

PROJET DE LOI

ENTITLED

The Administration of Justice (Bailiwick of Guernsey) Law, 1991 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* No. I of 1991 (Ordres en Conseil Vol. XXXIII, p. 49); as amended by the: Banking Supervision (Bailiwick of Guernsey) Law, 1994 (No. XIII of 1994, Ordres en Conseil Vol. XXV(1), p. 271); Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995 (No. XI of 1995, Ordres en Conseil Vol. XXVI, p. 256); Offences against Police Officers (Bailiwick of Guernsey) (Amendment) Law, 1996 (No. VI of 1996, Ordres en Conseil Vol. XXXVI, p. 577); Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 639); Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002 (No. I of 2003, Ordres en Conseil Vol. XLIII(1), p. 3); Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006 (No. XIII of 2006); Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009). See also the: Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (*supra*); Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (No. XXIII of 2003, Ordres en Conseil Vol. XLIII(2), p. 617).

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THE STATES, in pursuance of their Resolutions of the 28th day of September, 1989^a, and the 27th day of December, 1989^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART I

EVIDENCE IN CRIMINAL PROCEEDINGS

Proof by written statement.

1. (1) In any criminal proceedings, [including] committal proceedings, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are –

(a) the statement purports to be signed by the person who made it,

^a On Article IV of Billet d'État No. XVI of 1989.

^b On Article XIV of Billet d'État No. XXVIII of 1989.

- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true,
- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings, and
- (d) none of the other parties or their Advocates, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:

Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

(3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say –

- (a) if the statement is made by a person under the age of [eighteen], it shall give his age,
- (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the

statement to the effect that it was so read, and

- (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.

(4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section –

- (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence, and
- (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

(5) An application under paragraph (b) of the last foregoing subsection made to the Royal Court may be made before the hearing and on any such application the powers of the Court shall be exercisable by the Bailiff sitting alone.

(6) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(7) Any document or object referred to as an exhibit and identified

in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(8) A document required by this section to be served on any person shall be served in accordance with the Rules for the time being governing the service of process in the Bailiwick.

(9) If any person in a written statement tendered in evidence under this section wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true he shall be guilty of an offence punishable on conviction with a fine not exceeding level 5 on the uniform scale or with two years imprisonment or both.

NOTES

In section 1,

the word in square brackets in subsection (1) was substituted by the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006, section 16(2), with effect from 28th March, 2007;

the word in square brackets in paragraph (a) of subsection (3) was substituted by the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002, section 12, with effect from 20th January, 2003.

The following cases have referred to this Law:

Blondel and Butcher v. Law Officers of the Crown (1994) 17.GLJ.60;

Fernandes v. Law Officers of the Crown (2014) (Unreported, Court of Appeal, 11th December) (Guernsey Judgment No. 53/2014).

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.

Admissions of facts.

2. (1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecution or accused, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.

(2) An admission under this section –

- (a) may be made before or at the proceedings,
- (b) if made otherwise than in court, shall be in writing,
- (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate,
- (d) if made on behalf of an accused who is an individual, may be made by his Advocate.

(3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to the matter (including any appeal or retrial).

(4) An admission under this section may with the leave of the court be withdrawn in the proceedings for the purpose of which it is made or any

subsequent criminal proceedings relating to the same matter.

NOTE

The following cases have referred to section 2:

Blondel and Butcher v. Law Officers of the Crown (1994)
17.GLJ.60;

Fernandes v. Law Officers of the Crown (2014) (Unreported, Court
of Appeal, 11th December) (Guernsey Judgment No. 53/2014).

Onus of proving exceptions, etc.

3. Where the accused in any criminal prosecution relies for his defence on any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence, in the statute creating the offence, the burden of proving the exception, exemption, proviso, excuse or qualification shall be on him; and this notwithstanding that the wording of the charge or summons contains an allegation negating the exception, exemption, proviso, excuse or qualification.

Abolition of the rights of accused to make an unsworn statement.

4. (1) Subject to subsection (2) below, in any criminal proceedings the accused shall not be entitled to make a statement without being sworn, and accordingly, if he gives evidence he shall do so on oath and be liable to cross-examination; but this section shall not affect the right of the accused if not legally represented, to address the court otherwise than on oath on any matter on which, if he were so represented the legal representative could address the court on his behalf.

(2) Nothing in subsection (1) above shall prevent the accused making a statement without being sworn –

- (a) if it is one which he is required by law to make personally, or

- (b) if he makes it by way of mitigation before sentence is passed upon him.

[Unsworn evidence of children.]

5. (1) Where, in any criminal proceedings any child of tender years called as a witness does not in the opinion of the Court understand the nature of an oath, his evidence may be received though not given on oath if the Court considers –

- (a) he is sufficiently intelligent to justify the reception of his evidence, and
- (b) he understands the duty of speaking the truth.

(2) Any requirement in criminal proceedings for the Court to be warned about convicting the accused on the uncorroborated evidence of a child is abrogated in relation to cases where such a warning is required by reason only that the evidence is the evidence of a child.

(3) Unsworn evidence admitted under subsection (1) above may corroborate evidence (sworn or unsworn) given by any other person.

(4) Section 14 of the "Loi relative à la Protection des Femmes et des Filles Mineures" registered on the 1st day of August, 1914 and section 18 of the "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes" registered on the 10th day of February, 1917 are repealed.

NOTES

The Loi relative à la Protection des Femmes et des Filles Mineures, 1914 has since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, paragraph 2 ("Repeals"), with effect from 1st

March, 2022, subject to the savings in section 2 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.

In the printed version of this section, the marginal note has been omitted.

PART II

ADDITIONAL POWERS OF THE MAGISTRATE'S COURT

Minor defects in process.

6. (1) No objection shall be allowed to any charge or summons for any defect in it in substance or in form, or for any variance between it and the evidence adduced by the prosecution at the hearing in the Magistrate's Court.

(2) If it appears to the Magistrate's Court that any variance between a charge or summons and the evidence adduced on behalf of the prosecution is such that the accused has been misled by the variance, the court, shall, on the application of the accused adjourn the hearing.

[(3) For the purposes of this section, the expression "**the Magistrate's Court**" includes the Court of Alderney and the Court of the Seneschal of Sark.]

NOTE

In section 6, subsection (3) was inserted by the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 3, with effect from 1st February, 1997.

Contempt of the Magistrate's Court.

7. ...

NOTE

Section 7 was repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(f), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

PART III
POWERS OF SEARCH

Amendment to Protection of Depositors, Companies and Prevention of Fraud (Bailiwick of Guernsey) Law, 1969.

8. ...

NOTE

Section 8 was repealed by the Banking Supervision (Bailiwick of Guernsey) Law, 1994, section 57(h), with effect from 1st October, 1994.

Amendment to Theft (Bailiwick of Guernsey) Law, 1983.

9. (1) Sections 31(1) to (3) of the Theft (Bailiwick of Guernsey) Law, 1983^f is repealed and the following substituted –

" (1) If the Bailiff is satisfied by information on oath given by an officer of police and in relation to Guernsey being of a rank not lower than that of inspector that there is reasonable cause to believe that any person has in his custody or possession or on his premises any property whatsoever, with respect to which any offence against this Law has been committed, the Bailiff may grant a warrant to search for and seize the same.

(2) Any officer of police may, if authorised in writing by the Chief Officer of Police, enter any premises, and search for and seize any

^f No. I of 1983.

property he believes to have been stolen, and where any property is seized in pursuance of this section, the person on whose premises it was at the time of seizure or the person from whom it was taken shall, unless previously charged with handling the same, be summoned before the appropriate Court to account for his possession of such property, and such Court shall make such order respecting the disposal of such property and may award such costs as the justice of the case may require.

(3) It shall be lawful for the Chief Officer of Police to give such authority as aforesaid –

- (a) when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of handling stolen property or of harbouring thieves, or
- (b) when the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty and punishable with imprisonment.

(4) The Chief Officer of Police may give such authority if he has reason to believe that there may be stolen goods at the premises to be searched, and need not specify any particular property."

(2) Sections 31(4) and (5) are renumbered 31(5) and (6) respectively

PART IV MISCELLANEOUS

Amendment to Protection of Children (Bailiwick of Guernsey) Law, 1985.

10. The Protection of Children (Bailiwick of Guernsey) Law, 1985^g, is hereby amended as follows –

- (a) the following additional section is inserted immediately after section 3 –

"Possession of indecent photographs of children.

3A. (1) It is an offence for a person to have any indecent photograph of a child (meaning in this section a person under or apparently under the age of 16) in his possession.

(2) Where a person is charged with an offence under subsection (1) above, it shall be a defence for him to prove –

- (a) that he had a legitimate reason for having the photograph in his possession, or
- (b) that he had not himself seen the photograph and did not know, nor had any cause to suspect, it to be indecent, or

^g No. XII of 1985.

- (c) that the photograph was sent to him without any prior request made by him or on his behalf and that he did not keep it for an unreasonable time.

(3) Possession before this section comes into force is not an offence.

(4) A person guilty of any offence under this section shall be liable on conviction to a fine not exceeding level 5 on the uniform scale.",¹

- (b) in section 5(1) for "section 2 or 3" substitute "section 2, 3, or 3A",
- (c) in section 7(1)(c) after "section 3" insert "or 3A",
- (d) in section 7(3) for "section 2 or 3" substitute "section 2, 3, or 3A",
- (e) in section 9(5) after "section 3" insert "or 3A".

NOTE

The Protection of Children (Bailiwick of Guernsey) Law, 1985 has since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, paragraph 7 ("Repeals"), with effect from 1st March, 2022, subject to the savings in section 2 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.

Torture.

11. (1) A public official or person acting in an official capacity, whatever his nationality, commits the offence of torture if in the Bailiwick or elsewhere he intentionally inflicts severe pain or suffering on another in the performance or purported performance of his official duties.

(2) A person not falling within subsection (1) above commits the offence of torture, whatever his nationality, if –

(a) in the Bailiwick or elsewhere he intentionally inflicts severe pain or suffering on another at the instigation or with the consent or acquiescence –

(i) of a public official, or

(ii) of a person acting in an official capacity, and

(b) the official or other person is performing or purporting to perform his official duties when he instigates the commission of the offence or consents to or acquiesces in it.

(3) It is immaterial whether the pain or suffering is physical or mental and whether it is caused by an act or an omission.

(4) It shall be a defence for a person charged with an offence under this section in respect of any conduct of his to prove that he had lawful authority, justification or excuse for that conduct.

(5) For the purposes of this section **"lawful authority, justification or excuse"** means –

- (a) in relation to pain or suffering inflicted in the Bailiwick, lawful authority, justification or excuse under the law of the part of the Bailiwick where it was inflicted,
- (b) in relation to pain or suffering inflicted outside the Bailiwick –
 - (i) if it was inflicted by a Bailiwick official acting under the law of the Bailiwick or by a person acting in an official capacity under that law, lawful authority, justification or excuse under that law,
 - (ii) if it was inflicted by a Bailiwick official acting under the law of any part of the Bailiwick or by a person acting in an official capacity under such law, lawful authority, justification or excuse under the law of the part of the Bailiwick under whose law he was acting, and
 - (iii) in any other case, lawful authority, justification or excuse under the law of the place where it was inflicted.

(6) A person who commits the offence of torture shall be liable on conviction on indictment to imprisonment for life.

NOTES

In accordance with the provisions of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, section 90(2)(b), Schedule 4, Part II, paragraph 6, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in subsection (6), a court (in Guernsey but not in Alderney or Sark), instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.

Amendment to Offences against Police Officers (Bailiwick of Guernsey) Law, 1963.

12. ...

NOTE

Section 12 was repealed by the Offences against Police Officers (Bailiwick of Guernsey) (Amendment) Law, 1996, section 2, with effect from 30th September, 1996.

Detention of persons wanted in United Kingdom.

13. (1) Where it appears to an officer of police that a person in the Bailiwick is subject to a warrant of arrest or commitment by virtue of sections 12 to 14 of the Indictable Offences Act 1848ⁱ or section 126 of the Magistrates' Courts Act 1980^j and the said officer is reasonably satisfied that a copy or facsimile of that warrant to which he has access is of *prima facie* authenticity he may detain that person.

(2) A person detained under subsection (1) shall be brought as

ⁱ An Act of Parliament (1848 c. 42).

^j An Act of Parliament (1980 c. 43).

soon as reasonably practicable before the appropriate court, which for this purpose shall sit in camera, and which shall enquire into the circumstances and hear representations made by or on behalf of the person detained.

(3) If the appropriate court is satisfied that the copy or facsimile of the warrant is *prima facie* authentic and that the person detained is the person the subject of the warrant it shall order his detention in custody for a period of 72 hours (which shall be reckoned from the time the hearing is concluded), or else order he shall be released forthwith.

(4) A person detained by order of the appropriate court under subsection (3) shall have the right to appeal to the Bailiff sitting in chambers on the grounds that the copy or facsimile of the warrant is not *prima facie* authentic or that he is not the person the subject of the warrant and if the Bailiff is satisfied on such grounds he shall order the person's release forthwith.

(5) A person detained under this section shall be deemed to be in lawful custody charged with an offence and shall be released forthwith after the expiration of the period of 72 hours if the warrant is not lawfully executed on him during that period.

(6) In this section "**appropriate court**" means –

- (a) in relation to Guernsey, the Magistrate's Court set up under the Magistrate's Court (Guernsey) Law, 1954,
- (b) in relation to Alderney, the Court of Alderney,
- (c) in relation to Sark, the Court of the Seneschal.

NOTES

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the references herein to the Bailiff included a reference to the Deputy Bailiff.

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Production of driving documents.

14. (1) This section applies to any person –

- (a) driving a motor vehicle on a road, or
- (b) whom an officer of police has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road, or
- (c) whom an officer of police has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road, or
- (d) ...
- (e) ...

(2) A person to whom this section applies shall, on being so required by an officer of police –

(a) ...

(b) ...

(c) [...]

(i) produce the relevant certificate of insurance or such other evidence as may be prescribed that the vehicle is not or was not being driven in contravention of section 2 of the 1936 Law,

(ii) state the name and address of the owner of the vehicle.

(3) A person who fails to comply with a requirement made under subsection (2) of this section is, subject to subsection (4) of this section, guilty of an offence and liable on conviction to a fine not exceeding level 2 on the uniform scale.

(4) In proceedings against any person for failing to produce a [...] relevant certificate of insurance it is a defence for him to show that –

(a) he produced it in person at the police station within 7 days of its production being required, or

(b) it was not reasonably practicable for him to produce it before the day on which the proceedings were instituted.

(5) Paragraph (2)(c) of this section is to be construed as one with the 1936 Law.

NOTES

In section 14,

paragraph (d) and paragraph (e) of subsection (1) were repealed by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 2(a), with effect from 14th November, 1995;

paragraph (a), paragraph (b), and the words omitted in square brackets in paragraph (c), of subsection (2) were repealed by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 2(b), with effect from 14th November, 1995;

the words omitted in square brackets in subsection (4) were repealed by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 2(c), with effect from 14th November, 1995.

Amendment to Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.

15. (1) In section 4(1D)(a) of the 1936 Law^k, immediately after "any sum" insert "payable under the judgment in respect of the liability, together with any sum".

(2) Immediately after section 6 of the 1936 Law there is inserted –

"6A. (1) If a policy –

- (a) restricts the insurance of the persons insured by it to use of the vehicle for specified purposes of a non-commercial character, or

^k Ordres en Conseil Vol. X, p. 388; section 4(1D) was inserted by Order in Council No. XVIII of 1989.

- (b) excludes from that insurance –
 - (i) use of the vehicle for hire or reward or
 - (ii) business or commercial use of the vehicle, or
 - (iii) use of the vehicle for specified purposes of a business or commercial character,

then, so far as the policy relates to liabilities required to be covered by a policy under paragraph (b) of section 3(1) of this Law, use of a vehicle on a journey in the course of which passengers are carried at separate fares shall, if the conditions specified in subsection (2) of this section are satisfied, be treated as falling within that restriction, or as not falling within that exclusion, as the case may be.

(2) The conditions referred to in subsection (1) of this section are –

- (a) that the vehicle is not adapted to carry more than eight passengers and is not a motor cycle, and
- (b) that the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs of the vehicle for the journey (including an appropriate amount in respect of

depreciation and general wear), and

- (c) that the arrangements for the payment of fares were made before the journey began."

(3) In section 13 of the 1936 Law –

- (a) subsection (1) is repealed,
- (b) immediately after "under this section" insert ", or under section 15(2) of the Administration of Justice (Bailiwick of Guernsey) Law, 1991,".²

(4) In section 15(4) of the 1936 Law, immediately after "of this Law" insert "or Section 15(2) of the Criminal Justice (Bailiwick of Guernsey) Law, 1990".³

Recovery of penalties for les Terres mises à l'Amende.

16. (1) The penalty recoverable pursuant to the Ordinance relating to the Terres mises à l'Amende of 16th January, 1786^l ("**the Ordinance of 1786**") is recoverable only in the Magistrate's Court established by the Magistrate's Court (Guernsey) Law, 1954^m, as amendedⁿ and sections 12 to 14 of that Law shall apply to proceedings for the recovery of such a penalty as they apply to a civil action for the recovery of a debt.

^l Recueil d'Ordonnances Tome I, p. 334; Tome IX, p. 40; Tome XVI, p. 200.

^m Ordres en Conseil Vol. XVI, p. 103.

ⁿ Ordres en Conseil No. IV of 1984.

(2) This section applies irrespective of the date of the Act of Court which permitted publication in La Gazette Officielle of the requisite notices in respect of the land in question.

(3) References in this section to an enactment are references to the enactment as amended.

(4) Any proceedings instituted but not completed for the recovery of a penalty under the Ordinance of 1786 when this section comes into force shall be heard and determined as if this section did not exist.

NOTE

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

PART V
SUPPLEMENTARY

Interpretation.

17. (1) In this Law unless the context otherwise requires –

"driving licence" has the same meaning as **"autorisation de conduire"** in Article 10 of the Law entitled "Loi relative aux Automobiles" registered on 11th December, 1926^o,

"Her Majesty's Procureur" includes Her Majesty's Comptroller,

^o Ordres en Conseil Vol. VIII, p. 56.

"Magistrate's Court" means the Magistrate's Court constituted by virtue of the Magistrate's Court (Guernsey) Law, 1954,

"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 limit 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, and
- (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,

"provisional driving licence" has the same meaning as **"autorisation provisionnelle"** in the Law entitled "Loi Supplémentaire relative aux Automobiles (Autorisation à Conduire), 1939" registered on 17th June 1939^P,

"road" means any road, street, lane, way or place to which the public have access,

"the 1936 Law" means the Road Traffic (Compulsory Third-Party

^P Ordres en Conseil Vol. XI, p. 299.

Insurance) (Guernsey) Law, 1936.

(2) A reference in this Law to an enactment is to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment, including this Law.

NOTES

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Loi relative aux Automobiles, 1926 has since been repealed by the Motor Taxation (Abolition) (Guernsey) Ordinance, 2006, section 3(1), Schedule, Part I, with effect from 1st January, 2008.

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

The Loi Supplémentaire relative aux Automobiles (Autorisation à Conduire), 1939 has since been repealed by the Driving Licences (Guernsey) Ordinance, 1995, section 26, Schedule 9, with effect from 1st September, 1995, subject to the savings in section 26(3) of the 1995 Ordinance.

Citation.

18. This Law may be cited as the Administration of Justice (Bailiwick of Guernsey) Law, 1991.

Commencement.

19. This Law shall come into force as follows –

- (a) section 15(1) shall be deemed to have come into force on 2nd October 1989,

- (b) sections 14, 15(2), (3) and (4), 17 and 18 shall come into force on the date of this Law's registration on the records of the Island of Guernsey,
- (c) the remaining provisions shall come into force on the 28th day after that date.

NOTE

The Law was registered on the records of the Island of Guernsey on 30th April, 1991.

[Amendment of Law by Ordinance.]

20. (1) The States may by Ordinance amend this Law.

(2) Subsection (1) is without prejudice to any other provision of this Law conferring power to enact Ordinances, orders or regulations (and vice versa).

(3) An Ordinance under this Law –

- (a) may, for the avoidance of doubt –
 - (i) create new offences, and
 - (ii) repeal, replace, amend, extend, adapt, modify or disapply any rule of customary or common law,
- (b) may be amended or repealed by a subsequent Ordinance hereunder, and
- (c) may contain such consequential, incidental,

supplementary and transitional provision as may appear to be necessary or expedient.

(4) Any power conferred by this Law to make an Ordinance may be exercised –

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.]

NOTE

Section 20 was inserted by the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006, section 16(3), Schedule 2, paragraph 1, with effect from 28th March, 2007.

¹ For subsequent amendments, see the consolidated text of the Protection of Children (Bailiwick of Guernsey) Law, 1985.

² For subsequent amendments, see the consolidated text of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.

³ For subsequent amendments, see the consolidated text of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.