

# ORDER IN COUNCIL

IV  
2009

ratifying a Projet de Loi

ENTITLED

## **The Banking Supervision (Bailiwick of Guernsey) (Amendment) (No. 2) Law, 2008**

(Registered on the Records of the Island of Guernsey  
on the 27th January, 2009.)



2009



## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

27<sup>th</sup> day of January, 2009 before Geoffrey Robert Rowland, Esquire, Bailiff;  
present:- Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan  
Cecil Bisson, The Reverend Peter Gerald Lane, Michael Henry De La Mare,  
Michael John Tanguy, Esquires, Susan Mowbray, Barbara Jean Bartie, David  
Osmond Le Conte, Stephen Murray Jones Esquires, and Claire Helen Le Pelley,  
Jurats.

The Bailiff having this day placed before the Court an Order of  
Her Majesty in Council dated 10<sup>th</sup> December 2008 approving and ratifying a Projet de Loi  
entitled “The Banking Supervision (Bailiwick of Guernsey) (Amendment) (No.2) Law, 2008”,  
THE COURT, after the reading of the said Order in Council and after having heard Her  
Majesty’s Procureur thereon, ORDERED: -

1. That the said Order in Council be registered on the records of this Island;  
and
2. That an extract of this present Act, together with a copy of the said Order in Council  
be sent by Her Majesty’s Greffier to the Greffier of the Court of Alderney and to the  
Sénéschal of Sark for registration on the records of those Islands respectively.



*At the Court at Buckingham Palace*

THE 10th DAY OF DECEMBER 2008

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolutions of 25th July 2007 and 30th July 2008, the States of Deliberation at a meeting on 30th July 2008 approved a *Projet de Loi* entitled *The Banking Supervision (Bailiwick of Guernsey) (Amendment) (No. 2) Law, 2008* and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the States of the Island of Alderney at a meeting held on 17th September 2008 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Alderney. That the Chief Pleas of the Island of Sark at a meeting held on 1st October 2008 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Sark. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction *The Banking Supervision (Bailiwick of Guernsey) (Amendment) (No. 2) Law, 2008*, and to order that it shall have force of law in the Bailiwick of Guernsey.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it".

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Bailiwick of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*Judith Simpson*

# PROJET DE LOI

ENTITLED

## **The Banking Supervision (Bailiwick of Guernsey) (Amendment) (No. 2) Law, 2008**

**THE STATES**, in pursuance of their Resolution of the 25<sup>th</sup> July, 2007<sup>a</sup>, 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.

### **Amendment of Banking Supervision (Bailiwick of Guernsey) Law, 1994.**

1. The Banking Supervision (Bailiwick of Guernsey) Law, 1994, as amended<sup>b</sup>, is amended as follows.

2. For section 25(13)<sup>c</sup> substitute -

"(13) A statement made by a person in response to a requirement imposed by or under any provision of this section may not be used in evidence against him in any criminal proceedings except -

(a) in proceedings for an offence under subsection

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<sup>a</sup> Articles IV and V of Billet d'État No. XIX of 2007.

<sup>b</sup> Order in Council No. XIII of 1994; amended by Nos. XVII and XXI of 2002; No. XVI of 2003; Ordinance No. XXXIII of 2003; Guernsey S.I. No. 1 of 2008 and by the Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008.

<sup>c</sup> Section 25(13) was substituted by section 4 of the Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008.

(12) or section 47(1)(b) (but only in relation to a requirement imposed by or under this section), or

- (b) in proceedings for some other offence where in giving evidence he makes a statement inconsistent with it.

(13A) A statement may not be used by virtue of subsection (13)(b) against a person unless -

- (a) evidence relating to it is adduced, or
- (b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution.".

3. For section 26A(6)<sup>d</sup> substitute -

"(6) A statement made by a person in response to a requirement imposed under a warrant granted under section 26 may not be used in evidence against him in any criminal proceedings except -

- (a) in proceedings for an offence under subsection (5) or section 47(1)(b) (but only in relation to a

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<sup>d</sup> Section 26A(6) was inserted by section 5 of the Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008.

requirement imposed by or under this section),  
or

- (b) in proceedings for some other offence where in giving evidence he makes a statement inconsistent with it.

(7) A statement may not be used by virtue of subsection (6)(b) against a person unless -

- (a) evidence relating to it is adduced, or
- (b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

4. For section 27(9)<sup>e</sup> substitute -

"(9) A statement made by a person in response to a requirement imposed by or under any provision of this section may not be used in evidence against him in any criminal proceedings except -

- (a) in proceedings for an offence under subsection (8) or section 47(1)(b) (but only in relation to a requirement imposed by or under this section),  
or

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<sup>e</sup> Section 27(9) was substituted by section 6(b) of the Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008.

- (b) in proceedings for some other offence where in giving evidence he makes a statement inconsistent with it.

(9A) A statement may not be used by virtue of subsection (9)(b) against a person unless -

- (a) evidence relating to it is adduced, or
- (b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

5. For section 28(4)<sup>f</sup> substitute -

"(4) A statement made by a person in response to a requirement imposed by or under any provision of this section may not be used in evidence against him in any criminal proceedings except -

- (a) in proceedings for an offence under subsection (3) or section 47(1)(b) (but only in relation to a requirement imposed by or under this section),  
or

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<sup>f</sup> Section 28(4) was substituted by section 7(b) of the Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008.



- (b) in proceedings for some other offence where in giving evidence he makes a statement inconsistent with it.

(4A) A statement may not be used by virtue of subsection (4)(b) against a person unless -

- (a) evidence relating to it is adduced, or
- (b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

6. For section 29(6)<sup>g</sup> substitute -

"(6) A statement made by a person in response to a requirement imposed by or under any provision of this section may not be used in evidence against him in any criminal proceedings except -

- (a) in proceedings for an offence under subsection (5) or section 47(1)(b) (but only in relation to a requirement imposed by or under this section), or
- (b) in proceedings for some other offence where in giving evidence he makes a statement

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<sup>g</sup> Section 29(6) was substituted by section 8(b) of the Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008.

inconsistent with it.

(7) A statement may not be used by virtue of subsection (6)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution. ".

**Amendment of Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008.**

7. Sections 4, 6(b), 7(b) and 8(b) of the Banking Supervision (Bailiwick of Guernsey) (Amendment) Law, 2008 are repealed.

**Interpretation.**

8. The Interpretation (Guernsey) Law, 1948<sup>h</sup> applies to the interpretation of this Law throughout the Bailiwick.

**Citation.**

9. This Law may be cited as the Banking Supervision (Bailiwick of Guernsey) (Amendment) (No. 2) Law, 2008.

**Commencement.**

10. This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions of this Law

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<sup>h</sup> Ordres en Conseil Vol. XIII, p. 355.

or for different purposes.

S.M. SIMMONDS,  
Her Majesty's Deputy Greffier.









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