

**ORDINANCE**  
**OF THE STATES OF DELIBERATION**

ENTITLED

**The Rehabilitation of Offenders (Bailiwick of Guernsey)  
Law, 2002 (Commencement, Exclusions and Exceptions)  
Ordinance, 2006 \***

*[CONSOLIDATED TEXT]*

**NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* No. XVI of 2006 (Recueil d'Ordonnances Tome XXXI, p. 386); as amended by the: Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 (No. XII of 2022); Rehabilitation of Offenders (Bailiwick of Guernsey) (Amendment) Ordinance, 2006 (No. LII of 2006, Recueil d'Ordonnances Tome XXXI, p. 667); Rehabilitation of Offenders (Bailiwick of Guernsey) (Amendment) Ordinance, 2013 (No. XI of 2013); Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013 (No. XLIII of 2013); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022 (No. \*\* of 2022); Criminal Justice (Terrorism and Disclosure) (Bailiwick of Guernsey) (Amendment) Ordinance, 2023 (No. \*\* of 2023). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

# ORDINANCE OF THE STATES OF DELIBERATION

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**The Rehabilitation of Offenders (Bailiwick of Guernsey)  
Law, 2002 (Commencement, Exclusions and Exceptions)  
Ordinance, 2006**

ARRANGEMENT OF SECTIONS

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*(Made on 26th April, 2006.)*

**The Rehabilitation of Offenders (Bailiwick of Guernsey)  
Law, 2002 (Commencement, Exclusions and Exceptions)  
Ordinance, 2006**

**THE STATES**, in exercise of the powers conferred on them by sections 5(5), 7(4), 9(5), 14, and 15(2) of the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002<sup>a</sup>, hereby order: –

**Commencement of Law.**

1. The Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 ("the Law") shall come into force on 1<sup>st</sup> July, 2006.

**General application of Ordinance.**

2. (1) Where by virtue of this Ordinance the operation of any of the provisions of the Law is disapplied in relation to spent convictions, the disapplication shall be taken to extend to spent convictions for offences of every description unless the contrary is expressed.

(2) Where a provision of this Ordinance refers to a question, that provision only applies –

- (a) if the question is asked by or on behalf of a person in the course of the duties of his office or employment, and
- (b) subject to section 3(2), if the person to whom the question relates is informed, when or before the

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<sup>a</sup> Order in Council No. XIV of 2002.

question is asked, that by virtue of this Ordinance spent convictions, or relevant spent convictions as the case may be, are to be disclosed, and

- (c) if the person questioned (if he is not the person to whom the question relates) is informed when the question is asked that by virtue of this Ordinance spent convictions, or relevant spent convictions as the case may be, are to be disclosed.

**Questions relating to professions, employments, offices, occupations, etc.**

3. (1) Subsections (1) and (2) of section 7 of the Law shall not apply in relation to any question asked in order to assess the suitability –

- (a) of the person to whom the question relates for authorisation to practise, or for employment in, any of the professions specified in Part I of Schedule 1,
- (b) of the person to whom the question relates for appointment to any office or employment specified in Part II of Schedule 1,
- (c) of any person to pursue any occupation specified in Part III of Schedule 1, or to pursue it subject to a particular condition or restriction,
- (d) of any person to hold a licence, certificate, permit, registration, approval or permission of a kind specified in Schedule 2, or to hold it subject to a particular condition or restriction,

- (e) of any person to be afforded access to sensitive data held by, and/or unsupervised access to premises occupied by, a person engaged in any of the professions, offices, employments or occupations specified in any Part of Schedule 1.

(2) Subsections (1) and (2) of section 7 of the Law shall not apply to any question asked for the purposes of safeguarding the security of the Bailiwick, by a person employed in the service of or in carrying out work for the Bailiwick Government authorities, where the person questioned is informed, when the question is asked, that by virtue of this Ordinance spent convictions are to be disclosed specifically for those purposes; and in such a case section 2(2)(b) of this Ordinance does not apply if the person asking the question reasonably believes that compliance with that paragraph may in itself prejudice the security of the Bailiwick.

(3) Subsections (1) and (2) of section 7 of the Law shall not apply to a relevant spent conviction when a question is asked in order to assess the suitability of the person to whom the question relates for appointment to office or employment as the [States Treasurer], the Treasurer of the States of Alderney, the Treasurer of Sark, or a States Departmental Senior Finance Officer.

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**NOTE**

*In section 3, the words in square brackets in subsection (3) were substituted by the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013, section 1, with effect from 1st December, 2013, subject to the savings and transitional provisions in section 2 of the 2013 Ordinance.<sup>1</sup>*

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**Questions relating to contact with children and vulnerable persons.**

4. (1) For the purposes of this section, "**work with children**" and "**work with vulnerable persons**" refer to work of a kind described in Schedule 3.

(2) Subsections (1) and (2) of section 7 of the Law shall not apply when a question is asked by or on behalf of the States [Committee for Health & Social Care] for the purpose of assessing the suitability of any person to adopt or foster children in general or any child in particular, where either –

- (a) the question relates to the person whose suitability is being assessed, or
- (b) the question relates to a person living in the same household as the person whose suitability is being assessed.

(3) Subsections (1) and (2) of section 7 of the Law shall not apply when any question is asked in order to assess the suitability of a person for any work with children where –

- (a) the question relates to the person whose suitability is being assessed, or
- (b) the person whose suitability is being assessed lives on the premises where his work with children would take place and the question relates to a person living in the same household as him, or
- (c) the person whose suitability is being assessed lives on the premises where his work with children would normally take place and the question relates to a person who regularly works on those premises at a time when the work with children usually takes place, or
- (d) the work for which the person's suitability is being

assessed is child-minding which would normally take place on premises other than premises where that person lives and the question relates to a person who lives on those other premises or to a person who regularly works on them at a time when the child minding takes place.

(4) Subsections (1) and (2) of section 7 of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates for any work with vulnerable persons described in Schedule 3.

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**NOTES**

*In section 4, the words in square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.*

*The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

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**Questions relating to the provision of financial[, egambling] and related services.**

5. (1) Subsections (1) and (2) of section 7 of the Law shall not apply to a relevant spent conviction when a question is asked by or on behalf of the Commission [or the Alderney Gambling Control Commission (as the case may be)] in order to assess the suitability of any person –

- (a) to hold any financial[, eGambling] or related services permission described in paragraph 1 [or 1A] of Schedule 4,

(b) to be granted any consent pursuant to the Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1959<sup>b</sup>,  
or

(c) to hold or engage in any office, occupation, employment or work described in Schedule 4, as a chief executive, controller, partner, associate, director, company secretary, trustee, manager, compliance officer or money laundering reporting officer of the holder of any financial or related services permission.

(2) Subsections (1) and (2) of section 7 of the Law shall not apply to a relevant spent conviction –

(a) when a question is asked by or on behalf of the holder of, or an applicant for, any financial or related services permission, and

(b) the question relates to an individual who is or who is seeking to become engaged in any office, occupation, employment or work as a chief executive, controller, partner, associate, director, company secretary, trustee, manager, compliance officer or other financial services employee, of the person by or on whose behalf the question is asked.

[ (2A) Subsections (1) and (2) of section 7 of the Law shall not apply to a relevant spent conviction when a question is asked by or on behalf of the Channel

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<sup>b</sup> Recueil d'Ordonnances Tome XII, p. 195; amended by Tome XV, p. 197; Tome XVI, p. 473; Tome XX, p. 412; Tome XXV, p. 80; No. IV of 2003. Also amended by Order in Council No. XII of 1995.

Islands Stock Exchange in order to assess the suitability of any person to be granted membership of the Exchange for the purpose of listing any fund on the Exchange.]

(3) In this Ordinance, "**associate**", "**chief executive**", "**controller**", "**director**", and "**manager**" have the same meanings as in the Insurance Business (Bailiwick of Guernsey) Law, 2002<sup>c</sup> (but disregarding references therein to a particular category of legal person); "**trustee**" has the same meaning as in the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000<sup>d</sup>; and "**financial services employee**" means an employee whose decisions or actions in the course of his employment may be relevant to any financial services business of the person by or on whose behalf the question is asked.

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## NOTES

*In section 5,*

*the words in square brackets in, first, the heading thereto, second, subsection (1) and, third, paragraph (a) of that subsection were all inserted by the Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022, respectively section 9(2), section 9(2)(a) and section 9(2)(b), with effect from 21st December, 2022;*

*subsection (2A) was inserted by the Rehabilitation of Offenders (Bailiwick of Guernsey) (Amendment) Ordinance, 2006, section 1, with effect from 29th November, 2006.*

*The Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1959 has since been repealed by the Control of Borrowing (Repeal) (Bailiwick of Guernsey) Ordinance, 2013, section 1(a), with effect from 27th February, 2013.*

*The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000 has since been repealed by the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2020, section 62(a), with effect*

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<sup>c</sup> Order in Council No. XXI of 2002.

<sup>d</sup> Order in Council No. I of 2001.

*from 1st November, 2021, subject to the savings and transitional provisions in section 60 of the 2020 Law.*

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**Excepted exclusions, dismissals etc.**

6. (1) Section 7(3) of the Law shall not apply (except to exclusion, dismissal or prejudice at the instance of a person or body who or which appointed, employed or authorised the person concerned following disclosure of the spent conviction concerned) in relation to –

- (a) any profession specified in Part I of Schedule 1,
- (b) any office, employment, occupation or work specified in Part II or Part III of Schedule 1, or in Schedule 3,
- (c) office or employment as the [States Treasurer], the Treasurer of the States of Alderney, the Treasurer of Sark, or a States Departmental Senior Finance Officer, with reference to a relevant spent conviction,
- (d) any office, occupation or employment described in Schedule 4, with reference to a relevant spent conviction,
- (e) any actual or proposed decision or act of the Commission with reference to a relevant spent conviction in the discharge of any of its functions.

(2) Section 7(3) of the Law shall not apply in relation to any action taken for the purpose of safeguarding the security of the Bailiwick.

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**NOTE**

*In section 6, the words in square brackets in paragraph (c) of subsection (1) were substituted by the Chief Accountant (Transfer of Functions) (Guernsey) Ordinance, 2013, section 1, with effect from 1st December, 2013, subject to the savings and transitional provisions in section 2 of the 2013 Ordinance.<sup>2</sup>*

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**Excepted proceedings.**

7. Section 8 of the Law shall not apply in relation to any of the proceedings specified in Schedule 5.

**[Exceptions for certain immigration or nationality purposes.**

7A. (1) Sections 7(1), (2) and (3) and 8(1) and (2) of the Law shall not apply –

- (a) in relation to any proceedings in respect of an immigration decision or a nationality decision, or
- (b) otherwise for the purposes of, or in connection with, any such decision.

(2) In this section –

**"Community provision"** means –

- (a) any provision contained in or arising under the Community Treaties or any Community instrument (in each case within the meaning of section 1(1) of the European Communities (Bailiwick of Guernsey) Law, 1973),
- (b) any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or

procedure provided for, by or under the Community Treaties, and

- (c) any decision or expression of opinion of the European Court or any court attached thereto under the Community Treaties,

**"Immigration Acts"** means the Immigration Act 1971, the Immigration Act 1988, the Asylum and Immigration Act 1996, the Immigration and Asylum Act 1999, the Immigration, Asylum and Nationality Act 2006, and any other Acts relating to immigration control from time to time extended to (and modified for) the Bailiwick of Guernsey,

**"immigration decision"** means any decision, or proposed decision, of the Lieutenant-Governor, an immigration officer, or the States of Guernsey [Committee for Home Affairs] under or by virtue of the Immigration Acts or Immigration Rules, in relation to the entitlement of a person to enter or remain in the Bailiwick of Guernsey (including, in particular, the granting of a work permit, or the removal of a person from the Bailiwick of Guernsey whether by deportation or otherwise),

**"immigration officer"** means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971,

**"Immigration Rules"** means rules made under section 3 of the Immigration Act 1971, and

**"nationality decision"** means any decision, or proposed decision, of the Lieutenant-Governor under or by virtue of –

- (a) the British Nationality Act 1981,

- (b) the British Nationality (Hong Kong) Act 1990, or
- (c) the Hong Kong (War Wives and Widows) Act 1996,

in relation to the good character of a person.

(3) The references in subsection (2) to the Immigration Acts and to the Acts listed in the definition of "nationality decision" include references to any Ordinance made under section 1 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 or to any Community provision that is directly applicable in the Bailiwick of Guernsey.]

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#### NOTES

*Section 7A was inserted by the Rehabilitation of Offenders (Bailiwick of Guernsey) (Amendment) Ordinance, 2013, section 1(2), with effect from 19th February, 2013, subject to the transitional provisions in section 2 of the 2013 Ordinance.*

*In section 7A, the words in square brackets in the definition of the expression "immigration decision" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

*The European Communities (Bailiwick of Guernsey) Law, 1973 has since been repealed by the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, section 1, with effect from 11 p.m. on 31st December, 2020, subject to the saving in section 2 of the 2018 Law.*

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#### **Disregard of Service disciplinary convictions for certain purposes.**

8. Any conviction for an offence described in Schedule 6 shall be disregarded for the purposes of section 5 of the Law.

**Interpretation.**

9. (1) In this Ordinance, except where the context otherwise requires

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**"approved care establishment"** and **"approved care provider"** mean an establishment or provider so designated pursuant to the Long-term Care Insurance (Guernsey) Law, 2002<sup>e</sup>,

**"authorisation"**, in the context of a profession, includes admission, enrolment, recognition and registration,

**"Bailiwick Government authorities"** means the States of Guernsey, the States of Alderney, the Chief Pleas of Sark, or any Department or Committee thereof,

**"children"** includes all persons under the age of 18 years,

**"child-minding"** means looking after one or more children under the age of 8 years for reward, for periods in excess of two hours in any one day,

**"Commission"** means the Guernsey Financial Services Commission established under the Financial Services Commission (Bailiwick of Guernsey) Law, 1987<sup>f</sup>,

[ **"eGambling permission"** means any licence, consent, authorisation,

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<sup>e</sup> Order in Council No. XXIII of 2002.

<sup>f</sup> Ordres en Conseil Vol. XXX, p. 243.

certificate, registration or other permission required to be obtained from the Alderney Gambling Control Commission by or under any enactment,]

[ "**enactment**" means any Act, Law, Ordinance or subordinate legislation,]

**"Explosives Laws"** means –

- (a) in Guernsey, the Explosives (Guernsey) Law, 1905<sup>g</sup>,
- (b) in Alderney, the Loi relative aux Explosifs, 1905<sup>h</sup>,

**"financial or related services permission"** means any licence, consent, authorisation, certificate, registration or other permission required to be obtained from the Commission by or under any enactment,

**"Firearms Laws"** means –

- (a) in Guernsey, the Firearms (Guernsey) Law, 1998<sup>i</sup>,
- (b) in Alderney, the Dangerous Weapons (Alderney) Law, 1965<sup>j</sup>,
- (c) in Sark, the Firearms (Sark) Law, 2001<sup>k</sup>,

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**g** Ordres en Conseil Vol. III, p. 414.

**h** Ordres en Conseil Vol. IV, p. 57.

**i** Order in Council XII of 1998.

**j** Ordres en Conseil, Vol. XX, p. 35.

**k** Order in Council No. XII of 2002.

and includes any Ordinances made under those enactments,

**"firearms dealer"** has the meaning assigned to that expression by the Firearms Laws,

**"Gambling Laws"** means –

- (a) in Guernsey, the Gambling (Guernsey) Law, 1971<sup>**l**</sup> and the Guernsey Gambling Control Commission Law, 2001<sup>**m**</sup>,
- (b) in Alderney, the Gambling (Alderney) Law, 1999<sup>**n**</sup>,
- (c) in Sark, the Gambling (Sark) Law, 2002<sup>**o**</sup>,

and includes any Ordinances made under those enactments,

**"gambling"** has the meaning assigned to that expression by the Gambling Laws,

**"judicial appointment"** means an appointment to any office by virtue of which the holder has power (whether alone or with others) under any enactment or rule of law to adjudicate on any question affecting the rights, privileges, obligations or liabilities of any person,

**"nursing home"** means any premises used or intended to be used for

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**l** Ordres en Conseil Vol. XXIII, p. 109.

**m** Order in Council No. XXIII of 2001.

**n** Order in Council No. XIV of 1999.

**o** Order in Council No. VIII of 2003.

the reception of, and the providing of nursing care for, persons suffering from any sickness, injury or infirmity, and includes a maternity home,

**"police officer"** means –

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey,
- (b) in relation to Alderney, a member of the salaried police force of the Island of Guernsey, or a member of any police force which may be established by the States of Alderney,
- (c) in relation to Sark, the Constable, the Vingtenier, or a member of the salaried police force of the Island of Guernsey,

**"relevant spent conviction"** refers to conviction of –

- (a) an offence involving fraud, dishonesty or terrorist financing,
- (b) an offence under any enactment (whether or not of the Bailiwick) relating to banking or other financial services, building societies, investment business, companies, insider dealing, market abuse or manipulation, consumer credit, consumer protection, credit unions, friendly societies, industrial and provident societies, insurance, trusts and trusteeships, the regulation of fiduciaries, insolvency or money laundering,

- (c) an offence of perjury, or of attempting or conspiring to pervert the course of justice, or
- (d) an offence committed (whether under the law of the Bailiwick or elsewhere) in connection with or in relation to taxation, for which a person aged 21 years or more may be sentenced to imprisonment for a term of 2 years or more,

**"residential home"** means any establishment (other than a nursing home) the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for –

- (a) persons who are blind, deaf or dumb, or other persons who are substantially and permanently handicapped by illness, injury or congenital deformity,
- (b) the aged, or
- (c) both,

**"sensitive data"** includes sensitive personal data as defined by section 2 of the Data Protection (Bailiwick of Guernsey) Law, 2001<sup>P</sup>, other data in respect of which a duty of confidence is owed, and data whose security is required to be maintained in the public interest,

**"special constable"** means a member of the special constabulary of the Island of Guernsey or a special constable appointed under section 3(1) of

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<sup>P</sup> Order in Council No. V of 2002.

the Special Constabulary (Alderney) Ordinance, 2002,

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

**"States Departmental Senior Finance Officer"** means a post within the Guernsey Civil Service which is designated as such in accordance with any Resolution of the States<sup>q</sup>,

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

**"teacher"** includes a warden of a community centre, a leader of a youth club or similar institution, and a youth worker,

**"work"** includes –

- (a) work of any kind, whether paid or unpaid, and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract, and
- (b) any office, whether established by or by virtue of an enactment or otherwise,

and related expressions are to be construed accordingly.

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<sup>q</sup> The current Resolution as at the commencement of this Ordinance is that of 27<sup>th</sup> May 1999 on Article VII of Billet d'État No. XI of 1999.

(2) The Interpretation (Guernsey) Law, 1948<sup>r</sup> shall apply to the interpretation of this Ordinance throughout the Bailiwick.

(3) Any reference in this Ordinance to an enactment or a States Resolution is a reference thereto as from time to time amended, replaced, re-enacted (with or without modification), extended or applied.

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**NOTES**

*In section 9,*

*the definition of the expression "eGambling permission" was inserted by the Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022, section 9(3), with effect from 21st December, 2022;*

*the definitions of the expressions "enactment" and "subordinate legislation" in subsection (1) were inserted by the Rehabilitation of Offenders (Bailiwick of Guernsey) (Amendment) Ordinance, 2013, section 1(3), with effect from 19th February, 2013, subject to the transitional provisions in section 2 of the 2013 Ordinance.*

*In accordance with the provisions of the Firearms (Guernsey) (Amendment) Law, 2016, section 31(1), with effect from 1st November, 2017, the references in this Ordinance to the Firearms (Guernsey) Law, 1998 are to 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 Ordinance.*

*In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the references herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

*The Data Protection (Bailiwick of Guernsey) Law, 2001 has since been repealed by the Data Protection (Bailiwick of Guernsey) Law, 2017, section 113(a), with effect from 25th May, 2018, subject to the provisions of the Data Protection (Commencement, Amendment and Transitional) (Bailiwick of Guernsey) Ordinance, 2018.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the*

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<sup>r</sup> Ordres en Conseil Vol. XIII, p. 355.

*Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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**Citation.**

**10.** This Ordinance may be cited as the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 (Commencement, Exclusions and Exceptions) Ordinance, 2006.

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**NOTE**

*The Ordinance was made and came into operation on 26th April, 2006.*

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SCHEDULE 1

Sections 3 and 6

PROFESSIONS, OFFICES, EMPLOYMENTS AND OCCUPATIONS

PART I

PROFESSIONS

1. Medical practitioner.
2. Advocate or other lawyer.
3. Accountant.
4. Dentist, dental hygienist, dental auxiliary.
5. Veterinary surgeon.
6. Nurse, midwife, health visitor.
7. Pharmacist, pharmaceutical chemist.
8. Ophthalmic optician, dispensing optician.
9. Teacher.

PART II

OFFICES AND EMPLOYMENTS

1. Judicial appointments.
2. Her Majesty's Procureur, Her Majesty's Comptroller, or any employment in the Law Officers' Chambers.

3. Her Majesty's Greffier, or any of his deputies, or any office or employment at the Greffe.
4. The Greffier of Alderney, the Greffier of Sark, the deputy of either, or any employment in their offices.
5. Any office or employment as a police officer, special constable or police cadet, or the duties of which include assisting police officers.
- [5A. The Director of the Economic and Financial Crime Bureau and the Head of the Financial Intelligence Unit within the meaning of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022, or any employment in the Economic and Financial Crime Bureau or the Financial Intelligence Unit.]
6. Any office or employment in the States Customs and Immigration Service, or the duties of which include assisting customs officers.
7. Probation officers appointed under the Loi relative à la Probation de Délinquants, 1929<sup>s</sup>, and any appointment the duties of which include assisting probation officers.
8. Any employment or work concerned with the administration of, or otherwise normally carried out wholly or partly within the precincts of, the prison.
9. Any office or employment in the States Fire and Rescue Service, and any appointment the duties of which include assisting fire officers.

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<sup>s</sup> Ordres en Conseil Vol. VIII, p. 365.

10. Any employment which is concerned with monitoring communications by means of the internet, for the purpose of child protection.
11. Member of the Guernsey Financial Services Commission appointed pursuant to section 1(3) of and Schedule 1 to the Financial Services Commission (Bailiwick of Guernsey) Law, 1987.
12. Any appointment or employment as an officer, servant or agent of the Guernsey Financial Services Commission.
- [13. The Director of the Revenue Service, or any of his or her deputies, or any office or employment in the Revenue Service.
14. The Registrar of Beneficial Ownership, or any of his or her deputies, or any office or employment in his or her offices.
15. The Registrar of Companies, or any of his or her deputies, or any office or employment in his or her offices.
16. The Registrar of Limited Liability Partnerships, or any of his or her deputies, or any office or employment in his or her offices.
17. The Registrar of Foundations, or any of his or her deputies, or any office or employment in his or her offices.
18. The Registrar of Non Profit Organisations, or any of his or her deputies, or any office or employment in his or her offices.
19. Any appointment or employment as an officer, servant or agent of the Alderney Gambling Control Commission.

20. Any person employed by the States of Guernsey whose functions include dealing with matters relating to the implementation of international sanctions.]
- [21. Any person who is a member of the Guernsey Integrated Money Laundering and Terrorist Financing Intelligence Task Force (or any successor body, howsoever named).]

PART III  
REGULATED OCCUPATIONS

1. Firearms dealer.
2. Any occupation or work connected with, in the employment of, or undertaken by the holder of, or an applicant for, a licence, certificate, registration or any other permission required under the Gambling Laws.
3. Any occupation or work connected with, in the employment of, or undertaken by the holder of, or an applicant for, a licence under the Explosives Laws.
4. Any occupation or work connected with, in the employment of, or undertaken by the holder of, or an applicant for, a road service licence under the Public Transport Ordinance, 1986<sup>t</sup>.

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**NOTES**

*In Schedule 1,*

*paragraph 5A in Part II was inserted by the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022, section 12(2), with effect from 20th October, 2022;*

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<sup>t</sup> Recueil d'Ordonnances, Tome XXIII, p. 351; Tome XXIV, pp. 103 and 265; Tome XXV, p. 211; Tome XXVI, pp. 152 and 370; Ordinance Nos. VI and XXI of 2001.

*Consolidated text*

*paragraphs 13-20 of Part II were inserted by the Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022, section 9(4), with effect from 21st December, 2022;*

*paragraph 21 was inserted by the Criminal Justice (Terrorism and Disclosure) (Bailiwick of Guernsey) (Amendment) Ordinance, 2023, section 3(2), with effect from 15th August, 2023.*

*The Loi relative à la Probation de Délinquants, 1929 has since been repealed by the Probation (Bailiwick of Guernsey) Law, 2018, section 21(1), with effect from 17th October, 2019.*

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SCHEDULE 2

Section 3(1)(d)

EXCEPTED LICENCES, CERTIFICATES, PERMITS ETC.

1. Firearms certificates and shot gun certificates and any other certificate, licence or permit issued under the Firearms Laws.
2. Licences issued under the Explosives Laws authorising a person to keep, sell or import fireworks or other explosives.
3. Licences issued under the Gambling Laws.
4. Road service licences issued under the Public Transport Ordinance, 1986.
5. Certificates of registration in relation to nurseries and child-minders issued under Part III of the Child Protection (Guernsey) Law, 1972<sup>u</sup>.
6. Registration under the Nursing Homes and Residential Homes (Guernsey) Law, 1976<sup>v</sup>.
7. Designation as an approved care provider under the Long-term Care Insurance (Guernsey) Law, 2002.
8. Permits issued under section 3 of the Employment Permits (Alderney) Law, 1975<sup>w</sup>.
9. Registration under the Nursing and Residential Homes (Registration and

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<sup>u</sup> Ordres en Conseil Vol. XXIII, p. 238.

<sup>v</sup> Ordres en Conseil Vol. XXVI, p. 71.

<sup>w</sup> Ordres en Conseil Vol. XXV, p. 31.

Occupation) (Alderney) Law, 1987<sup>x</sup>.

- 10.** Permits issued under section 3 of the Employment Permits (Sark) Law, 1987<sup>y</sup>.

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<sup>x</sup> Ordres en Conseil Vol. XXX, p. 371.

<sup>y</sup> Ordres en Conseil Vol. XXX, p. 228.

SCHEDULE 3  
WORK WITH CHILDREN ETC

Sections 4 and 6

1. Any position where the normal duties include work in –
  - (a) a school which is exclusively or mainly for the education of children,
  - (b) a hospital or nursing home which is exclusively or mainly for children,
  - (c) an institution which is exclusively or mainly for the care or detention of children,

disregarding any work which is done on a part of the premises in which children are not looked after, or at times when children are not looked after.

2. Any position where the normal duties include caring for, training, supervising or being in charge of children, otherwise than in the course of the children's employment.
3. Any office or employment concerned with the provision of accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training to children, where the normal duties of the position enable the holder to have contact with children; and any other work where the normal duties of the position are carried out wholly or partly on the premises where such provision takes place.

WORK WITH VULNERABLE PERSONS

4. Any employment or work which is concerned with the provision of care

services and of such a kind as to enable the employee or person engaged in that work to have access to any of the following persons in the normal course of his duties –

- (a) persons who are or have been ill,
- (b) persons who have or have had a mental disorder,
- (c) persons who are blind, deaf, dumb, disabled or infirm,
- (d) persons who are or have been dependent on alcohol or drugs,
- (e) other persons who are or may be unable to care for themselves, or to protect themselves against harm or exploitation, whether by reason of disability, age, illness or otherwise.

5. Any employment or work which is concerned with the provision of health services, and of such a kind as to enable the employee or person engaged in that work to have access to persons in receipt of such services in the normal course of his duties.

6. In this Schedule –

**"care services"** means –

- (a) any services, accommodation, nursing or personal care provided in a nursing home, a residential home, or an approved care establishment, or

- (b) personal care or nursing or support for a person to live independently in his own home, or otherwise than in such a home or establishment as is mentioned in paragraph (a),

**"health services"** means services designed to secure improvement –

- (a) in the physical or mental health of persons within the Bailiwick or elsewhere, or
- (b) in the prevention, diagnosis and treatment of illness and disease,

and includes medical, dental, nursing, hospital, ambulance, ophthalmic, pharmaceutical, physiotherapy and similar services.

SCHEDULE 4

Sections 5 and 6

FINANCIAL[,EGAMBLING] AND RELATED SERVICES

1. Any licence, consent, authorisation, certificate, registration or other permission required to be obtained from the Guernsey Financial Services Commission by or under any enactment.
- [1A. Any licence, consent, authorisation, certificate, registration or other permission required to be obtained from the Alderney Gambling Control Commission by or under any enactment.]
2. Any consent pursuant to the Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1959.
3. Any office, occupation or work in the employment of, or undertaken on behalf of, the holder of a financial or related services permission.
4. Any office, occupation or work in the employment of, or undertaken on behalf of, an applicant for a financial or related services permission.
- [4A. Any office, occupation or work in the employment of, or undertaken on behalf of, a holder of an eGambling permission.
- 4B. Any office, occupation or work in the employment of, or undertaken on behalf of, an applicant for an eGambling permission.]

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**NOTES**

*In Schedule 4, first, the words in square brackets in the heading, second, paragraph 1A and, third, paragraph 4A and paragraph 4B were all inserted by the Criminal Justice (Miscellaneous Amendments) (Bailiwick of Guernsey) Ordinance, 2022, section 9(4), with effect from 21st December, 2022.*

*The Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1959 has since been repealed by the Control of Borrowing (Repeal) (Bailiwick of Guernsey) Ordinance, 2013, section 1(a), with effect from 27th February, 2013.*

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SCHEDULE 5

Section 7

EXCEPTED PROCEEDINGS

1. Proceedings in respect of a person's admission to, or disciplinary proceedings against a member of, any profession specified in Part I of Schedule 1, including proceedings before a Chambre de Discipline or the Royal Court in the exercise of their disciplinary jurisdiction in respect of Advocates.
2. Disciplinary proceedings against a holder of any appointment, office or employment specified in Part II of Schedule 1.
3. Proceedings before the appropriate Bailiwick Government authority established under the Gambling Laws with responsibility for the regulation of gambling.
4. Proceedings under the Firearms Laws in respect of –
  - (a) the registration of a person as a firearms dealer, the removal of a person's name from a register of firearms dealers or the imposition, variation or revocation of conditions of any such registration,
  - (b) the grant, renewal, variation or revocation of a firearm certificate,
  - (c) the grant, renewal, variation or revocation of a shot gun certificate, or
  - (d) the grant of any other certificate, permit or authority.
5. Proceedings in respect of a determination by the States [Committee for

Education, Sport & Culture] under the Education (Guernsey) Law, 1970<sup>z</sup> as to the suitability of a person –

- (a) for employment as a teacher in a school or establishment for further education, or in determining the extent to which a person may be employed as such a teacher, or
  - (b) to be the proprietor of an independent school.
6. Proceedings in respect of an application for, or cancellation of, registration in respect of a nursing home or residential home under the Nursing Homes and Residential Homes (Guernsey) Law, 1976, or the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987.
  7. Proceedings under the Long-term Care Insurance (Guernsey) Law, 2002 by way of appeal against the variation, revocation or suspension of the designation of a an approved care provider.
  8. Proceedings connected with an application for a licence under the Explosives Laws concerning the fitness of the applicant to keep, sell or import fireworks or other explosives.
  9. Proceedings held in respect of an application for the grant, renewal or variation of a road service licence under the Public Transport Ordinance, 1986.
  10. In relation to a relevant spent conviction, any proceedings connected with or arising out of the exercise by the Commission of its functions under any

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<sup>z</sup> Ordres en Conseil Vol. XXII, p. 318.

enactment.

11. Proceedings by way of appeal against, or review of, any decision taken, by virtue of any of the provisions of this Ordinance, on consideration of a spent conviction.
12. Proceedings held for the receipt of evidence affecting the determination of any question arising in any proceedings specified in this Schedule.

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**NOTES**

*In Schedule 5, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 3, with effect from 1st May, 2016.*

*The functions, rights and liabilities of the Education Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Education, Sport & Culture and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*

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SCHEDULE 6

Section 8

DISREGARD OF SERVICE DISCIPLINARY CONVICTIONS FOR CERTAIN  
PURPOSES

1. Any conviction mentioned in this Schedule is a conviction referred to in section 5(4)(c) of the Law (convictions to be disregarded for the purposes of extending a period of rehabilitation following subsequent conviction).
2. Any offence under any of the provisions of the Army Act 1955 or the Air Force Act 1955 listed in the first column of the following table –

| <i>Provision</i> | <i>Subject Matter</i>  |
|------------------|--|
| Section 29       | Offences by or in relation to sentries, persons on watch etc.        |
| Section 29A      | Failure to attend for duty, neglect of duty etc.                     |
| Section 33       | Insubordinate behaviour.   |
| Section 34       | Disobedience to lawful commands.                                     |
| Section 34A      | Failure to provide a sample for drug testing.                        |
| Section 35       | Obstruction of provost officers.                                     |
| Section 36       | Disobedience to standing orders.                                     |
| Section 38       | Absence without leave.   |
| Section 39       | Failure to report or apprehend deserters or absentees.               |
| Section 42       | Malingering.   |
| Section 43       | Drunkenness.   |
| Section 43A      | Fighting, threatening words etc.                                     |
| Section 44       | Damage to, and loss of, public or service property etc.              |
| Section 44A      | Damage to, and loss of, Her Majesty's aircraft or aircraft material. |

*Consolidated text*

|             |  |
|-------------|--|
| Section 44B | Interference etc, with equipment, messages or signals.               |
| Section 45  | Misapplication and waste of public or service property.              |
| Section 46  | Offences relating to issues and decorations.                         |
| Section 47  | Billeting offences.  |
| Section 48  | Offences relating to requisitioning of vehicles.                     |
| Section 50  | Inaccurate certification.  |
| Section 51  | Low flying.  |
| Section 52  | Annoyance by flying.   |
| Section 54  | Permitting escape, and unlawful release of prisoners.                |
| Section 55  | Resistance to arrest.  |
| Section 56  | Escape from confinement.   |
| Section 57  | Offences in relation to courts-martial.                              |
| Section 61  | Making of false statements on enlistment.                            |
| Section 62  | Making of false documents.   |
| Section 63  | Offences against civilian population.                                |
| Section 69  | Conduct to prejudice of military discipline or air force discipline. |

3. Any offence under section 68 or 68A of the Army Act 1955 in relation to an offence under any of the provisions of that Act listed in paragraph 2.
4. Any offence under section 68 or 68A of the Air Force Act 1955 in relation to an offence under any of the provisions of that Act listed in paragraph 2.
5. Any offence under any of the provisions of the Naval Discipline Act 1957 listed in the first column of the following table –

| <i>Provision</i> | <i>Subject matter</i> |
|------------------|-----------------------|
|------------------|-----------------------|

*Consolidated text*

|             |  |
|-------------|--|
|             |  |
| Section 6   | Offences by or in relation to sentries, persons on watch, etc.       |
| Section 7   | Failure to attend for duty, neglect of duty, etc.                    |
| Section 11  | Insubordinate behaviour.   |
| Section 12  | Disobedience to lawful commands.                                     |
| Section 12A | Failure to provide a sample for drug testing.                        |
| Section 13  | Fighting, threatening words, etc.                                    |
| Section 14  | Obstruction of provost officers.                                     |
| Section 14A | Disobedience to standing orders.                                     |
| Section 17  | Absence without leave, etc.  |
| Section 18  | Failure to report deserters and absentees.                           |
| Section 21  | Low flying.  |
| Section 22  | Annoyance by flying.   |
| Section 25  | Inaccurate certification.  |
| Section 27  | Malingering.   |
| Section 28  | Drunkenness.   |
| Section 29  | Damage to, and loss of public or service property, etc.              |
| Section 29A | Damage to, and loss of, Her Majesty's aircraft or aircraft material. |
| Section 29B | Interference etc. with equipment, messages or signals.               |
| Section 30  | Misapplication and waste of public or service property.              |
| Section 31  | Offences relating to issues and decorations.                         |
| Section 32  | Billeting offences.  |
| Section 33  | Offences in relation to the requisitioning of vehicles, etc.         |
| Section 33A | Permitting escape, and unlawful release of prisoners.                |
| Section 33B | Resistance to arrest.  |
| Section 34A | False statements on entry.   |
| Section 35  | Falsification of documents.  |

|             |   |
|-------------|---|
| Section 35A | Offences against civilian population.         |
| Section 38  | Offences in relation to courts-martial.       |
| Section 39  | Conduct to the prejudice of naval discipline. |

6. Any offence under section 40 or 41 of the Naval Discipline Act 1957 in relation to an offence under any of the provisions of that Act listed in paragraph 5.

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<sup>1</sup> These words were previously substituted by the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008, section 1, with effect from 1st February, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.

<sup>2</sup> These words were previously substituted by the States Treasurer (Transfer of Functions) (Guernsey) Ordinance, 2008, section 1, with effect from 1st February, 2008, subject to the savings and transitional provisions in section 2 of the 2008 Ordinance.