

# **The Drug Trafficking (Bailiwick of Guernsey) (Amendment) Ordinance, 2019**

THE STATES, in pursuance of their Resolution of 27<sup>th</sup> November, 2019<sup>a</sup>, and in exercise of the powers conferred on them by sections 71A and 72 of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000<sup>b</sup>, and all other powers enabling them in that behalf, hereby order:-

## **Amendment of the Law.**

1. (1) The Drug Trafficking (Bailiwick of Guernsey) Law, 2000 is amended as set out below.

(2) After section 72, insert the following –

*"Functions of Her Majesty's Procureur*

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

72A. (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

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

<sup>b</sup> Order in Council No. VII of 2000; as amended by Order in Council No. II of 2005; Nos. XVI and XVII of 2007; No. XVII of 2008; No. XIII of 2010; Ordinance No. XXXIII of 2003; No. XXXVIII of 2008; Nos. XV and XXV of 2010; No. XVI of 2014; and No. IX of 2016.

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 Drug Trafficking (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

**Commencement.**

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