
STATUTORY INSTRUMENTS

1996 No. 726

DEFENCE

**The Naval Discipline Act 1957
(Bailiwick of Guernsey) Order 1996**

Made - - - - *13th March 1996*

Coming into force - - *1st June 1996*

Her Majesty, in pursuance of section 125(1) of the Naval Discipline Act 1957⁽¹⁾, including that section as applied by section 24(5) of the Armed Forces Act 1991⁽²⁾, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Naval Discipline Act 1957 (Bailiwick of Guernsey) Order 1996 and shall come into force on 1st June 1996.

2.—(1) The Naval Discipline Act 1957 (“the 1957 Act”) shall have effect in the Bailiwick of Guernsey subject to the modifications specified in Part I of the Schedule to this Order.

(2) The provisions⁽³⁾ of—

- (a) the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947⁽⁴⁾, and
- (b) section 10 and Part III of the Armed Forces Act 1991 (“the 1991 Act”),

shall have effect in the Bailiwick of Guernsey subject to the modifications specified in Parts II and III respectively of the Schedule to this Order.

3. In relation to any reference to a law for the time being in force in the Bailiwick of Guernsey, the modifications made by this Order have effect for all purposes of the 1957 Act (and not only in the application of that Act to the Bailiwick of Guernsey).

N. H. Nicholls
Clerk of the Privy Council

(1) 1957 c. 53; section 125(1) was substituted by section 24(2) of the Armed Forces Act 1991 (c. 62).

(2) 1991 c. 62.

(3) The provisions listed in this paragraph are, by section 24(5) of the 1991 Act, deemed to be comprised in the 1957 Act for the purposes of section 125 of that Act.

(4) 1947 c. 24.

SCHEDULE

Article 2

PART I

MODIFICATIONS SUBJECT TO WHICH THE NAVAL DISCIPLINE
ACT 1957 HAS EFFECT IN THE BAILIWICK OF GUERNSEY

1. In section 43AA(6)(5), at the end insert—
 - “(d) where the offender is in or removed to the Bailiwick of Guernsey, any place in which he could have been detained if he had been ordered (in whatever terms) to be detained in custody by a court in the Bailiwick of Guernsey.”.
2. In section 101(5)(6), after “1920” insert “or the Maintenance Orders (Facilities for Enforcement) (Guernsey) Law 1955”.
3. In section 128F(10)(7), in the definition of “the relevant court”, after paragraph (c) insert—

“or

 - (d) the court of summary jurisdiction in the Bailiwick of Guernsey (that is to say, the Magistrate’s Court in the case of Guernsey, the Court of Alderney in the case of Alderney and the Court of the Seneschal in the case of Sark);”.
4. In section 128(G)(8), in subsection (3)(b) after “bankruptcy” insert “or to a Commissioner or Committee of Creditors or to the Prévôt”.
- 5.—(1) Schedule 4A(9) shall be modified as follows.
 - (2) In paragraph 10(6)—
 - (a) after paragraph (c) insert—
 - “(d) where the offender is in or removed to the Bailiwick of Guernsey, any place in which he could have been detained if he had been ordered (in whatever terms) to be detained in custody by a court in the Bailiwick of Guernsey;”;
 - (b) at the end insert “and in relation to an offender who is removed to the Bailiwick of Guernsey, includes an enactment in force in the Bailiwick of Guernsey”.
 - (3) In paragraph 11(4B), sub-paragraph (b) shall be omitted.

(5) Section 43AA was inserted by section 2(2) of the Armed Forces Act 1981 (c. 55) and amended by paragraph 6 of Schedule 9 to the Criminal Justice Act 1991 (c. 53).

(6) Section 101(5) was amended by paragraph 3 of the Schedule to the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18).

(7) Section 128F was inserted by paragraph 3 of Schedule 8 to the Armed Forces Act 1976 (c. 52).

(8) Section 128G was inserted by section 16(1) of the Armed Forces Act 1991.

(9) Schedule 4A was inserted by paragraph 3 of Schedule 4 to the Armed Forces Act 1976; paragraph 11(4B) was inserted by section 9(4) of the Armed Forces Act 1991 and paragraph 10 was amended by paragraph 8 of Schedule 9 to the Criminal Justice Act 1991.

PART II

MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE NAVAL FORCES (ENFORCEMENT OF MAINTENANCE LIABILITIES) ACT 1947 HAVE EFFECT IN THE BAILIWICK OF GUERNSEY

In section 1(2A)(10), in paragraph (b), after “extends” insert “, and also includes a reference to an order registered in a court in the Bailiwick of Guernsey under the Maintenance Orders (Facilities for Enforcement) (Guernsey) Law 1955”.

PART III

MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE ARMED FORCES ACT 1991 HAVE EFFECT IN THE BAILIWICK OF GUERNSEY

1. In section 21(4), sub-paragraph (b) shall be omitted.
- 2.—(1) Schedule 1(11) shall be modified as follows.
 - (2) In paragraph 1, after sub-paragraph (b) insert—

“(ba) an advocate of the Royal Court of Guernsey of at least 7 years' standing;”.
 - (3) In paragraph 6, at the end insert

“and

 - (e) in the case of a person who qualifies for appointment under paragraph 1(d) above by virtue of holding or having held judicial office in the Bailiwick of Guernsey, with the consent of the Lieutenant-Governor.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies certain provisions of the Naval Discipline Act 1957 and the Naval Forces (Enforcement of Maintenance Liabilities) Act 1947, as amended, and the Armed Forces Act 1991 in their application to the Bailiwick of Guernsey.

(10) Section 1(2A) was inserted by section 15(3) of the Armed Forces Act 1991.

(11) Schedule 1 has effect by virtue of section 10(7).