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STATUTORY INSTRUMENTS

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**2000 No. 2769**

**LANDMINES**

**The Landmines Act 1998 (Guernsey) Order 2000**

*Made - - - - 11th October 2000*

*Coming into force - - 11th November 2000*

At the Court at Buckingham Palace, the 11th day of October 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 3(4) and 29(4) of the Landmines Act 1998<sup>(1)</sup>, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Landmines Act 1998 (Guernsey) Order 2000 and shall come into force on 11th November 2000.

(2) In this Order—

“the Act” means the Landmines Act 1998,

“Guernsey” means the Bailiwick of Guernsey, and

“section” means a section of the Act.

**Application of section 2(1) and (2)**

2. The application of subsections (1) and (2) of section 2 of the Act, so far as they apply as mentioned in subsection (3) of section 3, shall extend to bodies incorporated under the law of Guernsey.

**Extension of the Act to Guernsey**

3. the act shall extend to guernsey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

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A. K. Galloway  
Clerk of the Privy Council

SCHEDULE

Article 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS  
OF THE ACT AS IT EXTENDS TO GUERNSEY

1. In section 3—
  - (a) in subsections (1) and (2), for the words “the United Kingdom” in each place where they occur there shall be substituted “Guernsey”;
  - (b) for subsection (3) there shall be substituted—

“(3) Subsections (1) and (2) of section 2, so far as they apply respectively to—

    - (a) outside Guernsey, and
    - (b) assistance, encouragement and inducements outside Guernsey, impose prohibitions only on United Kingdom nationals, Scottish partnerships and bodies incorporated under the law of a part of the United Kingdom or of Guernsey.”;
  - (c) subsection (4) shall be omitted, and
  - (d) in subsection (6), for the words “outside the United Kingdom” there shall be substituted “outside Guernsey” and for the words “any place in the United Kingdom” there shall be substituted “any place in Guernsey”.
2. In section 4, for the words “Secretary of State”, in each place where they occur, there shall be substituted “Committee”.
3. In section 5—
  - (a) in subsection (3), there shall be added at the end of paragraph (a) the words “and Guernsey”; and
  - (b) in subsection (4), for the words “the Secretary of State” there shall be substituted “Her Majesty’s Procureur”.
4. In section 6(3)—
  - (a) in paragraph (a), after the words “Secretary of State,” there shall be inserted “the Committee”; and
  - (b) in paragraph (b)—
    - (i) after the words “the Secretary of State's” there shall be inserted “or the Committee's”; and
    - (ii) after the words “on the Secretary of State” there shall be inserted “or on the Committee”.
5. In section 7, for the words “the Secretary of State”, in each place where they occur, and for the words “him” and “he”, there shall be substituted “the Committee”.
6. In section 8—
  - (a) in subsection (1), for the words “Secretary of State”, in both places where they occur, there shall be substituted “Committee”; and
  - (b) in subsection (2)—
    - (i) in paragraph (a), for the words “a justice of the peace” there shall be substituted “the Bailiff”;
    - (ii) paragraph (b) and the word “or” immediately preceding it shall be omitted; and
    - (iii) the words “acting under the authority of the Secretary of State” shall be omitted.

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7. In section 9—
  - (a) for the words “the Secretary of State”, in each place where they occur, and for the word “he”, in both places where it occurs, there shall be substituted “the Committee”; and
  - (b) in subsection (3), for the words “his” and “the Secretary of State's” there shall be substituted “the Committee's”.
8. In section 10—
  - (a) for the words “Secretary of State”, in each place where they occur, and (except in subsection (7)) for the word “he”, there shall be substituted “Committee”;
  - (b) in subsection (3), for the words “his” and “the Secretary of State's” there shall be substituted “the Committee's”; and
  - (c) in subsection (7)—
    - (i) in paragraph (a), for the words “a justice of the peace” there shall be substituted “the Bailiff”;
    - (ii) paragraph (b) and the word “or” immediately preceding it shall be omitted; and
    - (iii) the words “acting under the authority of the Secretary of State” shall be omitted.
9. In section 11(2)—
  - (a) for the words “the High Court or, in Scotland, the Court of Session” there shall be substituted the “the Royal Court”; and
  - (b) for the words “Secretarty of State” there shall be substituted “Committee”.
10. In section 13—
  - (a) for the words “the United Kingdom” in each place where they occur there shall be substituted “Guernsey”;
  - (b) in subsections (1) and (10), for the words “Secretary of State”, in each place where they occur, there shall be substituted “Committee”; and
  - (c) in subsection (9), for the words “the Secretary of State” there shall be substituted “Her Majesty’s Procureur”.
11. In section 15—
  - (a) in subsection (2), for the words “the United Kingdom”, in both places where they occur, there shall be substituted “Guernsey”;
  - (b) in subsection (4), for the words “the Secretary of State” there shall be substituted “Her Majesty’s Procureur”; and
  - (c) at the end there shall be added—

“(6) Any reference in this section to any privilege or immunity enjoyed by diplomatic agents in accordance with any provision of the 1961 Articles shall be construed as a reference to the privilege or immunity which would be so enjoyed if Guernsey were a part of the United Kingdom.”.
12. In section 16, after the words “Secretary of State” there shall be inserted “or the Committee”.
13. In section 17, for the words “Secretary of State”, in each place where they occur, there shall be substituted “Committee”.
14. In section 18(1)—
  - (a) in paragraph (a), for “a justice of the peace” there shall be substituted “the Bailiff”;
  - (b) paragraph (b) and the word “or” immediately preceding it shall be omitted; and
  - (c) the words “acting under the authority of the Secretary of State” shall be omitted.

15. In section 19(2), at the end of paragraph (f) there shall be added “or of Guernsey”.
16. Sections 20 and 21 shall be omitted.
17. In section 22(2) for the words “the Secretary of State”, in both places where they occur, and for the word “him”, there shall be substituted “the Committee”.
18. In section 24—
  - (a) in subsection (1)—
    - (i) for “the Secretary of State” and “he” there shall be substituted “the Committee”;
    - (ii) after the words “this Act” there shall be inserted “as it has effect in Guernsey”; and
    - (iii) at the end there shall be added the words “, being omissions, additions and modifications equivalent to those made by order of the Secretary of State under this section as it has effect in the United Kingdom”; and
  - (b) subsection (2) shall be omitted.
19. Section 25 shall be omitted.
20. In section 26, in paragraph (b), for “the United Kingdom” there shall be substituted “Guernsey”.
21. In section 27(1)—
  - (a) after the definitions of “anti-personnel mine”, “component”, “landmine” and “prohibited object” there shall be inserted the following definitions—
    - ““Bailiff” means—
      - (a) in relation to Guernsey, the Bailiff;
      - (b) in relation to Alderney, the Chairman of the Court of Alderney or, if he is absent or unable to act, a Jurat of the Court of Alderney; and
      - (c) in relation to Sark, the Seneschal of Sark or his deputy;
    - “Committee” means the States of Guernsey Committee for Home Affairs;
    - “constable” means a member of the salaried police force of the Island of Guernsey and—
      - (a) in relation to the Island of Guernsey, Herm and Jethou, and within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
      - (b) in relation to Alderney, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law, 1987; and
      - (c) in relation to Sark, the Constable and the Vingtenier;”and
  - (b) after the definition of “fact-finding mission” there shall be inserted the following definitions—
    - ““Guernsey” means the Bailiwick of Guernsey;
    - “Her Majesty’s Procureur” includes Her Majesty’s Comptroller;”.
22. In section 28—
  - (a) in subsection (2), for the words “the High Court or, in Scotland, the Court of Session” there shall be substituted “the Royal Court”; and
  - (b) in subsection (4), the words from “; and this subsection” to the end shall be omitted.

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23. In section 29, subsections (2), (3) and (4) shall be omitted.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order applies section 2(1) and (2) of the Landmines Act 1998 (prohibited conduct), as it has effect in the United Kingdom in respect of conduct outside the United Kingdom, to bodies incorporated under the law of the Bailiwick of Guernsey. It also extends that Act to the Bailiwick of Guernsey with the exceptions, adaptations and modifications specified in the Schedule to the Order.