ISLAND OF   ALDERNEY

ORDINANCE OF THE STATES

XIII

2013

Made .... *18ᵗʰ September 2013*

Coming into force .... *18ᵗʰ September 2013*

The Libya (Restrictive Measures)
(Alderney) (Amendment) Ordinance, 2013

THE STATES OF ALDERNEY, in exercise of the powers conferred on them by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994[a], and all other powers enabling them in that behalf, hereby order:-

Amendment of Libya (Restrictive Measures) (Alderney) Ordinance, 2011.

1.   (1)   The Libya (Restrictive Measures) (Alderney) Ordinance, 2011[b] ("**the Ordinance**") is amended as follows.

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

"(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.".

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

[b]   Ordinance No. VIII of 2011

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

"**Modification of Regulation.**

2. The EC Regulation in its application to Alderney is modified as follows -

(a) Articles 1(g) and 18 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 Alderney where such references concern the enforcement of decisions or public policy,

(f) references to the Union shall be construed as including Alderney,

(g) references to the territory of the Union and its

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

(h) references to ports of Member States shall be construed as including any port in Alderney,

(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 Alderney or from Alderney, and

(k) references to the law of a Member State shall be construed as including the law of Alderney.".

(4) In section 9(1) of the Ordinance -

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

""**Ordinary Court**" means the Royal Court of Guernsey sitting as an Ordinary Court and for the purposes of this Ordinance the Royal Court is constituted by the Bailiff sitting unaccompanied by the Jurats,", and

(b) insert the following definitions in the appropriate places -

""**advocate**" means an advocate of the Royal Court of

Guernsey,"

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

""**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 Libya (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013.

Commencement.

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