

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**THE COMMITTEE *FOR* HOME AFFAIRS**

**DOMESTIC ABUSE LEGISLATION**

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'Domestic Abuse Legislation' dated 26<sup>th</sup> June 2023, they are of the opinion: -

1. To agree to the introduction, throughout the Bailiwick of Guernsey, of Domestic Abuse Protection Notices and Domestic Abuse Protection Orders, as set out in section 4 of this Policy Letter.
2. To agree that domestic violence injunctions shall be introduced in Sark, and that a breach of a domestic violence injunction imposed by any of the Bailiwick's courts shall be made a criminal offence, as set out in section 5 of this Policy Letter.
3. To agree that the Royal Court shall be empowered to impose domestic violence injunctions, as set out in paragraphs 5.9 to 5.10 of this Policy Letter.
4. To agree that police custody officers and other appropriate law enforcement officers in the Bailiwick shall be granted the power to impose pre-charge bail conditions, as set out in section 6 of this Policy Letter.
5. To agree that every court in the Bailiwick dealing with a criminal matter shall have the power to impose a restraining order where it assesses that ongoing protective measures are needed, irrespective of the crime alleged, and whether on conviction or acquittal, as set out in section 7 of this Policy Letter and, in respect of matters arising in Alderney, subject to a decision by the States of Alderney to extend Part 2 of The Protection from Harassment (Bailiwick of Guernsey) Law, 2005 to Alderney.
6. To agree to introduce a new Bailiwick-wide offence of "domestic abuse" that captures a wide range of abusive behaviours, as set out in section 8 of this Policy Letter.
7. To agree to repeal existing provisions concerning child cruelty in Guernsey and Alderney, and enact a new Bailiwick-wide offence that fulfils the objectives outlined in section 9 of this Policy Letter.

8. To agree to introduce a new Bailiwick-wide offence of causing or allowing death or serious harm in a household, as set out in section 10 of this Policy Letter.
9. To agree to introduce a new Bailiwick-wide offence of making a threat to disclose a private sexual photograph or film, as set out in section 11 of this Policy Letter.
10. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

**THE STATES OF DELIBERATION**  
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**ISLAND OF GUERNSEY**

**THE COMMITTEE *FOR* HOME AFFAIRS**

DOMESTIC ABUSE LEGISLATION

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

26<sup>th</sup> June 2023

Dear Sir

**1. Executive Summary**

- 1.1 This Policy Letter proposes the creation of new legislation and the amendment of existing legislation in order to offer greater protection to victims of domestic abuse and to provide an effective response to perpetrators of domestic abuse.
- 1.2 The Committee *for* Home Affairs (“the Committee”) recognises that research, policy and practice in relation to domestic abuse have moved on significantly in the last 20 years and legislation has changed in other jurisdictions to reflect this. Following consultation with the key agencies, it has agreed to present proposals to the States for a new Domestic Abuse Law in order to create new offences, as well as introducing measures that will afford better protection for victims.
- 1.3 In presenting these proposals, the Committee is cognisant of the legislative developments in England and Wales, Scotland, the Isle of Man (IoM) and Jersey which, amongst other things, have criminalised non-physical forms of domestic abuse. This has been achieved through the introduction of new offences and other protective measures such as Domestic Abuse Protection Orders/Notices (DAPOs and DAPNs).
- 1.4 This Policy Letter proposes the introduction of measures which will tackle domestic violence and abuse, making a positive contribution to ensuring the Bailiwick is a safe place to live, it will achieve this through the introduction of:
  - i. New substantive primary legislation to criminalise domestic abuse;

- ii. Measures to protect victims of domestic abuse and their families and reduce the risk of repeat offending including new preventative and protective civil orders; and
- iii. New legislation to replace and modernise existing criminal legislation in relation to child abuse.

1.5 More specifically, these mechanisms will result in the following changes to the Bailiwick's criminal justice framework:

- i. Powers to issue new Domestic Abuse Protection Notices and Domestic Abuse Protection Orders (DAPNs and DAPOs);
- ii. A new criminal offence of breaching a Domestic Violence Injunction (DVI);
- iii. The power for judges to issue DVIs in relation to family hearings that take place in the Royal Court;
- iv. A power to impose Pre-charge Bail Conditions;
- v. A power to impose Restraining Orders (ROs) in all situations (meaning that the power is no longer limited to harassment cases) where ongoing protective measures are needed, whether on conviction or acquittal;
- vi. A new criminal offence of Domestic Abuse;
- vii. A new criminal offence within the new Domestic Abuse Law relating to child cruelty and neglect that captures non-violent forms of abuse including the impact of domestic abuse on children.
- viii. A new offence of causing or allowing death or serious harm in a household;
- ix. A new offence of making a threat to disclose a private sexual image.

1.6 The Committee considers that the introduction of a Domestic Abuse Law represents a first phase of work. These elements have been prioritised as they will reform the approach to tackling domestic abuse and the protection afforded to victims. The Committee intends to bring a second Policy Letter to the States which will include further considerations in relation to domestic abuse legislation and criminal justice practice.

## **2. Strategic Overview**

2.1 Tackling domestic violence and abuse is aligned with the principles and outcomes of the Justice Framework<sup>1</sup> in particular:

- i. Justice responses are proactive and preventative;
- ii. A collective long-term approach to deal with the complex factors that contribute to crime and family breakdown in the Bailiwick;
- iii. Balance the respective responsibilities of individuals, the community and the States in response to threats to safety, security and social order;

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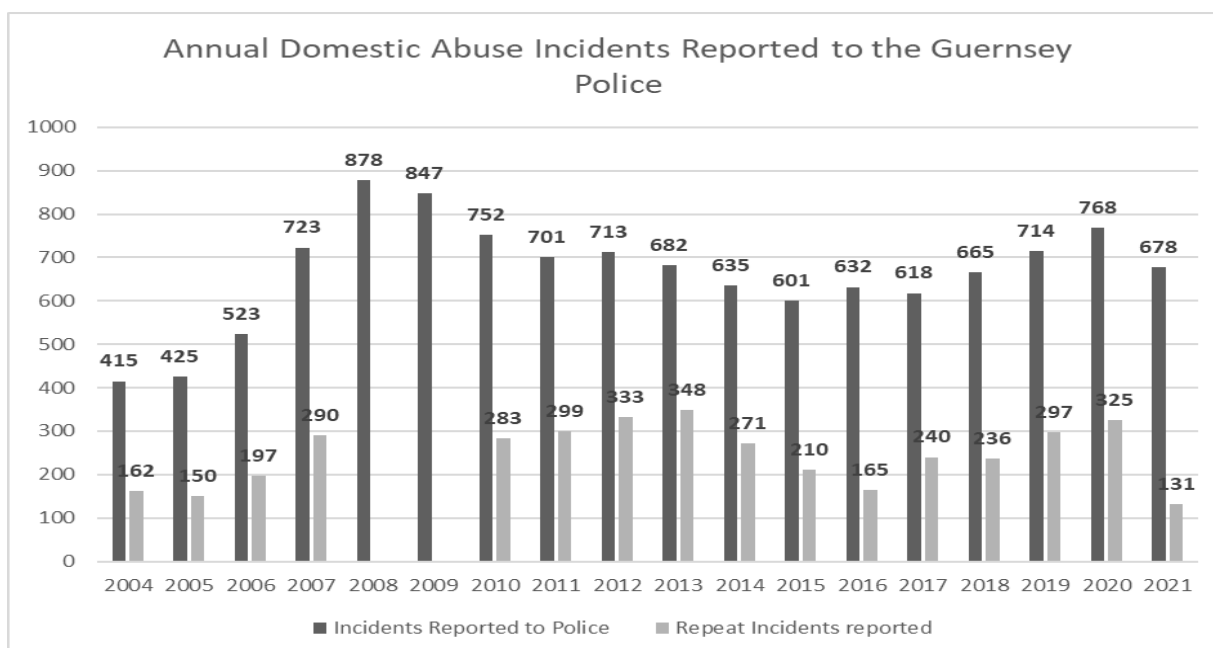
<sup>1</sup> [Billet d'État IX, 2022](#)

- iv. A justice system is fair, proportionate and accessible to all, and should have at its heart a joined-up approach to improving equality and inclusivity;
  - v. Policy should focus on supporting people rather than processes and addressing the underlying causes of crime and social disorder;
  - vi. A whole-community approach to supporting complainants, victims, offenders, and all those impacted by the justice system;
  - vii. Serious criminal activity will be targeted.
- 2.2 The policy proposals will contribute to the Justice Framework outcomes in relation to living in a safe, equal and resilient community where victims and witnesses are supported, violence against women and girls is reduced and support for victims and survivors increased.
- 2.3 The States' approach to tackling domestic abuse and violence is set out in its Domestic Abuse and Sexual Violence Strategy for Guernsey and Alderney 2022-2025<sup>2</sup> endorsed by the Assembly in September 2022.
- 2.4 The objectives of creating a new law and reforming others are:
- i. Greater protection and earlier intervention in relation to victims;
  - ii. A more consistent approach to domestic abuse and greater confidence by victims of domestic abuse in the justice system;
  - iii. To change offender behaviour through deterrence and by preventing the escalation of abuse and reducing offending and reoffending;
  - iv. Greater awareness and understanding of domestic abuse across voluntary and statutory agencies and in public attitudes;
  - v. Improved redress through the justice system;
  - vi. Improved performance in the response to domestic abuse.
- 2.5 Domestic abuse affects people of all socio-economic backgrounds, the consequences include unemployment, homelessness, mental and physical ill health and poverty. It impacts on the local economy and productivity in the workplace and often isolates victims. Domestic abuse is very rarely a one-off incident and should instead be seen as a pattern of abusive and controlling behaviour through which the abuser seeks power and control over their victim.
- 2.6 The annual number of incidents reported to the police has been climbing steadily since 2015 but dropping slightly in 2021 which could be due to the Covid 19 pandemic. The annual figure in 2021 equates to around 15 incidents a week (see Table 1).

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<sup>2</sup> [Billet d'État XII, 2022](#)

Table 1:



2.7 While the percentage of crime that domestic abuse represents has been increasing since 2015, many more domestic abuse incidents reported to the police locally (377) were not classified as crimes (56% of all reported incidents in 2021). These were still distressing for the victims and children affected and required professional agencies, including law enforcement and the third sector, to respond. It is likely that in creating new measures to fill some of the gaps in local legislation, more of these individuals could be protected.

### 3. Development of Domestic Abuse Legislation

3.1 Changes in law are needed because there is currently little statutory recognition that domestic abuse is a range of behaviours which include emotional and psychological abuse, coercive or controlling behaviour and economic abuse, as well as physical abuse.

3.2 Domestic abuse offences by their very nature, are often serious offences and can have profound and long-lasting effects on the victim and children living in these households. The domestic context of the offending behaviour also makes the crimes more impactful on the victims than stranger violence or abuse, representing a breach of the trust of the relationship that normally exists between people in a marriage, intimate partnership or family setting.

3.3 Victims may also be unwilling to support a prosecution for numerous and often complex reasons, not least because they believe that continuing with the

complaint will put themselves, their children and family members at significant risk of serious harm.

- 3.4 At present in the Bailiwick there is no specific crime of domestic abuse. Crimes are prosecuted under a range of more general crimes such as harassment, assault, telecommunications offences, sexual offences, or criminal damage. There is likely to be no reference to the domestic context appearing in the wording of the criminal charge, although the domestic context is highly likely to be treated as an aggravating factor by the court at sentencing, if the defendant is convicted of the charge.
- 3.5 The fact that domestic abuse is rarely a one-off incident and is likely to escalate in frequency and seriousness the longer it continues, means that the domestic factor should be treated with the utmost seriousness and viewed within the context of an ongoing pattern of coercive control.
- 3.6 Historically, as in Guernsey, acts of domestic abuse were typically prosecuted in each legislature of the UK under the common law offence of assault or breach of the peace. In order to fill in various legislative gaps, new offences such as 'harassment' or 'coercive or controlling behaviour' were introduced over different time frames and in different ways in the two legislatures.
- 3.7 To cover non-physical forms of abuse that were not already captured in law, England and Wales introduced an offence of "coercive or controlling behaviour" within the Serious Crime Act 2015<sup>3</sup>. Scotland took a different approach by creating a broader offence of "domestic abuse" within the Domestic Abuse (Scotland) Act 2018<sup>4</sup> ("the 2018 Act"). The latter covers all forms of domestic abuse within its definition, including coercive and controlling behaviour. Jersey has used the 2018 Act as the basis of its new domestic abuse law.
- 3.8 The Committee proposes that Guernsey follows the Scottish model which has been internationally acclaimed as the 'gold standard' in terms of affording the best protection to victims of abuse. Further information about the proposed domestic abuse offence is set out in section 8 of this Policy Letter.
- 3.9 There are several additional offences that have been introduced within the UK Government and Scottish legislation to tackle domestic abuse that would be useful to put in place locally. The rationale for adopting them is set out in the sections below.

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<sup>3</sup> [Serious Crime Act 2015 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2015/9/section/75) - This was amended within the Domestic Abuse Act 2021 to remove the co-habitation requirement, ensuring that post-separation abuse and familial domestic abuse is covered when the victim and perpetrator do not live together.

<sup>4</sup> [Domestic Abuse \(Scotland\) Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2018/12)

3.10 As the introduction of a new law will mean significant changes in policy and practice, it is proposed that new cross-agency guidance is created. The aim of this is to increase awareness and inform the response to domestic abuse. It would ensure that agencies are consistent in their approach by conveying standards and promoting best practice.

#### **4. Domestic Abuse Protection Notices and Orders**

4.1 DAPNs and DAPOs give the Police and Courts powers to provide protection measures to a victim of domestic abuse regardless of whether the alleged abuser has been arrested. They cover all forms of domestic abuse including economic abuse and coercive or controlling behaviour as well as physical and sexual violence.

4.2 Legislation relating to DAPNs and DAPOs was included within the Domestic Abuse (Protection) (Scotland) Act 2021<sup>5</sup> (the 2021 Act). The IoM Domestic Abuse Act 2020<sup>6</sup> closely mirrors the England and Wales Domestic Abuse Act 2021 (the Domestic Abuse Act)<sup>7</sup> in relation to DAPNs and DAPOs, while in Jersey, similar provisions will be introduced within the Domestic Abuse (Jersey) Law 2022<sup>8</sup>, which is due to come into force later this summer. Similarly, the aforementioned provisions applicable to England and Wales have been enacted but not yet commenced.<sup>9</sup>

4.3 DAPOs are a form of emergency barring order linked to Article 52 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence<sup>10</sup> (the Istanbul Convention). These are widely used across most European countries and the UK. Other countries have established schemes in accordance with their legal and constitutional systems, identifying the authority competent to issue such orders and the applicable timescales relevant to their jurisdiction. They cover the broad spectrum of behaviours associated with domestic abuse such as coercive or controlling behaviour, stalking and harassment and violence or threats of violence.

4.4 However, in many cases a precursor to a DAPO is a DAPN, which is an emergency non-molestation and eviction notice which is issued to the alleged perpetrator by the police (authorised by a senior police officer) if there are concerns that

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<sup>5</sup> [Domestic Abuse \(Protection\) \(Scotland\) Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2021/12/section/1)

<sup>6</sup> [Domestic Abuse Act 2020 \(gov.im\)](https://gov.im/)

<sup>7</sup> [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2021/12/section/1)

<sup>8</sup> [Domestic Abuse \(Jersey\) Law 2022 \(jerseylaw.je\)](https://jerseylaw.je/)

<sup>9</sup> Although in England and Wales there are currently domestic violence protection notices and orders. These notices/orders, which are limited to violence and threats of violence (rather than extending to all types of domestic abuse) are due to be replaced by DAPN/DAPOs.

<sup>10</sup> [The Istanbul Convention](https://www.coe.int/t/kilger/Convention+on+Preventing+and+Combating+Violence+against+Women+and+Domestic+Violence+2011.pdf)

further abuse may occur. DAPNs are effective from the time of issue, providing immediate protection for the victim, prior to any court proceedings. Once issued the police are able to apply to the Court for a DAPO.

- 4.5 Both DAPNs and DAPOs can prevent the perpetrator from returning to a residence and having contact with the victim for a further period of time. This allows the victim some breathing space to consider their options with the help of a domestic abuse support agency. These have a flexible duration so that longer term protection can be provided where necessary and proportionate.
- 4.6 The DAPO can also impose conditions on the perpetrator where relevant, such as being required to attend an assessment for a perpetrator programme, an alcohol or substance misuse programme, a mental health assessment, or be electronically monitored. These requirements can be varied by the courts to take account of any change in the level of risk that they pose.
- 4.7 It is also possible for the criminal, family and civil courts to make a DAPO of their own volition during court proceedings.
- 4.8 In all of these neighbouring British jurisdictions, a breach of a DAPO is/will be a criminal offence.
- 4.9 Currently in Guernsey and Alderney, domestic abuse victims rely on DVIs which can sometimes take a significant time to arrange, increasing the risk to a victim and any children in the household in the interim period. DVIs also have to be brought by the victim, who may often be reluctant or scared to do this.
- 4.10 DAPNs can be issued much more swiftly than DVIs by the police at the time of an incident thus helping to remove the responsibility for this action from the victim. Similarly, it is not essential for an alleged victim to attend court for the DAPO application because the court would be permitted to consider written and recorded materials generated from the investigation, absent live testimony from the alleged victim.
- 4.11 It is proposed that Bailiwick-wide DAPNs and DAPOs will take all the most effective elements of the UK and Scottish provisions to provide flexible and comprehensive legal measures that can be used as the primary protective order to use in cases of domestic abuse.
- 4.12 In terms of the maximum time permitted between the initial issuing of a DAPN (by the Police) and the court application for a DAPO, a modest timeframe will be specified in the legislation, which is to be determined after consultation with those involved in criminal justice. This consultation will assist in determining the length of time likely to be required to perform all tasks necessary for a first hearing, so that it can be conducted fairly and appropriately, whilst also

recognising the pressing need to have a court judgment. This consultation process can likewise consider the maximum duration of a court ordered DAPO.

- 4.13 Interim measures will also be specified in the legislation to ensure that, should the court need to adjourn the final determination of the application for some reason, the alleged victim is protected in the interim period.
- 4.14 There will still be a need for domestic violence injunctions to protect victims in situations where longer-term protection is required, so these new notices/orders will not completely replace DVIs.

## **5. A new Criminal Offence of Breaching a Domestic Violence Injunction**

- 5.1 DVIs are civil protective measures that are imposed by the family court to protect a victim in cases of domestic abuse. DVIs are used to prevent a perpetrator from contacting the victim (and any other relevant parties, including children), or coming within a certain distance of the family home or other settings such as workplaces.
- 5.2 In Guernsey, the concerned party (the applicant) makes an application to the Magistrate's Court for the imposition of a DVI on the alleged abuser (the respondent). The applicant can be represented by an advocate in such proceedings, but their eligibility for legal aid is means tested. It can take time to arrange a court hearing.
- 5.3 If the DVI is granted but does not contain the discretionary power of arrest (because the court declines to impose it) and the respondent breaches the DVI, the applicant has to provide the court with information on oath that the respondent has so breached the order, so that the court can then take further action by issuing a warrant for the respondent's arrest.
- 5.4 If a DVI is granted and does include a power of arrest, the police can arrest the respondent immediately upon receipt of a credible allegation of a breach, however they do not have the same powers of investigation (to gather evidence) that they would in connection with a criminal investigation because the breach is not a criminal offence.
- 5.5 Once the respondent is arrested under either procedure, the applicant must then commence breach proceedings in the Magistrate's Court. If the allegation is denied, the hearing is similar to a trial, but with the applicant and respondent (rather than a prosecutor and defence advocate) presenting their case. If the civil court finds that the respondent has breached the injunction, it can imprison the respondent for up to three months<sup>11</sup>. This is akin to contempt of court.

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<sup>11</sup> Ibid. S.31(5).

- 5.6 This procedure as outlined is viewed by many as ineffective.
- 5.7 DVI measures were introduced in different pieces of legislation in Guernsey and Alderney – section 15 of the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988 and the Separation Maintenance and Affiliation Proceedings (Alderney) Law, 2014, which amended the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964. There are no DVI provisions within Sark legislation.
- 5.8 The Committee proposes that DVIs be made available in Sark, and further that a breach of a DVI (in any of the Bailiwick's islands) be made a criminal offence. This would have a number of advantages. It would:
- i. ensure the police have full powers to investigate in every case, because the matter would then fall under the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003<sup>12</sup> (PPACE);
  - ii. ensure the defendant is promptly put before the criminal court, with the same court powers of bail and remand that apply to any imprisonable crime;
  - iii. remove the pressure to make an application to a civil court before there has been sufficient time to gather and consider evidence;
  - iv. ensure the Criminal Prosecution Team (CPT) are involved in every case, meaning the applicant does not have to pay for legal advice, or apply for legal aid or appear unrepresented to enforce the order<sup>13</sup>;
  - v. potentially remove any need for the applicant to ever attend court, for example if the respondent pleads guilty. Live evidence is not usually required in those circumstances<sup>14</sup>;
  - vi. give the court greater flexibility in how they deal with the offender, such as the imposition of community-based penalties, suspended sentences or probation orders. This would also be an opportunity to revise the current maximum period of imprisonment for a breach of a DVI, as comparisons with breaches of similar orders<sup>15</sup> might suggest that the current maximum sentence is low.
  - iv. Ensure that victims of abuse in Sark have the same protections as those in Guernsey and Alderney.
- 5.9 Another issue relating to DVIs is that currently, a judge hearing a family matter in the Royal Court (for instance, as part of divorce proceedings), may decide that it is appropriate to impose a DVI. As the 1988 Law only applies to the Magistrate's

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<sup>12</sup> [Police Powers and Criminal Evidence \(Bailiwick of Guernsey\) Law, 2003](#)

<sup>13</sup> Although we would need to consider the resource implications for that team.

<sup>14</sup> Unless material facts are disputed, such that the court would need to hold a Newton hearing.

<sup>15</sup> Such as breach of a restraining order under s.4 of the [Protection from Harassment \(Bailiwick of Guernsey\) Law, 2005](#), where the maximum sentence is five years' imprisonment.

Court, the court must be reconvened for a DVI hearing with the Judge acting as a Judge of the Magistrate's Court. This involves using two sets of proceedings in relation to the same evidence, which is both inefficient and inconvenient. It also means that court orders are not synchronised.

5.10 To address this, the Committee proposes to empower the Royal Court to issue a DVI whenever they are necessary.

5.11 Whilst the precise mechanism might be better left to the drafting stage, to permit a degree of flexibility, one way of achieving all of these objectives would be to repeal the DVI provisions applicable in Guernsey and Alderney, and (e.g. within the same Domestic Abuse Law proposed elsewhere in this Policy Letter) enact fresh provisions that are Bailiwick-wide and accommodate these desired reforms.

## **6. A power to impose Pre-Charge (Police) Bail conditions**

6.1 Pre-charge bail conditions are used in England and Wales to impose conditions on a suspect that are designed to ensure that the suspect does not, for example, interfere with witnesses, or commit further offences, or fail to surrender to police bail. It follows that they are particularly valuable in domestic abuse and sexual assault cases, in that they can offer protection for the alleged victim and others whilst that alleged offence is investigated.

6.2 Pre-charge bail can be imposed in the UK in several different circumstances, for instance:

- i. if there is currently insufficient evidence to charge a suspect, and they are released pending further investigation;
- ii. where it is no longer necessary to detain a suspect to secure evidence or obtain it by questioning, but the police are not in a position to charge because they wish to receive charging advice from the Crown Prosecution Service.

6.3 In these situations, a police custody officer decides whether a suspect should be released on police bail with conditions attached (conditional bail), or without conditions attached (unconditional bail).

6.4 Currently in Guernsey, pre-charge bail conditions are not possible. As a general rule, someone cannot be charged with a criminal offence unless both the

evidential test<sup>16</sup> and public interest test<sup>17</sup> are met. If the police arrest and interview an individual but are not satisfied that the evidential test is met,<sup>18</sup> they should bail that individual without charge<sup>19</sup> if their investigation is not yet concluded. This means that the person is free to leave the station but must return on a specified date for a further decision. In the meantime, the police will continue to investigate the alleged offence to determine whether to charge that individual or take no further action when they return on bail. If further time is required to investigate, further re-bails are possible.

- 6.5 The Guernsey Police do not have any power to impose bail conditions on suspects bailed in this way i.e., before charge. Although of general importance to all cases, this lack of power is particularly problematic in allegations of domestic abuse. A custody sergeant may consider that an alleged victim is at a serious risk of further harm from a suspect, and yet cannot prevent that suspect from having further contact with the alleged victim whilst the investigation is ongoing.
- 6.6 The Committee wishes to enact provisions similar to those found in the Police and Criminal Evidence Act 1984<sup>20</sup> and the Bail Act 1976<sup>21</sup> in England and Wales. A custody sergeant could have the power to impose bail conditions on those bailed pre-charge, including for example a condition that the suspect does not have any contact with the alleged victim.
- 6.7 This reform would also complement the proposed reform in respect of DAPNs/DAPOs, in that the custody sergeant would be able to consider whether the circumstances of the case are best addressed by pre-charge bail conditions or an application for a DAPN/O. It is desirable for the law to cater for both possibilities, because bail conditions are not an option if the police have no choice but to take no further action in respect of the criminal investigation, e.g., because a vulnerable, alleged victim refuses to provide evidence and there are no other methods by which the allegation could be proven to the criminal standard. By contrast, a DAPN/O would still be a possibility in that scenario.
- 6.8 It is noted that there is also an extant States' resolution to introduce pre-charge bail<sup>22</sup>.

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<sup>16</sup> Requires prosecutors to be satisfied there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge.

<sup>17</sup> A prosecution will usually take place unless the prosecutor is satisfied there are public interest factors tending against prosecution which outweigh those tending in favour.

<sup>18</sup> This is often with legal advice from members of the prosecution team of the Law Officers of the Crown, particularly in serious cases.

<sup>19</sup> See s.37(5) PPACE.

<sup>20</sup> [Police and Criminal Evidence Act 1984](#)

<sup>21</sup> [Bail Act 1976](#)

<sup>22</sup> [Billet d'État V \(February 2020\) Resolution VII](#)

## **7. A power to impose Restraining Orders in all situations where ongoing Protective Measures are needed**

- 7.1 A RO is a court issued order which, in England and Wales, can be made on conviction or acquittal for any criminal offence. The guiding principle is that there must be a need for the order to protect a person or persons as the orders are intended to be protective rather than punitive.
- 7.2 The types of cases in which ROs may be appropriate in England and Wales include:
- i. cases where the defendant and witness know each other or have been in a previous intimate relationship (such as domestic abuse cases);
  - ii. cases where the parties have ongoing contact; or
  - iii. cases where there is evidence that the victim has been targeted by the defendant in some way (for example, because of stalking / harassment, or continued minor public order offences or criminal damage).
- 7.3 Currently within local legislation, it is only possible to impose a RO on someone convicted of harassment. A RO cannot be used for any other offence, regardless of the desire to keep the convicted defendant away from the victim.
- 7.4 As it is quite common for alleged perpetrators of domestic abuse to be charged with offences other than harassment, such as property offences, telecommunications offences, minor assaults or public order offences, a RO would be useful in these circumstances when it is part of a pattern of domestic abuse.
- 7.5 Even if a defendant receives a custodial sentence (which is not always inevitable) that sentence might be of a short duration, and on release, they might still present a significant risk to the victim. A RO might be entirely justified in such cases. In considering the terms and extent of the restraining order, the court should have regard to proportionality with the seriousness of the offence.
- 7.6 In the UK, these orders are commonly imposed following conviction for assault in a domestic context. The court will consider the views of the person to be protected by such an order. Whilst there might occasionally be a case when an order can properly be made even though the subject of the order does not seek one, the views of the victim will always be relevant. Particular care will be taken when children are involved to ensure that the order does not make it impossible

for contact to take place between a parent and child if that is otherwise appropriate.<sup>23</sup>

- 7.7 In addition, there is currently no power in the Bailiwick to impose a RO on someone acquitted of an offence. It is important to note that an acquittal does not necessarily mean that the defendant did not commit the offence, or that they do not pose any ongoing risk to the accuser. In essence, an acquittal tells us that an accusation was not proven beyond reasonable doubt, but little else. If a judge (or a panel of jurors in the Royal Court) considers that a defendant is very likely guilty of the offence, they must still acquit because “very likely” is not good enough in a criminal trial. It follows that a judge may fairly decide that there is insufficient evidence to prove the offence to the very high criminal standard, and yet still have real concerns (on the balance of probabilities) that it is necessary to protect the accuser from the defendant. In those circumstances, a not guilty verdict combined with a restraining order would be a fair, logical, and proportionate outcome. The objective of the RO is to protect the accuser, rather than punish the defendant.
- 7.8 For these reasons, the Committee proposes that the court's existing power to impose restraining orders be widened to cover offences other than harassment, and to include where there is an acquittal. This legislative change would have immediate effect in Guernsey and Sark, as the existing provisions concerning restraining orders<sup>24</sup> have been commenced in both jurisdictions and this reform would amend those provisions. In respect of Alderney, the States of Alderney have the right to extend those provisions to Alderney via Ordinance<sup>25</sup> but have not yet done so. If the States of Alderney chooses to do so in future, it would include the changes brought about by this reform as well.

## **8. An Offence of Domestic Abuse**

- 8.1 Domestic abuse can encompass a variety of coercive or controlling behaviours including humiliation, intimidation, or restriction of a victim’s liberty as well as the more commonly recognised forms of domestic abuse such as physical violence. While the exact prevalence of coercive or controlling behaviours in the general population is not known, victimisation surveys suggest that they are more widespread than physical or sexual abuse but less likely to be reported to the police. Research into domestic homicides has found that coercive and controlling behaviours are often precursors to intimate partner homicide.

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<sup>23</sup> The general wisdom is that it is better for the family courts to determine the appropriateness of contact.

<sup>24</sup> Part 2 of the Protection from Harassment (Bailiwick of Guernsey) Law, 2005

<sup>25</sup> Section 9 of the above Law.

- 8.2 Currently there is no offence in Guernsey that encompasses coercive or controlling behaviours. This means that a prosecution is only possible in relation to such behaviours if an existing offence (such as assault, harassment, blackmail, a telecommunications offence, etc) is also committed. Even when this is the case and the victim reports the abuse to the police, there are often complex reasons why a victim may feel unable to give evidence at any subsequent trial. As domestic abuse often takes place behind closed doors, it is often a case of one person's word against another, meaning prosecutions can collapse without a willing complainant.
- 8.3 Setting aside these issues, victims may experience behaviour that stops short of physical violence (or other existing crimes), but which nevertheless amounts to significant psychological and emotional abuse. Guernsey's legal framework does not currently capture such abusive behaviour.
- 8.4 One of the difficulties in relation to domestic abuse and the law is that there is a dislocation between what current research says about the way in which it is perpetrated and the manner in which it has historically been criminalised.
- 8.5 The criminal law typically focuses on crime in terms of 'incidents' rather than ongoing patterns of behaviour. This often makes behaviour that is continuous, ongoing or psychological in character difficult to prosecute. While assault within a domestic context would be viewed seriously by the prosecution (in their consideration of the public interest test) and the court (in setting appropriate sentences), in that the breach of trust would be viewed as an aggravating feature, there may nevertheless be a public perception that the criminal justice system tends to place physical violence at the top of a hierarchy of offending behaviours. Many victims experience severe and enduring controlling or coercive behaviour involving psychological, emotional and economic abuse which could be treated with the same severity as violence.
- 8.6 If the law limits domestic abuse to the violation of a physical boundary that takes place at a particular instant in time, much of the harm experienced by survivors of domestic abuse and coercive or controlling behaviour is excluded altogether. Viewed in isolation, an individual behaviour (for instance, telling a victim they cannot wear a particular outfit, or preventing them meeting with friends) may appear harmless or even trivial, but together and over time, a variety of these behaviours can result in victims losing the capacity to act according to their own free will, leaving them trapped in an ongoing cycle of abuse.
- 8.7 Judges may also be deprived of the whole picture if they are only presented with cases that describe isolated incidents that are separated from the context, chronology and narrative that give those actions or behaviours meaning.

- 8.8 The benefit of the Scottish offence of domestic abuse is that it frames an offence around a course of behaviour. This means that a person who engages in a pattern of domestic abuse can be prosecuted and punished by the law.
- 8.9 The crime of “domestic abuse” within the 2018 Act covers a range of behaviours such as psychological and emotional abuse (this includes what is commonly known as ‘coercive control’). To prove that domestic abuse has taken place, it is necessary to demonstrate that:
- i. The abuse was directed toward a partner or ex-partner.
  - ii. There was a pattern of abusive behaviours (that is, there were two or more incidents of abuse that a reasonable person would think would have caused the victim to suffer physical or psychological harm, including fear, alarm and distress).
  - iii. The perpetrator intended to cause physical or psychological harm or was reckless as to whether the behaviour would cause such harm. This means that even if the perpetrator did not intend to hurt their partner or ex-partner, their behaviour could still be considered domestic abuse, and it is not necessary to show the harm was actually caused.
- 8.10 The definition of abuse will be a legally defined term and, similar to Jersey, Scotland and the IoM's legislation, will cover physical abuse, sexual abuse, economic abuse, violence, threats, intimidation, harassment, neglect, degrading treatment, coercive behaviour and controlling behaviour. As with other jurisdictions, there would be a defence to show that the course of behaviour was reasonable in the particular circumstances and, once that defence is raised as an issue by the defence, it would be for the prosecution to rebut it beyond reasonable doubt. This is an important safeguard for the accused.
- 8.11 Also similar to Jersey, Scotland and the IoM, it is proposed that the offence should extend to behaviour committed off-island by those habitually resident in the Bailiwick. For example, if an allegation of domestic abuse included an allegation of abusive behaviour whilst off-island on holiday, that off-island conduct could form part of the criminal charge. It is necessary to legislate for this because ordinarily the Bailiwick's courts only have jurisdiction to try crimes occurring in the Bailiwick.
- 8.12 In comparison to the narrower “coercive or controlling behaviour” offence within the UK Government’s Serious Crime Act 2015, the model used in Scotland presents a broader, more holistic, approach to criminal liability. Instead of prosecutors using individual charges to mark specific events in isolation (an assault on one date, criminal damage on another date, menacing telecommunications on another date, coercive and controlling behaviour on this date etc), one charge covering the full range of domestic abuse between a wider period of time can be preferred by the prosecutor. This is because the charge of

domestic abuse is, by its very nature, an allegation regarding a course of conduct. It does not alter the fact that the prosecution must prove the offence of domestic abuse to the same (very high) criminal standard but it means, importantly, that the court is presented with the full picture. The prosecution will be able to present the court with all evidence demonstrating domestic abuse rather than having their presentation limited to evidence that is directly relevant to e.g. specific violent acts on specific dates.

- 8.13 The introduction of this offence would not prohibit the use of other charges, whether as further charges or as alternatives. By way of example, if a continuously abusive 12 month relationship culminated with the intentional infliction of grievous bodily harm, the prosecutor might charge domestic abuse for all behaviour prior to that very serious assault, and then a further charge of inflicting grievous bodily harm with intent in respect of that final incident. As can be seen with this example, the new offence of domestic abuse will provide the prosecutor with further options, without hindering the existing flexibility that prosecutors have to mark offending appropriately with their choice of charges.
- 8.14 The Committee's proposal is therefore that a new Bailiwick-wide crime of domestic abuse is introduced.

## **9. Children and Domestic Abuse**

- 9.1 Domestic abuse can have a severe impact on children, resulting in emotional, social, psychological and behavioural difficulties which can have both short- and long-term implications.
- 9.2 Currently when domestic abuse is dealt with in the local criminal courts, it is extremely likely that a child witnessing the abuse would be treated as an aggravating factor by the court, but this would need to be proved "beyond reasonable doubt" if disputed by the defendant. Other jurisdictions, such as Scotland, have created a statutory aggravating factor when a child witnesses or is otherwise involved in (e.g. is used to facilitate) domestic abuse against the defendant's partner. England and Wales opted not to create this statutory aggravating factor, and concerns included that it might a) increase the risk that children would be required to attend criminal proceedings to give evidence against a parent i.e. to prove the statutory aggravating factor, and b) would lead to a reduction in guilty pleas because either the defendant wishes to test whether a complainant is willing to not only attend court, but also put their child through that process, or because a defendant is fearful that a guilty plea to a charge encompassing that aggravating factor would have an adverse effect on separate child contact proceedings. Mindful of these concerns, and the evidence that our local courts already consider the impact on children as part of sentencing, the Committee does not propose the introduction of a statutory aggravating factor in our own domestic abuse legislation.

- 9.3 Nevertheless, existing legislation could be modernised to better protect local children. It will be noted (from section 8 of this policy letter) that the proposed crime of domestic abuse would cover abuse towards a defendant's partner or ex-partner, rather than abuse aimed at a defendant's child. The reason for this is because abusive behaviour towards children will instead be captured by a child cruelty offence.
- 9.4 In the UK, section 66 of the Serious Crime Act 2015<sup>26</sup> was amended to modernise the language of child cruelty in the UK. It now reads: "wilfully assaults, ill-treats (whether physically or otherwise), neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated (whether physically or otherwise), neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (whether the suffering or injury is of a physical or a psychological nature), that person shall be guilty of an offence, and shall be liable to..."
- 9.4 At present, Guernsey and Alderney have different pieces of criminal legislation that cover offences relating to child cruelty.
- 9.5 In Guernsey, the criminal offence of child cruelty is charged under Article 7 of the Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes 1917. This offence is limited to where individuals with parental responsibility "assault, ill-treat, neglect, abandon or expose" a child in such a way as would cause "unnecessary suffering or injury to his health".
- 9.6 Alderney has provisions within section 2 of the Child Protection (Alderney) Law, 1953 that are very similar, albeit that they cover situations where an adult has custody, charge, or care of a child i.e. the crime is not limited to scenarios where the accused has parental responsibility. Sark has no legislation that covers a child cruelty offence.
- 9.7 The Committee proposes that the Guernsey and Alderney provisions be repealed, and that, within the new Domestic Abuse Law proposed by this Policy Letter, a new offence of child cruelty be enacted. This new offence will be very similar to the existing offence of child cruelty, but with a number of important differences:
- i. The offence will be Bailiwick-wide, meaning that Sark is now covered.
  - ii. The offence will cover all those (over 16 years of age) who have responsibility for a child, and not just those who have the specific legal status of parental responsibility. It is important that all those charged with

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<sup>26</sup> [Serious Crime Act 2015 \(legislation.gov.uk\)](https://legislation.gov.uk)

looking after a child (a babysitter for example) do not neglect or abuse children, and the provisions applicable in England and Wales reflect this.

- iii. The maximum sentence will be revised. Currently the maximum sentence is 2 years imprisonment, in comparison to 14 years in England and Wales. Local legislation does not currently reflect the seriousness of the offence.
- iv. The offence as currently worded in Guernsey and Alderney will be widened to expressly cover non-physical forms of harm, similar to England and Wales.
- v. The offence of neglect is committed in England and Wales when a child under 3 years of age suffocates whilst sleeping in the same bed as an intoxicated adult. The intoxication can take the form of drink or illegal drugs. Guernsey's equivalent provision limits this principle to drink alone, and Alderney does not have any provision at all for this. It is proposed that the new offence will have wording similar to that currently applicable in England and Wales, to cover both drink and drugs, given the inherent dangers of sleeping with a very young child whilst intoxicated.

9.8 There is already an existing resolution to change Guernsey's legislation to remove the requirement that the accused has parental responsibility before they can be charged with this offence<sup>27</sup> i.e. point ii above. As this minor amendment is a priority so that the criminal law captures abusive carers who do not have parental responsibility, and as it can be achieved via an Ordinance, the Committee does not propose to take any action that would hold up that resolution, but rather would carry across that change when the whole offence is re-enacted in accordance with these proposals.

9.9 The rationale behind these proposals is that, alongside the new domestic abuse offence outlined in section 8 of this policy letter, the criminal law will protect all members of a family from an abusive fellow member, including when that abuse takes non-physical forms.

## **10. Causing or allowing Death or Serious Harm in a household**

10.1 Legislation exists in other jurisdictions to place a duty on members of a household (over the age of 16) to take reasonable steps to protect children and vulnerable adults from the foreseeable risk of serious physical harm from other household members.

10.2 This offence, found in England and Wales, is established when evidence exists to prove the following elements:

- i. The child or vulnerable person (V) has died or suffered serious physical harm;

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<sup>27</sup> [Resolution 19](#) concerning [Billet d'État No. XX](#), dated 24 November 2022.

- ii. that death or serious physical harm was the result of an unlawful act of a person who was a member of the same household as V and who had frequent contact with V;
- iii. the defendant ("D") was at the time of that act a member of the same household as V or had frequent contact with V;
- iv. there existed at that time a significant risk of serious physical harm being caused to V by the unlawful act of any member of that household or someone who had frequent contact with V and either:
  - a) D was the person whose unlawful act caused V's death or serious physical harm<sup>28</sup>; or
  - b) D was, or ought to have been, aware of that risk and failed to take such steps as they could reasonably have been expected to take to protect V from that risk, and the act occurred in circumstances that D foresaw or ought to have foreseen.

10.3 The key point of the offence is that the prosecution does not have to prove which of the two possible alternatives, (a) or (b) above, applies. In other words, D is equally liable to conviction whether they were the perpetrator of the act that actually caused V's death or serious physical harm or simply failed to protect V from a foreseeable risk. This dual basis for criminal liability overcomes evidential difficulties that might apply to other possible charges, such as murder or manslaughter. It means that household members who, at the very least, failed to protect a child or vulnerable person from foreseeable harm are brought to justice.

10.4 As there is no offence that is tailored to tackle the situation where death or serious physical harm occurs but there is insufficient evidence to show which member of the household is responsible, it is proposed that the offence of "Causing or Allowing Death or Serious Harm in a Household" should be introduced in the Bailiwick.

## **11. Threats relating to the distribution of private sexual photographs or films.**

11.1 There is an existing offence locally that captures the disclosure of private sexual photographs or films of another individual without their consent and to cause 'humiliation, distress or alarm'. However, legal advice given to the Committee is that *"if a person merely threatens to disclose a private sexual photograph or film, then this offence is not committed."*

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<sup>28</sup> Although if the prosecution can prove that beyond reasonable doubt, they would probably charge a substantive offence such as murder or inflicting grievous bodily harm.

- 11.2 Other (more general) existing offences may be committed by a mere threat, such as blackmail, harassment or misuse of telecommunications<sup>29</sup>, but it depends on the circumstances of the case, meaning there are gaps in the current framework. For example, if someone threatens on a single occasion to disclose a photograph, they cannot be charged with harassment because harassment requires a course of conduct (not a single incident). They could only be charged with blackmail if they made an "unwarranted demand with menaces" with a view to gain for themselves or another or with intent to cause loss to another. If they make no demands, but merely threaten to disclose so as to cause distress (e.g., as a way of exerting control in an abusive relationship), they have not committed the offence of blackmail. A telecommunications offence would not be applicable if the threat was uttered other than via a telecommunications network.
- 11.3 The threat of distributing such material is often used within the context of intimate partner domestic abuse in order to threaten or coerce a victim. It follows that, in law, we do not adequately cover every scenario in which a threat to disclose a private sexual photograph or film is made.
- 11.4 The Domestic Abuse Act in England and Wales extended the equivalent offence of disclosing private sexual photographs and films with intent to cause distress to include 'threats' to disclose such material. It is proposed that the Sexual Offences (Bailiwick of Guernsey) Law, 2020 is expanded to include threats to distribute or share such material.

## **12. Guidance and Training**

- 12.1 The Committee will create a discretionary power within the Law to issue guidance. This may be used to support the introduction of the new legislation, which will be accompanied by a training programme for professionals.
- 12.2 Training will be essential in relation to the introduction of the new legislation. This will be completed in a similar way to the UK and IoM where all relevant staff working within the criminal justice arena received input on both the legislation and up to date research and practice on domestic abuse and its impact on children.

## **13. Benefits of Introducing New Legislation**

- 13.1 The objective of introducing new domestic abuse legislation is to provide greater support to the victims of domestic abuse and their children, recognise the seriousness of domestic abuse, raise awareness of the range of forms it can take,

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<sup>29</sup> The offence of sending, by means of a telecommunications network, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character. This will only apply when the conduct is via a telecommunications network.

support victims through the justice system and prevent offending and reoffending.

13.2 The associated overall policy objective is that the legislation would underpin a lasting culture change in terms of the understanding of and response to domestic abuse, leading to the following benefits:

- i. Greater protection and earlier intervention in relation to victims;
- ii. A more consistent approach to domestic abuse and greater confidence by domestic abuse victims in the justice system;
- iii. To change offender behaviour through deterrence and by preventing the escalation of abuse and reducing offending and reoffending;
- iv. Greater awareness and understanding of domestic abuse across voluntary and statutory agencies and in relation to the wider population;
- v. Improved redress through the justice system; and
- vi. Improved performance in the response to domestic abuse.

13.3 Introducing an offence of domestic abuse that captures the full range of behaviours that are abusive will better reflect the nature and impact of domestic abuse.

13.4 The consequences of living with domestic abuse are often Post-Traumatic Stress Disorder, depression, anxiety, self-harm and suicide. Domestic abuse is acknowledged to be a key adverse childhood experience that can have a huge negative impact on child development, children's future life chances and ongoing mental health and wellbeing.

13.5 Apart from the obvious social benefits of reducing these impacts, though it is hard to monetise, there will be financial savings if domestic abuse can be reduced in terms of the savings to health and social services, welfare benefits and other public services. The new orders and other provisions should also allow for domestic abuse to be tackled much more swiftly and effectively, hopefully reducing repeat offending in many cases.

#### **14. Impact of the New Legislation**

14.1 The introduction of any new legislation will always impact on those agencies which have a responsibility to administer it, a new Domestic Abuse Law will be no different.

14.2 Bailiwick Law Enforcement, the Guernsey Probation Service, St James' Chambers and the Judiciary have indicated that the introduction of new offences and protective measures will impact on their workload, however, the extent to which is difficult to quantify. In part, this will depend on how much the new measures

will be utilised. Equally the new statutory protection will bring benefits, not just to victims but those professional agencies who currently respond to domestic abuse incidents. By how much, is again, difficult to quantify.

- 14.3 Some assurance can be taken from the IoM experience, which brought in comparable legislation to that being proposed at the beginning of this year, which suggests that, if prioritised, the new measures can be delivered within existing resources.
- 14.4 The IoM Police had created one new post of Police Domestic Abuse Coordinator to deal with the new legislation and any additional work was absorbed within their existing teams. Their equivalent to our Prosecutors had agreed to present the applications for DAPOs in the court, again from within their existing workforce.
- 14.5 The IoM has a slightly bigger population than the Bailiwick (approximately eighty-three thousand compared to sixty-four thousand), very similar rates of domestic abuse incidents reported (14 per week compared to 15 locally) and slightly higher numbers of high-risk cases of domestic abuse reported annually (around 260 in 2021 compared to an average of around 180 per year in the Bailiwick<sup>30</sup>).
- 14.6 As the IoM is only issuing DAPOs in relation to high-risk cases, and the number of high-risk cases locally is 30% lower than the IoM, it is likely that Guernsey would see a lower number of both domestic abuse crimes being prosecuted and DAPOs issued.
- 14.7 In the first five months of 2023 the IoM issued seven domestic abuse notices. Of these, four were taken to court to request a DAPO and the other three cases were resolved through other means. All four DAPO applications were granted. In relation to the four orders, only one alleged perpetrator has breached the order. While this is not long enough to get a true picture of the workload the new legislation will create in the IoM, it fits with the local police estimate of there being around one application for a DAPO each month.
- 14.8 Reflecting on the IoM experience, which will continue to be closely monitored, the Committee is not seeking additional resources to deliver this new legislation at this time.
- 14.9 The impact of the legislation on resources will be monitored once the primary legislation is introduced.
- 14.10 Further measures raised during the consultation process will be evaluated by the Committee in phase two of the review of domestic abuse legislation. They have

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<sup>30</sup> This figure is an average of the annual number of high- risk cases reported during 2018-2022.

not been included in this Policy Letter as they will involve more research and consultation. As this would hold up the introduction of the measures set out in this Policy Letter, it was decided that it would be better to introduce any additional measures by Ordinance at a later date.

## **15. Other Potential Impacts**

- 15.1 There is a possibility that legal aid costs could rise but again it is hard to quantify. It may increase in relation to any appeals made against DAPOs or any defendants requiring legal aid in relation to the new domestic abuse offence, however it is likely to decrease in relation to victims applying for DVIs. The Committee notes that a review of the legal aid system is taking place this year.
- 15.2 In terms of the DAPO, one issue that has been raised is in relation to accommodation of the alleged perpetrators when ousted from the family home. It is important that these individuals are able to find temporary accommodation. It is understood from correspondence with the Committee for Employment and Social Security, that individuals in this situation could apply for Income Support. Providing that they fell within the legal requirements of that benefit, they could obtain support with accommodation costs in relation to temporary accommodation. The Probation Service also already works closely with partner agencies to try to find suitable accommodation for offenders but has highlighted that this is increasingly difficult due to the general shortage of rental property in the Islands.
- 15.3 Acknowledging the human rights implications of making a person temporarily homeless as a result of the issuing of a DAPN/DAPO, that person should be signposted to suitable emergency accommodation by all agencies involved. In the UK, a Domestic Violence Protection Notice (DVPN) information leaflet is provided with the DVPN notice itself, giving details of organisations and agencies that provide support. It is proposed that similar information is provided detailing local support services.

## **16. Financial Costs Associated with the new Legislation**

- 16.1 Taking account of the impact of the IoM's experience, and because of the financial pressures on the States at this moment, the Committee is not requesting any additional resourcing in relation to the legislation. It will, however, closely oversee and monitor the implementation of the new law in relation to resource requirements as the legislation beds in.
- 16.2 It will be essential to create training and guidance in relation to the new law before it is introduced. This will also be done within existing resources.

## **17. Compliance with Rule 4**

17.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

17.2 In accordance with Rule 4(1):

- i. The propositions contribute to the States' objectives and policy plans of Priority 3 of the Government Work Plan 'keep the island safe and secure' by enhancing domestic abuse services in line with the Domestic Abuse and Sexual Violence Strategy.
- ii. In preparing the propositions, consultation has been undertaken with the Domestic Abuse Strategy Law Review Group, the Bailiff, His Majesty's Procureur and the Policy and Finance Committees of Alderney and Sark.
- iii. The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- iv. The financial implications to the States of carrying the proposals into effect are as described in Section 16 of this Policy Letter.

17.3 In accordance with Rule 4(2):

- i. The propositions relate to the Committee's responsibilities to advise the States and to develop and implement policies on matters relating to its purpose including the association between justice and social policy, for example domestic abuse.
- ii. The propositions have the unanimous support of the Committee.

Yours faithfully

R G Prow  
President

S P J Vermeulen  
Vice-President

S E Aldwell  
L McKenna  
A W Taylor

P A Harwood OBE  
Non-States Member