

Island of



Guernsey

Ordinance of the States

**XIV
2013**

Made 18th February, 2013
Coming into Operation 18th February, 2013
Laid before the States 24th April, 2013

The Tunisia (Freezing of Funds) (Guernsey) (Amendment) Ordinance, 2013

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THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the powers conferred on the States by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^b and all other powers enabling the States in that behalf, hereby orders:-

Amendment of Tunisia (Freezing of Funds) (Guernsey) Ordinance, 2011.

1. (1) The Tunisia (Freezing of Funds) (Guernsey) Ordinance, 2011^c ("**the Ordinance**") is amended as follows.

(2) For section 1(2) of the Ordinance, substitute the following section -

"(2) A person who infringes, or causes or permits any infringement of, any prohibition in, or requirement of, the EU Regulation is guilty of an offence."

(3) For section 2 of the Ordinance, substitute the following section -

^a Ordres en Conseil Vol. XXXV(1), p. 65.

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

^c Ordinance No. XI of 2011

"Modification of Regulation.

2. The EU Regulation in its application to Guernsey is modified as follows -

- (a) Articles 1(e) and 14 shall not apply,
- (b) references to the competent authorities of or in the Member States shall be construed as references to the Policy Council,
- (c) references to the obligation of a Member State to inform or notify shall be construed as references to the obligation of the Policy Council to inform or notify one of Her Majesty's Principal Secretaries of State,
- (d) subject to paragraph (e), references to the Member State or the Member State concerned shall be construed as references to the Policy Council,
- (e) references to the Member State concerned shall be construed as including Guernsey where such references concern the enforcement of decisions or public policy,
- (f) references to the Union shall be construed as including Guernsey,
- (g) references to the territory of the Union and its

airspace shall be construed as including Guernsey, its airspace and the territorial waters adjacent thereto,

- (h) references to ports of Member States shall be construed as including any port in Guernsey,
- (i) references to competent customs authorities of Member States shall be construed as including the Chief Officer of Customs and Excise,
- (j) references to nationals of Member States or from the territories of Member States shall be construed as including any person in Guernsey or from Guernsey, and
- (k) references to the law of a Member State shall be construed as including the law of Guernsey."

(4) In section 9 of the Ordinance -

- (a) for the definition of "Bailiff", substitute the following definition -

"**Bailiff**" includes the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff, a Juge-Délegué and a Judge of the Royal Court,"
and

- (b) insert the following definitions in the appropriate

places -

"advocate" means an advocate of the Royal Court of Guernsey,"

"Chief Officer of Customs and Excise" has the meaning given by section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,"

"enactment" includes a Law, an Ordinance and any subordinate legislation,"

"Judge of the Royal Court" means the office of that name established by section 1 of the Royal Court (Reform) (Guernsey) Law, 2008,"

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

Citation.

2. This Ordinance may be cited as the Tunisia (Freezing of Funds) (Guernsey) (Amendment) Ordinance, 2013.

Commencement.

3. This Ordinance shall come into force on the 18th February, 2013.

J.TORODE,
Her Majesty's Greffier.

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