
STATUTORY INSTRUMENTS

2003 No. 2616

The Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2003

GENERAL

Penalties and proceedings

16.—(1) Any person guilty of an offence under article 3, 5 or 6(3) shall be liable in Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

and in Jersey, on conviction to imprisonment for a term not exceeding seven years, or to a fine, or to both.

(2) Any person guilty of an offence under article 13(3)(b)(ii) or paragraph 5(b) or (d) of Schedule 2 shall be liable in Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both;

and in Jersey, on conviction to imprisonment for a term not exceeding two years or to a fine or both.

(3) Any person guilty of an offence under article 8(1) or (2) or article 9(4) shall be liable in Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction to a fine not exceeding level 5 on the standard scale;

and in Jersey, on conviction to imprisonment for a term not exceeding two years or to a fine or to both.

(4) Any person guilty of an offence under article 13(3)(a), (b)(i) or (c), or paragraph 5(a) or (c) of Schedule 2 shall be liable—

- (a) in Guernsey on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both;
- (b) in Jersey, on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 4 on the standard scale.

(5) Any person guilty of an offence under article 7 or 9(3) shall be liable—

- (a) in Guernsey on summary conviction to a fine not exceeding level 5 on the standard scale;
- (b) in Jersey, on conviction to a fine not exceeding level 4 on the standard scale.

(6) Where any body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person

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who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

(7) Summary proceedings for an offence under this Order in its application to Guernsey may be taken before the appropriate court in the Bailiwick having jurisdiction in the place where that person is for the time being.

(8) No proceedings for an offence under this Order shall be instituted except by or with the consent of the Attorney General:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.