1576">There will be a requirement for 1 Probation Officer/MAPPA coordinator at a cost of £44,000 per annum, 1 Detective Constable at a cost of £54,000 per annum and 1 Administrative Assistant at a cost of £26,000 per annum.</p>

¹ For the purpose of prioritising legislation, all future States Reports requiring new legislation will include a brief annex containing information justifying the need for legislation; confirming how funding will be provided to carry out functions required by the new legislation; explaining the risks and benefits associated with enacting/not enacting the legislation; and the estimated drafting time required to draw it up.

Non-staff costs

IT Notification System - ViSOR (Violent Offender and Sex Offender Register)

Initial Installation and Hardware - £15,000

Annual Maintenance / Licence Fees - £15,000

Criteria 3 - Risks and benefits associated with enacting/not enacting the legislation

Both the U.K. and Jersey have enacted notification regimes, this legislation is required to enable the Bailiwick to provide the same level of protection to the public as exists in other jurisdictions.

Failure to introduce modern legislation will leave the Bailiwick open to criticism and potentially attract those persons wishing to exploit the vulnerable to a jurisdiction without a notification and registration scheme.

Without enacting this legislation it would be impossible to implement a robust system for the registration of sex offenders.

Criteria 4 - Estimated drafting time

The Law Officers have indicated that they estimate that the actual drafting time required for one drafter will be about four months. However, there will also be the time that others (such as the Department, the Probation Services, the Guernsey Police and consultees) will themselves spend in considering drafts, making comments and refining policy instruction. In aggregate, it is estimated that, subject to the responses, all these stages will take about seven months.

(NB The Treasury and Resources Department supports the proposals subject to funding being allocated as part of the States Strategic Planning Process.)

(NB The Policy Council and its Social Policy Group support the Home Department's proposals and note the Department's intention to submit in 2012 a bid for funding from 2013. This is a highly sensitive area but the Home Department's recommendations achieve an appropriate balance.)

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated 10th May, 2011, of the Home Department, they are of the opinion:-

1. To introduce measures to assist and protect complainants or witnesses when attending court.
2. To introduction new substantive legislation to criminalise inappropriate sexual behaviour.
3. To introduce a system of registration for sex offenders and a range of preventative civil orders to protect the public and reduce the risk posed to vulnerable members of the community.
4. To note that the additional funding requirements arising from the proposals set out in this Report will be subject to prioritisation as part of the States Strategic Plan.
5. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.