

PROJET DE LOI

ENTITLED

The Offences against Police Officers (Bailiwick of Guernsey) Law, 1963 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XIX, p. 125; as amended by the: Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987 (Ordres en Conseil Vol. XXX, p. 224); Administration of Justice (Bailiwick of Guernsey) Law, 1991 (No. I of 1991, Ordres en Conseil Vol. XXXIII, p. 49); Offences against Police Officers (Bailiwick of Guernsey) (Amendment) Law, 1996 (No. VI of 1996, Ordres en Conseil Vol. XXXVI, p. 577); Government of Alderney (Amendment) Law, 2000 (No. I of 2000, Ordres en Conseil Vol. XL, p. 15). See also the: Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); Firearms (Sark) Law, 2001 (No. XII of 2002, Ordres en Conseil Vol. XLII(1), p. 296); Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 (No. XII of 2022).

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ARRANGEMENT OF SECTIONS

1. Assaults etc. on Officers of Police.
2. Accessories and abettors.
3. Interpretation.
4. Citation.

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THE STATES, in pursuance of their Resolution of the fourth day of April, nineteen hundred and sixty-two, 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.

[Assaults etc. on Officers of Police.

1. (1) Every person who assaults an officer of police in the execution of his duty or any person acting in aid of such officer shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding two years or to a fine, or to both.

(2) Every person who resists or wilfully obstructs an officer of police acting in the execution of his duty or any person acting in aid of such officer shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the Uniform Scale, or to both.]

NOTES

Section 1 was substituted by the Offences against Police Officers (Bailiwick of Guernsey) (Amendment) Law, 1996, section 1, with effect from 30th September, 1996.¹

The following case has referred to section 1:

Law Officers of the Crown v. Christopher Thomas Bullock (2004) (Unreported, Royal Court, 26th February) (Guernsey Judgment No 1/2004); 2003-04 GLR Note 14.

In accordance with the provisions of the Firearms (Sark) Law, 2001, section 17, Schedule 1, respectively paragraph 7, paragraph 8 and paragraph 9, with effect from 1st January, 2003, subsection (2) of that section is applied to offences, to the aiding or abetting the commission of offences, and to attempting to commit offences under section 1 of this Law.

Accessories and abettors.

2. Every person who knowingly and wilfully aids, abets, counsels, procures or commands the commission of an offence punishable under the foregoing section shall be liable to be dealt with, indicted, tried and punished as a principal offender.

Interpretation.

3. (1) For the purposes of this Law, the expression "**indicted**" includes charged and the expression "**officer of police**" means –

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey,
- (b) in relation to the Island of Alderney, a member of the said police force[, a special constable appointed [or deemed to be appointed pursuant to the provisions of an Ordinance made under section 46A] of the Government of Alderney Law, [1986]] and a member of any police force which may be established by the States of Alderney, and

- (c) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law throughout the Bailiwick of Guernsey.

NOTES

In section 3,

the words in square brackets in paragraph (b) of subsection (1) were inserted by the Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987, section 4(2), with effect from 15th December, 1987;

the words in the first pair of square brackets within the square brackets in paragraph (b) of subsection (1) were substituted by the Government of Alderney (Amendment) Law, 2000, section 2, with effect from 19th June, 2002.

In accordance with the provisions of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022, section 8, Schedule 2, paragraph 1 and paragraph 2, with effect from 20th October, 2022, unless the contrary intention appears and subject to any regulations made under section 8(3), first, any reference to a police officer in this Law and any subordinate legislation made hereunder includes a reference to the Director of the Economic and Financial Crime Bureau and designated persons and to members of the Financial Intelligence Unit and, second, subject to the provisions of section 8(4), any power in an enactment to disclose information to a police officer or customs officer for a specified purpose includes a power to disclose that information to the Director of the Economic and Financial Crime Bureau and designated persons and to members of the Financial Intelligence Unit for the purpose of carrying out their functions.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Government of Alderney Law, 1987 has since been repealed by the

Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

The date in the second pair of square brackets within the square brackets in paragraph (b) of subsection (1) shown, incorrectly, in the printed version of this section as "1986" should read "1987".

Citation.

4. This Law may be cited as the Offences against Police Officers (Bailiwick of Guernsey) Law, 1963.

NOTE

The Law received Royal Sanction on 11th April, 1963 and was registered on the Records of the Island of Guernsey and came into force on 14th May, 1963.

1 Section 1 was previously substituted by the Administration of Justice (Bailiwick of Guernsey) Law, 1991, section 12, with effect from 28th May, 1991.