

The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2019

THE STATES, in pursuance of their Resolution of 27th November, 2019^a, and in exercise of the powers conferred on them by sections 81A and 82 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the Law.

1. (1) The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 is amended as set out below.

(2) In section 15D(2), after the words "15C(2) and (3)", insert "and section 40".

(3) After section 77, insert the following -

"Functions of Her Majesty's Procureur.

77A. (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

^a Article IV of Billet d'État No. XXII of 2019.

^b Order in Council No. XVI of 2002; as amended by No. XIII of 2006; No. XIII of 2010; No. XI of 2011 and No. XIV of 2012; Ordinance No. I of 2000; No. XXXIII of 2003; No. VII of 2005; No. XLVI of 2007; Nos. XIII, XX and XXXVI of 2010; Nos. XXIX and LIV of 2014; No. IX of 2016; and Nos. XXVI and XLV of 2018; G.S.I. No. 41 of 2005; G.S.I. No. 16 of 2003; and G.S.I. No. 5 of 2017.

functions under this Law, other than this power of delegation or the powers and functions of Her Majesty's Procureur under section 47 and Schedule 5, 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 Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

Commencement.

4. This Ordinance shall come into force on the 12th December, 2019.