

# The Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2019

THE STATES, in pursuance of their Resolutions of the 18<sup>th</sup> April 2018<sup>a</sup> and 27<sup>th</sup> November, 2019<sup>b</sup>, and in exercise of the powers conferred on them by sections 14 and 16 of the Disclosure (Bailiwick of Guernsey) Law, 2007<sup>c</sup>, and all other powers enabling them in that behalf, hereby order:-

## Amendment of the Law.

1. (1) The Disclosure (Bailiwick of Guernsey) Law, 2007 is amended as set out below.

(2) In section 9(2) –

(a) in paragraph (d), delete "or",

(b) in paragraph (e), for "." substitute ";", and

(c) after paragraph (e), insert -

"(f) any investigation or proceedings that come within section 8(2)(da)(i) or (ii), as the case

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<sup>a</sup> Article III of Billet d'Etat No. XI of 2018.

<sup>b</sup> Article IV of Billet d'État No. XXII of 2019.

<sup>c</sup> Order in Council No. XVI of 2007; as amended by Ordinance No. XXXIX of 2008; No. VII of 2009; Nos. XIV, XIX and XXXVII of 2010; Nos. XVI and LIII of 2014; No. XXXIX of 2015; No. IX of 2016; Nos. XXVI, XXVII, XLVII and XLIX of 2018.

may be,

- (g) the initiation or bringing to an end of any such investigation or proceedings, or
- (h) facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end." .

(3) In section 11A(2), after the words "11(2) and (3)", insert "and section 4".

(4) After section 15, insert -

**"Functions of Her Majesty's Procureur.**

**15A.** (1) Her Majesty's Procureur may, either generally or for the purposes of a particular case or class of cases, arrange for any of his or her functions under this Law, other than this power of delegation, to be exercised in his or her name by a Crown Advocate or other Advocate of the Royal Court; and references in this Law to Her Majesty's Procureur shall be construed accordingly.

(2) A function exercised by a Crown Advocate or other Advocate pursuant to an arrangement under subsection (1) is for all purposes exercised by Her Majesty's Procureur; and every decision taken or other thing done by the Crown Advocate or other Advocate pursuant to the arrangement has the same effect as if taken or done by Her Majesty's Procureur.

(3) An arrangement under subsection (1) for the exercise of a function by a Crown Advocate or other Advocate -

(a) may be varied or terminated at any time by Her Majesty's Procureur, but without prejudice to anything done pursuant to the arrangement or to the making of a new arrangement,

(b) does not prevent the exercise of the function by Her Majesty's Procureur while the arrangement subsists.

(4) Any requirement imposed by or under this Law (however expressed) to provide or produce material to Her Majesty's Procureur, or to give Her Majesty's Procureur access to any material or premises, includes a requirement to provide or produce the material, or to give access to the material or premises, to any person nominated by Her Majesty's Procureur or otherwise acting for him or her and on his or her behalf.

(5) For the purposes of subsection (4) "**material**" includes documents and information.

(6) References in this Law to a person authorised by Her Majesty's Procureur are references to a person, or a member of a class or description of persons, authorised by him or her either generally or for the purposes of a particular case or class of cases.

(7) This section is without prejudice to any other enactment or rule of law."

**Extent.**

2. This Ordinance has effect throughout the Bailiwick of Guernsey.

**Citation.**

3. This Ordinance may be cited as the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

**Commencement.**

4. This Ordinance shall come into force on the 12<sup>th</sup> December, 2019.