

# **The Criminal Justice (International Co-operation) (Bailiwick of Guernsey) (Amendment) Ordinance, 2023**

THE STATES, in pursuance of their Resolution of the 21<sup>st</sup> June, 2023<sup>a</sup>, and in exercise of the powers conferred upon them by sections 9A and 9B of the Criminal Justice (International Co-operation) (Bailiwick of Guernsey) Law, 2001<sup>b</sup>, and all other powers enabling them in that behalf, hereby order:-

## **Amendments to the 2001 Law.**

1. (1) The Criminal Justice (International Co-operation) (Bailiwick of Guernsey) Law, 2001 is amended as follows.

(2) In section 4(2), for "by notice request the appropriate court to receive such of the evidence to which the request relates as may appear to the appropriate court to be appropriate for the purpose of giving effect to the request" substitute "issue a production notice or court request, or both".

(3) For section 4(3), substitute -

"(3) In this section -

(a) "**evidence**" includes documents and other articles,

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<sup>a</sup> Article IV of Billet d'État No. IX of 2023.

<sup>b</sup> Order in Council No. VII of 2001. This enactment has been amended.

(b) "**production notice**" means a notice in writing to a person specifying that the person is required to give to His Majesty's Procureur, by the date specified in the notice, documents, or other articles, which are specified in the notice and that may constitute evidence for the purposes of the request, and

(c) "**court request**" means a notice requesting the appropriate court to receive such of the evidence to which the request relates as may appear to the appropriate court to be appropriate for the purpose of giving effect to the request."

(4) After section 4(4) insert -

"(5) A person shall not, without reasonable excuse, fail to comply with a requirement of a production notice, except in relation to evidence that the person shall not, under paragraph 3 of Schedule 1, be compelled to give in proceedings under this section.

(6) A person who contravenes subsection (5) commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the uniform scale or to both.

(7) A person who, in purported compliance with a requirement of a production notice -

- (a) makes a statement which the person knows to be false, or
- (b) recklessly makes a statement which is false or misleading in a material particular,

shall be guilty of an offence.

(8) A person guilty of an offence under subsection (7) shall

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- (a) on conviction on indictment be liable to imprisonment for a term not exceeding 2 years or to a fine or to both, and
- (b) on summary conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the uniform scale, or to both.

(9) Where a person ("A") -

- (a) knows or suspects that His Majesty's Procureur has issued, or is likely to issue, a production notice, and
- (b) falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of evidence which B knows or suspects

is or would be relevant to such a production notice,

A shall be guilty of an offence unless A proves that A had no intention of concealing the facts disclosed by the evidence from His Majesty's Procurer.

(10) A person guilty of an offence under subsection (9) shall

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(a) on conviction on indictment, be liable to imprisonment for a term not exceeding 7 years or to a fine or to both, and

(b) on summary conviction, be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the uniform scale or to both."

(5) In Schedule 1 -

(a) after paragraph 3(6), insert -

"(7) In this paragraph, references to giving evidence in proceedings shall include the giving of evidence to His Majesty's Procurer pursuant to a requirement that is specified in a production notice issued under section 4.", and

(b) in paragraph 5,

(i) before the existing provision, insert the subparagraph designation "(1)", and

(ii) insert -

"(2) The Bankers Books Evidence (Guernsey) Law, 1954 applies to the giving to His Majesty's Procureur, in pursuance of a requirement that is specified in a production notice issued under section 4, of any evidence to which that Law applies, as if the giving of the evidence to His Majesty's Procureur took place in proceedings before the Royal Court or the Court of Alderney."

**Citation.**

2. This Ordinance may be cited as the Criminal Justice (International Co-operation) (Bailiwick of Guernsey) (Amendment) Ordinance, 2023.

**Commencement.**

3. This Ordinance shall come into force on the date appointed for this purpose by regulations made by the Committee for Home Affairs; and different dates may be appointed for different provisions and for different purposes.