

ORDER IN COUNCIL

I
1991

ratifying a Projet de Loi

ENTITLED

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

(Registered on the Records of the Island of Guernsey
on the 30th April, 1991.)



1991

ORDERS IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of April, 1991 before Sir Charles Frossard, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe and Lawrence Oscar Ozanne, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 20th day of March, 1991, approving and ratifying a *Projet de Loi* entitled “The Administration of Justice (Bailiwick of Guernsey) Law, 1991”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller 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 Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 20th day of March 1991

PRESENT.

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 25th day of February 1991 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

“1. That, in pursuance of their Resolutions of the 28th day of September, 1989, and the 27th day of December, 1989, the States of Deliberation at a meeting held on the 27th day of September, 1990, approved a Bill or “Projet de Loi” entitled “The Administration of Justice (Bailiwick of Guernsey) Law, 1991”, and requested the Bailiff to present a most humble Petition to your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Administration of Justice (Bailiwick of Guernsey) Law, 1991”, and to order that the same shall have force of law in the Bailiwick of Guernsey.”;

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petitions and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your

Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

G. I. de Deney

PROJET DE LOI

ENTITLED

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

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PROJET DE LOI

ENTITLED

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

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 1

EVIDENCE IN CRIMINAL PROCEEDINGS

1. (1) In any criminal proceedings, other than 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.

Proof by
written
statement.

(2) The said conditions are—

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

(a) on Article IV of Billet d'Etat No. XVI of 1989.

(b) on Article XIV of Billet d'Etat No. XXVIII of 1989.

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 twenty-one, 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.

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.

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.

Onus of proving exceptions, etc.

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

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

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.

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.”

PART II

ADDITIONAL POWERS OF THE
MAGISTRATE'S COURT

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.

Minor defects
in process.

(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.

7. (1) The Magistrate's Court has jurisdiction under this section to deal with any person who—

Contempt of
the Magis-
trate's Court.

(a) wilfully insults or threatens the Magistrate, any witness before or officer of the court or any person having business in the court during his or their sitting or attendance in court or in going to or returning from the court; or

(b) wilfully interrupts the proceedings of the court or otherwise misbehaves in court.

(2) In any such case the court may order any officer of the court, or officer of police, to take the offender into custody and detain him until the rising of the court; and the court may, if it thinks fit, commit the offender to custody for a specified period not exceeding one month or impose on him a penalty (which for the purposes of enforcement shall be treated as if it were a fine imposed upon a conviction) not exceeding level 5 on the uniform scale or both.

(3) The Magistrate's Court may at any time revoke an order of committal made under subsection (2) and, if the offender is in custody, order his discharge.

(4) In this section "Magistrate" means the Magistrate or any Acting Magistrate appointed under the Magistrate's Court (Guernsey) Law, 1954(c) or any chairman of the Juvenile Court within the meaning of the Juvenile Court (Guernsey) Law, 1989(d).

PART III

POWERS OF SEARCH

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

8. In the Protection of Depositors, Companies and Prevention of Fraud (Bailiwick of Guernsey) Law, 1969(e) the following section is inserted immediately after section 2—

"Search
warrants.

2A. If the Bailiff is satisfied by information on oath by an officer of police of the rank of inspector or above that there is reasonable cause to believe that any person has in his custody or possession or on his premises any items for use in connection with any offence under section 2 of this Law or likely to be material evidence in any prosecution under that section, the Bailiff may grant a warrant to search for and seize the same; but no such warrant shall be addressed to a person other than an officer of police."

(c) Ordres en Conseil Vol. XVI, p. 103.

(d) No. VIII of 1989.

(e) Ordres en Conseil Vol. XXII, p. 28.

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

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

“ (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 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

^(f) No. I of 1983.

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

(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 sec-
tion shall be liable on convic-
tion to a fine not exceeding
level 5 on the uniform
scale.”;

(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”.

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.

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

12. Section 1 of the Offences against Police Officers (Bailiwick of Guernsey) Law, 1963^(h) is repealed and the following section substituted:—

“Assaults on
officers of
police etc.

1. (1) Every person who assaults or resists an officer of police in the execution of his duty or any person acting in aid of such officer shall be guilty of an offence and liable

^(h) Ordres en Conseil Vol. XIX, p. 123.

on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the uniform scale or to both or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.

(2) Every person who wilfully obstructs an officer of police in the execution of his duty or any person acting in aid of such officer shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 4 on the uniform scale or to both.”.

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 1848⁽ⁱ⁾ 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.

Detention of
persons
wanted in
United
Kingdom.

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

(i) An Act of Parliament (1848 c. 42).

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

(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.

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) who supervises a provisional driving licence holder while that holder is driving on a road, or
- (e) whom an officer of police has reasonable cause to believe was supervising a provisional driving licence holder while driving a vehicle, at a time when an accident occurred owing to the presence of that vehicle on a road or at a time when an offence is suspected of having been committed by that holder in relation to the use of the vehicle on a road.

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

- (a) produce for examination his driving licence so as to enable the officer to ascertain the name and address of the holder of the licence, the date of its issue and the authority by which it was issued;
- (b) state his name, address and date of birth;

(c) if this section applies to him by virtue of paragraph (a), (b) or (c) of subsection 1,

(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 driving licence or 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.

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”.

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

(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

(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

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

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,”.

(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”.

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 amended⁽ⁿ⁾ 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.

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

(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.

PART V SUPPLEMENTARY

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

Interpretation.

“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);

^(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.

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

“Her Majesty’s Procureur” includes Her Majesty’s Comptroller;

“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 “authorisation 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 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.

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

19. This Law shall come into force as follows: Commence-
ment

- (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.