

ORDER IN COUNCIL

IV
2016

ratifying a Projet de Loi

ENTITLED

The Firearms (Guernsey) (Amendment) Law, 2016

(Registered on the Records of the Island of Guernsey
on the 16th May, 2016.)



2016

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of May, 2016 before Sir Richard Collas, Bailiff, present:- Mrs. Susan Mowbray, Mrs. Barbara Jean Bartie, John Ferguson, Stephen Murray Jones, Peter Sean Trueman Girard, David Percy Langley Hodgetts, L.V.O., Niall David McCathie, Esquires, Mrs. Margaret Ann Spaargaren, Terry John Ferbrache, Jonathan Grenfell Hooley, Steven John Morris, and David James Mortimer, Esquires, Jurats.

The Bailiff, having this day placed before the Court an Order of Her Majesty in Council dated 12th April, 2016 approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Firearms (Guernsey) (Amendment) Law, 2016”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED that the said Order be registered on the records of this Island.

J. TORODE
Her Majesty’s Greffier.



At the Court at Windsor Castle

THE 12th DAY OF APRIL 2016

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolution of 29th November 2006, the States of Deliberation at a meeting on 26th January 2016 approved a *Projet de Loi* entitled the Firearms (Guernsey) (Amendment) Law, 2016 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Firearms (Guernsey) (Amendment) Law, 2016, and to order that it shall have force of law in the Islands of Guernsey, Herm and Jethou.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey, Herm and Jethou and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Ceri King

PROJET DE LOI

ENTITLED

The Firearms (Guernsey) (Amendment) Law, 2016

THE STATES, in pursuance of their Resolution of the 29th November, 2006^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Amendments to the principal Law.

1. The principal Law is amended as follows.
2. For the title of the principal Law, substitute "The Firearms and Weapons (Guernsey) Law, 1998".
3. In section 5 of the principal Law –
 - (a) in the heading, for "imitation", substitute "convertible imitation", and
 - (b) in subsection (1), immediately after "Ordinance", insert "or regulation".
4. Immediately after section 5 of the principal Law, insert the heading

^a Article X of Billet d'État No. XVIII of 2006.

and sections set out in Schedule 1 to this Law.

5. In section 6(1) of the principal Law, between paragraphs (e) and (f), insert the following paragraph –

"(ea) any air weapon which uses, or is designed or adapted for use with, a self-contained gas cartridge system,".

6. In section 16 of the principal Law –

(a) in subsection (1), for "thirty days", substitute "the maximum allowable period",

(b) between subsections (1) and (2), insert the following subsection –

"(1A) There shall be payable –

(a) on the grant or renewal of a visitor's temporary permit,

(b) on the replacement of any such permit which has been lost or destroyed, and

(c) on the variation of any such permit (otherwise than when it is replaced at the same time),

the fee prescribed for each of these purposes.",

(c) in subsection (3) –

(i) between paragraphs (a) and (b) of subsection (3), insert the following paragraph –

"(aa) the expression "**country**" includes territory,"
and

(ii) substitute the full stop at the end of paragraph (b) with a comma, and immediately after that paragraph, insert the following paragraph –

"(ba) the expression "**maximum allowable period**" means –

(i) in the case of a person who is ordinarily resident in Sark, 90 days, and

(ii) in any other case, 30 days."

7. For section 20 of the principal Law, substitute the following section–

"Carrying firearm or air weapon in a public place.

20. (1) Subject to subsection (2) and sections 20A and 23B, a person commits an offence if, without lawful authority or reasonable excuse (the proof whereof lies on him) he has with him in a public place –

(a) a firearm or air weapon (whether loaded or not), or

(b) an imitation firearm.

(2) The Department may by regulations provide for defences or exceptions to, or exemptions from, the offence under subsection (1)."

8. In the heading of section 20A and in section 20A(1) of the principal Law, delete "loaded" wherever it occurs.

9. In section 22 of the principal Law –

(a) in subsection (2), for the words "The States may by Ordinance provide" and paragraph (a), substitute the following –

"The Department may make regulations –

(a) for approving or regulating (in any manner the Department thinks fit) the use of any place as a range for the firing of firearms," and

(b) repeal subsection (3).

10. Between sections 23 and 24, insert the sections set out in Schedule 2 to this Law.

11. For section 25, substitute the following section –

"Acquisition and possession of firearms or weapons by minors.

25. (1) It is an offence for a person under the age of eighteen years to purchase or hire any firearm, air weapon, imitation firearm, regulated weapon or ammunition.

(2) It is an offence for a person under the age of eighteen years to have in his possession any firearm, air weapon, imitation firearm, regulated weapon or ammunition, except –

- (a) in relation to any firearm or ammunition, in circumstances where that person is entitled under section 14(2) to have possession of it without holding a firearm certificate, or
 - (b) in relation to a shot gun, where that person uses the shot gun under the authority, and in accordance with the conditions, of a restricted shot gun certificate or a shot gun training certificate issued by the Chief Officer under section 31(2).
- (3) This section is subject to section 26A."

12. In section 26 of the principal Law –

- (a) in the heading, for "firearms", substitute "firearms or weapons",
- (b) in subsection (1), for "firearm", substitute "firearm, air weapon, imitation firearm, regulated weapon",
- (c) for subsection (2), substitute the following subsection –

"(2) It is an offence to make a gift of, lend or part with possession of, any firearm, air weapon, imitation firearm, regulated weapon or ammunition to a person under the age of eighteen years except –

- (a) in circumstances where that person is entitled under section 14(2) to have possession of it without holding a firearm certificate, or
- (b) in relation to a shot gun, in circumstances where that person uses the shot gun under the authority, and in accordance with the conditions, of a restricted shot gun certificate or a shot gun training certificate issued by the Chief Officer under section 31(2).", and
- (d) between subsections (3) and (4), insert the following subsection –

"(3A) Subsections (1) to (3) are subject to section 26A."

13. Between sections 26 and 27 of the principal Law, insert the following section –

"Defences, exceptions and exemptions for sections 25 and 26.

26A. The Department may by regulations provide for defences or exceptions to, or exemptions from, the offence under section 25(1) or (2) or the offence under section 26(1), (2) or (3)."

14. In section 29 of the principal Law, between subsections (3) and (4), insert the following subsection –

"(3A) Where the applicant for the grant of a shot gun certificate is the holder of a firearm certificate he may elect that the period of validity of the shot gun certificate shall expire on the date of expiration of the firearm certificate; and the fee payable under section 35 in respect of such shot gun certificate shall be reduced accordingly."

15. In section 30(1) of the principal Law, delete "or" at the end of paragraph (a) of the proviso, and immediately after that paragraph insert the following paragraph –

"(aa) to a person, unless the Chief Officer has conducted a security inspection of the place where the firearm would be kept, and is satisfied that the firearm would be kept safely and securely in that place,".

16. In section 31 of the principal Law –

(a) for subsection (1), substitute the following subsections–

"(1) Subject to subsection (1A), a shot gun certificate shall be granted or, as the case may be, renewed by the Chief Officer if –

(a) the Chief Officer is satisfied that the applicant has a good reason for having in his possession, or for purchasing or acquiring, a shot gun, and

(b) the Chief Officer has conducted a security inspection of the place where the shot gun would be kept and is satisfied that the firearm would be kept safely and securely in that place.

(1A) The Chief Officer shall not grant or renew a shot gun certificate if he has reason to believe that the applicant –

- (a) is prohibited by this Law from possessing a shot gun,
- (b) cannot be permitted to possess a shot gun without danger to the public safety or to the peace,
- (c) has not attained the age of eighteen years, or
- (d) is not covered by a policy of insurance in respect of the use of a shot gun to which the application relates.", and

(b) in subsection (2), for "(1)(c)", substitute "(1A)(c)".

17. In section 35 of the principal Law –

- (a) in subsection (1), delete "and" at the end of paragraph (b), and immediately after that paragraph, insert the following paragraph –

"(ba) on the completion of a security visit to determine whether the firearm or shotgun would be kept securely and safely in a place, and",

- (b) repeal subsection (4).

18. In section 46(1) of the principal Law, immediately after "20A", insert ", 23B".

19. In section 48(b) of the principal Law, for "firearm", substitute "firearm, air weapon, imitation firearm, regulated weapon".

20. In section 49 of the principal Law –

(a) In subsection (1) –

(i) for paragraph (a), substitute the following paragraph –

"(a) of having a firearm or air weapon (with or without ammunition), or an imitation firearm with him in a public place, or", and

(ii) in the words following paragraph (b), for "firearm", substitute "firearm, air weapon or imitation firearm", and

(b) in subsections (2), (3) and (4), for "a firearm" wherever it occurs, substitute "any firearm, air weapon or imitation firearm".

21. For section 50A of the principal Law, substitute the following section–

"Production of licence or permit to carry shot gun or air weapon in a public place.

50A. (1) A police officer may demand, from any person whom he believes to have with him in a public place a shot gun or an air weapon –

- (a) the production of his licence under section 20A, in the case of a shot gun, or
- (b) the production of his permit under section 23B, in the case of an air weapon.

(2) If a person upon whom a demand is made under this section fails to produce the licence or permit to the police officer, the police officer may seize and detain the shot gun or air weapon concerned, and any ammunition, and may require the person to declare to him immediately his name and address.

(3) If under this section a person is required to declare to a police officer his name and address, it is an offence for him to refuse to declare it or to fail to give his true name and address."

22. In section 54 of the principal Law –

- (a) in the heading, immediately after "firearms", insert ", etc.",
- (b) in subsection (1)(b) and (c), for "firearm" wherever it occurs, substitute "firearm, air weapon, imitation firearm or regulated weapon",
- (c) in the words following subsection (1)(c) and in subsections (3) and (4), for "firearm" wherever it occurs, substitute "firearm, air weapon, imitation firearm, regulated weapon", and

- (d) in subsection (4), delete "or the Court of the Seneschal".

23. For section 55 of the principal Law, substitute the sections set out in Schedule 3 to this Law.

24. In section 58(3) of the principal Law –

- (a) insert the following definitions in the appropriate alphabetical order –

"**antique firearm**" means any firearm manufactured before 1870, except a centrefire firearm,

"**centrefire firearm**" means a firearm designed for or adapted to the use of centrefire cartridges which are fired by the striking of a hammer or firing pin upon the cap or primer at the centre of the base,

"**Department**" means the States of Guernsey Home Department,

"**Island**" means the island of Guernsey, Herm or Jethou,

"**realistic imitation firearm**" has the meaning given by section 5B, and

"**regulated weapon**" means a weapon declared to be a regulated weapon by Ordinance made by the States," and

- (b) for the definition of "**prescribed**", substitute the following definition –

"prescribed" –

- (a) in relation to any fee, means a fee prescribed by regulations of the Department made under section 1(1) of the Fees, Charges and Penalties (Guernsey) Law, 2007, and
- (b) in any other case, means prescribed by regulations made by the Department under this Law,".

25. Repeal section 60(4) of the principal Law.

26. In section 62 of the principal Law, for subsection (1), substitute the following subsection –

"(1) This Law may be cited as the Firearms and Weapons (Guernsey) Law, 1998."

27. In the table in Part I of Schedule 2 to the principal Law –

- (a) insert the following entries (other than the column headings, which are included for reference only) in the appropriate order –

Entry for	Amendment to words in the second column
S. 20	For the words in this column, substitute "Carrying firearm, air weapon or imitation firearm in public place".
S. 20A(7)	Delete the word "loaded".
S. 22(3)	Delete this entry.
S. 25(1) and (2)	For "firearm" wherever it occurs, substitute "firearm, air weapon, imitation firearm, regulated weapon or ammunition".
S. 26(1)	For "a firearm", substitute "firearm, air weapon, imitation firearm, regulated weapon or ammunition".
S. 26(2)	For the words in this column, substitute "Supplying firearm, air weapon, imitation firearm, regulated weapon or ammunition to person under 18".
S. 49(2)	For "firearm", substitute "firearm, air weapon, imitation firearm".
S. 55(3)	Delete this entry.

28. In Part II of Schedule 2 to the principal Law, for paragraph 5, substitute the following paragraph –

"5. The court by which a person is convicted of an offence under section 5A(1) or 26(3) may make such order as it thinks fit as to the forfeiture or disposal of the realistic imitation firearm, shot gun or ammunition in respect of which the offence was committed."

Interpretation.

29. (1) In this Law, unless the context requires otherwise –

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**the principal Law**" means the Firearms (Guernsey) Law,

1998^b, and

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

(2) Any reference in this Law to an enactment is a reference to the enactment as from time to time amended, re-enacted (with or without modification), extended or applied.

Repeals.

30. The following enactments are repealed –

- (a) Ordonnance relative aux Armes à Air Comprimé (Le 13 Juillet, 1912)^c,
- (b) Ordonnance relative aux Armes à Air Comprimé (Le 25 Mars, 1939)^d,
- (c) the Firearms Ordinance 1987^e,
- (d) the Fort Le Marchant Rifle Range (Firing on Sunday 15th May 1988) Ordinance, 1988^f,

^b Ordres en Conseil Vol. XXXVIII, p. 324; as amended by Order in Council No. II of 2000; Recueil d'Ordonnances Tome XXIX, p. 406. See also Orders in Council No. I of 2003 and No. VII of 2008.

^c Recueil d'Ordonnances Tome V, p. 229.

^d Recueil d'Ordonnances Tome IX, p. 21.

^e Recueil d'Ordonnances Tome XXIV, p. 106; as amended by Tome XXIX, pp. 205 and 406; Ordres en Conseil Vol. XXXI, p. 278.

^f Recueil d'Ordonnances Tome XXIV, p. 274.

(e) the Firearms (Fees) Ordinance, 2000^g,

Consequential amendments to Fees, Charges and Penalties (Guernsey) Law, 2007.

31. (1) Part A of the Schedule to the Fees, Charges and Penalties (Guernsey) Law, 2007^h is amended by substituting, for the entry relating to the Firearms (Guernsey) Law, 1998, the following entry –

<p>"Firearms and Weapons (Guernsey) Law, 1998</p>	<p>Fees payable in respect of grant, renewal, replacement or variation of –</p> <p>(a) firearm certificate,</p> <p>(b) shot gun certificate,</p> <p>(c) visitor's temporary permit,</p> <p>(d) licence to have shot gun in a public place, or</p> <p>(e) permit to use air weapon in a public place for vermin control.</p> <p>Fees payable for security visits in relation to grant or renewal of firearm or shotgun certificate.</p> <p>Fees payable on registration of person as firearms dealer or grant of new certificate of registration.</p>	<p>Home Department"</p>
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(2) The amendment made by subsection (1) shall be deemed to

^g Recueil d'Ordonnances Tome XXVIII, p. 317.

^h Order in Council No. VII of 2008; as amended by Ordinance No. VII of 2008.

have been made by Ordinance of the States under section 1(2) of the Fees, Charges and Penalties (Guernsey) Law, 2007.

Transitional and savings.

32. (1) Unless the context requires otherwise, any enactment or document referring to the Firearms (Guernsey) Law, 1998 is to be construed as referring, or including a reference, to the Firearms and Weapons (Guernsey) Law, 1998, so far as may be necessary for preserving the effect of the enactment or document.

(2) Any enactment or document referring to an enactment repealed by section 31 of this Law, so far as may be necessary for preserving the effect of the enactment or document, is to be construed as referring, or as including a reference, to –

- (a) the corresponding provisions of the principal Law, as amended by this Law, or
- (b) corresponding regulations made by the Department under the principal Law, as amended by this Law,

as the case may require.

(3) Both subsections (1) and (2) apply to any enactment or document, whether made or passed before or after the commencement of this Law.

Citation.

33. This Law may be cited as the Firearms (Guernsey) (Amendment) Law, 2016.

Commencement.

34. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

SCHEDULE 1
HEADING AND SECTIONS TO BE INSERTED IMMEDIATELY AFTER
SECTION 5 OF PRINCIPAL LAW

Section 4

"General restrictions on imitation firearms

Manufacture, import and sale of realistic imitation firearm.

5A. (1) Subject to subsections (2) and (3), a person commits an offence if –

- (a) he manufactures a realistic imitation firearm,
- (b) he modifies an imitation firearm so that it becomes a realistic imitation firearm,
- (c) he sells a realistic imitation firearm, or
- (d) he imports a realistic imitation firearm into the Island or causes one to be imported into the Island.

(2) It is a defence for a person charged with an offence under subsection (1) to show that the conduct was for the purpose only of making the imitation firearm in question available for one or more of the following purposes –

- (a) the purposes of a museum or gallery,
- (b) the purposes of theatrical performances and of rehearsals for such performances,

- (c) the production of films,
- (d) the production of programmes,
- (e) the organisation and holding of historical re-enactments organised and held by persons specified or described for the purposes of this section by regulations made by the Department, and
- (f) any other purposes prescribed by regulations made by the Department.

(3) The Department may by regulations provide for further defences or exceptions to, or exemptions from, the offence under subsection (1).

(4) In this section –

"**film**" has the meaning given by section 6 of the Copyright (Bailiwick of Guernsey) Ordinance, 2005,

"**historical re-enactment**" means any presentation or other event held for the purpose of re-enacting an event from the past or of illustrating conduct from a particular time or period in the past,

"**museum or gallery**" includes any institution which –

- (a) has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest, and
- (b) gives the public access to it.

"programme" –

- (a) means any programme (with or without sounds) which—
 - (i) is produced wholly or partly to be seen on television or any kind of broadcast or electronic media, and
 - (ii) consists of moving or still images or of those things and text, and
- (b) includes an advertisement, and

"realistic imitation firearm" has the meaning given by section 5B.

Meaning of "realistic imitation firearm".

5B. (1) In section 5A, **"realistic imitation firearm"** means an imitation firearm which –

- (a) has an appearance that is so realistic as to make it indistinguishable, for all practical purposes, from a real firearm, and
- (b) is neither a de-activated firearm nor an antique firearm.

(2) For the purposes of this section, an imitation firearm is not (except by virtue of subsection (3)(b)) to be regarded as distinguishable from a real firearm for any practical purpose if it could be so distinguished only –

- (a) by an expert,
- (b) on a close examination, or
- (c) as a result of an attempt to load or to fire it.

(3) In determining for the purposes of this section whether an imitation firearm is distinguishable from a real firearm –

- (a) the matters that must be taken into account include any differences between the size, shape and principal colour of the imitation firearm and the size, shape and colour in which the real firearm is manufactured, and
- (b) the imitation is to be regarded as distinguishable if its size, shape or principal colour is unrealistic for a real firearm.

(4) The Department may by regulations provide that, for the purposes of subsection (3)(b) –

- (a) the size of an imitation firearm is to be regarded as unrealistic for a real firearm only if the imitation firearm has dimensions that are less than the dimensions specified in the regulations, and
- (b) a colour is to be regarded as unrealistic for a real firearm only if it is a colour specified in the regulations.

(5) In this section –

"**colour**" is to be construed in accordance with subsection (6),

"**de-activated firearm**" means a firearm that has been de-activated within the meaning of section 8,

"**modern firearm**" means any firearm other than one the appearance of which would tend to identify it as having a design and mechanism of a sort first dating from before the year 1870, and

"**real firearm**" means –

(a) a firearm of an actual make or model of modern firearm (whether existing or discontinued), or

(b) something falling within a description which could be used for identifying, by reference to their appearance, the firearms falling within a category of actual modern firearms which, even though they include firearms of different makes or models (whether existing or discontinued) or both, all have the same or a similar appearance.

(6) References in this section, in relation to an imitation firearm or a real firearm, to its colour include references to its being made of transparent material."

SCHEDULE 2

SECTIONS TO BE INSERTED BETWEEN SECTIONS 23 AND 24 OF
PRINCIPAL LAW

Section 10

"Firing an air weapon beyond premises.

23A. (1) Subject to subsection (2) and section 23B, a person commits an offence if –

- (a) he has with him an air weapon on any premises, and
- (b) he uses it for firing a missile beyond those premises.

(2) In proceedings against a person for an offence under subsection (1), it is a defence for him to show that the only premises into or across which the missile was fired were premises the occupier of which had consented to the firing of the missile (whether specifically or by way of a general consent).

Carriage and use of air weapons in public places for vermin control.

23B. (1) A person does not commit an offence under section 20 or 23A by reason of having an air weapon with him in a public place, or using it to fire a missile in a public place, if he does so –

- (a) for the purposes of destroying or controlling vermin, and
- (b) under the authority, and in accordance with the conditions, of a permit granted to him under this section by the Chief Officer.

- (2) A permit granted under this section by the Chief Officer –
- (a) shall state the name and address of the person to whom it is granted and shall bear a photograph of that person,
 - (b) shall be granted for such period not exceeding three years as the Chief Officer thinks fit and shall specify the date upon which it will, unless revoked earlier, cease to be valid, and
 - (c) may be granted subject to such conditions (including, without limitation, conditions as to the locations, occasions, circumstances and purposes for which the permit is valid) as the Chief Officer considers to be necessary or expedient, whether on grounds of public safety or otherwise; and the Chief Officer may from time to time by notice in writing vary or rescind any condition subject to which a permit was granted or impose any new condition.

(3) An application for a permit shall be made to the Chief Officer in such form, and shall be accompanied by such documents, information and particulars, as the Chief Officer may require.

(4) A permit shall be granted by the Chief Officer if he is satisfied that the applicant –

- (a) is over 18 years of age,

- (b) wishes to obtain the permit for the purposes of destroying or controlling vermin,
 - (c) can demonstrate proven knowledge and experience of applying the best practice in relation to safe use of the air weapon concerned, and
 - (d) has adequate public liability insurance for the activity authorised by the permit.
- (5) A permit shall cease to be valid –
- (a) on the date specified therein, or
 - (b) if the Chief Officer revokes it.
- (6) A permit may be revoked by the Chief Officer if he is satisfied that –
- (a) any requirement of subsection (4)(a) to (d) is not or is no longer complied with or would not be complied with if an application for such a permit were then being made,
 - (b) any condition of the permit is contravened,
 - (c) the holder is prohibited by this Law from possessing an air weapon, or

- (d) the holder cannot be permitted to possess an air weapon without danger to the public safety or the peace.

(7) It is an offence for a person to make any statement which he knows to be false for the purpose of procuring, whether for himself or for another person, the grant or variation of a permit.

(8) There shall be payable –

- (a) on the grant of a permit,
- (b) on the replacement of a permit which has been lost or destroyed, and
- (c) on the variation of any permit (otherwise than when it is replaced at the same time),

the fee prescribed for the purpose.

(9) Where the Chief Officer by notice in writing varies or rescinds any condition subject to which a permit was granted or imposes any new condition, he may by notice require the holder to deliver up the permit to him within such period as may be specified in the notice for the purpose of amending the conditions of the permit.

(10) Where the Chief Officer, pursuant to subsection (9), requires the holder of a permit to produce the permit, it is an offence for that holder to fail to deliver up that permit within the specified period.

(11) Where a permit is revoked by the Chief Officer, he shall by notice in writing require the holder to surrender the permit within such period from the date of the notice as may be specified therein, and it is an offence for the holder to fail to do so within the period so specified:

Provided that, if an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall then apply with the substitution, for the reference to the date of the notice, of a reference to the date on which the appeal was abandoned or dismissed.

(12) References in this section to the grant of a permit include references to the renewal thereof."

SCHEDULE 3
SECTIONS TO BE INSERTED IN SUBSTITUTION OF SECTION 55 OF
PRINCIPAL LAW

Section 23

"General provisions as to Ordinances.

55. (1) An Ordinance made by the States under this Law –
- (a) may prescribe –
 - (i) anything which under any provision of this Law may be prescribed by Ordinance, and
 - (ii) any incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to prescribe,
 - (b) may be amended or repealed by a subsequent Ordinance, and
 - (c) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).
- (2) Any power to make an Ordinance under this Law may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to prescribed exceptions, or in relation to any prescribed cases or classes of cases, and
- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases, or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions, or
 - (iv) different provision for different classes, descriptions and categories of –
 - (A) firearms, weapons, ammunition or other things,
 - (B) persons, or
 - (C) circumstances.
- (3) Without prejudice to the generality of subsections (1) and (2),

an Ordinance under this Law may empower the Department, any other department of the States, any other body or authority (including, without limitation, any court in the Island), or any person to grant an approval, a consent or permission of any kind, in relation to any matter for which an Ordinance may be made under this Law.

General provisions as to regulations.

- 55A.** (1) Regulations made by the Department under this Law—
- (a) may be amended or repealed by subsequent regulations, and
 - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).
- (2) Any power to make regulations under this Law may be exercised —
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to prescribed exceptions, or in relation to any prescribed cases or classes of cases, and
 - (b) so as to make, as respects the cases in relation to which it is exercised —
 - (i) the full provision to which the power extends or any lesser provision (whether by way of

exception or otherwise),

- (ii) the same provision for all cases, or different provision for different cases, or classes of cases, or different provision for the same case or class of case for different purposes,
- (iii) any such provision either unconditionally or subject to any prescribed conditions, or
- (iv) different provision for different classes, descriptions and categories of –
 - (A) firearms, weapons, ammunition or other things,
 - (B) persons, or
 - (C) circumstances.

(3) Without prejudice to the generality of subsections (1) and (2), regulations under this Law may –

- (a) subject to subsection (4), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences,
- (b) empower the Department, any other department of the States, any other body or authority (including, without limitation, any court in the Island), or any person to grant an approval, a consent or permission of any kind,

in relation to any matter for which regulations may be made under this Law, and

(c) repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law.

(4) Regulations under this Law may not –

(a) provide for offences to be triable only on indictment, or

(b) authorise the imposition –

(i) on summary conviction, of a term of imprisonment exceeding 3 months or a fine exceeding level 4 of the uniform scale within the meaning of section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, or

(ii) on conviction on indictment, of a term of imprisonment exceeding 2 years or a fine exceeding twice level 5 of the uniform scale within the meaning of section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989.

(5) Subject to subsection (6), regulations made under this Law shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations

(6) Subsection (5) does not apply to regulations prescribing a form for the purposes of any of sections 10(1), 12(2), 15(1)(c), 29(1), 30(2), 31(3) or 36(1) or (5)(b)."

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