

Island of



Guernsey

Ordinance of the States

XXIX
2011

Made25th July, 2011

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Laid before the States.....30th September, 2011

The Police Powers and Criminal Evidence (Bailiwick of Guernsey) (Amendment) Ordinance, 2011

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THE STATES LEGISLATION SELECT COMMITTEE, in pursuance of the Resolutions of the States of the 1st day of August, 2002 and the 1st day of August, 2003^a, and in exercise of the powers conferred on the States by section 93(1) of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003^b, and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^c, hereby orders:-

Amendment of the PPACE Law.

1. The PPACE Law, is amended as follows -

(a) in the arrangement of sections -

- (i) for the section heading of section 56, substitute "Re-arrest where new evidence comes to light.", and
- (ii) immediately after the section heading of section 56, insert "56A. Calculation of periods

^a Article VIII of Billet d'État No. XIX of 2002 and Article II of Billet d'État No. XIX of 2003.

^b No. XXIII of 2003; as amended by the Fraud (Bailiwick of Guernsey) Law, 2009 (No. XVI of 2009); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (Tome XXIX, p. 406); the Sark General Purposes and Finance Committee (Transfer of Functions) (Guernsey) Ordinance, 2009 (No. XXXIII of 2009).

^c Ordres en Conseil Vol. XIII, p. 288; there are amendments not material to this Ordinance.

of detention.",

- (b) immediately after section 48(7), insert the following subsection -

"(8) For the avoidance of doubt, the "relevant time" in relation to a person who has been released on bail and who -

(a) subsequently surrenders to custody, shall be the time of his surrender to custody,

(b) is arrested under section 57, shall be the time he first arrives at a designated place of detention after his arrest under that section,

save that any period for which the person has already been detained shall be included in the calculation of any subsequent period of detention thereafter.",

- (c) in section 37(6), after "shall be deemed to be that offence", insert "; but this subsection is subject to section 56A(1) (which provides for the calculation of certain periods, where a person has been granted bail under this Part, by reference to time when the person is in police detention only)",

- (d) for section 56, substitute the following section -

"Re-arrest where new evidence comes to light.

56. Nothing shall prevent the re-arrest of a person released on bail subject to a duty to attend at a police station or designated place of detention if new evidence justifying a further arrest has come to light since his release.", and

- (e) immediately after section 56, insert the following section -

"Calculation of periods of detention.

56A. (1) Where a person who has been granted bail -

(a) has attended at the police station or designated place of detention in accordance with the grant of bail, or

(b) has been arrested under section 57,

and is detained at the police station or a designated place of detention, any time during which he was in police detention prior to being granted bail shall be included as part of any period which falls to be calculated under this Part, and, for the avoidance of

doubt, any time during which he was on bail shall not be so included.

(2) Where a person who was released on bail subject to a duty to attend at a police station is re-arrested, this Part shall apply to him as it applies to a person arrested for the first time, but this subsection does not apply to a person who is arrested under section 57 or has attended a police station in accordance with the grant of bail (and who is accordingly deemed by section 37(6) to have been arrested for an offence).".

Interpretation.

2. (1) In this Ordinance -

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**the PPACE Law**" means the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

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

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

(3) 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 and commencement.

4. This Ordinance -

- (a) may be cited as the Police Powers and Criminal Evidence (Bailiwick of Guernsey) (Amendment) Ordinance, 2011, and
- (b) shall come into force on the 25th July, 2011.

J. TORODE,
Her Majesty's Greffier.

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