

ORDER IN COUNCIL

XIII
2006

ratifying a Projet de Loi

ENTITLED

The Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006

(Registered on the Records of the Island of Guernsey
on the 8th January, 2007.)



2007

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 8th day of January, 2007 before Richard John Collas, Esquire, Deputy Bailiff; present:- David Charles Lowe, OBE, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, Keith Bichard, OBE, Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare, Michael John Tanguy, Esquires, Susan Mowbray, Barbara Jean Bartie and David Osmond Le Conte, Esquire, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of December, 2006 approving and ratifying the *Projet de Loi* entitled “The Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006”, 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 Clerk 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 14th DAY OF DECEMBER 2006

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 22 February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolutions of 27th April 2006, the States of Deliberation at a meeting on 26th July 2006 approved a Projet de Loi entitled “The Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. 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 Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006”, 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006

ARRANGEMENT OF SECTIONS

Threats to kill

1. Threats to kill.

Assisting offenders

2. Assisting offenders.
3. Concealing offences and giving false information.

Offensive weapons

4. Prohibition of carrying offensive weapon without lawful authority, etc.

Articles with blades

5. Offence of having article with blade or point in public place.
6. Offence of having article with blade or point, or offensive weapon, on school premises.
7. Power of entry to search for articles with blade or point or offensive weapons.

Administration of poisons

8. Maliciously administering poison, etc, so as to endanger life or inflict grievous bodily harm.
9. Maliciously administering poison, etc, with intent to injure, aggrieve, or annoy.

Indecent photographs of children

10. Amendment of Protection of Children Law.

Corporal punishment

11. Abolition of judicial corporal punishment.

Misuse of Drugs Law

12. Amendment of Misuse of Drugs Law.

Intimidation

13. Intimidation etc. of persons concerned in administration of justice.
14. Intimidation etc. of witnesses and others.

Terrorism and Crime Law

15. Amendment of Terrorism and Crime Law.

Administration of Justice Law

16. Amendment of Administration of Justice Law.

Summary Offences Law

17. Amendment of Summary Offences Law.

Interpretation, etc

18. Interpretation.
19. Power to amend Law by Ordinance.
20. Citation.
21. Commencement.

SCHEDULE 1: List of persons for the purposes of section 13.

SCHEDULE 2: Power to amend Law by Ordinance.

PROJET DE LOI

ENTITLED

The Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006

THE STATES, in pursuance of their Resolution of the 27th April 2006^a, 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.

Threats to kill

Threats to kill.

1. (1) A person who without lawful excuse makes to another person a threat, intending that that other person would fear it would be carried out, to kill that other person or a third person is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable -

(a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, or to a fine, or to both,

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

^a Article XI of Billet d'État No. VIII of 2006.

Assisting offenders

Assisting offenders.

2. (1) Where a person has committed an arrestable offence, any other person who, knowing or believing him to be guilty of the offence or of some other arrestable offence, does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution is guilty of an offence.

(2) An "**arrestable offence**" means -

- (a) an offence for which the sentence is fixed by law, and
- (b) an offence for which a person of 21 years of age or over (not previously convicted) may be sentenced to imprisonment.

(3) If on the trial on indictment of an arrestable offence the Jurats are satisfied that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but find the accused not guilty of it, they may find him guilty of any offence under subsection (1) of which they are satisfied he is guilty in relation to the offence charged (or that other offence).

(4) A person committing an offence under subsection (1) with intent to impede the apprehension or prosecution of another person is liable -

- (a) on conviction on indictment, to imprisonment according to the gravity of the other person's offence as set out in subsection (5), or to a fine, or to both,

- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

(5) For the purposes of subsection (4)(a), the person committing the offence under subsection (1) is liable to imprisonment as follows -

- (a) if the other person's offence is one for which the sentence is fixed by law, he is liable to imprisonment for a term not exceeding 10 years,
- (b) if it is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of 14 years, he is liable to imprisonment for a term not exceeding 7 years,
- (c) if it is not one included in paragraph (a) or (b) but is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of 10 years, he is liable to imprisonment for a term not exceeding 5 years,
- (d) in any other case, he is liable to imprisonment for a term not exceeding 3 years.

Concealing offences and giving false information.

3. (1) Where a person has committed an arrestable offence, any other person who, knowing or believing that the offence or some other arrestable offence has been committed, and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or

agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of reasonable compensation for that loss or injury, is guilty of an offence.

- (2) A person guilty of an offence under subsection (1) is liable -
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both,
 - (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

(3) The compounding of an offence other than treason is not an offence otherwise than under this section.

Offensive weapons

Prohibition of carrying offensive weapon without lawful authority, etc.

4. (1) A person who, without lawful authority or reasonable excuse, proof of which shall lie on him, has with him in a public place an offensive weapon is guilty of an offence and liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

(2) Where a person is convicted of an offence under subsection (1) the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

(3) In this Law -

"**offensive weapon**" means an article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him or by some other person, and

"**public place**" means any highway and any other premises or place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Articles with blades

Offence of having article with blade or point in public place.

5. (1) Subject to subsections (4) and (5), a person who has an article to which this section applies with him in a public place is guilty of an offence.

(2) Subject to subsection (3), this section applies to any article which has a blade or is sharply pointed except a folding pocket-knife.

(3) This section applies to a folding pocket-knife if the cutting edge of its blade exceeds 3 inches.

(4) It is a defence for a person charged with an offence under this section to prove that he had good reason or lawful authority for having the article with him in a public place.

(5) Without prejudice to the generality of subsection (4), it is a defence for a person charged with an offence under this section to prove that he had the article with him -

- (a) for use at work,
- (b) for religious reasons, or
- (c) as part of any national costume.

(6) A person guilty of an offence under subsection (1) is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Offence of having article with blade or point, or offensive weapon, on school premises.

6. (1) A person who has an article to which section 5 applies with him on school premises is guilty of an offence.

(2) A person who has an offensive weapon with him on school premises is guilty of an offence.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that he had good reason or lawful authority for having

the article or weapon with him on the premises in question.

(4) Without prejudice to the generality of subsection (3), it is a defence for a person charged with an offence under subsection (1) or (2) to prove that he had the article or weapon in question with him -

- (a) for use at work,
- (b) for educational purposes,
- (c) for religious reasons, or
- (d) as part of any national costume.

(5) A person guilty of an offence -

- (a) under subsection (1) is liable -
 - (i) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both,
 - (ii) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the uniform scale, or to both,
- (b) under subsection (2) is liable -
 - (i) on conviction on indictment, to imprisonment

for a term not exceeding 5 years, or to a fine,
or to both,

- (ii) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

(6) In this Law "**school premises**" means land used for the purpose of a school excluding any land occupied solely as a dwelling by a person employed at the school, and a "**school**" means an educational establishment in the Bailiwick.

Power of entry to search for articles with blade or point or offensive weapons.

7. (1) A police officer may enter school premises and search those premises and any person on those premises for -

- (a) any article to which section 5 applies, or
- (b) any offensive weapon,

if he has reasonable grounds for believing that an offence under section 6 is being or has been committed.

(2) If in the course of a search under this section a police officer discovers an article or weapon which he has reasonable grounds for suspecting to be an article or weapon of a kind described in subsection (1), he may seize and retain it.

(3) The police officer may use reasonable force, if necessary, in

the exercise of the power of entry conferred by this section.

Administration of poisons

Maliciously administering poison, etc, so as to endanger life or inflict grievous bodily harm.

8. (1) A person who unlawfully and maliciously administers to, or causes to be administered to or taken by, another person any poison or other destructive or noxious thing so as thereby to endanger the life of that person, or so as thereby to inflict on that person any grievous bodily harm, is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, or to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Maliciously administering poison, etc, with intent to injure, aggrieve, or annoy.

9. (1) A person who unlawfully and maliciously administers to, or causes to be administered to or taken by, another person any poison or other destructive or noxious thing with intent to injure, aggrieve, or annoy that person is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable -

- (a) on conviction on indictment, to imprisonment for a

term not exceeding 5 years, or to a fine, or to both,

- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Indecent photographs of children

Amendment of Protection of Children Law.

10. (1) The Protection of Children (Bailiwick of Guernsey) Law, 1985^b is amended as follows.

- (2) For section 3A(4)^c substitute the following subsection -

"(4) A person guilty of an offence under this section is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5 on the uniform scale, or to both."

^b Ordres en Conseil Vol. XXIX, p. 103; amended by No. I of 1991 and No. I of 2003.

^c Section 3A was inserted by No. I of 1991.

(3) In section 8 the words "or section 3" are repealed.

(4) After section 8 insert the following section -

"Punishment for offence under section 3.

8A. A person guilty of an offence under section 3 is liable -

(a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, or to a fine, or to both,

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5 on the uniform scale, or to both."

Corporal punishment

Abolition of judicial corporal punishment.

11. The Corporal Punishment (Guernsey) Law, 1957^d is repealed.

Misuse of Drugs Law

Amendment of Misuse of Drugs Law.

12. (1) The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974^e is amended as follows.

^d Ordres en Conseil Vol. XVII, p. 275.

^e Ordres en Conseil Vol. XXIV, p. 273.

(2) In section 26(1) after the words "an offence under this Law" insert "or a drug trafficking offence within the meaning of section 1(3) of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000^f".

(3) After section 34 insert a section 35 entitled "Amendment of Law by Ordinance" containing the provisions set out in paragraph 1 of Schedule 2 to this Law.

Intimidation

Intimidation etc. of persons concerned in administration of justice.

13. (1) A person who -

- (a) utters or sends threats to, or
- (b) in any way intimidates or menaces,

a person listed in Schedule 1 or any member of the family of a person so listed is guilty of an offence.

(2) A person guilty of an offence under this section is liable -

- (a) on conviction on indictment, to imprisonment for a period not exceeding 10 years, or to a fine, or to both.
- (b) on summary conviction, to a period of imprisonment not exceeding 12 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

^f Order in Council No. VII of 2000.

(3) A "**member of the family**" in relation to an individual means the spouse, parent, grandparent, step-parent, child (including a step-child or an adopted child), grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece of the individual or of the individual's spouse, or any person who is cohabiting or residing with the individual.

Intimidation etc. of witnesses and others.

14. (1) A person commits an offence if -

- (a) he does an act which intimidates, and is intended to intimidate, another person ("**the victim**"),
- (b) he does the act knowing or believing that the victim is assisting in the investigation of an offence or is a witness or potential witness in proceedings for an offence, and
- (c) he does it intending thereby to cause the investigation or the course of justice to be obstructed, perverted or interfered with.

(2) A person commits an offence if -

- (a) he does an act which harms, and is intended to harm, another person or, intending to cause another person to fear harm, he threatens to do an act which would harm that other person,
- (b) he does or threatens to do the act knowing or believing

that the person harmed or threatened to be harmed ("the victim"), or some other person, has assisted in an investigation of an offence or has given evidence or particular evidence in proceedings for an offence, and

- (c) he does or threatens to do it because of that knowledge or belief.

(3) For the purposes of subsections (1) and (2) it is immaterial that the act is or would be done, or that the threat is made -

- (a) otherwise than in the presence of the victim, or
- (b) to a person other than the victim.

(4) The harm that may be done or threatened may be financial as well as physical (whether to the person or a person's property) and similarly as respects an intimidatory act which consists of threats.

(5) The intention required by subsection (1)(c) and the motive required by subsection (2)(c) need not be the only or the predominating intention or motive with which the act is done or, in the case of subsection (2), threatened.

(6) A person guilty of an offence under this section is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding

level 5 on the uniform scale, or to both,

(7) If, in proceedings against a person for an offence under subsection (1), it is proved that he did an act falling within paragraph (a) of that subsection with the knowledge or belief required by paragraph (b), he shall be presumed, unless the contrary is proved, to have done the act with the intention required by paragraph (c).

(8) If, in proceedings against a person for an offence under subsection (2), it is proved that within the relevant period -

(a) he did an act which harmed, and was intended to harm, another person, or

(b) intending to cause another person fear of harm, he threatened to do an act which would harm that other person,

and that he did the act, or (as the case may be) threatened to do the act, with the knowledge or belief required by paragraph (b) of that subsection, he shall be presumed, unless the contrary is proved, to have done the act or (as the case may be) threatened to do the act with the motive required by paragraph (c).

(9) In this section -

"investigation of an offence" means such an investigation by the police or other person charged with the duty of investigating offences or charging offenders,

"offence" includes an alleged or suspected offence, and

"relevant period" -

- (a) in relation to a witness in any proceedings for an offence, means the period beginning with the institution of the proceedings and ending with the first anniversary of the conclusion of the trial or, if there is an appeal, of the conclusion of the appeal,
- (b) in relation to a person who has, or is believed by the accused to have, assisted in an investigation of an offence, but was not also a witness in proceedings for an offence, means the period of one year beginning with any act of his, or any act believed by the accused to be an act of his, assisting in the investigation, and
- (c) in relation to a person who both has, or is believed by the accused to have, assisted in the investigation of an offence and was a witness in proceedings for the offence, means the period beginning with any act of his, or any act believed by the accused to be an act of his, assisting in the investigation and ending with the anniversary mentioned in paragraph (a).

(10) For the purposes of the definition of the relevant period in subsection (9) -

- (a) proceedings for an offence are instituted at the earliest of the following times -

- (i) when a summons or warrant is issued in respect of the offence, or
 - (ii) when a person is charged with the offence,
- (b) proceedings at a trial of an offence are concluded with the occurrence of any of the following -
- (i) the discontinuance of the prosecution,
 - (ii) the acquittal of the accused, or
 - (iii) the sentencing of or other dealing with the accused for the offence of which he was convicted, and
- (c) proceedings on appeal are concluded on the determination or abandonment of the appeal.

(11) This section is in addition to, and not in derogation from, any offences subsisting at common law.

Terrorism and Crime Law

Amendment of Terrorism and Crime Law.

15. (1) The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002^g is amended as follows.

^g Order in Council No. XVI of 2002.

- (2) After section 81 insert the following section -

"Amendment of Law by Ordinance.

81A. (1) The States may by Ordinance amend this Law.

(2) Subsection (1) is without prejudice to any other provision of this Law conferring power to enact Ordinances, orders, regulations or rules (and vice versa).".

- (3) For paragraph 14(1) of schedule 8 substitute the following subparagraph -

"(1) This paragraph applies to a ship or aircraft which -

(a) arrives or is expected to arrive in any place in the Bailiwick, whether from another place in the Bailiwick or from outside the Bailiwick, or

(b) leaves or is expected to leave the Bailiwick.".

- (4) After paragraph 14(4)(c) of schedule 8 insert the following item -

"or (d) to goods.".

- (5) After paragraph 14(6) of schedule 8 insert the following subparagraph -

"(7) An examining officer may require that specified information be provided by the owners or agents of a ship or aircraft in electronic form."

Administration of Justice Law

Amendment of Administration of Justice Law.

16. (1) The Administration of Justice (Bailiwick of Guernsey) Law, 1991^h is amended as follows.

(2) In section 1(1) for the words "other than" substitute "including".

(3) After section 19 insert a section 20 entitled "Amendment of Law by Ordinance" containing the provisions set out in paragraph 1 of Schedule 2 to this Law.

Summary Offences Law

Amendment of Summary Offences Law.

17. (1) The Summary Offences (Bailiwick of Guernsey) Law, 1982ⁱ is amended as follows.

(2) In section 1, paragraph (l)^j (offensive weapons) is repealed.

^h Order in Council No. I of 1991.

ⁱ Ordres en Conseil Vol. XXVII, p. 397.

^j Paragraph (l) was inserted by Ordres en Conseil Vol. XXVIII, p. 436.

(3) In section 7(1), the definition of "offensive weapon"^k is repealed.

(4) After section 12 insert a section 13 entitled "Amendment of Law by Ordinance" containing the provisions set out in paragraph 1 of Schedule 2 to this Law.

Interpretation etc.

Interpretation.

18. (1) In this Law -

"arrestable offence" : see section 2(2),

"Bailiwick" means the Bailiwick of Guernsey,

"customs officer" means an officer within the meaning of section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^l,

"immigration officer" means a person appointed as such under the Immigration Act 1971^m,

"offensive weapon" : see section 4(3),

^k The definition of offensive weapon was inserted by Ordres en Conseil Vol. XXVIII, p. 436.

^l Ordres en Conseil Vol. XXIII, p. 573; amended by Orders in Council No. XIII of 1991 and No. X of 2004.

^m An Act of Parliament (1971 c. 77); extended to the Bailiwick by the Immigration (Guernsey) Order 1993 (No. 1796).

"police officer" means -

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,
- (b) in relation to Alderney, a member of the salaried police force of the Island of Guernsey, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed pursuant to section 47 of the Government of Alderney Law, 2004ⁿ,
- (c) in relation to Sark, the Constable, the Vingtenier and a member of the salaried police force of the Island of Guernsey,
- (d) a customs officer,

"prison officer" and **"probation officer"** mean a person employed in that capacity by the States of Guernsey Home Department,

"public place" : see section 4(3),

"school" and **"school premises"** : see section 6(6),

ⁿ Order in Council No. III of 2005.

"uniform scale" means the uniform scale of fines from time to time in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^o.

(2) The Interpretation (Guernsey) Law, 1948^P applies to the interpretation of this Law throughout the Bailiwick.

(3) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Power to amend Law by Ordinance.

19. The provisions of Schedule 2 have effect for the purposes of this Law.

Citation.

20. This Law may be cited as the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006.

Commencement.

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

^o Ordres en Conseil Vol. XXXI, p. 278.

^P Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE 1

LIST OF PERSONS FOR THE PURPOSES OF SECTION 13

Guernsey

1. The Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué.
2. A Judge of the Court of Appeal.
3. A Jurat of the Royal Court.
4. The Magistrate or an Assistant Magistrate.
5. Her Majesty's Procureur or a Procureur Délégué.
6. Her Majesty's Comptroller or a Contrôle Délégué.
7. A person employed in the Chambers of the Bailiff or Law Officers of the Crown.
8. Her Majesty's Greffier or a Deputy Greffier.
9. Her Majesty's Sheriff or a Deputy Sheriff.
10. Her Majesty's Sergeant or a Deputy Sergeant.
11. A person employed in the office of Her Majesty's Greffier, Her Majesty's Sheriff or Her Majesty's Sergeant.

Alderney

12. A Jurat of the Court of Alderney.
13. The Greffier of Alderney or a Deputy Greffier.

Sark

14. The Seneschal of Sark or the Deputy Seneschal.
15. The Greffier of Sark or the Deputy Greffier.
17. The Prevôt of Sark or the Deputy Prevôt.

18. The Constable of Sark.
17. The Vingtenier of Sark.
19. A special constable in Sark.

Other offices

20. A member of any tribunal created by or under any enactment of the Bailiwick or any part thereof.
21. A police officer.
22. A customs officer.
23. A prison officer.
24. A probation officer.
25. An immigration officer.

SCHEDULE 2
POWER TO AMEND LAW BY ORDINANCE

Amendment of Law by Ordinance.

1. (1) The States may by Ordinance amend this Law.
 - (2) Subsection (1) is without prejudice to any other provision of this Law conferring power to enact Ordinances, orders or regulations (and vice versa).
 - (3) An Ordinance under this Law -
 - (a) may, for the avoidance of doubt -
 - (i) create new offences, and
 - (ii) repeal, replace, amend, extend, adapt, modify or disapply any rule of customary or common law,
 - (b) may be amended or repealed by a subsequent Ordinance hereunder, and
 - (c) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient.
 - (4) Any power conferred by this Law to make an Ordinance may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.

2. Pursuant to sections 12, 16 and 17, the provisions of paragraph 1 have effect also for the purposes of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, the Administration of Justice (Bailiwick of Guernsey) Law, 1991 and the Summary Offences (Bailiwick of Guernsey) Law, 1982.