
STATUTORY INSTRUMENTS

1984 No. 1165

PREVENTION AND SUPPRESSION OF TERRORISM

**The Prevention of Terrorism (Temporary Provisions)
Act 1984 (Guernsey) Order 1984**

Made - - - - - 31st July 1984

Coming into Operation 31st August 1984

At the Court at Buckingham Palace, the 31st day of July 1984

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 16 and 18(3) of the Prevention of Terrorism (Temporary Provisions) Act 1984(a), 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 Prevention of Terrorism (Temporary Provisions) Act 1984 (Guernsey) Order 1984 and shall come into operation on 31st August 1984.
2. In this Order, "the Bailiwick" means the Bailiwick of Guernsey and the territorial waters adjacent thereto.
3. It is hereby directed that the provisions of the Prevention of Terrorism (Temporary Provisions) Act 1984 shall extend to the Bailiwick with the exceptions, adaptations and modifications specified in the Schedule to this Order.
4. The Prevention of Terrorism (Temporary Provisions) Act 1976 (Guernsey) Order 1976(b) is hereby revoked.

N. E. Leigh,
Clerk of the Privy Council.

(a) 1984 c. 8.

(b) S.I. 1976/772.

SCHEDULE

Article 3.

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO PROVISIONS OF THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1984 AS EXTENDED TO THE BAILLIWICK OF GUERNSEY

1. Any reference to an Act of Parliament (including the Prevention of Terrorism (Temporary Provisions) Act 1984) or to a provision of such an Act shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in the Bailiwick.
2. Any reference to an enactment of the States of Guernsey shall be construed, unless the contrary intention appears, as including a reference thereto as amended, repealed and replaced, extended or applied by or under any other such enactment.
3. For "constable", wherever occurring, there shall be substituted "police officer".
4. In section 1—
 - (a) in subsections (4) and (5), for "Secretary of State" there shall be substituted "States Emergency Council"; and
 - (b) in subsection (4), "made by statutory instrument" shall be omitted and after "occurring in" there shall be inserted "the Bailiwick or"; and
 - (c) in subsection (5), "so made" shall be omitted.
5. In section 3—
 - (a) in subsections (1) and (3), for "Secretary of State" there shall be substituted "Lieutenant Governor"; and
 - (b) in subsection (2), ", 5 or 6" shall be omitted.
6. In section 4—
 - (a) for "Secretary of State", wherever occurring, there shall be substituted "Lieutenant Governor";
 - (b) for "Great Britain", wherever occurring, there shall be substituted "the Bailiwick"; and
 - (c) subsection (4)(b) shall be omitted.
7. Sections 5 and 6 shall be omitted.
8. In section 7—
 - (a) for "Secretary of State", wherever occurring, there shall be substituted "Lieutenant Governor";
 - (b) in subsection (2), for "United Kingdom" there shall be substituted "Bailiwick";
 - (c) in subsection (5)(a), for "Great Britain, Northern Ireland or the United Kingdom, as the case may be" there shall be substituted "the Bailiwick"; and
 - (d) in subsection (9), for paragraphs (a), (b) and (c) there shall be substituted "Great Britain, Northern Ireland or the Republic of Ireland".

9. In section 8—

(a) for “Secretary of State”, wherever occurring, there shall be substituted “Lieutenant Governor”; and

(b) for “Great Britain, Northern Ireland or the United Kingdom, as the case may be” there shall be substituted “the Bailiwick”.

10. In section 9—

(a) in subsection (2)(a) and (b), for “Great Britain, Northern Ireland or the United Kingdom” there shall be substituted “the Bailiwick”;

(b) in subsection (3)(a), “in relation to Great Britain,” shall be omitted and for “from Great Britain” there shall be substituted “from the Bailiwick”; and

(c) subsection (3)(b) and (c) shall be omitted.

11. In section 10, for subsection (6) there shall be substituted the following subsection:—

“(6) In this section “property” includes both real and personal property.”.

12. In section 11(1), for the words from “practicable” to the end of the subsection there shall be substituted “practicable to a police officer he shall be guilty of an offence”.

13. In section 12—

(a) in subsection (1), “Subject to subsection (2) below,” shall be omitted;

(b) subsection (2) shall be omitted;

(c) in subsection (3)(b), after “the affairs of” there shall be inserted “the Bailiwick,”;

(d) in subsection (4), for “the Secretary of State” there shall be substituted “Her Majesty’s Procureur”;

(e) for subsections (6) and (7) there shall be substituted the following subsection:—

“(6) Section 89 of the Prison Administration (Guernsey) Ordinance 1959 shall not apply to a person detained in right of the arrest.”.

14. In section 13—

(a) in subsection (1), for “Secretary of State” there shall be substituted “States Emergency Council”, “made by statutory instrument” shall be omitted and for “Great Britain or Northern Ireland” there shall be substituted “the Bailiwick”; and

(b) in subsection (2)(a)(ii) and (b)(i), for “Secretary of State” there shall be substituted “Lieutenant Governor”.

15. In section 14—

(a) in subsection (1), after the definition of “exclusion order” there shall be inserted the following definitions:—

““the Lieutenant Governor” means the person for the time being holding the office of Lieutenant Governor and Commander-in-Chief of the Island of Guernsey and its Dependencies;

“medical practitioner”, in relation to the Island of Guernsey, means a medical practitioner authorised to practise in Guernsey according to the law for the time being in force;

“police officer” means—

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey, and within the limits of his jurisdiction a member of the special constabulary of the Island of Guernsey;
 - (b) in relation to Alderney a member of the said police force and a member of any police force which may be established by the States of Alderney; and
 - (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;”;
- (b) in subsections (2) and (3), for “Northern Ireland” (wherever occurring) there shall be substituted “the Bailiwick”;
- (c) in subsection (4), for “United Kingdom” there shall be substituted “Bailiwick”
- (d) in subsection (6), “, 5 or 6” shall be omitted;
- (e) in subsection (8), for “Secretary of State” there shall be substituted “States Emergency Council”; and
- (f) for subsections (9) to (12) there shall be substituted the following subsections:—
- “(9) Any power to make an order conferred by section 1 or 13 of this Act shall include power to vary or revoke any order so made.
 - (10) Any order made by the States Emergency Council under section 1 or 13 of this Act shall be laid before a meeting of the States as soon as may be after the making thereof and if at that meeting or at the next subsequent meeting the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the States Emergency Council of a new order.”.

16. For section 15 there shall be substituted the following section:—

“15. Any expenses incurred by the States of Guernsey in the execution of this Act shall be paid out of monies provided by the States.”.

17. Sections 16 and 17(1) and (2) shall be omitted.

18. In section 18—

- (a) subsections (1) and (3) shall be omitted;
- (b) in subsection (2), for “Act of 1976” there shall be substituted “Prevention of Terrorism (Temporary Provisions) Act 1976”, for “is passed” there shall be substituted “comes into force in the Bailiwick” and for “Secretary of State” there shall be substituted “Lieutenant Governor”; and
- (c) for subsection (4) there shall be substituted the following subsection:—

“(4) The Prevention of Terrorism (Temporary Provisions) Act 1976 (Amendment) (Guernsey) Order 1979 is hereby revoked.”.

19. Section 19(2) shall be omitted.

20. In paragraph 1 of Schedule 2—

- (a) in sub-paragraph (1)(a), for “Great Britain” there shall be substituted “the Bailiwick”, and “; or” shall be omitted;

- (b) sub-paragraph (1)(b) shall be omitted;
- (c) in sub-paragraph (1)(iii), for "United Kingdom" there shall be substituted "Bailiwick" and for "the passing of this Act" there shall be substituted "this Act comes into force there"; and
- (d) in sub-paragraph (2), for "each of those exemptions" there shall be substituted "that exemption".
21. In paragraph 2(a) of Schedule 2, " , 5 or 6" shall be omitted.
22. In paragraph 1 of Schedule 3—
- (a) for sub-paragraph (2)(c) there shall be substituted the following provision:—
" (c) officers of customs who are the subject of arrangements for their employment as immigration officers with the concurrence of the Lieutenant Governor under the said paragraph 1. ";
- (b) sub-paragraphs (3) and (4) shall be omitted;
- (c) for sub-paragraph (6)(a) there shall be substituted the following provision:—
" (a) in the case of ships or aircraft—
 (i) coming to the Bailiwick from the United Kingdom, the Republic of Ireland, the Bailiwick of Jersey or the Isle of Man; or
 (ii) going from the Bailiwick to any other of those places,
 restrict the ports, areas or places in the Bailiwick which they may use; "
- (d) sub-paragraph (6)(b) shall be omitted;
- (e) in sub-paragraphs (6)(c)(i) and (7), for "Great Britain or Northern Ireland" there shall be substituted "the Bailiwick";
- (f) in sub-paragraph (6)(c)(ii), for "either of those places" there shall be substituted "the Bailiwick";
- (g) in sub-paragraph (8), for "Secretary of State" there shall be substituted "States Emergency Council"; and
- (h) in sub-paragraph (10), for "Secretary of State" there shall be substituted "Lieutenant Governor or the States Board of Administration".
23. Paragraphs 2 and 3 of Schedule 3 shall be omitted.
24. In paragraph 4 of Schedule 3—
- (a) in sub-paragraph (1), for "a justice of the peace" there shall be substituted "as respects Guernsey, the Bailiff, as respects Alderney, the Chairman of the Court of Alderney and as respects Sark, the Seneschal";
- (b) in sub-paragraph (2), for "a police force" there shall be substituted "the Island Police Force" and "to the justice" shall be omitted;
- (c) in sub-paragraph (3), for "any police force" and "a police force" there shall be substituted "the Island Police Force";
- (d) in sub-paragraph (4), for all the words before "has reasonable grounds" there shall be substituted "If the Chief Officer of the Island Police Force", for "interests of the State" there shall be substituted "public interest" and for "a police force" there shall be substituted "the Island Police Force".

(e) in sub-paragraph (5), for "Secretary of State" there shall be substituted "Lieutenant Governor"; and

(f) sub-paragraphs (7) and (8) shall be omitted.

25. In paragraph 5 of Schedule 3, for "the Secretary of State", wherever occurring, there shall be substituted "Her Majesty's Procureur".

26. In paragraph 7 of Schedule 3—

(a) for "Secretary of State", wherever occurring, there shall be substituted "Lieutenant Governor or Her Majesty's Procureur, as the case may be,"; and

(b) "or on his behalf" and "or on behalf of" shall be omitted.

27. Paragraph 8 of Schedule 3 shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the Bailiwick of Guernsey the provisions of the Prevention of Terrorism (Temporary Provisions) Act 1984, with the exceptions, adaptations and modifications specified in the Schedule to the Order. It revokes and replaces the Prevention of Terrorism (Temporary Provisions) Act 1976 (Guernsey) Order 1976, which extended the 1976 Act (which is repealed and replaced by the 1984 Act).

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