

# PROJET DE LOI

ENTITLED

## **The Statements Obtained Under Compulsion (Restriction of Use) (Bailiwick of Guernsey) Law, 2009 \***

*[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. XIII of 2010; as amended by the: Protection of Investors (Bailiwick of Guernsey) Law, 2020 (No. XVIII of 2020); Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2020 (No. XIX of 2020); Banking Supervision (Bailiwick of Guernsey) Law, 2020 (No. XX of 2020); Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022 (No. \*\* of 2022).

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## **The Statements Obtained Under Compulsion (Restriction of Use) (Bailiwick of Guernsey) Law, 2009**

ARRANGEMENT OF SECTIONS

### *Fraud*

1. Amendment of provisions relating to the use of statements obtained under compulsion.
2. Amendment of the Schedule.
3. Interpretation.
4. General provisions as to subordinate legislation.
5. Citation.

SCHEDULE

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## **The Statements Obtained Under Compulsion (Restriction of Use) (Bailiwick of Guernsey) Law, 2009**

**THE STATES**, in pursuance of their Resolution of the 27<sup>th</sup> May, 2009<sup>a</sup> has approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### **Amendment of provisions relating to the use of statements obtained under compulsion.**

1. In the statutes listed in Column 1 of the Schedule, the provisions listed in Column 2 are replaced by the provisions detailed in Column 3.

### **Amendment of the Schedule.**

2. The Schedule may be amended by Ordinance of the States where –

- (a) a provision in a statute provides that a statement obtained under compulsion may be used in evidence and the proposed amendment limits the use of such statements, or
- (b) a provision in a statute provides that a statement obtained under compulsion may not be used in evidence in proceedings and the proposed amendment permits the use of such statements –

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<sup>a</sup> Article IV of Billet d'État No. XIII of 2009.

- (i) in proceedings other than criminal proceedings,
- (ii) in proceedings for making a false statement,
- (iii) in proceedings for perjury,
- (iv) in proceedings for perverting the course of justice,
- (v) in proceedings for contempt of court.

**Interpretation.**

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

"**States**" means, in relation to each statute, whichever of the States of Deliberation, States of Alderney or Chief Pleas of Sark approved the statute in order for it to have effect,

"**statute**" means Laws and Ordinances which apply in any one or more of the Islands in the Bailiwick of Guernsey.

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

(3) The provisions of the Interpretation (Guernsey) Law, 1948<sup>b</sup> apply to the interpretation of this Law throughout the Bailiwick.

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

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**NOTE**

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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**General provisions as to subordinate legislation.**

4. (1) An Ordinance under this Law –
- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
  - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient including, without limitation, provisions repealing, amending or modifying any enactment (whether passed before or after the commencement of this Law).
- (2) Any power conferred by this Law to make any Ordinance, may be exercised –
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
  - (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.

**Citation.**

5. This Law may be cited as the Statements Obtained Under Compulsion (Restriction of Use) (Bailiwick of Guernsey) Law, 2009.

SCHEDULE

Section 1

Title of Statute (Column 1)	Provision to be replaced (Column 2)	New provision (Column 3)
Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance 2006 <sup>c</sup>	Section 23(5)	<p><b>23(5)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (2),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p>

<sup>c</sup> Ordinance No. XXXIV of 2006.

		(D) perverting the course of justice.
[...]	[...]	[...]
Companies (Alderney) Law, 1994 <sup>e</sup>	Section 149(2)	<p><b>149(2)</b> A statement made by a person in compliance with a requirement made of him by an inspector for the purposes of an investigation under this Part of this Law –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p>

<sup>e</sup> Order in Council No. XXXIV of 1994, as amended by No. XV of 2002.

		(D) perverting the course of justice.
Companies (Guernsey) Law, 2008 <sup>f</sup>	Section 264(3)	<p><b>264(3)</b> A statement made by a person in response to a requirement under this section –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 266,</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>

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<sup>f</sup> Order in Council No. VIII of 2008.

	Section 265(4)	<p><b>265(4)</b> A statement made by a person in response to a requirement under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under section 266,</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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<p>Company Securities (Insider Dealing) (Bailiwick of Guernsey) Law, 1996<sup>g</sup></p>	<p>Section 10(8)</p>	<p><b>10(8)</b> A statement made by a person in compliance with a requirement imposed under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under section 16(1) or 17(1),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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<sup>g</sup> Order in Council No. III of 1996; amended by No. XVI of 2001 and by Ordinance XXXIII of 2003.

	Section 11(4)	<p><b>11(4)</b> A statement made by a person in compliance with a requirement imposed under this section –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 16(1) or 17(1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
Conditions of Employment	Section 10A(10)	<p><b>10A(10)</b> A statement made by a person in compliance with a requirement imposed under</p>

<p>(Guernsey) Law, 1985<sup>h</sup></p>		<p>this section –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (4),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>Criminal Justice (Fraud Investigation) (Bailiwick of</p>	<p>Section 1(7)</p>	<p><b>1(7)</b> A statement by a person in response to a requirement imposed by virtue of this section –</p> <p>(a) may be used in evidence against him in</p>

<sup>h</sup> Ordres en Conseil Vol. XXIX, p. 42; amended by No. I of 1992; No. XXIII of 1994; Ordinance XXXIII of 2003; and Ordinance XXXI of 2005.

<p>Guernsey) Law, 1991<sup>i</sup></p>		<p>proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (12),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>Criminal Justice (Proceeds of Crime) Law, 1999<sup>j</sup></p>	<p>Section 48E</p>	<p><b>48E.</b> A statement made by a financial services business in response to a customer information order –</p>

<sup>i</sup> Order in Council No. III of 1991; amended by Order in Council No. II of 2003 and Ordinance No. XXXIII of 2003.

<sup>j</sup> Order in Council No. VIII of 1999, as amended by Orders in Council Nos. II of 2005, and XV of 2007; Ordinances Nos. XXVIII of 1999, XII of 2002, XXXIII of 2003, XLVII of 2007, XXXVII of 2008; and, G.S.I. Nos. 27 of 2002, 33 of 2007, 48 of 2008 and 73 of 2008.

		<ul style="list-style-type: none"><li>(a) may be used in evidence against it in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against it in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that financial services business, or</li><li>(ii) in proceedings –<ul style="list-style-type: none"><li>(A) under Part I,</li><li>(B) for an offence under section 48D(1) or (3),</li><li>(C) for some other offence where, in giving evidence, the financial services business makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(D) for perjury, or</li><li>(E) for perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 48K	<p><b>48K.</b> A statement made by a financial services business in response to an account monitoring order –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against it in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against it in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that financial services business, or</li><li>(ii) in proceedings –<ul style="list-style-type: none"><li>(A) under Part I,</li><li>(B) for an offence under section 48J(1) or (3),</li><li>(C) for some other offence where, in giving evidence, the financial services business makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(D) for perjury, or</li><li>(E) for perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 49B(5)	<p><b>49B(5)</b> A statement made by a person in response to a requirement under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (7) or (8),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 49C(6)	<p><b>49C(6)</b> A statement made by a person in response to a requirement imposed by or under a warrant under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (8) or (9),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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<p>Drug Trafficking (Bailiwick of Guernsey) Law, 2000<sup>k</sup></p>	<p>Section 67E</p>	<p><b>67E.</b> A statement made by a financial services business in response to a customer information order –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against it in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against it in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to the statement is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that financial services business, or</li><li>(ii) in proceedings –<ul style="list-style-type: none"><li>(A) under Part I,</li><li>(B) for an offence under section 67D(1) or (3),</li><li>(C) for some other offence where, in giving evidence, the financial services business makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(D) for perjury, or</li><li>(E) for perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 67K	<p><b>67K</b> A statement made by a financial services business in response to an account monitoring order –</p> <p>(a) may be used in evidence against it in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against it in criminal proceedings except –</p> <p>(i) where evidence relating to the statement is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that financial services business, or</p> <p>(ii) in proceedings –</p> <p>(A) under Part I,</p> <p>(B) for an offence under section 67J(1) or (3),</p> <p>(C) for some other offence where, in giving evidence, the financial services business makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(D) for perjury, or</p> <p>(E) for perverting the course of justice.</p>
Duty on Share	Section	<b>11(5)</b> A statement made by a person in

<p>Transfers (Alderney) Law, 1994<sup>l</sup></p>	<p>11(5)</p>	<p>compliance with a requirement of the Clerk under subsection (1) –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 12(1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>Environmental Pollution (Guernsey) Law, 2004<sup>m</sup></p>	<p>Section 60(2)</p>	<p><b>60(2)</b> A statement made by a person in response to a requirement imposed by or under this Law –</p>

<sup>l</sup> Order in Council No. II of 1994.

<sup>m</sup> Order in Council No. XIII of 2004.

		<p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection 67(3),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>False Documents and Domicile etc (Bailiwick of Guernsey) Law, 1998<sup>n</sup></p>	<p>Section 6(4)</p>	<p><b>6(4)</b> A statement made by a person in compliance with a requirement imposed under this section –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p>

<sup>n</sup> Order in Council No. V of 1998.

		<p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 7(1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>Financial Services Commission (Site Visits) (Bailiwick of Guernsey) Ordinance, 2008<sup>o</sup></p>	<p>Section 8</p>	<p><b>8.</b> A statement made by a person in response to a requirement under section 1, 2, 3, or 5, or imposed by or under a warrant under section 6 –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p>

<sup>o</sup> Ordinance No. II of 2008.

		<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under section 9,</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul>
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<p>Forfeiture of Money etc, in Civil Proceedings (Bailiwick of Guernsey) Law, 2007<sup>P</sup></p>	<p>Section 32</p>	<p><b>32.</b> A statement made by a bank in response to a customer information order –</p> <p>(a) may be used in evidence against the bank in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against the bank in criminal proceedings except –</p> <p>(i) where evidence relating to the statement is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that bank, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 31(1) or (3),</p> <p>(B) some other offence where, in giving evidence, the bank makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
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<sup>P</sup> Order in Council No. XVII of 2008; amended by No. XXX of 2008.

	Section 38	<p><b>38.</b> A statement made by a bank in response to an account monitoring order –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against the bank in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against the bank in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to the statement is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under section 37(1) or (3),</li><li>(B) some other offence where, in giving evidence the bank makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 44	<p><b>44.</b> A statement made by a person in response to a requirement imposed on him under a disclosure order –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 43(1) or (3),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
Income Tax (Guernsey) Law <sup>q</sup>	Section 75M(4)	<b>75M(4)</b> A statement made by a person in response to a requirement described in

<sup>q</sup> Ordres en Conseil Vol. XXV, p. 124; Vol. XXVI, pp. 146, 200 and 292; Vol. XXVII, pp. 84, 118, 200, 333 and 565; Vol. XXVIII, pp. 184, 278, 353 and 409; Vol. XXIX, p. 214; Vol. XXXI, pp. 406 and 473; Vol. XXXII, p. 307; No. IV of 1991;

		<p>subsection (1) –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 75L(3),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p>
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No. VI of 1992; No's. IV and VIII of 1993; No. XXV of 1994; No's. III and VII of 1995; No. V of 1996; No's. IV and XXII of 1997; No's. II and VI of 1999; No. IV of 2000; No's. VI and XVII of 2001; No's. VII and XXI of 2002; No's. IV, XVIII and XXVI of 2003; No's. XII and XVI of 2004; No's. V, VI and XVII of 2005; No's. II and VII of 2006; No. XXI of 2007; No. XXVI of 2008; (with effect from the 1<sup>st</sup> January, 2008) the Income Tax (Zero 10) (Guernsey) Law, 2007 and the Income Tax (Zero 10) (Guernsey) (No. 2) Law, 2007;(with effect from the 1<sup>st</sup> January, 2009) section 6 of the Income Tax (Guernsey) (Amendment) Law, 2008; and (with effect from the 28<sup>th</sup> January, 2009) by the Income Tax (Miscellaneous Provisions) (Guernsey) (Amendment) Law, 2009. Also amended by Ordinance No. XXXIII of 2003 and by the Administrator of Income Tax (Guernsey) (Transfer of Functions) Ordinance, 2009 and Order in Council No. XXI of 2002.

		<p>(D) perverting the course of justice,</p> <p>and for the purposes of this subsection proceedings under this Law in respect of the enforcement of a penalty or surcharge are not criminal proceedings.</p>
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<p>Insurance Business (Bailiwick of Guernsey) Law, 2002<sup>r</sup>,</p>	<p>Section 68(10)</p>	<p><b>68(10)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (9) or section 87(1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
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<sup>r</sup> Order in Council No. XXI of 2002; amended by Ordinance No. XXXIII of 2003; Ordinance No. XII of 2008; Ordinance No. L of 2008; G.S.I. No. 33 of 2004 and No. 4 of 2008.

	Section 69(7)	<p><b>69(7)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (6) or section 87(1),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 70(4)	<p><b>70(4)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (3) or section 87(1),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 72(7)	<p><b>72(7)</b> A statement made by a person in response to a requirement imposed under a warrant granted under section 71 –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (6) or section 87(1),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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<p>Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002<sup>s</sup>,</p>	<p>Section 45(10)</p>	<p><b>45(10)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <ul style="list-style-type: none"> <li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li> <li>(b) may not be used in evidence against him in criminal proceedings except – <ul style="list-style-type: none"> <li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li> <li>(ii) in proceedings for – <ul style="list-style-type: none"> <li>(A) an offence under subsection (9) or section 64(1),</li> <li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li> <li>(C) perjury, or</li> <li>(D) perverting the course of justice.</li> </ul> </li> </ul> </li> </ul>
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<sup>s</sup> Order in Council No. XXII of 2002 amended by Ordinance No. XXXIII of 2003; Ordinance No. XIII of 2008 and G.S.I. No. 2 of 2008.

	Section 46(7)	<p><b>46(7)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (6) or section 64(1),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 47(4)	<p><b>47(4)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (3) or section 64(1),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 49(7)	<p><b>49(7)</b> A statement made by a person in response to a requirement imposed under a warrant granted under section 48 –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (6) or section 64(1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
Land Planning and Development	Section 85(7)	<p><b>85(7)</b> A statement made by a person in response to a requirement imposed by or under</p>

<p>(Guernsey) Law, 2005<sup>t</sup></p>		<p>this Law –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 91,</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>Merchant Shipping (Bailiwick of</p>	<p>Section 249(11)</p>	<p><b>249(11)</b> An answer given by a person in response to a requirement under subsection (2)(i) –</p>

<sup>t</sup> Order in Council No. XVI of 2005 amended by Ordinances No. XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XIX and XXX of 2007.

<p>Guernsey) Law, 2002<sup>u</sup></p>		<p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection 250(1)(c),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>Minimum Wage (Guernsey) Law, 2009</p>	<p>Section 13(6) and (7)</p>	<p><b>13(6)</b> A statement made by a person in response to a requirement imposed by or under any provision of this section –</p> <p>(a) may be used in evidence against him in proceedings other than criminal</p>

<sup>u</sup> Order in Council No. VIII of 2004, amended by Ordinance XXXIII of 2003.

		<p>proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under section 21(5) or (6),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
[...]	[...]	[...]

Public Trustee (Bailiwick of Guernsey) Law, 2002 <sup>w</sup>	Section 15(5)	<p><b>15(5)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (4) or section 19(1),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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<sup>w</sup> Order in Council No. III of 2003, amended by No. III of 2008; amended by Ordinance Nos. XXXIII of 2003 and No. XVIII of 2004.

	<p>Section 17(5)</p>	<p><b>17(5)</b> A statement made by a person in response to a requirement imposed under a warrant granted under section 16 –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (4) or section 19(1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>[...]</p>	<p>[...]</p>	<p>[...]</p>

[...]	[...]	[...]
<p>Renewable Energy (Alderney) Ordinance, 2008<sup>z</sup></p>	<p>Section 23(7) and 23(8)</p>	<p><b>23(7)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <ul style="list-style-type: none"> <li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li> <li>(b) may not be used in evidence against him in criminal proceedings except – <ul style="list-style-type: none"> <li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li> <li>(ii) in proceedings for – <ul style="list-style-type: none"> <li>(A) an offence under subsection (6),</li> <li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li> <li>(C) perjury, or</li> <li>(D) perverting the course of justice.</li> </ul> </li> </ul> </li> </ul>

<sup>z</sup> Ordinance of the States of Alderney No. XIV of 2008.

	Section 24(5) and 24(6)	<p><b>24(5)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (4),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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	Section 26(6) and 26(7)	<p><b>26(6)</b> A statement made by a person in response to a requirement imposed under a warrant granted under section 25 –</p> <ul style="list-style-type: none"><li>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</li><li>(b) may not be used in evidence against him in criminal proceedings except –<ul style="list-style-type: none"><li>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</li><li>(ii) in proceedings for –<ul style="list-style-type: none"><li>(A) an offence under subsection (5),</li><li>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</li><li>(C) perjury, or</li><li>(D) perverting the course of justice.</li></ul></li></ul></li></ul>
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<p>Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007<sup>aa</sup></p>	<p>Section 17(6)</p>	<p><b>17(6)</b> A statement made by a person in response to a requirement imposed by or under this section –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (5) or section 50(1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice,</p> <p>and, for the avoidance of doubt, proceedings for the recovery of property tax and any penalty or interest in respect thereof are not criminal</p>
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<sup>aa</sup> Ordinance No. XXXIII of 2007, amended by No. XXXVI of 2007; No. X of 2008; G.S.I. 2008 No. 54; and the Property Tax (Rates) (Guernsey and Alderney) Ordinance, 2008.

	Section 20(4)	<p><b>20(4)</b> A statement made by a person in response to a requirement imposed under a warrant granted under section 19 –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subsection (3) or section 50(1),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice,</p> <p>and, for the avoidance of doubt, proceedings for the recovery of property tax and any penalty or interest in respect thereof are not criminal proceedings.</p>
Terrorism and	Schedule 5,	<b>6(3)</b> A statement by a person in response to a

<p>Crime (Bailiwick of Guernsey) Law, 2002<sup>bb</sup></p>	<p>paragraph 6(3)</p>	<p>requirement imposed under this paragraph –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under subparagraph (4),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>Transfrontier Shipment of Waste (Alderney)</p>	<p>The proviso in the final paragraph</p>	<p>(10) However, a statement made by a person to an officer of customs and excise in response to a requirement imposed under section 9(3)(i)</p>

<sup>bb</sup> Order in Council No. XVI of 2002; amended by Order in Council No. XIII of 2006 and by Ordinances XXXIII of 2003 and XLVI of 2007.

<p>Ordinance, 2002<sup>cc</sup></p>	<p>of Section 11(9)</p>	<p>or (ii) –</p> <p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under paragraph (b) or (c) of subsection (9),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
<p>Transfrontier Shipment of Waste Ordinance, 2002<sup>dd</sup></p>	<p>The proviso in the final paragraph of Section</p>	<p>(10) However, a statement made by a person to an officer of customs and excise in response to a requirement imposed under section 9(3)(i) or (ii) –</p>

<sup>cc</sup> Ordinance of the States of Alderney No. II of 2002.

<sup>dd</sup> Ordinance No. I of 2002.

	11(9)	<p>(a) may be used in evidence against him in proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under paragraph (b) or (c) of subsection (9),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
Transfrontier Shipment of Waste (Sark) Ordinance, 2001 <sup>ee</sup>	The proviso in the final paragraph of Section 11(9)	<p>(10) However, a statement made by a person to an officer of customs and excise in response to a requirement imposed under section 9(3)(i) or (ii) –</p> <p>(a) may be used in evidence against him in</p>

<sup>ee</sup> Folio 120 of the Chief Pleas of Sark made on 6<sup>th</sup> May 2001.

		<p>proceedings other than criminal proceedings, and</p> <p>(b) may not be used in evidence against him in criminal proceedings except –</p> <p>(i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or</p> <p>(ii) in proceedings for –</p> <p>(A) an offence under paragraph (b) or (c) of subsection (9),</p> <p>(B) some other offence where, in giving evidence, he makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,</p> <p>(C) perjury, or</p> <p>(D) perverting the course of justice.</p>
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**NOTE**

*In the Schedule,*

*the words omitted in the first pairs of square brackets in columns 1, 2 and 3 were repealed by the Banking Supervision (Bailiwick of Guernsey) Law, 2020, section 67(g), with effect from 1st November, 2021, subject to the savings and transitional provisions in section 68 of the 2020 Law;*

*the words omitted in the second pairs of square brackets in columns 1, 2 and 3 were repealed by the Protection of Investors (Bailiwick of*

*Guernsey) Law, 2020, section 80(i), with effect from 1st November, 2021, subject to the savings and transitional provisions in section 81 of the 2020 Law;*

*the words omitted in the third pairs of square brackets in columns 1, 2 and 3 were repealed by the Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022, section 91, Schedule 2, paragraph 6, with effect from 1st July, 2023, subject to the savings and transitional provisions in section 93 of the 2022 Law;*

*the words omitted in the fourth pairs of square brackets in columns 1, 2 and 3 were repealed by the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2020, section 62(f), with effect from 1st November, 2021, subject to the savings and transitional provisions in section 60 of the 2020 Law.*

*The Transfrontier Shipment of Waste (Alderney) Ordinance, 2002 has since been repealed by the Transfrontier Shipment of Waste (Alderney) Ordinance, 2018, section 25(1), with effect from 19th November, 2018, subject to the transitional provisions and savings in section 25(2) of the 2018 Ordinance.*

*The Transfrontier Shipment of Waste Ordinance, 2002 has since been repealed by the Transfrontier Shipment of Waste (Guernsey) Ordinance, 2018, section 25(1), with effect from 31st October, 2018, subject to the provisions of section 25(2) of the 2018 Ordinance.*

*The Transfrontier Shipment of Waste (Sark) Ordinance, 2001 has since been repealed by the Transfrontier Shipment of Waste (Sark) Ordinance, 2019, section 25(1), with effect from 18th January, 2019, subject to the transitional provisions and savings in section 25(2) of the 2019 Ordinance.*

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