

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) (Penalties and Licences) (Guernsey) (No. 2) Ordinance, 1999 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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. XXIX of 1999 (Recueil d'Ordonnances Tome XXVIII, p. 267); as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406). This Ordinance has been repealed by the Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020 (G.S.I. No. 162 of 2020).

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**The Federal Republic of Yugoslavia (Supply, Sale and
Export of Petroleum and Petroleum Products) (Penalties
and Licences) (Guernsey) (No. 2) Ordinance, 1999**

ARRANGEMENT OF SECTIONS

1. Offence of infringing EC Regulation.
2. Licences for sale or supply of petroleum or petroleum products.
3. False statements.
4. Failure to comply with licence conditions.
5. Penalties.
6. Certain provisions of customs and excise Laws applicable.
7. Repeal.
8. Citation.
9. Commencement.

(Made on 18th October, 1999.)

The Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) (Penalties and Licences) (Guernsey) (No. 2) Ordinance, 1999

THE STATES LEGISLATION COMMITTEE, on the representations of the States Advisory and Finance Committee and in exercise of the powers conferred on the States by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948, as amended^b, hereby orders: –

[Amendment of Ordinance.]

1. Any person who infringes any of the prohibitions in Article 1 of Council Regulation (EC) No. 2111/1999^c of 4th October, 1999 prohibiting the sale and supply of petroleum and certain petroleum products to certain parts of the Federal Republic of Yugoslavia shall be guilty of an offence.

NOTE

The marginal note to section 1 in square brackets shown, incorrectly in the printed version of this section as "Amendment of Ordinance" should read "Offence of infringing EC Regulation".

^a Order in Council No. III of 1994.

^b Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXVIII, p. 581; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 58 and 164; Vol. XXXII, p. 41; No. V of 1993; Nos. II and XI of 1996; and No. III of 1998.

^c O.J. No. L258, 5.10.1999, p. 12.

Licences for sale or supply of petroleum or petroleum products.

2. Authorisation for the sale, supply, export or shipment of petroleum or petroleum products to the Federal Republic of Yugoslavia as provided for in the said Regulation shall in Guernsey be by way of licence granted by the States [Policy & Resources Committee].

NOTES

In section 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

False statements.

3. If, for the purpose of obtaining a licence under section 2, any person –
- (a) makes any statement or furnishes any document which to his knowledge is false, deceptive or misleading in a material particular, or
 - (b) recklessly makes any statement or furnishes any document or information which is false, deceptive or misleading in a material particular,

he shall be guilty of an offence; and any licence granted in connection with the application for which the false statement was made or the false document or information furnished shall be void as from the time it was granted.

Failure to comply with licence conditions.

4. Any person who, having supplied, sold or exported petroleum or petroleum products under the authority of a licence granted under section 2, fails to comply with any requirement or condition to which the licence is subject shall be guilty of an offence unless –

- (a) the licence had previously been modified by the States [Policy & Resources Committee] without that person's consent,
- (b) the alleged failure to comply would not have been a failure to comply had the licence not been so modified, and
- (c) that person proves that the supply, sale or export took place before the modification was made.

NOTES

In section 4, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.³

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁴

Penalties.

5. (1) A person guilty of an offence under section 1, 3 or 4 shall be liable –

- (a) on conviction on indictment, to a fine, to imprisonment for a term not exceeding 2 years or to both,
- (b) on summary conviction, to a fine not exceeding level 5 on the uniform scale.

(2) Where a body corporate is guilty of an offence under this Ordinance, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of the offence and liable to be proceeded against and punished accordingly.

Certain provisions of customs and excise Laws applicable.

6. (1) Section 55 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, as amended^d, shall apply to the detention of any person for an offence under section 1 as it applies to the detention of any person for an offence under the customs or excise Laws.

(2) Sections 61 to 65 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, as amended, shall apply in relation to offences, penalties and proceedings for offences under this Ordinance as they apply to offences, penalties and proceedings for offences under the customs or excise Laws.

Repeal.

7. The Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) (Penalties and Licences) (Guernsey) Ordinance,

^d Ordres en Conseil Vol. XXIII, p. 573; and No. XIII of 1991.

1999^e is repealed.

Citation.

8. This Ordinance may be cited as the Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) (Penalties and Licences) (Guernsey) (No. 2) Ordinance, 1999.

Commencement.

9. This Ordinance shall come into force on the 18th October, 1999.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), with effect from 6th May, 2004.

⁴ The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

^e No. XIV of 1999.