

Repts. by D. J. C.  
XXV, '90

GUERNSEY STATUTORY INSTRUMENT

1984 - No. 21

The Prevention of Terrorism (Supplemental Temporary Provisions) (Bailiwick of Guernsey) Order 1984

Made ... .. 1984  
Laid before the States ... .. 1984  
Coming into operation ... 31st August, 1984

THE STATES EMERGENCY COUNCIL, in exercise of the powers conferred upon it by sections 13 and 14(7), (8) and (9) of, and paragraph 1 of Schedule 3 to, the Prevention of Terrorism (Temporary Provisions) Act 1984 as extended to the Bailiwick by the Prevention of Terrorism (Temporary Provisions) Act 1984 (Guernsey) Order 1984, hereby orders:-

Citation and commencement

1. This Order may be cited as the Prevention of Terrorism (Supplemental Temporary Provisions) (Bailiwick of Guernsey) Order 1984 and shall come into operation on 31st August, 1984.

Interpretation

2.(1) In this Order, except where the context otherwise requires -

"the Act" means the Prevention of Terrorism (Temporary Provisions) Act 1984 as extended to the Bailiwick by the Prevention of Terrorism (Temporary Provisions) Act 1984 (Guernsey) Order 1984;

"the Act of 1971" means the Immigration Act 1971 as extended to the Bailiwick by the Immigration (Guernsey) Order 1972;

"the Bailiwick" means the Bailiwick of Guernsey and the territorial waters adjacent thereto;

"the Council" means the States Emergency Council;

"examination" includes further examination;

"exclusion order" means an order under section 4 of the Act excluding a person from the Bailiwick;

"the Islands" means the Island of Jersey and the Isle of Man;

and other expressions have the same meaning as in the Act.

(2) In this Order, except where the context otherwise requires, any reference to a numbered Article or Schedule is a reference to the Article of or, as the case may be, the Schedule to, this Order which is so numbered and any reference in an Article to a numbered paragraph or in a paragraph to a numbered sub-paragraph is a reference to the paragraph of that Article or, as the case may be, to the sub-paragraph of that paragraph which is so numbered.

(3) Any power conferred by this Order to give directions includes power to vary or revoke the directions.

(4) Except where the context otherwise requires, any reference in this Order to an enactment includes a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

(5) The Interpretation (Guernsey) Law, 1948, applies to the interpretation of this Order throughout the Bailiwick as it applies to the interpretation of a Guernsey enactment.

Revocation and transitional provisions

3.(1) Subject to paragraph (2) and to Article 4(4), the Orders specified in Schedule 1 are hereby revoked.

(2) Insofar as any directions or notice given or other

thing done under any of the provisions of an Order revoked by paragraph (1) could have been given or done under a corresponding provision of this Order they or it shall not be invalidated by any revocation so made but shall have effect as if given or done under that corresponding provision.

Examination of persons arriving in or leaving the Bailiwick

4.(1) An examining officer may examine any persons who have arrived in or are seeking to leave the Bailiwick by ship or aircraft for the purpose of determining -

- (a) whether any such person appears to be a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism to which this Article applies or;
- (b) whether any such person is subject to an exclusion order; or
- (c) whether there are grounds for suspecting that any such person has committed an offence under section 9 of the Act.

The reference in this paragraph to persons who have arrived in the Bailiwick includes a reference to transit passengers, members of the crew of the ship or aircraft and others not seeking to enter the Bailiwick.

(2) The period of a person's examination under paragraph (1) shall not exceed 12 hours but, if an examining officer has reasonable grounds for suspecting that the person examined is or has been concerned in the commission, preparation or instigation of acts of terrorism to which this Article applies, he may require that person, in writing, to submit to further examination.

(3) This Article applies to -

- (a) acts of terrorism connected with Northern Irish affairs; or
- (b) acts of terrorism of any other description except acts connected solely with the affairs of the Bailiwick, the United Kingdom or any part of the United Kingdom other than Northern Ireland.

(4) Nothing in this Article has effect in relation to a person whose examination has begun but has not been concluded before the coming into operation of this Order and in such a case the provisions of Article 5 of the Prevention of Terrorism (Supplemental Temporary Provisions) Order 1976 shall continue to apply to that person, but any reference in this Order to examination under this Article shall be construed as including a reference to examination under the provisions of the said Article 5.

Production of information and documents

5.(1) It shall be the duty of any person examined under Article 4 to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that Article.

(2) A person on his examination under Article 4 by an examining officer shall, if so required by the examining officer,-

- (a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship; and
- (b) declare whether or not he is carrying or conveying documents of any relevant description

specified by the examining officer, and produce any documents of that description which he is carrying or conveying.

In sub-paragraph (b), "relevant description" means any description appearing to the examining officer to be relevant for the purposes of the examination.

Powers of search, etc.

6.(1) An examining officer may, for the purpose of satisfying himself whether there are persons he may wish to examine under Article 4, search any ship or aircraft and anything on board it or anything taken off or about to be taken aboard a ship or aircraft.

(2) An examining officer who examines any person under Article 4 may, for the purpose specified in paragraph (1) of that Article, search that person and any baggage belonging to him and any ship or aircraft and anything on board it and anything taken off or about to be taken aboard a ship or aircraft.

(3) An examining officer may detain for the purpose of examining it anything produced pursuant to Article 5(2)(b) or found on a search under this Article, for a period not exceeding seven days; and if on examination of anything so produced or found the examining officer is of the opinion that it may be needed -

(a) in connection with the taking of a decision by the Lieutenant Governor as to whether or not to make an exclusion order; or

(b) for use as evidence in criminal proceedings, he may detain it until he is satisfied that it will not be so needed.

(4) A woman shall not be searched under this Article except by a woman; and a man shall not be searched under this Article except by a man.

(5) An examining officer may board any ship or aircraft for the purpose of exercising any of his functions under the Act or this Order.

(6) Where an examining officer has power to search under this Article, he may, instead, authorise the search to be carried out on his behalf by a person who is not an examining officer.

(7) Where a person who is not an examining officer carries out a search in accordance with paragraph (6), he may -

(a) for that purpose, board any ship or aircraft,  
and

(b) exercise the power of detaining articles  
conferred by paragraph (3).

Landing and embarkation cards

7.(1) Subject to paragraph (2), any person who disembarks from, or embarks on, a ship or aircraft in the Bailiwick which has come from, or is going to, Great Britain, the Republic of Ireland, Northern Ireland or either of the Islands shall, if so required by an examining officer, complete and produce to that officer a landing or, as the case may be, an embarkation card in such form as the Council may direct, which shall be supplied for the purpose to that person by the owners or agents of the ship or aircraft concerned.

(2) Paragraph (1) shall not apply to a person disembarking from an aircraft coming from the Republic of Ireland, if that person is required to produce a landing card under any order for the time being in force under paragraph 5 of Schedule 2

to the Act of 1971.

Removal of persons subject to exclusion orders

8.(1) Directions for the removal of any person subject to an exclusion order may be given, subject to and in accordance with this Article -

- (a) in the case of a person who is found to be subject to an exclusion order on examination under Article 4 or against whom an exclusion order is made following such examination, by an examining officer; or
- (b) in such or any other case, by the Lieutenant Governor.

(2) A person shall not be removed in pursuance of directions given under this Article unless he has been given notice, under section 7(1) of the Act, of the making of the exclusion order and -

- (a) he has consented to being removed; or
- (b) at least seven days have elapsed since the notice was served and he has not made representations relating to the matter under that section; or
- (c) if he has made such representations, the Lieutenant Governor has notified the person that he has decided not to revoke the order.

(3) Directions given under this Article may be -

- (a) directions given to the captain of a ship or aircraft about to leave the Bailiwick requiring him to remove the person in question in that ship or aircraft; or
- (b) directions given to the owners or agents of any ship or aircraft requiring them to make

arrangements for the removal of the person in question in a ship or aircraft specified or indicated in the directions; or

- (c) in the case of directions given by the Lieutenant Governor, directions for the removal of the person in question in accordance with arrangements to be made by the Lieutenant Governor.

(4) Directions given under this Article may be for removal to a country or territory specified in the directions being -

- (a) in the case of a person in respect of whom directions are given following his examination under Article 4 after arrival in the Bailiwick, the country or territory in which he boarded the ship or aircraft in which he arrived; or
- (b) in such or any other case, a country or territory of which he is a national or citizen, in which he obtained a passport or other document of identity or to which there is reason to believe that he will be admitted:

Provided that no such directions may be given in respect of a British citizen, a British Dependent Territories citizen or a British Overseas citizen for his removal to a country or territory outside the Bailiwick unless he is also a national or citizen of, or has indicated that he is willing to be removed to, that country or territory.

(5) A person in respect of whom directions are given under this Article may be placed under the authority of an examining officer or, in the case of directions given by the

Lieutenant Governor, under the authority either of the Lieutenant Governor or an examining officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

(6) The costs of complying with any directions under this Article shall be defrayed by the States of Guernsey.

Detention of persons liable to examination or removal

9.(1) A person who is examined under Article 4 may be detained, under the authority of an examining officer, pending the conclusion of his examination or pending consideration of the question whether to make an exclusion order against him for a period not exceeding 48 hours beginning with the time when he is first examined.

(2) The Lieutenant Governor may, in any particular case, extend the period of 48 hours mentioned in paragraph (1) by a period or periods specified by him, but any such further period or periods shall not exceed five days in all.

(3) A person in respect of whom directions for removal may be given under Article 8 may be detained pending the giving of such directions and pending removal in pursuance thereof under the authority -

(a) in the case of such a person as is mentioned in Article 8(1)(a), of an examining officer; or

(b) in such or any other case, of the Lieutenant Governor.

(4) A person on board a ship or aircraft may, under the authority of an examining officer, be removed from the ship or aircraft for detention under this Article; but if an examining officer so requires, the captain of the ship or aircraft shall prevent from disembarking in the Bailiwick any

person who has arrived in the ship or aircraft if the examining officer notifies him either that that person is the subject of an exclusion order or is a person against whom consideration is being given by the Lieutenant Governor to the making of an exclusion order.

(5) The captain of a ship or aircraft, if so required by an examining officer, shall prevent from disembarking in the Bailiwick or, before the directions for removal have been fulfilled, elsewhere, any person placed on board the ship or aircraft under Article 8(5).

(6) The captain of a ship or aircraft may, for the purpose of preventing a person from disembarking pursuant to paragraph (4) or (5), detain him in custody on board the ship or aircraft.

(7) Any person detained under this Article may be taken in the custody of an examining officer, or of any person acting under the authority of such an officer, to and from any place where his attendance is required for the purpose of establishing his nationality or citizenship or for making arrangements for his admission to a country or territory outside the Bailiwick or where he is required to be for any other purpose connected with the operation of the Act or of this Order.

Arrest of persons liable to detention and search

10.(1) A person liable to be detained under Article 9 may be arrested without warrant by an examining officer.

(2) If, as respects Guernsey, the Bailiff, as respects Alderney, the Chairman of the Court of Alderney, and as respects Sark, the Seneschal is by written information on oath satisfied that there is reasonable ground for suspecting

that a person liable to be arrested under paragraph (1) is to be found on any premises he may grant a search warrant authorising any police officer, at any time or times to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting that person.

Designation of ports and control areas

11.(1) The ports specified in Schedule 2 shall be designated ports for the purposes of this Article.

(2) The owners or agents of a ship or aircraft coming to the Bailiwick from Great Britain, the Republic of Ireland, Northern Ireland or either of the Islands or going from the Bailiwick to any other of those places which is employed to carry passengers for reward shall not, without the approval of the Council, arrange for the ship or aircraft to call at a port in the Bailiwick, other than a designated port, for the purpose of disembarking or embarking passengers.

(3) The captain of an aircraft coming to the Bailiwick from Great Britain, the Republic of Ireland, Northern Ireland or either of the Islands or going from the Bailiwick to any other of those places which is not employed to carry passengers for reward shall not, without the approval of the Council, permit the aircraft to call at or leave a port in the Bailiwick other than a designated port.

(4) The Council may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the disembarkation or embarkation of passengers in any port in the Bailiwick and specifying the conditions and restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being so designated at

any port, the owners or agents shall take all reasonable steps to ensure that, in the case of their ships or aircraft, passengers do not disembark or, as the case may be, embark at the port outside the control area and that any conditions or restrictions notified to them are observed.

(5) The Council may also from time to time give to any persons concerned with the management of a port in the Bailiwick written notice designating control areas in the port and specifying conditions and restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions notified to him are observed.

Requirements with respect to embarkation and disembarkation of passengers and crew

12.(1) The captain of a ship or aircraft arriving in the Bailiwick from Great Britain, the Republic of Ireland, Northern Ireland or either of the Islands -

(a) shall, except so far as he may be otherwise required to do so under paragraph 27(1) of Schedule 2 to the Act of 1971, take such steps as may be necessary to secure that passengers on board and members of the crew do not disembark there unless either they have been examined by an examining officer, or they disembark in accordance with arrangements approved by an examining officer; and

(b) where any examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the

purpose in an orderly manner.

(2) The captain of a ship or aircraft going from the Bailiwick to Great Britain, the Republic of Ireland, Northern Ireland or either of the Islands shall take such steps as may be necessary to secure that -

(a) passengers and members of the crew do not embark except in accordance with arrangements approved by an examining officer; and

(b) if persons embarking are to be examined on board the ship or aircraft, they are presented for the purpose in an orderly manner.

(3) The captain of a ship or aircraft arriving in the Bailiwick from Great Britain, the Republic of Ireland, Northern Ireland or either of the Islands shall, unless he is subject to the requirements of an order under paragraph 27(2) of Schedule 2 to the Act of 1971, and subject to paragraph (5), comply with the requirements of paragraph (4) with respect to the furnishing to the examining officer of the particulars of the passengers on and crew of the ship or aircraft.

(4) The requirements referred to in paragraph (3) are -

(a) to furnish to the examining officer a list of the names and nationality or citizenship of all passengers arriving on the ship or aircraft, as the case may be; and

(b) (i) in the case of a ship, to furnish to the examining officer, within 12 hours of the arrival of the ship, a return in the form set out in Schedule 3 containing particulars of all members of the crew

arriving on the ship;

- (ii) in the case of an aircraft, to furnish to the examining officer, as soon as practicable after the arrival of the aircraft, a list containing the name, date of birth and nationality or citizenship of each member of the crew arriving on the aircraft.

(5) An examining officer may dispense with all, or any, of the requirements of paragraph (4) either generally or in respect of such classes of persons as he may specify.

(6) Any passenger on a ship or aircraft shall furnish to the captain of the ship or aircraft, as the case may be, any information required by him for the purpose of complying with the provisions of paragraph (4).

Dated this *thirteenth* day of *August* 1984.

President of the States Emergency Council  
for and on behalf of the Council.

SCHEDULE 1

Article 3(1)

ORDERS REVOKED

The Prevention of Terrorism (Supplemental Temporary Provisions)  
(Guernsey) Order, 1976. (No. 27)

The Prevention of Terrorism (Supplemental Temporary Provisions)  
(Amendment) (Guernsey) Order, 1977. (No. 14)

The Prevention of Terrorism (Supplemental Temporary Provisions)  
(Amendment) (Guernsey) Order, 1979. (No. 7)

SCHEDULE 2

Article 11(1)

DESIGNATED PORTS

Seaports and Hoverports

Saint Peter Port Harbour,  
Guernsey.

The Old Harbour, Alderney.

Saint Sampson's Harbour,  
Guernsey.

Maseline Harbour, Sark.

Braye Harbour, Alderney.

Creux Harbour, Sark.

Little Crabby Harbour,  
Alderney.

Havre Gosselin, Sark.

Airports

La Villiaze Airport, Guernsey.

Alderney Airport.

SCHEDULE 3

Article 12(4)

PARTICULARS OF MEMBERS OF THE CREW OF A SHIP ARRIVING IN THE BAILIWICK

(To be delivered by the master to an examining officer within 12 hours of arrival)

(Name of shipping line, agent, etc.)

CREW LIST

					<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure	Page No.
1. Name of ship			2. Port of arrival/departure		3. Date of arrival/ departure		
4. Nationality			5. Port arrived from			6. Nature and No. of Identity document (seaman's passport)	
7. No.	8. Family Name; given names	9. Rank or rating	10. Nationality	11. Date and place of birth			

12. Date and signature by master, authorized agent or officer.

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order contains provisions supplementing the provisions of the Prevention of Terrorism (Temporary Provisions) Act 1984, as extended to the Bailiwick, which replaces the Prevention of Terrorism (Temporary Provisions) Act 1976 as so extended. The Order consolidates with amendments the provisions of the Prevention of Terrorism (Supplemental Temporary Provisions) (Guernsey) Order 1976, as amended, which is revoked.

The major substantive changes are in Articles 4 and 9: The acts of terrorism to which the powers of examination and detention in those Articles relate are now specified and are identical to those specified in section 12 of the 1984 Act; a person may not be examined for more than 12 hours unless an examining officer has reasonable grounds for suspecting that he is or has been involved in acts of terrorism to which Article 4 applies; and the period for which a person may be detained under Article 9 is related expressly to the period of his examination.

Article 4 empowers examining officers (as defined in the 1984 Act) to examine any person arriving in or seeking to leave the Bailiwick to determine whether he appears to be a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism to which that Article applies, or is subject to an exclusion order, or is a person who, there are reasonable grounds for suspecting, has committed an offence under section 9 of the 1984 Act.

Article 5 requires any person examined under Article 4 to produce such information or documents as may be required by the examining officer.

Article 6 relates to the search of persons examined and their baggage and ships or aircraft and anything taken from or about to be taken on a ship or aircraft and enables articles to be detained for specified purposes.

Article 7 enables examining officers to require persons disembarking from or embarking on a ship or aircraft coming from or going to Great Britain, the Republic of Ireland, Northern Ireland, Jersey or the Isle of Man to produce landing or, as the case may be, embarkation cards.

Article 8 contains provisions enabling the Lieutenant Governor and examining officers to remove persons subject to exclusion orders and Articles 9 and 10 provide for the detention of persons pending the conclusion of their examination or pending their removal, for the arrest of a person liable to be detained and for the search of any premises where a person liable to detention is suspected of being.

Article 11 requires the owners or agents of a ship or aircraft carrying passengers for reward coming from Great Britain, the Republic of Ireland, Northern Ireland, Jersey or the Isle of Man or going to any of those places not, without the approval of the States Emergency Council, to arrange for the ship or aircraft to call at any port in the Bailiwick, other than one listed in Schedule 2, for the purpose of embarking or disembarking passengers; the Council is empowered to designate control areas for the embarkation and disembarkation of passengers within ports and to specify conditions and restrictions to be observed in those areas.

restrictions are also imposed on captains of aircraft not carrying passengers for reward. Article 12 requires the captain of a ship or aircraft coming from any of the above-mentioned places to take steps to prevent passengers and members of the crew from disembarking (unless they have been examined on board) otherwise than in accordance with arrangements approved by an examining officer and imposes similar requirements on embarkation; the Article (together with Schedule 2) also provides that, unless the examining officer dispenses with the requirement in any respect, the captain of such a ship or aircraft must furnish to that officer specified particulars of the passengers and crew.