

# PROJET DE LOI

ENTITLED

## **The Administration of Justice (Bailiwick of Guernsey) Law, 1991 \***

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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. I of 1991 (Ordres en Conseil Vol. XXXIII, p. 49); as amended by the: Banking Supervision (Bailiwick of Guernsey) Law, 1994 (No. XIII of 1994, Ordres en Conseil Vol. XXV(1), p. 271); Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995 (No XI of 1995, Ordres en Conseil Vol. XXVI, p. 256); Offences against Police Officers (Bailiwick of Guernsey) (Amendment) Law, 1996 (No. VI of 1996, Ordres en Conseil Vol. XXXVI, p. 577); Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 639); Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002 (No. I of 2003, Ordres en Conseil Vol. XLIII(1), p. 3); Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006 (No. XIII of 2006); Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009); Extradition (Crown Dependencies) (Bailiwick of Guernsey) Ordinance, 2023 (No. XI of 2023); Criminal Justice (Miscellaneous Amendments – Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023 (No. XXX of 2023). See also the: Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (*supra*); Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (No. XXIII of 2003, Ordres en Conseil Vol. XLIII(2), p. 617).

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## **The Administration of Justice (Bailiwick of Guernsey) Law, 1991**

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# PROJET DE LOI

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## **The Administration of Justice (Bailiwick of Guernsey) Law, 1991**

**THE STATES**, in pursuance of their Resolutions of the 28<sup>th</sup> day of September, 1989<sup>a</sup>, and the 27<sup>th</sup> day of December, 1989<sup>b</sup>, have 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.

### PART I

#### EVIDENCE IN CRIMINAL PROCEEDINGS

##### **Proof by written statement.**

1. (1) In any criminal proceedings, [including] committal proceedings, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are –

(a) the statement purports to be signed by the person who made it,

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**a** On Article IV of Billet d'État No. XVI of 1989.

**b** On Article XIV of Billet d'État No. XXVIII of 1989.

- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true,
- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings, and
- (d) none of the other parties or their Advocates, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:

Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

(3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say –

- (a) if the statement is made by a person under the age of [eighteen], it shall give his age,
- (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the

statement to the effect that it was so read, and

- (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.

(4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section –

- (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence, and
- (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

(5) An application under paragraph (b) of the last foregoing subsection made to the Royal Court may be made before the hearing and on any such application the powers of the Court shall be exercisable by the Bailiff sitting alone.

(6) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(7) Any document or object referred to as an exhibit and identified

in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(8) A document required by this section to be served on any person shall be served in accordance with the Rules for the time being governing the service of process in the Bailiwick.

(9) If any person in a written statement tendered in evidence under this section wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true he shall be guilty of an offence punishable on conviction with a fine not exceeding level 5 on the uniform scale or with two years imprisonment or both.

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**NOTES**

*In section 1,*

*the word in square brackets in subsection (1) was substituted by the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006, section 16(2), with effect from 28th March, 2007;*

*the word in square brackets in paragraph (a) of subsection (3) was substituted by the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002, section 12, with effect from 20th January, 2003.*

*The following cases have referred to this Law:*

*Blondel and Butcher v. Law Officers of the Crown* (1994) 17.GLJ.60;

*Fernandes v. Law Officers of the Crown* (2014) (Unreported, Court of Appeal, 11th December) (Guernsey Judgment No. 53/2014);

*Law Officers of the Crown v I. Tostevin* [2025]GRC008 (Unreported, Royal Court, 14th February).

*In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers*

*shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.*

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**Admissions of facts.**

2. (1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecution or accused, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.

(2) An admission under this section –

- (a) may be made before or at the proceedings,
- (b) if made otherwise than in court, shall be in writing,
- (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate,
- (d) if made on behalf of an accused who is an individual, may be made by his Advocate.

(3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to the matter (including any appeal or retrial).

(4) An admission under this section may with the leave of the

court be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.

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**NOTE**

*The following cases have referred to section 2:*

*Blondel and Butcher v. Law Officers of the Crown* (1994)  
17.GLJ.60;

*Fernandes v. Law Officers of the Crown* (2014) (Unreported, Court  
of Appeal, 11th December) (Guernsey Judgment No. 53/2014).

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**Onus of proving exceptions, etc.**

3. Where the accused in any criminal prosecution relies for his defence on any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence, in the statute creating the offence, the burden of proving the exception, exemption, proviso, excuse or qualification shall be on him; and this notwithstanding that the wording of the charge or summons contains an allegation negating the exception, exemption, proviso, excuse or qualification.

**Abolition of the rights of accused to make an unsworn statement.**

4. (1) Subject to subsection (2) below, in any criminal proceedings the accused shall not be entitled to make a statement without being sworn, and accordingly, if he gives evidence he shall do so on oath and be liable to cross-examination; but this section shall not affect the right of the accused if not legally represented, to address the court otherwise than on oath on any matter on which, if he were so represented the legal representative could address the court on his behalf.

(2) Nothing in subsection (1) above shall prevent the accused making a statement without being sworn –

(a) if it is one which he is required by law to make

personally, or

- (b) if he makes it by way of mitigation before sentence is passed upon him.

**[Unsworn evidence of children.]**

5. (1) Where, in any criminal proceedings any child of tender years called as a witness does not in the opinion of the Court understand the nature of an oath, his evidence may be received though not given on oath if the Court considers –

- (a) he is sufficiently intelligent to justify the reception of his evidence, and
- (b) he understands the duty of speaking the truth.

(2) Any requirement in criminal proceedings for the Court to be warned about convicting the accused on the uncorroborated evidence of a child is abrogated in relation to cases where such a warning is required by reason only that the evidence is the evidence of a child.

(3) Unsworn evidence admitted under subsection (1) above may corroborate evidence (sworn or unsworn) given by any other person.

(4) Section 14 of the "Loi relative à la Protection des Femmes et des Filles Mineures" registered on the 1<sup>st</sup> day of August, 1914 and section 18 of the "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes" registered on the 10<sup>th</sup> day of February, 1917 are repealed.

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**NOTES**

*The Loi relative à la Protection des Femmes et des Filles Mineures, 1914 has*

*since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, paragraph 2 ("Repeals"), with effect from 1st March, 2022, subject to the savings in section 2 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.*

*In the printed version of this section, the marginal note has been omitted.*

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[PART IA  
DEFERRED PROSECUTION AGREEMENTS

**Deferred prosecution agreements.**

**5A.** (1) Schedule 1 and Schedule 2, which make provision about deferred prosecution agreements, have effect.

(2) The States of Guernsey Committee for Home Affairs may by regulations amend Schedule 2 by either or both –

- (a) adding an offence, or
- (b) removing an offence.

(3) Regulations under subsection (2) must be laid before a meeting of the States as soon as possible after being made; and if at that or the next meeting the States resolve that the regulations be annulled, the regulations cease to have effect but without prejudice to anything done under the regulations or to the making of new regulations.]

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**NOTE**

*Part IA and section 5A thereof were inserted by the Criminal Justice (Miscellaneous Amendments – Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023, section 1(2), with effect from 26th April, 2024, save that, in accordance with the provisions of the Criminal Justice (Miscellaneous Amendments – Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023 (Commencement) Regulations, 2024, regulation 1(2), these*

*amendments shall not come into force to the extent that they apply where D (within the meaning of Schedule 1, as inserted into this Law by the 2023 Ordinance) is an individual.*

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## PART II

### ADDITIONAL POWERS OF THE MAGISTRATE'S COURT

#### **Minor defects in process.**

6. (1) No objection shall be allowed to any charge or summons for any defect in it in substance or in form, or for any variance between it and the evidence adduced by the prosecution at the hearing in the Magistrate's Court.

(2) If it appears to the Magistrate's Court that any variance between a charge or summons and the evidence adduced on behalf of the prosecution is such that the accused has been misled by the variance, the court, shall, on the application of the accused adjourn the hearing.

[ (3) For the purposes of this section, the expression "**the Magistrate's Court**" includes the Court of Alderney and the Court of the Seneschal of Sark.]

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#### **NOTES**

*In section 6, subsection (3) was inserted by the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 3, with effect from 1st February, 1997.*

*The following case has referred to section 6:*

*Law Officers of the Crown v I. Tostevin [2025]GRC008 (Unreported, Royal Court, 14th February).*

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#### **Contempt of the Magistrate's Court.**

7. ...

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**NOTE**

*Section 7 was repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(f), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.*

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PART III  
POWERS OF SEARCH

**Amendment to Protection of Depositors, Companies and Prevention of Fraud (Bailiwick of Guernsey) Law, 1969.**

8. ...

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**NOTE**

*Section 8 was repealed by the Banking Supervision (Bailiwick of Guernsey) Law, 1994, section 57(h), with effect from 1st October, 1994.*

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**Amendment to Theft (Bailiwick of Guernsey) Law, 1983.**

9. (1) Sections 31(1) to (3) of the Theft (Bailiwick of Guernsey) Law, 1983<sup>f</sup> is repealed and the following substituted –

" (1) If the Bailiff is satisfied by information on oath given by an officer of police and in relation to Guernsey being of a rank not lower than that of inspector that there is reasonable cause to believe that any person has in his custody or possession or on his premises any property whatsoever, with respect to which any offence against this Law has been committed, the Bailiff may grant a warrant to search for and seize the same.

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<sup>f</sup> No. I of 1983.

(2) Any officer of police may, if authorised in writing by the Chief Officer of Police, enter any premises, and search for and seize any property he believes to have been stolen, and where any property is seized in pursuance of this section, the person on whose premises it was at the time of seizure or the person from whom it was taken shall, unless previously charged with handling the same, be summoned before the appropriate Court to account for his possession of such property, and such Court shall make such order respecting the disposal of such property and may award such costs as the justice of the case may require.

(3) It shall be lawful for the Chief Officer of Police to give such authority as aforesaid –

- (a) when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of handling stolen property or of harbouring thieves, or
- (b) when the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty and punishable with imprisonment.

(4) The Chief Officer of Police may give such authority if he has reason to believe that there may be stolen goods at the premises to be searched, and need not specify any particular property."

(2) Sections 31(4) and (5) are renumbered 31(5) and (6) respectively

PART IV  
MISCELLANEOUS

**Amendment to Protection of Children (Bailiwick of Guernsey) Law, 1985.**

10. The Protection of Children (Bailiwick of Guernsey) Law, 1985<sup>g</sup>, is hereby amended as follows –

- (a) the following additional section is inserted immediately after section 3 –

**"Possession of indecent photographs of children.**

3A. (1) It is an offence for a person to have any indecent photograph of a child (meaning in this section a person under or apparently under the age of 16) in his possession.

(2) Where a person is charged with an offence under subsection (1) above, it shall be a defence for him to prove –

- (a) that he had a legitimate reason for having the photograph in his possession, or
- (b) that he had not himself seen the photograph and did not know, nor had any cause to suspect, it to

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<sup>g</sup> No. XII of 1985.

be indecent, or

- (c) that the photograph was sent to him without any prior request made by him or on his behalf and that he did not keep it for an unreasonable time.

(3) Possession before this section comes into force is not an offence.

(4) A person guilty of any offence under this section shall be liable on conviction to a fine not exceeding level 5 on the uniform scale.",<sup>1</sup>

- (b) in section 5(1) for "section 2 or 3" substitute "section 2, 3, or 3A",
- (c) in section 7(1)(c) after "section 3" insert "or 3A",
- (d) in section 7(3) for "section 2 or 3" substitute "section 2, 3, or 3A",
- (e) in section 9(5) after "section 3" insert "or 3A".

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**NOTE**

*The Protection of Children (Bailiwick of Guernsey) Law, 1985 has since been repealed by the Sexual Offences (Bailiwick of Guernsey) Law, 2020, section 111, Schedule 2, paragraph 7 ("Repeals"), with effect from 1st March, 2022, subject to the savings in section 2 of the Sexual Offences*

*(Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.*

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**Torture.**

**11.** (1) A public official or person acting in an official capacity, whatever his nationality, commits the offence of torture if in the Bailiwick or elsewhere he intentionally inflicts severe pain or suffering on another in the performance or purported performance of his official duties.

(2) A person not falling within subsection (1) above commits the offence of torture, whatever his nationality, if –

(a) in the Bailiwick or elsewhere he intentionally inflicts severe pain or suffering on another at the instigation or with the consent or acquiescence –

(i) of a public official, or

(ii) of a person acting in an official capacity, and

(b) the official or other person is performing or purporting to perform his official duties when he instigates the commission of the offence or consents to or acquiesces in it.

(3) It is immaterial whether the pain or suffering is physical or mental and whether it is caused by an act or an omission.

(4) It shall be a defence for a person charged with an offence under this section in respect of any conduct of his to prove that he had lawful authority, justification or excuse for that conduct.

(5) For the purposes of this section "**lawful authority, justification or excuse**" means –

(a) in relation to pain or suffering inflicted in the Bailiwick, lawful authority, justification or excuse under the law of the part of the Bailiwick where it was inflicted,

(b) in relation to pain or suffering inflicted outside the Bailiwick –

(i) if it was inflicted by a Bailiwick official acting under the law of the Bailiwick or by a person acting in an official capacity under that law, lawful authority, justification or excuse under that law,

(ii) if it was inflicted by a Bailiwick official acting under the law of any part of the Bailiwick or by a person acting in an official capacity under such law, lawful authority, justification or excuse under the law of the part of the Bailiwick under whose law he was acting, and

(iii) in any other case, lawful authority, justification or excuse under the law of the place where it was inflicted.

(6) A person who commits the offence of torture shall be liable on conviction on indictment to imprisonment for life.

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**NOTES**

*In accordance with the provisions of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, section 90(2)(b), Schedule 4, Part II, paragraph 6, with effect from 5th April, 2004, offences under this section are always serious arrestable offences for the purposes of the 2003 Law.*

*In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence in subsection (6), a court (in Guernsey but not in Alderney or Sark), instead of or in addition to any other punishment which may lawfully be imposed, may fine the offender for such offence.*

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**Amendment to Offences against Police Officers (Bailiwick of Guernsey) Law, 1963.**

12. ...

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**NOTE**

*Section 12 was repealed by the Offences against Police Officers (Bailiwick of Guernsey) (Amendment) Law, 1996, section 2, with effect from 30th September, 1996.*

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**Detention of persons wanted in United Kingdom[, Jersey or Isle of Man].**

13. (1) Where it appears to an officer of police that a person in the Bailiwick is subject to a warrant of arrest or commitment [signed or issued by any court, judge, justice of the peace or magistrate (by whatever title called) in any part of the United Kingdom, Jersey or the Isle of Man] and the said officer is reasonably satisfied that a copy or facsimile of that warrant to which he has access is of *prima facie* authenticity he may detain that person.

(2) A person detained under subsection (1) shall be brought as soon as reasonably practicable before the appropriate court, which for this purpose shall sit in camera, and which shall enquire into the circumstances and hear

representations made by or on behalf of the person detained.

(3) If the appropriate court is satisfied that the copy or facsimile of the warrant is *prima facie* authentic and that the person detained is the person the subject of the warrant it shall order his detention in custody for a period of 72 hours (which shall be reckoned from the time the hearing is concluded), or else order he shall be released forthwith.

(4) A person detained by order of the appropriate court under subsection (3) shall have the right to appeal to the Bailiff sitting in chambers on the grounds that the copy or facsimile of the warrant is not *prima facie* authentic or that he is not the person the subject of the warrant and if the Bailiff is satisfied on such grounds he shall order the person's release forthwith.

(5) A person detained under this section shall be deemed to be in lawful custody charged with an offence and shall be released forthwith after the expiration of the period of 72 hours if the warrant is not lawfully executed on him during that period.

(6) In this section "**appropriate court**" means –

- (a) in relation to Guernsey, the Magistrate's Court set up under the Magistrate's Court (Guernsey) Law, 1954,
- (b) in relation to Alderney, the Court of Alderney,
- (c) in relation to Sark, the Court of the Seneschal.

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**NOTES**

*In section 13, first, the words in square brackets in the section heading were*

*inserted and, second, those in square brackets in subsection (1) were substituted by the Extradition (Crown Dependencies) (Bailiwick of Guernsey) Ordinance, 2023, section 4, respectively subsection (2) and subsection (3), with effect from 15th August, 2023.*

*In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the references herein to the Bailiff included a reference to the Deputy Bailiff.*

*The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.*

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**Production of driving documents.**

- 14.** (1) This section applies to any person –
- (a) driving a motor vehicle on a road, or
  - (b) whom an officer of police has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road, or
  - (c) whom an officer of police has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road, or
  - (d) ...
  - (e) ...

(2) A person to whom this section applies shall, on being so required by an officer of police –

(a) ...

(b) ...

(c) [ ...]

(i) produce the relevant certificate of insurance or such other evidence as may be prescribed that the vehicle is not or was not being driven in contravention of section 2 of the 1936 Law,

(ii) state the name and address of the owner of the vehicle.

(3) A person who fails to comply with a requirement made under subsection (2) of this section is, subject to subsection (4) of this section, guilty of an offence and liable on conviction to a fine not exceeding level 2 on the uniform scale.

(4) In proceedings against any person for failing to produce a [...] relevant certificate of insurance it is a defence for him to show that –

(a) he produced it in person at the police station within 7 days of its production being required, or

(b) it was not reasonably practicable for him to produce it before the day on which the proceedings were instituted.

(5) Paragraph (2)(c) of this section is to be construed as one with the 1936 Law.

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**NOTES**

*In section 14,*

*paragraph (d) and paragraph (e) of subsection (1) were repealed by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 2(a), with effect from 14th November, 1995;*

*paragraph (a), paragraph (b), and the words omitted in square brackets in paragraph (c), of subsection (2) were repealed by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 2(b), with effect from 14th November, 1995;*

*the words omitted in square brackets in subsection (4) were repealed by the Motor Taxation and Licensing (Amendment) (Guernsey) Law, 1995, section 2(c), with effect from 14th November, 1995.*

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**Amendment to Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.**

**15.** (1) In section 4(1D)(a) of the 1936 Law<sup>k</sup>, immediately after "any sum" insert "payable under the judgment in respect of the liability, together with any sum".

(2) Immediately after section 6 of the 1936 Law there is inserted –

**"6A.** (1) If a policy –

(a) restricts the insurance of the persons insured by it to use of the vehicle for specified purposes of a non-commercial

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<sup>k</sup> Ordres en Conseil Vol. X, p. 388; section 4(1D) was inserted by Order in Council No. XVIII of 1989.

character, or

- (b) excludes from that insurance –
  - (i) use of the vehicle for hire or reward or
  - (ii) business or commercial use of the vehicle, or
  - (iii) use of the vehicle for specified purposes of a business or commercial character,

then, so far as the policy relates to liabilities required to be covered by a policy under paragraph (b) of section 3(1) of this Law, use of a vehicle on a journey in the course of which passengers are carried at separate fares shall, if the conditions specified in subsection (2) of this section are satisfied, be treated as falling within that restriction, or as not falling within that exclusion, as the case may be.

(2) The conditions referred to in subsection (1) of this section are –

- (a) that the vehicle is not adapted to carry more than eight passengers and is not a motor cycle, and
- (b) that the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs

of the vehicle for the journey (including an appropriate amount in respect of depreciation and general wear), and

- (c) that the arrangements for the payment of fares were made before the journey began."

(3) In section 13 of the 1936 Law –

- (a) subsection (1) is repealed,
- (b) immediately after "under this section" insert ", or under section 15(2) of the Administration of Justice (Bailiwick of Guernsey) Law, 1991,".<sup>2</sup>

(4) In section 15(4) of the 1936 Law, immediately after "of this Law" insert "or Section 15(2) of the Criminal Justice (Bailiwick of Guernsey) Law, 1990".<sup>3</sup>

**Recovery of penalties for les Terres mises à l'Amende.**

16. (1) The penalty recoverable pursuant to the Ordinance relating to the Terres mises à l'Amende of 16<sup>th</sup> January, 1786<sup>l</sup> ("**the Ordinance of 1786**") is recoverable only in the Magistrate's Court established by the Magistrate's Court (Guernsey) Law, 1954<sup>m</sup>, as amended<sup>n</sup> and sections 12 to 14 of that Law shall apply to proceedings for the recovery of such a penalty as they apply to a civil action for the

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<sup>l</sup> Recueil d'Ordonnances Tome I, p. 334; Tome IX, p. 40; Tome XVI, p. 200.

<sup>m</sup> Ordres en Conseil Vol. XVI, p. 103.

<sup>n</sup> Ordres en Conseil No. IV of 1984.

recovery of a debt.

(2) This section applies irrespective of the date of the Act of Court which permitted publication in La Gazette Officielle of the requisite notices in respect of the land in question.

(3) References in this section to an enactment are references to the enactment as amended.

(4) Any proceedings instituted but not completed for the recovery of a penalty under the Ordinance of 1786 when this section comes into force shall be heard and determined as if this section did not exist.

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**NOTE**

*The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.*

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PART V  
SUPPLEMENTARY

**Interpretation.**

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

"**driving licence**" has the same meaning as "**autorisation de conduire**" in Article 10 of the Law entitled "Loi relative aux Automobiles" registered on 11<sup>th</sup> December, 1926<sup>o</sup>,

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<sup>o</sup> Ordres en Conseil Vol. VIII, p. 56.

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller,

**"Magistrate's Court"** means the Magistrate's Court constituted by virtue of the Magistrate's Court (Guernsey) Law, 1954,

**"officer of police"** means –

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey,
- (b) in relation to the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney, and
- (c) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey,

**"provisional driving licence"** has the same meaning as **"autorisation provisionnelle"** in the Law entitled "Loi Supplémentaire relative aux Automobiles (Autorisation à Conduire), 1939" registered on 17<sup>th</sup> June 1939<sup>P</sup>,

**"road"** means any road, street, lane, way or place to which the public have access,

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<sup>P</sup> Ordres en Conseil Vol. XI, p. 299.

"the 1936 Law" means the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.

(2) A reference in this Law to an enactment is to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment, including this Law.

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**NOTES**

*In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

*The Loi relative aux Automobiles, 1926 has since been repealed by the Motor Taxation (Abolition) (Guernsey) Ordinance, 2006, section 3(1), Schedule, Part I, with effect from 1st January, 2008.*

*The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.*

*The Loi Supplémentaire relative aux Automobiles (Autorisation à Conduire), 1939 has since been repealed by the Driving Licences (Guernsey) Ordinance, 1995, section 26, Schedule 9, with effect from 1st September, 1995, subject to the savings in section 26(3) of the 1995 Ordinance.*

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**Citation.**

18. This Law may be cited as the Administration of Justice (Bailiwick of Guernsey) Law, 1991.

**Commencement.**

19. This Law shall come into force as follows –

(a) section 15(1) shall be deemed to have come into force

on 2<sup>nd</sup> October 1989,

- (b) sections 14, 15(2), (3) and (4), 17 and 18 shall come into force on the date of this Law's registration on the records of the Island of Guernsey,
- (c) the remaining provisions shall come into force on the 28<sup>th</sup> day after that date.

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**NOTE**

*The Law was registered on the records of the Island of Guernsey on 30th April, 1991.*

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**[Amendment of Law by Ordinance.]**

- 20.** (1) The States may by Ordinance amend this Law.
- (2) Subsection (1) is without prejudice to any other provision of this Law conferring power to enact Ordinances, orders or regulations (and vice versa).
- (3) An Ordinance under this Law –
- (a) may, for the avoidance of doubt –
    - (i) create new offences, and
    - (ii) repeal, replace, amend, extend, adapt, modify or disapply any rule of customary or common law,
  - (b) may be amended or repealed by a subsequent Ordinance hereunder, and

- (c) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient.
- (4) Any power conferred by this Law to make an 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.]

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**NOTES**

*Section 20 was inserted by the Criminal Justice (Miscellaneous Provisions)*

*Consolidated text*

*(Bailiwick of Guernsey) Law, 2006, section 16(3), Schedule 2, paragraph 1, with effect from 28th March, 2007.*

*The following Ordinances have been made under section 20:*

*Extradition (Crown Dependencies) (Bailiwick of Guernsey) Ordinance, 2023;*

*Criminal Justice (Miscellaneous Amendments – Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023.*

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DEFERRED PROSECUTION AGREEMENTS – GENERAL

*Characteristics of a DPA*

**General characteristics of a DPA.**

1. A deferred prosecution agreement ("**DPA**") is an agreement conforming to the requirements of this Schedule between His Majesty's Procureur and a person ("**D**") whom the Law Officers of the Crown are considering prosecuting for an offence specified in Schedule 2 (the "**alleged offence**").

**Effect of DPA on court proceedings.**

2. (1) On a DPA coming into force after having been approved by the Court under paragraph 7 –

- (a) if proceedings for the alleged offence have not been instituted, such proceedings must be instituted by presenting a charge in respect of the alleged offence to the Court, whereupon such proceedings shall be automatically suspended, and
- (b) if proceedings for the alleged offence have been instituted, those proceedings shall be automatically suspended.

(2) The suspension referred to in subparagraph (1) may only be lifted on an application to the Court by His Majesty's Procureur, and no such application may be made at any time when the DPA is in force.

(3) D may not be prosecuted for the alleged offence whilst

proceedings are suspended under subparagraph (1).

**Persons who may enter into a DPA.**

3. (1) D may be an individual, a body corporate, a partnership or an unincorporated association.

(2) Where D is a partnership –

- (a) the DPA must be entered into in the name of the partnership (and not in that of any of the partners), and
- (b) any money payable under the DPA must be paid out of the funds of the partnership.

(3) Where D is an unincorporated association –

- (a) the DPA must be entered into in the name of the association (and not in that of any of its members), and
- (b) any money payable under the DPA must be paid out of the funds of the association.

**Content of a DPA.**

4. (1) A DPA must set out –

- (a) a statement and particulars of offence, as they would appear if the alleged offence were to be the subject of a count in an indictment, and
- (b) a statement of facts relating to the alleged offence, which may include admissions made by D.

(2) A DPA must specify an expiry date, which is the date on which the DPA ceases to have effect if it has not already been terminated under paragraph 8 (breach of DPA).

(3) The requirements that a DPA may impose on D include, but are not limited to, the following requirements –

- (a) to pay a financial penalty,
- (b) to compensate victims of the alleged offence,
- (c) to donate money to a charity or other third party,
- (d) to disgorge any profits made by D from the alleged offence,
- (e) to implement a compliance programme or make changes to an existing compliance programme relating to D's policies or to the training of D's employees or both, and
- (f) to co-operate in any investigation related to the alleged offence.

(4) A DPA may impose time limits within which D must comply with the requirements imposed on D.

(5) The amount of any financial penalty agreed between His Majesty's Procureur and D must be an amount that, in His Majesty's Procureur's assessment, would be neither unduly lenient nor manifestly excessive if imposed by a

court on conviction of D for the alleged offence following a guilty plea.

(6) A DPA may include a term setting out the consequences of a failure by D to comply with any of its terms.

**Code on DPAs.**

5. (1) His Majesty's Procureur must issue a Code giving guidance on

–

- (a) the general principles to be applied in determining whether a DPA is likely to be appropriate in a given case, and
- (b) the disclosure of information to D in the course of negotiations for a DPA and after a DPA has been agreed.

(2) The Code issued under subparagraph (1) may also give guidance on any other relevant matter, including –

- (a) the use of information obtained by His Majesty's Procureur in the course of negotiations for a DPA,
- (b) variation of a DPA,
- (c) termination of a DPA and steps that may be taken by a prosecutor following termination, and
- (d) steps that may be taken by His Majesty's Procureur when His Majesty's Procureur suspects a breach of a DPA.

(3) His Majesty's Procureur must publish the Code in such manner as he or she thinks fit.

(4) His Majesty's Procureur may from time to time alter or replace the Code.

(5) If the Code is altered or replaced, His Majesty's Procureur must publish the new Code in such manner as he or she thinks fit.

(6) His Majesty's Procureur must take account of the Code in exercising functions under this Schedule.

*Procedure*

**Court approval of DPA: preliminary hearing.**

6. (1) After the commencement of negotiations between His Majesty's Procureur and D in respect of a DPA but before the terms of the DPA are agreed, His Majesty's Procureur must apply to the Court for a declaration that –

(a) entering into a DPA with D is likely to be in the interests of justice, and

(b) the proposed terms of the DPA are fair, reasonable and proportionate.

(2) The Court must give reasons for its decision on whether or not to make a declaration under subparagraph (1).

(3) His Majesty's Procureur may make a further application to the Court for a declaration under subparagraph (1) if, following the previous application,

the Court declined to make a declaration.

(4) A hearing at which an application under this paragraph is determined must be held in private, any declaration under subparagraph (1) must be made in private, and reasons under subparagraph (2) must be given in private.

**Court approval of DPA: final hearing.**

7. (1) Subject to subparagraph (2), when His Majesty's Procureur and D have agreed the terms of a DPA, His Majesty's Procureur must apply to the Court for a declaration that –

- (a) the DPA is in the interests of justice, and
- (b) the terms of the DPA are fair, reasonable and proportionate.

(2) His Majesty's Procureur may not make an application under subparagraph (1) unless the Court has made a declaration under paragraph 6(1).

(3) A DPA shall only come into force when it is approved by the Court making a declaration under subparagraph (1).

(4) The Court must give reasons for its decision on whether or not to make a declaration under subparagraph (1).

(5) Subject to subparagraph (6), a hearing at which an application under this paragraph is determined may be held in private.

(6) If the Court decides to approve the DPA and make a declaration under subparagraph (1) it must do so, and give its reasons, in open court, and must set out the DPA in its judgment.

**Breach of DPA.**

8. (1) At any time when a DPA is in force, if His Majesty's Procureur believes that D has failed to comply with the terms of the DPA, His Majesty's Procureur must make an application to the Court under this paragraph.

(2) On an application under subparagraph (1) the Court must decide whether, on the balance of probabilities, D has failed to comply with the terms of the DPA.

(3) If the Court finds that D has failed to comply with the terms of the DPA, it may –

- (a) invite His Majesty's Procureur and D to agree proposals to remedy D's failure to comply, or
- (b) terminate the DPA.

(4) The Court must give reasons for its decisions under subparagraphs (2) and (3).

**Variation of DPA.**

9. (1) At any time when a DPA is in force, His Majesty's Procureur and D may agree to vary its terms if –

- (a) the Court has invited the parties to vary the DPA under paragraph 8(3)(a), or
- (b) variation of the DPA is necessary to avoid a failure by D to comply with its terms in circumstances that were not, and could not reasonably have been, foreseen by

His Majesty's Procureur or D at the time that the DPA was agreed.

(2) When His Majesty's Procureur and D have agreed to vary the terms of a DPA, His Majesty's Procureur must apply to the Court for a declaration that –

- (a) the variation is in the interests of justice, and
- (b) the terms of the DPA as varied are fair, reasonable and proportionate.

(3) A variation of a DPA only takes effect when it is approved by the Court making a declaration under subparagraph (2).

(4) The Court must give reasons for its decision on whether or not to make a declaration under subparagraph (2).

(5) A hearing at which an application under this paragraph is determined may be held in private, but if the Court decides to approve the variation and make a declaration under subparagraph (2) it must do so, and give its reasons, in open court.

**Discontinuance of proceedings on expiry of DPA.**

**10.** (1) If a DPA remains in force until its expiry date, then after the expiry of the DPA the proceedings for the alleged offence referred to in paragraph 2(1) are to be discontinued by His Majesty's Procureur giving notice to the Court that His Majesty's Procureur does not want the proceedings to continue.

(2) Subject to subparagraph (3), where proceedings are discontinued under subparagraph (1), fresh proceedings may not be instituted against

D for the alleged offence.

(3) Subparagraph (2) does not prevent fresh proceedings from being instituted against D in a case where, after a DPA has expired, His Majesty's Procureur finds that, during the course of the negotiations for the DPA –

- (a) D provided inaccurate, misleading or incomplete information to His Majesty's Procureur, and
- (b) D knew or ought to have known that the information was inaccurate, misleading or incomplete.

(4) A DPA is not to be treated as having expired for the purposes of subparagraph (1) if, on the expiry date specified in the DPA –

- (a) an application made by His Majesty's Procureur under paragraph 8 (breach of DPA) has not yet been decided by the Court,
- (b) following an application under paragraph 8 the Court has invited the parties to agree proposals to remedy D's failure to comply, but the parties have not yet reached an agreement, or
- (c) the parties have agreed proposals to remedy D's failure to comply following an invitation of the Court under paragraph 8(3)(a) but D has not yet complied with the agreement.

(5) In the circumstances mentioned in subparagraph (4)(a) –

- (a) if the Court decides that D has not failed to comply with the terms of the DPA, or that D has failed to comply but does not take action under paragraph 8(3), the DPA is to be treated as expiring when the application is decided,
- (b) if the Court terminates the DPA, the DPA is to be treated as not having remained in force until its expiry date (and subparagraph (1) therefore does not apply), and
- (c) if the Court invites the parties to agree proposals to remedy D's failure to comply, the DPA is to be treated as expiring when the parties have reached such an agreement and D has complied with it.

(6) In the circumstances mentioned in subparagraph (4)(b), the DPA is to be treated as expiring when the parties have reached an agreement and D has complied with it.

(7) In the circumstances mentioned in subparagraph (4)(c), the DPA is to be treated as expiring when D complies with the agreement.

**Use of material in criminal proceedings.**

**11.** (1) Subparagraph (2) applies where a DPA has been approved by the Court under paragraph 7.

(2) Where this subparagraph applies, in any proceedings brought against D for the alleged offence, the statement of facts contained in the DPA is to be treated as an admission by D under section 2 of this Law (admission of facts).

(3) Subparagraph (4) applies where a prosecutor and D have entered into negotiations for a DPA but the DPA has not been approved by the Court under paragraph 7.

(4) Where this subparagraph applies, material described in subparagraph (6) may only be used in evidence against D –

- (a) on a prosecution for an offence consisting of the provision of inaccurate, misleading or incomplete information, or
- (b) (subject to subparagraph (5)) on a prosecution for some other offence where in giving evidence D makes a statement inconsistent with the material.

(5) Material may not be used against D by virtue of subparagraph (4)(b) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of D in the proceedings arising out of the prosecution.

(6) The material referred to in subparagraph (4) is –

- (a) material that shows that D entered into negotiations for a DPA, including in particular –
  - (i) any draft of the DPA,
  - (ii) any draft of a statement of facts intended to be included within the DPA, or
  - (iii) any statement indicating that D entered into such negotiations, and

- (b) material that was created solely for the purpose of preparing the DPA or statement of facts.

*Final*

**Meaning of "the Court".**

**12.** In this Schedule "**the Court**" –

- (a) subject to item (c), in relation to an alleged offence for which criminal proceedings have not been instituted under paragraph 2, means the Royal Court sitting as an Ordinary Court,
- (b) subject to item (c), in relation to an alleged offence for which criminal proceedings have been instituted under paragraph 2, means the court in which those proceedings were instituted, or, if those proceedings are transferred to a different court, the court to which those proceedings are transferred, and
- (c) in relation to a DPA in respect of which a declaration has been made or refused under paragraph 6 or 7, the court that made or (as the case may be) refused the declaration.

**References to His Majesty's Procureur.**

**13.** (1) His 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; and references in this Law to His Majesty's Procureur shall be

construed accordingly.

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

(3) An arrangement under subparagraph (1) for the exercise of a function by a Crown Advocate—

(a) may be varied or terminated at any time by His 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 His Majesty's Procureur while the arrangement subsists.

(4) This paragraph is without prejudice to any other enactment or rule of law.

**Application.**

13. This Schedule applies in relation to conduct occurring before the commencement of this Schedule as if an offence specified in Schedule 2 included any corresponding offence under the law in force at the time of the conduct.

**Transitional provision.**

14. (1) Conduct constituting an alleged offence that occurred before the relevant commencement day may be taken into account for the purposes of this Schedule.

(2) In subparagraph (1) the "**relevant commencement day**" means-

- (a) in a case where the alleged offence is an offence that is specified in Schedule 2 when this Schedule comes into force, the day on which Schedule 2 comes into force, and
- (b) in a case where the alleged offence is an offence that is subsequently added to Schedule 2, the day when the enactment adding that offence to Schedule 2 comes into force.]

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**NOTE**

*Schedule 1 was inserted by the Criminal Justice (Miscellaneous Amendments – Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023, section 1(3), Schedule, with effect from 26th April, 2024, save that, in accordance with the provisions of the Criminal Justice (Miscellaneous Amendments – Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023 (Commencement) Regulations, 2024, regulation 1(2), this amendment shall not come into force to the extent that it applies where D (within the meaning of this Schedule, as inserted into this Law by the 2023 Ordinance) is an individual.*

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DEFERRED PROSECUTION AGREEMENTS – LIST OF OFFENCES

1. Conspiracy to defraud under section 12 or 13 of the Criminal Justice (Attempts, Conspiracy and Jurisdiction) (Bailiwick of Guernsey) Law, 2006.
2. Cheating the public revenue at common law.
3. An offence under any of the following provisions of the Theft (Bailiwick of Guernsey) Law, 1983 –
  - (a) section 1 (theft),
  - (b) section 19 (false accounting),
  - (c) section 22 (suppression, etc. of documents), or
  - (d) section 27A (dishonestly retaining a wrongful credit).
4. An offence under any of the following provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 –
  - (a) section 30 (offences in relation to exportation of prohibited or restricted goods),
  - (b) section 75 (untrue declarations, etc.), or
  - (c) section 77 (fraudulent evasion of duty, etc.).
5. An offence under any of the following provisions of the Forgery and

Counterfeiting (Bailiwick of Guernsey) Law, 2006 –

- (a) section 1 (forgery),
- (b) section 2 (copying a false instrument),
- (c) section 3 (using a false instrument),
- (d) section 4 (using a copy of a false instrument), or
- (e) section 5 (offences relating to money orders, share certificates, passports, etc.).

**6.** An offence under any of the following provisions of the Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020 –

- (a) section 18 (falsification, etc, of documents during investigation),
- (b) section 61(1) (offences and penalties in cases of market abuse),
- (b) section 67(10) (false, deceptive, misleading particulars, information or documents),
- (c) section 109(1) (offences as to false or misleading information, withholding information, etc.),
- (d) section 110(2) or (3) (misleading statements and practices – controlled investments).

**7.** An offence under section 201(4) or (5) (discretion to prosecute in cases involving fraud, etc.) of the Income Tax (Guernsey) Law, 1975.

**8.** An offence under any of the following provisions of the Banking Supervision (Bailiwick of Guernsey) Law, 2020 –

- (a) section 1(7) (prohibition of unlicensed deposit-taking business),
- (b) section 11(9) (power to issue directions), or
- (c) section 24(3) (control of advertising).

**9.** An offence under any of the following provisions of the Insurance Business (Bailiwick of Guernsey) Law, 2002 –

- (a) section 1(6) (general restriction on carrying on insurance business),
- (b) section 3(2) (restriction on carrying on domestic business),
- (c) section 16(8) (power to issue directions), or
- (d) section 64(13) (restriction as to insurance advertisements).

**10.** An offence under any of the following provisions of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002 –

- (a) section 1(4) (restriction on acting as insurance

manager),

- (b) section 2(2) (restriction on acting as insurance intermediary),
- (c) section 11(8) (power to issue directions), or
- (d) section 61(8) (regulations as to advertisements).

**11.** An offence under either of the following provisions of the Protection of Investors (Bailiwick of Guernsey) Law, 2020 –

- (a) section 1(4) (controlled investment business), or
- (b) section 30(8) (power to issue directions).

**12.** An offence under any of the following provisions of the Regulation of Fiduciaries, Administration Businesses, Company Directors, etc (Bailiwick of Guernsey) Law, 2020 –

- (a) section 1(3) (prohibition of unlicensed business),
- (b) section 11(8) (power to issue directions), or
- (c) section 24(3) (control of advertising).

**13.** An offence under any of the following provisions of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 –

- (a) section 38 (concealing or transferring proceeds of criminal conduct),

- (b) section 39 (assisting another person to retain the proceeds of criminal conduct),
- (c) section 40 (acquisition, possession or use of proceeds of criminal conduct),
- (d) section 41 (tipping off), or
- (e) any provision of Schedule 3, 4 or 5.

**14.** An offence under section 432 (fraudulent trading) of the Companies (Guernsey) Law, 2008.

**15.** An offence under any of the following provisions of the Fraud (Bailiwick of Guernsey) Law, 2009 –

- (a) section 1 (fraud),
- (b) section 6 (possession etc. of articles for use in fraud),
- (c) section 7 (making or supplying articles for use in fraud), or
- (d) section 10 (obtaining services dishonestly).

**16.** An offence under either of the following provisions of the Prevention of Corruption (Bailiwick of Guernsey) Law, 2003 –

- (a) section 1 (corrupt transaction with agents), or

- (b) section 3 (corruption by public officials).

**17.** An offence under any of the following provisions of the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006 –

- (a) section 12B (offence of failure to prevent facilitation of Guernsey tax evasion offences), or
- (d) section 12C (offence of failure to prevent facilitation of foreign tax evasion offences).

**18.** An offence under section 5A of the Prevention of Corruption (Bailiwick of Guernsey) Law, 2003.

**19.** An offence under any of the following provisions of the Disclosure (Bailiwick of Guernsey) Law, 2007 –

- (a) section 1 (obligation to disclosure knowledge or suspicion etc. of money laundering – financial services business),
- (b) section 2 (obligation to disclosure knowledge or suspicion etc. of money laundering – nominated officers in financial services business),
- (c) section 3 (obligation to disclosure knowledge or suspicion etc. of money laundering – non-financial services business), or
- (d) section 4 (tipping off).

**20.** An offence under any of the following provisions of the Sanctions (Bailiwick of Guernsey) Law, 2018 –

- (a) section 3 (contravention of sanctions measures),
- (b) section 14 (reporting obligations of relevant institutions), or
- (c) section 17 (failure to comply with requirement for information).

**21.** An offence under paragraph 7 (offences) of Schedule 4 to the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002.

**22.** An offence under either of the following provisions of the Transfer of Funds (Guernsey) Ordinance, 2017 –

- (a) section 6 (offences: contravention of modified EU Regulation or Ordinance), or
- (b) section 7 (offences: obstruction and false information etc.).

**23.** An offence under either of the following provisions of the Transfer of Funds (Alderney) Ordinance, 2017 –

- (a) section 6 (offences: contravention of modified EU Regulation or Ordinance), or
- (b) section 7 (offences: obstruction and false information etc.).

24. An offence under either of the following provisions of the Transfer of Funds (Sark) Ordinance, 2017 –

- (a) section 6 (offences: contravention of modified EU Regulation or Ordinance), or
- (b) section 7 (offences: obstruction and false information etc.).

25. An ancillary offence relating to an offence specified in this Schedule; and for these purposes "**ancillary offence**", in relation to an offence, means –

- (a) aiding, abetting, counselling or procuring the commission by another person of the offence, within the meaning of section 1 of the Criminal Justice (Aiding and Abetting etc.) (Bailiwick of Guernsey) Law, 2007, or
- (b) attempting or conspiring to commit the offence, within the meaning of sections 1 and 7 of the Criminal Justice (Attempts, Conspiracy and Jurisdiction) (Bailiwick of Guernsey) Law, 2006, respectively.]

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**NOTE**

*Schedule 2 was inserted by the Criminal Justice (Miscellaneous Amendments – Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023, section 1(3), Schedule, with effect from 26th April, 2024, save that, in accordance with the provisions of the Criminal Justice (Miscellaneous Amendments – Deferred Prosecution Agreements) (Bailiwick of Guernsey) Ordinance, 2023 (Commencement) Regulations, 2024, regulation 1(2), this amendment shall not come into force to the extent that it applies where D (within the meaning of Schedule 1, as inserted into this Law by the 2023 Ordinance) is an individual.*

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<sup>1</sup> For subsequent amendments, see the consolidated text of the Protection of Children (Bailiwick of Guernsey) Law, 1985.

<sup>2</sup> For subsequent amendments, see the consolidated text of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.

<sup>3</sup> For subsequent amendments, see the consolidated text of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.