
STATUTORY INSTRUMENTS

1974 No. 2026**PREVENTION OF TERRORISM****The Prevention of Terrorism (Temporary Provisions) Act 1974
(Guernsey) Order 1974***Made - - - - 4th December 1974**Coming into Operation 4th December 1974*

At the Court at Buckingham Palace, the 4th day of December 1974

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 11 of the Prevention of Terrorism (Temporary Provisions) Act 1974(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Prevention of Terrorism (Temporary Provisions) Act 1974 (Guernsey) Order 1974 and shall come into operation forthwith.

2.—(1) In this Order “Guernsey” means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The Prevention of Terrorism (Temporary Provisions) Act 1974 shall extend to Guernsey with such exceptions, adaptations and modifications as are specified in the Schedule hereto.

N. E. Leigh

(a) 1974 c. 56.

(b) 1889 c. 63.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS
TO THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS)
ACT 1974

1. Subject as hereinafter provided and save where the context otherwise requires:—
 - (a) any reference to the Prevention of Terrorism (Temporary Provisions) Act 1974 or to any other enactment shall be construed as a reference to that enactment as it has effect in Guernsey;
 - (b) for any reference to Great Britain there shall be substituted a reference to Guernsey;
 - (c) for any reference to a constable there shall be substituted a reference to a police officer.
2. In section 1(3) and (4) for the words “Secretary of State” there shall be substituted the words “States Emergency Council”.
3. In section 1(3) after the words “United Kingdom” there shall be inserted the words “or Guernsey”.
4. In Part II for any reference to the Secretary of State there shall be substituted a reference to the Lieutenant-Governor.
5. Section 6 shall be omitted.
6. In section 7(2) for the words “Secretary of State” there shall be substituted the words “Her Majesty’s Procureur”.
7. For section 7(3), (4) and (5) there shall be substituted the following provision:—

“(3) The provisions of section 89 of the Prison Administration (Guernsey) Ordinance 1959 shall not apply to a person detained in right of the arrest”.
8. In section 8(1)—
 - (a) for the words “Secretary of State” there shall be substituted the words “States Emergency Council”;
 - (b) the words “or Northern Ireland” shall be omitted.
9. In section 8(2) for the words “Secretary of State” in both places where they occur there shall be substituted the words “Lieutenant-Governor”.
10. In section 9(1) after the definition of “exclusion order” there shall be inserted the following definitions:—

“the Lieutenant-Governor” means the person for the time being holding the office of Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey and its Dependencies,

“police officer” means:—

 - (a) in relation to Guernsey, Herm and Jethou, a member of the salaried

police force of the Island of Guernsey, 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 the said police force and a member of any police force, which may be established by the States of Alderney; and
- (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey,.

11. In section 9(2) for the words “the United Kingdom” there shall be substituted the word “Guernsey”.

12. In section 9(5) the references to sections 6 and 12 shall be omitted.

13. For section 9(6), (7) and (8) there shall be substituted the following provision:—

“(6) Any order made by the States Emergency Council under section 1 or 8 of the Act shall be laid before a meeting of the States as soon as may be after the making thereof and if at that meeting or at the next subsequent meeting the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the States Emergency Council of a new order.”.

14. For section 10 there shall be substituted the following provision:—

“10. Any expenses incurred by the States of Guernsey in the execution of this Act shall be paid out of monies provided by the States.”.

15. Section 11 shall be omitted.

16. Section 12(1) and (2) shall be omitted.

17. In section 12(3) for all the words before “section” there shall be substituted the words “On any provision of this Act ceasing to have effect in Guernsey”.

18. Section 13(2) shall be omitted.

19. In Schedule 2 in paragraph 2(c) sub-paragraph (ii) shall be omitted.

20. In Schedule 2 paragraph 3 shall be omitted.

21. In Schedule 3 in paragraph 1(2) for sub-paragraph (c) there shall be substituted the following provision:—

“(c) officers of customs who are the subject of arrangements for their employment as immigration officers with the concurrence of the Lieutenant-Governor under the said paragraph 1.”.

22. In Schedule 3 paragraph 1(3) shall be omitted.

23. In Schedule 3 in paragraph 1(5)(a) for sub-paragraph (i) there shall be substituted the following provision:—

“(i) coming to Guernsey from the United Kingdom, the Republic of Ireland, the Bailiwick of Jersey or the Isle of Man, or”.

24. In Schedule 3 in paragraph 1(6) the words “or Northern Ireland” shall be omitted.

25. In Schedule 3 in paragraph 1(7) for the words “Secretary of State” there shall be substituted the words “States Emergency Council”.

26. In Schedule 3 in paragraph 1(9) for the words “Secretary of State” there shall be substituted the words “Lieutenant-Governor or States Board of Administration”.

27. In Schedule 3 paragraphs 2, 3 and 4 shall be omitted.

28. In Schedule 3 in paragraph 5(1) for the words “a justice of the peace” there shall be substituted the words “as respects Guernsey, the Bailiff, as respects Alderney, the Chairman of the Court of Alderney and as respects Sark, the Seneschal”.

29. In Schedule 3 in paragraph 5(2)—

(a) for the words “a police force” there shall be substituted the words “the Island Police Force”;

(b) the words “to the justice” shall be omitted.

30. In Schedule 3 in paragraph 5(3) for the words “any police force” and “a police force” there shall be substituted in each case the words “the Island Police Force”.

31. In Schedule 3 in paragraph 5(4)—

(a) for all the words before “has reasonable grounds” there shall be substituted the words “If the Chief Officer of the Island Police Force”;

(b) for the words “interests of the State” there shall be substituted the words “public interest”;

(c) for the words “a police force” there shall be substituted the words “the Island Police Force”.

32. In Schedule 3 in paragraph 5(5) for the words “Secretary of State” there shall be substituted the words “Lieutenant-Governor”.

33. In Schedule 3 paragraph 5(7) shall be omitted.

34. In Schedule 3 in paragraph 6 for the words “the Secretary of State” in both places where they occur there shall be substituted the words “Her Majesty’s Procureur”.

35. In Schedule 3 in paragraph 8—

(a) for the words “Secretary of State” wherever they occur there shall be substituted the words “Lieutenant-Governor”;

(b) the words “or on his behalf” and “or on behalf of” shall be omitted.

36. In Schedule 3 paragraph 9 shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the Prevention of Terrorism (Temporary Provisions) Act 1974 to the Bailiwick of Guernsey with exceptions, adaptations and modifications.

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