
STATUTORY INSTRUMENTS

1989 No. 674

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 1987 (Guernsey) Order 1989

Made - - - - *18th April 1989*
Coming into force - - *18th May 1989*

Her Majesty, in pursuance of section 17(6) of the Criminal Justice Act 1987(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Criminal Justice Act 1987 (Guernsey) Order 1989 and shall come into force on 18th May 1989.

(2) Without prejudice to its earlier revocation and subject to article 3 below this Order shall cease to have effect on the expiration of two years beginning with the date of its coming into force.

2. Section 2 of the Criminal Justice Act 1987(2) shall extend to the Bailiwick of Guernsey subject to the modifications specified in the Schedule to this Order.

3. In any case in which a request under section 2(1) of the Criminal Justice Act 1987, as modified in its extension to the Bailiwick of Guernsey by paragraph 2 of the Schedule to this Order, is made before the date on which this Order ceases to have effect by virtue of article 1(2) above, the powers of the Attorney General shall continue to be exercisable under that section as so modified as if this Order had not ceased to have effect.

G. I. de Deney
Clerk of the Privy Council

(1) 1987 c. 38.

(2) Section 2 was amended by section 143 of, and paragraph 113 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33).

SCHEDULE

Article 2

MODIFICATIONS TO SECTION 2 OF THE CRIMINAL JUSTICE
ACT 1987 AS EXTENDED TO THE BAILIWICK OF GUERNSEY

1. Any reference to section 2 of the Criminal Justice Act 1987 or any provision thereof shall be construed, unless the contrary intention appears, as a reference to it as it has effect in the Bailiwick of Guernsey; and any reference to section 1 of that Act shall be construed as a reference to it as it has effect in England and Wales and Northern Ireland.

2. In subsection (1)–

- (a) for“Director” there shall be substituted“Attorney General”, and
- (b) for the words from“only” to“the request” there shall be substituted“only on a request made by the Director of the Serious Fraud Office for the purposes of an investigation under section 1 of this Act, or on a request made by the Lord Advocate for the purposes of an investigation under legislation corresponding to that section and having effect in Scotland”.

3. In subsection (2)–

- (a) for“Director” there shall be substituted“Attorney General”, and
- (b) after“specified place” there shall be inserted“in the Bailiwick of Guernsey”.

4. In subsection (3)–

- (a) for“Director” in each place where it occurs there shall be substituted“Attorney General”, and
- (b) after“such place” there shall be inserted“in the Bailiwick of Guernsey”.

5. In subsection (4)–

- (a) for“on information on oath laid by a member of the Serious Fraud Office, a justice of the peace” there shall be substituted“on an application by the Attorney General, the Bailiff”, and
- (b) for“the information” there shall be substituted“the application”.

6. In subsection (5)–

- (a) for“constable” there shall be substituted“police officer”, and
- (b) for“information” there shall be substituted“application”.

7. For subsection (6) there shall be substituted the following subsection–

“(6) A police officer executing a warrant issued under subsection (4) above may be accompanied by any person or persons expressly authorised for that purpose by the Attorney General.”.

8. For subsection (7) there shall be substituted the following subsection–

“(7) Without prejudice to his power to enter into agreements apart from this subsection, the Attorney General may enter into a written agreement for the supply of information to or by him subject, in either case, to an obligation not to disclose the information concerned otherwise than for a specified purpose.”.

9. In subsection (9), for“High Court” there shall be substituted“Royal Court”.

10. In subsection (10), for paragraph (b) there shall be substituted the following paragraph:–

“(b) the Attorney General has authorised the making of the requirement.”.

11. For subsection (11) there shall be substituted the following subsection–

“(11) The Attorney General may authorise any Advocate to exercise on his behalf all or any of the powers conferred by this section, but no such authority shall be granted except for the purpose of investigating the affairs, or any aspect of the affairs, of a person specified in the authority.”.

12. In subsection (15), for “not exceeding the statutory maximum” there shall be substituted “on level 5 of the standard scale”.

13. In subsection (16)(a), after “Serious Fraud Office” there shall be inserted “or an officer nominated by the Lord Advocate”.

14. In subsection (17), for paragraphs (a) and (b) there shall be substituted “on conviction, be liable to imprisonment for a term not exceeding 7 years or to a fine or to both”.

15. For subsection (19), there shall be substituted the following subsection—

“(19) In this section, the expression—

“police officer” means an officer of the salaried police force of the Island of Guernsey;

“Serious Fraud Office” means the Serious Fraud Office constituted under section 1 of this Act.”.

16. After subsection (19) there shall be inserted the following subsection—

“(20) In the application of subsection (4) above—

(a) to Alderney, the reference to “the Bailiff” shall include a reference to the President of the Court of Alderney or a jurat of that Court, and

(b) to Sark, the reference to “the Bailiff” shall include a reference to the Seneschal of Sark;

and in its application to Alderney and Sark the reference to “the Attorney General” shall include a reference to a police officer acting on the authority of the Attorney General.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey section 2 of the Criminal Justice Act 1987 subject to the modifications specified in the Schedule to the Order.