

GUERNSEY STATUTORY INSTRUMENT

2012 No. 10.

**The Export Control (Military, Security, and Related
Matters) (Bailiwick of Guernsey) (Amendment) Order, 2012**

Made

13th February, 2012

Laid before the States

, 2012

Coming into operation

1st March, 2012

THE HOME DEPARTMENT, in exercise of the powers conferred upon it by sections 1 and 7 of the Export Control (Bailiwick of Guernsey) Law, 2006^a and all other powers enabling it in that behalf, hereby makes the following Order:-

Amendments to Order of 2010.

1. The Export Control (Military, Security, and Related Matters) (Bailiwick of Guernsey) Order, 2010^b is amended as follows.

2. The following article is inserted after article 2 of that Order –

"Movement of certain products to the United States of America.

2A. (1) Subject to articles 15 and 23, no person shall export a product containing the active ingredient thiopental sodium, pancuronium bromide, potassium chloride concentrate or sodium pentobarbital where –

^a Order in Council No. XIV of 2007.

^b G.S.I. No. 37 of 2010.

(a) the product is in a form suitable for injection or for preparation of an injection, and

(b) paragraph (2) or (3) applies.

(2) This paragraph applies where the destination of the product is the United States of America.

(3) This paragraph applies where the destination is not the United States of America but the exporter knows that the final destination of the product is the United States of America."

3. Article 15(1) of that Order is amended by inserting, immediately after "2,", "2A,".

4. Articles 31(4) and (6), 32(3) and (5), 33(3) and (6), 34(2) and 35(3) of that Order are amended by substituting in each of those provisions, for the text following the word "liable", the words "on conviction to a fine, to imprisonment for a term not exceeding two years, or to both".

5. Article 38(1)(a)(i) and (2)(a) of that Order is amended by inserting in each of those provisions, immediately after "2,", "2A,".

Expiry of articles 2, 3 and 5.

6. The following cease to have effect on the 13th of April 2012 –

(a) articles 2, 3 and 5 of this Order, and

(b) for the avoidance of doubt, the amendments to the Export Control (Military, Security, and Related Matters) (Bailiwick of

Guernsey) Order, 2010 made by articles 2, 3 and 5 of this Order.

Interpretation.

7. (1) In this Order, a reference to any enactment is a reference to the enactment as from time to time amended, re-enacted (with or without modification), extended or applied.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^c apply to the interpretation of this Order as they apply to the interpretation of an enactment in force in the Island of Guernsey.

Citation.

8. This Order may be cited as the Export Control (Military, Security, and Related Matters) (Bailiwick of Guernsey) (Amendment) Order, 2012.

Commencement.

9. This Order comes into force on the 1st of March, 2012.

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

Dated this 13 day of February, 2012

G. H. Mahy

G. H. MAHY

Minister of the States Home Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Export Control (Military, Security, and Related Matters) (Bailiwick of Guernsey) Order, 2010 ("**the principal Order**") to prohibit the export of products containing sodium thiopental, pancuronium bromide, potassium chloride concentrate or sodium pentobarbital. This prohibition only applies to the export of these products where they are in a form suitable for injection or for preparation of an injection and the final destination is the United States of America. This prohibition will expire on the 13th of April, 2012.

This Order also updates the penalty provisions of the principal Order to reflect the increased jurisdiction of the Magistrate's court to impose a fine of twice level 5, imprisonment of up to two years, or both, under the Magistrate's Court (Guernsey) Law, 2008.

This Order will come into force on 1st March, 2012.