

Island of



Guernsey

## Ordinance of the States

**XXXV**  
**2010**

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Made .....28th July, 2010

Coming into Operation .....28th July, 2010

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### **The Drug Trafficking (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2010**



## **The Drug Trafficking (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2010**

**THE STATES**, in pursuance of their Resolution of the 28<sup>th</sup> July, 2010<sup>a</sup>, and in exercise of the powers conferred on them by sections 35 and 71A of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000<sup>b</sup> and all other powers enabling them in that behalf, hereby order: -

### **Amendment of the Law.**

1. (1) The Law is amended in accordance with the following subsections.

(2) In section 2(3) for "(whether before or after the coming into force of this Law) received any payment or other reward", substitute "(whether before or after the coming into force of this Law and whether directly or indirectly) acquired or received any payment or other reward (including, for the avoidance of doubt, any interest, dividend or other form of income or accrued value deriving directly, or indirectly, from that payment or reward)".

(3) Immediately after section 35, insert the following section -

### **"Designation of all countries on 28<sup>th</sup> July 2010.**

**35A.** (1) With effect on and from the 28<sup>th</sup> July, 2010 any country or territory which is not already designated under section 35(1)

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<sup>a</sup> Article V of Billet d'État No. XVII of 2010.

<sup>b</sup> Ordres en Conseil Vol. XL, p. 131; Order in Council No. II of 2005; Nos. XVI and XVII of 2007; No. XVII of 2008; Recueil d'Ordonnances Tome XXIX, p. 406; Ordinance No. XXXVIII of 2008 and the Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2010.

(including any country or territory which comes into existence after that date) is designated for the purposes of this Law and any Ordinance or subordinate legislation made under this Law.

(2) Without prejudice to the generality of subsection (1), a country or territory which is designated under that subsection is a designated country for the purposes of the Drug Trafficking (Bailiwick of Guernsey) (Designated Countries and Territories) Ordinance, 2000."

(4) In section 61 of the Law -

(a) for subsections (1)(b), (2)(b) and (3)(b), substitute in each case -

"(b) he discloses to any other person information or any other matter about, or relating to, that knowledge or suspicion.",

(b) immediately after subsection (3), insert the following subsections -

"(3A) Nothing in subsections (1) to (3) makes it an offence for any person to disclose any information or other matter if the disclosure is for any of the purposes set out in subsection (3B).

(3B) The purposes are -

(a) the prevention, detection, investigation or prosecution of criminal offences, whether in the Bailiwick or elsewhere,

(b) the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the Bailiwick or of any country or territory outside the Bailiwick,

(c) the carrying out -

(i) by the Commission, or

(ii) by a body in another country or territory which carries out any similar function to the Commission,

of its functions,

(d) the carrying out of any functions of any intelligence service, or

(e) the carrying out of any function which appears to the Home Department to be a function of a public nature and which it designates as such by order.", and

(c) subsection (6) is repealed.

(5) In section 69(1) of the Law immediately after the definition of "**Her Majesty's Procureur**", insert the following definition -

""**intelligence service**"" has the same meaning as in section 67 of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003,".

(6) In section 70 of the Law immediately after the entry relating to ""**instituted**"" , insert ""**intelligence service**"" (section 69(1)),".

**Interpretation.**

2. (1) In this Ordinance, "**the Law**" means the Drug Trafficking (Bailiwick of Guernsey) Law, 2000.

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

**Extent.**

3. This Ordinance has effect throughout the Bailiwick of Guernsey.

**Citation.**

4. This Ordinance may be cited as the Drug Trafficking (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2010.

**Commencement.**

5. This Ordinance shall come into force on the 28<sup>th</sup> July, 2010.

K.H. TOUGH,  
Her Majesty's Greffier.



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