

PROJET DE LOI

ENTITLED

The Explosive Substances Law, 1939 *

[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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* Ordres en Conseil Vol. XI, p. 396; as amended by the Explosive Substances (Amendment) Law, 1976 (Ordres en Conseil Vol. XXVI, p. 52). See also the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 639); the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (No. XXIII of 2003).

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ARRANGEMENT OF SECTIONS

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2. Causing explosion likely to endanger life or property.
3. Attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.
4. Making or possession of explosive under suspicious circumstances.
5. Punishment of accessories.
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LES ÉTATS ont approuvé les dispositions suivantes lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi dans le Bailliage de l'Île de Guernesey.

Short title.

1. This Law may be cited as the Explosive Substances Law, 1939.

NOTE

In the printed version of this enactment, the Law is styled the "Loi relative aux Substances Explosives, 1939".

Causing explosion likely to endanger life or property.

[2. A person who in the Bailiwick of Guernsey or (being a citizen of the United Kingdom and Colonies) in the Republic of Ireland unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be guilty of an offence and liable, on conviction, to imprisonment for life.]

NOTES

Section 2 was substituted by the Explosive Substances (Amendment) Law, 1976, section 1(a), with effect from 6th July, 1976.

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 1, 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 section 2, 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.

Attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.

[3. (1) A person who in the Bailiwick of Guernsey or a defined territory or (being a citizen of the United Kingdom and Colonies) elsewhere unlawfully and maliciously –

- (a) does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a nature likely to endanger life, or cause injury to property, whether in the Bailiwick of Guernsey or the Republic of Ireland, or
- (b) makes or has in his possession or under his control an explosive substance with intent by means thereof to endanger life, or cause serious injury to property, whether in the Bailiwick of Guernsey or the Republic of Ireland, or to enable any other person so to do,

shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not, be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding twenty years, and, in addition, the explosive substance shall be forfeited.

(2) In this section the expression "**defined territory**" means the United Kingdom, the Island of Jersey, the Isle of Man and any colony, other than a colony for whose external relations a country other than the United Kingdom is responsible.]

NOTES

Section 3 was substituted by the Explosive Substances (Amendment) Law, 1976, section 1(a), with effect from 6th July, 1976.

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 1, 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 offences in section 3, 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.

Making or possession of explosive under suspicious circumstances.

4. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be guilty of felony, and, on conviction, shall be liable to penal servitude for a term not exceeding fourteen years, or to imprisonment for a term not exceeding two years with or without hard labour, and the explosive substance shall be forfeited.

NOTES

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(1), with effect from 21st January, 1980, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to penal servitude and accordingly the power conferred under this section shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before that date.

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 21st January, 1980, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to imprisonment with hard labour and accordingly the power conferred under this section shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before that date.

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalties prescribed for the offences in section 4, 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.

Punishment of accessories.

5. Any person who within or (being a subject of His Majesty) without His Majesty's dominions by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any crime under this Law, shall be guilty of felony, and shall be liable to be tried and punished for that crime, as if he had been guilty as a principal.

Procedure and saving.

6. (1) For all purposes of and incidental to arrest, trial, and punishment, a crime for which a person is liable to be punished under this Law, when committed out of the Bailiwick [...] of Guernsey, shall be deemed to have been committed in the place in that Bailiwick in which such person is apprehended or is in custody.

(2) This Law shall not exempt any person from any indictment or proceeding for a crime or offence which is punishable at common law, or by any Law other than this Law, but no person shall be punished twice for the same criminal act.

NOTE

In section 6, the words omitted in square brackets were repealed by the Explosive Substances (Amendment) Law, 1976, section 1(b), with effect from 6th July, 1976.

Search for and seizure of explosive substances.

7. The provisions of Articles XXIV, XXVII and XXVIII of the Law entitled "Loi relative aux Explosifs" registered on the Records of the Island of Guernsey on the 4th day of February, 1905 (hereinafter called "**the Law of 1905**") (which Articles relate to the search for, and seizure of explosive substances, and the forfeiture thereof) shall apply in like manner as if a crime or forfeiture under this Law were an offence or forfeiture under the Law of 1905.

Definitions.

8. In this Law, unless the context otherwise requires –

the expression "**explosive substance**" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

NOTE

The Law received Royal Sanction on 25th July, 1939 and was registered on the Records of the Island of Guernsey and came into force in the Bailiwick of Guernsey on 7th September, 1939.
