
STATUTORY INSTRUMENTS

1994 No. 764

NORTHERN IRELAND

The Northern Ireland (Emergency Provisions) Act 1991 (Guernsey) Order 1994

Made - - - - *15th March 1994*
Coming into force - - *15th April 1994*

At the Court at Buckingham Palace, the 15th day of March 1994

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 71(3) of the Northern Ireland (Emergency Provisions) Act 1991⁽¹⁾, 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 Northern Ireland (Emergency Provisions) Act 1991 (Guernsey) Order 1994 and shall come into force on 15th April 1994.

2. Subsections (1) and (3) to (5) of section 57 of, and Schedule 5 to, the Northern Ireland (Emergency Provisions) Act 1991 shall extend to the Bailiwick of Guernsey with the modifications specified in the Schedule to this Order, being modifications which appear to Her Majesty to be appropriate.

N. H. Nicholls
Clerk of the Privy Council

⁽¹⁾ 1991 c. 24; subsection (2) of section 71 was amended by paragraph 17 of Schedule 5 to the Criminal Justice Act 1993 (c. 36).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

MODIFICATIONS IN THE EXTENSION OF PROVISIONS OF SECTION 57
OF, AND SCHEDULE 5 TO, THE NORTHERN IRELAND (EMERGENCY
PROVISIONS) ACT 1991 TO THE BAILIWICK OF GUERNSEY

1.—(1) Any reference to, or to a provision of, section 57 of or Schedule 5 to the Northern Ireland (Emergency Provisions) Act 1991 shall be construed, unless the contrary intention appears, as a reference to that provision as it has effect in the Bailiwick of Guernsey.

(2) Any reference to any other Act of Parliament, or to any other provision of an Act of Parliament, shall be construed, in the case of an Act or provision which has effect in the Bailiwick of Guernsey, as a reference to that Act or provision as it has effect there and, in any other case, as a reference to that Act or provision as it has effect in the United Kingdom.

2. Any reference to an enactment of the States of Guernsey shall be construed, unless the contrary intention appears, as including a reference thereto as amended, repealed and replaced, extended or applied by or under any other such enactment.

3.—(1) For section 57(1) there shall be substituted the following subsection:

“(1) If it appears to the Attorney General that an investigation to which this section applies is taking place, he may authorise any person to exercise for the purposes of the investigation the powers conferred by Schedule 5 to this Act.”.

(2) In section 57(3)–

(a) for “(Temporary Provisions) Act 1989” there shall be substituted “(Bailiwick of Guernsey) Law 1990”; and

(b) for all the words following “as if” there shall be substituted:

“(a) the investigation in relation to which the authority was given were a terrorist investigation within the meaning of that Schedule;

(b) the references to an officer of police in paragraphs 2(1), 3(1), 3(6) (in the first place where that reference occurs) and 5(1) (in the first place where that reference occurs) of that Schedule were a reference to the Attorney General;

(c) the references to an officer of police in paragraphs 2(2)(d), 2(3), 3(2)(a) and (b), 3(6) (in the second place where that reference occurs), 5(1) (in the second place where that reference occurs), 6(1) and 7(1) of that Schedule included a reference to that authorised person;

(d) the references to the Chief Officer of Police and his deputy in paragraphs 4(2)(b), 6(1) and 6(4) of that Schedule were a reference to the Attorney General; and

(e) paragraph 8 were omitted.”.

(3) At the end of section 57 there shall be added the following subsection:

“(6) In this section the expressions “proscribed organisation” and “terrorism” have the same meanings as they have in this section as it has effect in the United Kingdom(2).”.

4.—(1) In paragraph 2 of Schedule 5, for sub-paragraph (5)(a) and (b) there shall be substituted “which he would be entitled to refuse to disclose or produce on grounds of legal professional privilege”.

(2) In paragraph 3 of Schedule 5–

(2) These expressions are defined in section 66 of the Northern Ireland (Emergency Provisions) Act 1991.

- (a) in sub-paragraph (1), for the words from the beginning to “authorised investigator” there shall be substituted “The appropriate judicial officer may, on an application made by the Attorney General”;
 - (b) in sub-paragraph (2), for “constable” there shall be substituted “officer of police”; and
 - (c) for sub-paragraphs (3) to (5) there shall be substituted the following sub-paragraphs:
 - “(3) An application under this paragraph shall be supported by evidence on oath.
 - (4) A warrant under this paragraph may authorise persons named or described in the warrant to accompany an officer of police who is executing it.
 - (5) In this paragraph–
 - “appropriate judicial officer” means–
 - (a) in relation to the Bailiwick of Guernsey, the Bailiff;
 - (b) in relation to the Island of Alderney, the Chairman of the Court of Alderney;
 - (c) in relation to the Island of Sark, the Seneschal of Sark; and
 - “officer of police” means–
 - (a) in relation to the Islands of 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 the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney;
 - (c) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey.”.
- (3) In paragraph 6 of Schedule 5–
 - (a) in sub-paragraph (1)(a), for “United Kingdom” there shall be substituted “Bailiwick of Guernsey”; and
 - (b) after sub-paragraph (1)(a) there shall be inserted the following paragraph:
 - “(aa) to any Committee of the States of Guernsey or Alderney or of the Chief Pleas of Sark;”.
- (4) In paragraph 7 of Schedule 5–
 - (a) for sub-paragraph (1) there shall be substituted the following sub-paragraph:
 - “(1) Any code of practice, or revised code of practice, made in connection with the exercise by authorised investigators of the powers conferred by this Schedule, and issued by the Secretary of State and for the time being in force under this paragraph as it has effect in the United Kingdom shall have effect for the purposes of this Schedule as it has effect in the Bailiwick of Guernsey(3).”; and
 - (b) sub-paragraphs (2) to (5) and (9) shall be omitted.

(3) The Northern Ireland (Emergency Provisions) Act 1991 (Codes of Practice) (No. 1) Order 1993 (S.I.1993/2761) brought into operation, on 1st January 1994, the code of practice issued under paragraph 7 as it has effect in the United Kingdom.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey, with the modifications specified in the Schedule to this Order, section 57 of and Schedule 5 to the Northern Ireland (Emergency Provisions) Act 1991 which provide additional powers for authorised investigators in relation to investigations into the existence of resources of proscribed organisations, and funds connected with certain acts of terrorism, within the meaning of that Act.