

BILLET D'ÉTAT No. XII, 2006

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	<i>Page</i>
Projet de Loi entitled “The Export Control (Bailiwick of Guernsey) Law, 2006”	1
Projet de Loi entitled “The Reform (Guernsey) (Amendment) Law, 2006”	33
Projet de Loi entitled “The Preferred Debts, Désastre Proceedings and Miscellaneous Provisions (Guernsey and Alderney) Law, 2006”	43
The Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005 (Commencement) Ordinance 2006	55
The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Guernsey) Ordinance, 2006	56

Ordinance laid before the States

The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Enforcement of Overseas Confiscation Orders) (Amendment) Ordinance, 2006	66
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PROJET DE LOI

ENTITLED

The Export Control (Bailiwick of Guernsey) Law, 2006

THE STATES, in pursuance of their Resolution of the 27th day of October, 2004^a, 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.

Export controls.

1. (1) The Department may by order make provision for or in connection with the imposition of export controls in relation to goods of any description.

(2) For this purpose "**export controls**", in relation to any goods, means the prohibition or regulation of their exportation from the Bailiwick or their shipment as stores.

(3) Goods may be described in the order wholly or partly by reference to the uses to which the goods, or any information recorded on or derived from them, may be put.

(4) The Department may by order make such provision as they consider necessary or expedient for the implementation of, or in connection with, any controls in a Community directive or regulation on the exportation of goods.

^a Article XI of Billet d'État No. XVIII of 2004.

(5) Export controls may be imposed for the purpose of the implementation of -

- (a) any Community directive or regulation, or
- (b) any international agreement.

(6) For the avoidance of doubt, export controls may be imposed in relation to the removal from the Bailiwick of vehicles, vessels and aircraft (as an exportation of goods), whether or not they are moving under their own power or carrying goods or passengers.

Transfer controls.

2. (1) The Department may by order make provision for or in connection with the imposition of transfer controls in relation to technology of any description.

(2) For this purpose "**transfer controls**", in relation to any technology, means the prohibition or regulation of its transfer -

- (a) by a person or from a place within the Bailiwick to a person or place outside the Bailiwick,
- (b) by a person or from a place outside the Bailiwick to a person who, or a place which, is also outside the Bailiwick (but only where the transfer is by, or within the control of, a relevant person),
- (c) by a person or from a place within the Bailiwick to a person who, or a place which, is also within the

Bailiwick (but only where there is reason to believe that the technology may be used outside the Bailiwick), or

- (d) by a person or from a place outside the Bailiwick to a person or place within the Bailiwick (but only where the transfer is by, or within the control of, a relevant person and there is reason to believe that the technology may be used outside the Bailiwick).

(3) Technology may be described in the order wholly or partly by reference to the uses to which it may be put.

(4) The power to impose transfer controls is subject to section 5.

(5) The Department may by order make such provision as they consider necessary or expedient for the purpose of the implementation of, or in connection with, any controls in a Community directive or regulation on the transfer of technology.

(6) In this Law -

"transfer", in relation to any technology, means a transfer by any means (or combination of means), including oral communication and the transfer of goods on which the technology is recorded or from which it can be derived, other than the exportation of such goods, and

"technology" means information (including information comprised in software) that is capable of use in connection with -

- (a) the development, production or use of any goods or software, or
- (b) the development of, or the carrying out of, an industrial or commercial activity or an activity of any other kind whatsoever.

Technical assistance controls.

3. (1) The Department may by order make provision for or in connection with the imposition of technical assistance controls in relation to technical assistance of any description.

(2) For this purpose -

"**technical assistance controls**", in relation to any technical assistance, means the prohibition or regulation of participation in the provision outside the Bailiwick of that technical assistance, and

"**technical assistance**" means services which are provided or used, or which are capable of being used, in connection with the development, production or use of any goods or technology.

(3) Technical assistance may be described in the order wholly or partly by reference to the uses to which it (or the goods or technology in question) may be put.

(4) The power to impose technical assistance controls -

- (a) shall only be exercised for the purpose of imposing controls corresponding to or connected with -

- (i) any export controls or transfer controls imposed under section 1 or 2, or
- (ii) the implementation of any controls in a Community directive or regulation on the exportation of goods or the transfer of technology, and

(b) is subject to section 5.

(5) For the purposes of subsection (1) a person participates in the provision of technical assistance outside the Bailiwick if -

- (a) he provides technical assistance outside the Bailiwick or agrees to do so, or
- (b) he makes arrangements under which another person provides technical assistance outside the Bailiwick or agrees to do so.

(6) The Department may by order make such provision as they consider necessary or expedient for the purpose of the implementation of, or in connection with, any controls in a Community directive or regulation on participation in the provision of technical assistance.

(7) Technical assistance controls may be imposed on acts done outside the Bailiwick, but only if they are done by a person who is, or is acting under the control of, a relevant person.

Trade controls.

4. (1) The Department may by order make provision for or in connection with the imposition of trade controls in relation to goods of any description.

(2) For this purpose "**trade controls**", in relation to any goods, means the prohibition or regulation of -

- (a) their acquisition or disposal,
- (b) their movement, or
- (c) activities which facilitate or are otherwise connected with their acquisition, disposal or movement.

(3) Goods may be described in the order wholly or partly by reference to the uses to which the goods, or any information recorded on or derived from them, may be put.

(4) The power to impose trade controls -

- (a) shall only be exercised for the purpose of imposing controls corresponding to or connected with -
 - (i) any export controls or transfer controls imposed under section 1 or 2, or
 - (ii) the implementation of any controls in a Community directive or regulation on the

exportation of goods or the transfer of technology, and

(b) is subject to section 5.

(5) The Department may by order make such provision as they consider necessary or expedient for the purpose of the implementation of, or in connection with, any controls in a Community directive or regulation on -

(a) the acquisition, disposal or movement of goods, or

(b) on activities which facilitate or are otherwise connected with such acquisition, disposal or movement.

(6) For the purposes of this section -

(a) a person acquires goods if he buys, hires or borrows them or accepts them as a gift, and

(b) a person disposes of goods if he sells, lets on hire, lends or gives them.

(7) For the purposes of this section -

(a) the making of an agreement with another to acquire, dispose of or move goods, and

(b) the making of arrangements under which another person -

- (i) acquires, disposes of or moves goods, or
- (ii) agrees with a third person to acquire, dispose of or move goods,

are activities which facilitate the acquisition, disposal or movement of the goods.

(8) Trade controls may be imposed on acts done outside the Bailiwick, but only if they are done by a person who is, or is acting under the control of, a relevant person.

General restriction on transfer, technical assistance and trade controls.

5. (1) Subject to section 6, the power to impose transfer controls, technical assistance controls or trade controls may only be exercised where authorised by this section.

(2) Transfer controls, technical assistance controls or trade controls may be imposed for the purpose of the implementation of -

- (a) any Community directive or regulation, or
- (b) any international agreement.

(3) Transfer controls may be imposed in relation to any description of technology within one or more of the categories specified in Schedule 1 for such controls.

(4) Technical assistance controls may be imposed in relation to any description of technical assistance within one or more of the categories specified in Schedule 1 for such controls.

(5) Trade controls may be imposed in relation to any description of goods within one or more of the categories specified in Schedule 1 for such controls.

Exceptions from the general restriction on transfer, technical assistance and trade controls.

6. (1) Section 5 does not apply to the power to impose any transfer controls, technical assistance controls or trade controls if the control order which imposes them provides for its expiry no later than the end of the period of 12 months beginning with the day on which it is made.

(2) Section 5 does not apply in relation to provisions of a control order which -

- (a) amend an earlier control order, or
- (b) revoke and re-enact (with or without modifications) provisions of an earlier control order,

unless they impose new controls or strengthen the controls previously imposed.

(3) In subsection (2) "**an earlier control order**" does not include an order falling within subsection (1).

Control powers: supplementary.

7. (1) An order under any of the preceding provisions of this Law may (without prejudice to the generality of the power under which it is made) make provision -

- (a) for an activity to be prohibited unless authorised by a licence granted by any Department, council or committee of the States or such other person as may be specified in the order,
- (b) creating exceptions from any provision of the order,
- (c) requiring persons to keep (and produce) records,
- (d) requiring persons to provide information to any person specified in the order,
- (e) about the purposes for which information held in connection with anything done under or by virtue of the order may be used,
- (f) about the persons to whom any such information may be disclosed,
- (g) creating indictable offences, summary offences or offences triable either way (subject to the limitation that no offence so created shall be punishable on indictment with imprisonment for a term exceeding 10 years), and

- (h) for the enforcement of the order (including provision as to the powers and duties of any person who is to enforce it).
- (2) Such an order may -
- (a) amend, repeal or revoke or apply, (with or without modifications) provisions of this Law or any other enactment,
 - (b) provide for any reference in the order to a document (including a technical list by reference to which any Community directive or regulation or international agreement operates) to take effect as a reference to that document as revised or re-issued from time to time,
 - (c) make incidental, supplementary and transitional provision,
 - (d) make different provision for different cases and different circumstances, and
 - (e) be amended, repealed or revoked by a subsequent order made under this Law.

Protection of certain freedoms.

8. (1) The Department may not make a control order which has the effect of prohibiting or regulating any of the following activities -

- (a) the communication of information in the ordinary course of scientific research,
- (b) the making of information generally available to the public, or
- (c) the communication of information that is generally available to the public,

unless the interference by the order in the freedom to carry on the activity in question is necessary (and no more than is necessary).

(2) The question as to whether any such interference is necessary shall be determined by the Department by reference to the circumstances prevailing at the time the order is made and having considered the reasons for seeking to control the activity in question and the need to respect the freedom to carry on that activity.

Guidance about the exercise of functions under control orders.

9. (1) This section applies to licensing powers and other functions conferred by a control order on any person in connection with controls imposed under this Law.

(2) The Department may give guidance about any matter relating to the exercise of any licensing power or other function to which this section applies.

(3) Any person exercising a licensing power or other function to which this section applies shall have regard to any guidance which relates to that power or other function.

(4) In this section "**guidance**" means guidance stating that it is given under this section.

Amendment to the 1972 Law.

10. In the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 ("**the 1972 Law**")^b, after section 69 (power to take samples) insert-

"Power to require furnishing of information, etc.

69A. (1) Every person who is concerned (in whatever capacity) in the importation or exportation of goods for which an entry is required by or under this Law shall -

- (a) furnish to the Chief Revenue Officer, within such time and in such form as he may reasonably require, such information relating to the goods or to the importation or exportation as he may reasonably specify, and
- (b) if so required by an officer, produce or cause to be produced for inspection by the officer -
 - (i) at the principal place of business of the person upon whom the demand is made or at such other place as the officer may reasonably require, and

^b Ordres en Conseil Vol. XXIII, p. 573; Vol XXIV, P. 87; Vol. XXX1, p. 278; No. XIII of 1991; No. X of 2004 and Ordinance No. XXXII of 2005.

(ii) at such time as the officer may reasonably require,

any documents relating to the goods or to the importation or exportation.

(2) Where, by virtue of subsection (1) above, an officer has power to require the production of any documents from any such person as is referred to in that subsection, he shall have the like power to require production of the documents concerned from any other person who appears to the officer to be in possession of them but where any such other person claims a lien on any document produced by him, the production shall be without prejudice to the lien.

(3) An officer may take copies of, or make extracts from, any document produced under subsection (1) or (2) above.

(4) If it appears to him to be necessary to do so, an officer may, at a reasonable time and for a reasonable period, remove any document produced under subsection (1) or (2) above and shall, on request, provide a receipt for any document so removed and where a lien is claimed on a document produced under subsection (2) above, the removal of the document under this subsection shall not be regarded as breaking the lien.

(5) Where a document removed by an officer under subsection (4) above is reasonably required for the proper conduct of a business, the officer shall, as soon as practicable, provide a copy of the document, free of charge, to the person by whom it was produced or caused to be produced.

(6) Where any documents removed under the powers conferred under this section are lost or damaged, the States of Guernsey Home Department shall be liable to compensate their owner for any expenses reasonably incurred by him in replacing or repairing the documents.

(7) Nothing in this section shall compel the production by an advocate or other legal adviser of a document subject to legal professional privilege but an advocate or other legal adviser may be required to give the name and address of any client.

(8) If any person fails, without reasonable excuse, to comply with a requirement under this section, he shall be liable on summary conviction to a fine not exceeding level 4 on the uniform scale."

Application of the 1972 Law to control orders.

11. (1) The provisions of this Law, insofar as they relate to the imposition of export controls, are provisions relating to customs and therefore customs Laws.

(2) It shall be the duty of the Chief Revenue Officer to take such action as he considers appropriate to secure the enforcement of any control orders to the extent he is not already subject to such a duty by virtue of subsection (1).

(3) The following sections of the 1972 Law shall apply as stated below to the extent that they are not already so applicable by virtue of subsection (1) -

- (a) section 55 (provisions as to detention of persons) shall apply to any person who has committed, or in respect of whom there are reasonable grounds to suspect of having committed, an offence for which he may be detained under any control order as it applies to the detention of any person for any offence for which he may be detained under the customs Laws or the excise Laws,
- (b) sections 61 to 65 (provisions relating to proceedings, fines and proof) shall apply in relation to offences, penalties and proceedings for offences created under any control order as they apply in relation to offences, penalties and proceedings for offences under the customs Laws or the excise Laws, and
- (c) section 69A (power to require furnishing of information, etc.) shall apply to any person concerned (in whatever capacity) in an activity requiring a licence under any control order as it applies to any person who is concerned (in whatever capacity) in the exportation of goods for which an entry is required by or under the 1972 Law, and accordingly references in section 69A of the 1972 Law to -
 - (i) goods shall, as the context requires, be read as including software, technology and technical assistance, and

- (ii) exportation shall, as the context requires, be read as including any activity, including the transfer of technology or software or the provision of technical assistance, that requires a licence under any control order.

Orders.

12. (1) Any order made under this Law must be laid as soon as practicable before a meeting of the States and if, at that meeting, or their next meeting, the States resolve to annul the order, it shall cease to have effect, but without prejudice to anything done under it or to the making of a new order.

(2) The Department shall publish any order made under this Law, as soon as practicable after it is made, in such manner as it thinks fit (for example, by publication on a website).

Interpretation.

13. (1) In this Law, unless the context otherwise requires -

"1972 Law" means the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,

"Bailiwick" means the Bailiwick of Guernsey,

"British national" means an individual who is -

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a

British Overseas citizen within the meaning of the British Nationality Act 1981^c,

- (b) a person who under that Act is a British subject, or
- (c) a British protected person within the meaning of that Act,

"Chief Revenue Officer" has the meaning in section 1(1) of the 1972 Law,

"Community directive or regulation" means a provision of a directive or regulation (within the meaning of Article 249 of the Treaty establishing the European Community),

"control order" means an order made under section 1(1), 2(1), 3(1) or 4(1),

"customs Laws" has the meaning in section 1(1) of the 1972 Law,

"Department" means the States of Guernsey Home Department,

"enactment" includes a Law, an Ordinance and any subordinate legislation and any provision or portion of a Law, an Ordinance or any subordinate legislation,

"excise Laws" has the meaning in section 1(1) of the 1972 Law,

^c An Act of Parliament, 1981 c. 61.

"export controls" has the meaning given in section 1(2),

"goods" includes any objects of cultural interest including those of cultural interest in relation to the Bailiwick of Guernsey,

"implementation", in relation to a Community directive or regulation or international agreement, includes its enforcement or enactment and the securing of its administration, execution, recognition, exercise or enjoyment, in or under domestic law,

"objects of cultural interest" includes objects of historical or scientific interest,

"place" includes a vehicle, vessel or aircraft,

"relevant person" means -

- (a) a British national,
- (b) a limited partnership which has separate legal personality pursuant to section 9A of the Limited Partnerships (Guernsey) Law 1995^d, or
- (c) a body incorporated under the law of any part of the Bailiwick,

"shipment" includes loading into an aircraft,

^d Order in Council No. XII of 1995 as amended by No. IV of 2001.

"subordinate legislation" means any regulation, rule, order, notice, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect,

"technical assistance" and **"technical assistance controls"** have the meanings given in section 3(2),

"technology" has the meaning given in section 2(6),

"trade controls" has the meaning given in section 4(2),

"transfer" has the meaning given in section 2(6), and

"transfer controls" has the meaning given in section 2(2).

(2) The Interpretation (Guernsey) Law, 1948^e, shall apply to the interpretation of this Law throughout the Bailiwick.

(3) A reference in this Law to another enactment including a reference to an Act of Parliament is, unless the context otherwise requires, a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Consequential repeals and amendments.

14. Schedule 2 shall have effect.

Citation.

^e Ordres en Conseil Vol. XIII, p. 355.

15. This Law may be cited as the Export Control (Bailiwick of Guernsey) Law, 2006.

Commencement.

16. (1) This Law shall come into force on the day appointed by order of the Department and different dates may be appointed for different provisions and for different purposes.

(2) The Department may by order make such transitional provisions and savings as it considers appropriate in connection with the coming into force of any provision of this Law.

SCHEDULE I

Section 5

CATEGORIES OF GOODS, TECHNOLOGY AND TECHNICAL ASSISTANCE
IN RESPECT OF WHICH TRANSFER, TECHNICAL ASSISTANCE AND
TRADE CONTROLS MAY BE MADE

1. (1) Trade controls may be imposed in relation to -
 - (a) military equipment,
 - (b) goods on which military technology is recorded or from which it can be derived, or
 - (c) goods intended, designed or adapted for use in the development or production of military equipment or military technology.
- (2) Transfer controls may be imposed in relation to -
 - (a) military technology, or
 - (b) technology intended, designed or adapted for use in the development or production of military technology.
- (3) Technical assistance controls may be imposed in relation to any services connected with the development, production or use of -

(a) any goods falling within subparagraph (1)(a), (b) or (c), or

(b) any technology falling within subparagraph (2)(a) or (b).

(4) In this paragraph (without prejudice to the generality of the terms) -

"military equipment" includes -

(a) firearms and other weapons (whether or not intended, designed or adapted for military use or in military use), and

(b) goods intended, designed or adapted for military use (whether or not in military use), and

"military technology" includes -

(a) technology intended, designed or adapted for military use (whether or not in military use), and

(b) technology intended, designed or adapted for use in connection with the development, production or use of military equipment or goods falling within subparagraph (1)(c).

(5) For the purposes of subparagraph (4) the reference to firearms and other weapons includes a reference to -

- (a) component parts of firearms or other weapons,
- (b) accessories for use with firearms or other weapons,
and
- (c) ammunition, missiles or projectiles of any kind which
are intended, designed or adapted for use with
firearms or other weapons.

2. (1) Transfer controls may be imposed in relation to any technology the transfer or use of which is capable of having a relevant consequence.

(2) Technical assistance controls may be imposed in relation to any technical assistance the provision or use of which is capable of having such a consequence.

(3) Trade controls may be imposed in relation to any goods the acquisition, disposal, movement or use of which is capable of having such a consequence.

3. (1) For the purposes of paragraph 2 a relevant consequence, in relation to any activity, is a consequence (direct or indirect) of a kind mentioned in the following Table.

(2) The Table referred to above is as follows -

Relevant Consequences

Security of the Bailiwick, of the United Kingdom and of other countries

- A An adverse effect on -
- (a) the security of the Bailiwick or any part of it, or
 - (b) the national security or the security of members of the armed forces of -
 - (i) the United Kingdom (or any dependency),
 - (ii) any member state of the European Community, or
 - (iii) any other State which is a friendly State in relation to the United Kingdom.

Regional stability and internal conflict

- B An adverse effect on peace, security or stability in any region of the world or within any country.

Weapons of mass destruction

- C The carrying out anywhere in the world of acts which facilitate the development, production or use of weapons of mass destruction.

Breaches of international law and human rights

- D The carrying out anywhere in the world of (or of acts which facilitate) -

- (a) acts threatening international peace and security,
- (b) acts contravening the international law of armed conflict,
- (c) internal repression in any country, or
- (d) breaches of human rights.

Terrorism and crime

E The carrying out anywhere in the world of (or of acts which facilitate) acts of terrorism or serious crime anywhere in the world.

(3) The question of whether an activity involving goods, technology or technical assistance of any particular description is capable of having a relevant consequence is to be determined by the Department at the time the order imposing the controls is made.

(4) In this paragraph -

"**country**" includes a territory but does not include the United Kingdom, the Channel Islands or the Isle of Man, and

"**dependency**" means the Isle of Man, the Bailiwick of Jersey or a British Overseas territory.

SCHEDULE 2

Section 14

CONSEQUENTIAL REPEALS AND AMENDMENTS

Repeal of provisions of the Import and Export (Control) (Guernsey) Law, 1946.

1. (1) The following provisions of the Import and Export (Control) (Guernsey) Law, 1946^f (which are concerned with the exportation of goods and related matters) are repealed.

(2) In Article 1 (control of importation and exportation) -

(a) in paragraph (1), the words ",or exportation from" and the words "or the shipment as ships' stores",

(b) in paragraph (3), the words ",exportation, or shipment as ships' stores" and ",exported or shipped as ships' stores", and

(c) in paragraph (4), the words "or out of" and "or exportation".

(3) In Article 2 (duties of travellers) -

(a) in paragraph (1), the words "or is about to leave", and

(b) in paragraph (1)(a), the words "or exported".

^f Ordres en Conseil Vol. XII, p. 332 and as amended by Vol. XXIII, p. 573; and No. XVI of 1991.

(4) In Article 3 (penalty for illegal importation or exportation of goods) -

(a) in paragraph (1) -

(i) in subparagraph (a), the words "exported or shipped as ships' stores",

(ii) after subparagraph (a), the word "or" and the whole of subparagraph (b), and

(iii) the words from ",or the exporter" to "case may be,",

(b) the whole of paragraph (1A),

(c) in paragraph (2) -

(i) the words from ",exported or shipped" to "so shipped," and

(ii) the words from "or exportation" to "case may be,".

(5) In Article 5 (power to require entry and clearance), the words "or before shipment, as the case may be" and the words from "and of all goods" to the end.

Amendment of the Import and Export (Control) (Guernsey) Law, 1946.

2. (1) The Import and Export (Control) Guernsey Law, 1946 shall be amended as follows.

(2) In Article 3 (penalty for illegal importation or exportation of goods), in paragraph (1) for the words "the agent of any of them" substitute "his agent".

(3) Article 5A (administrative provisions) shall be substituted for-

"Administrative Provisions."

5A. The provisions of this Law are provisions relating to customs, and, therefore, "customs Laws" as defined in section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972."

Repeal of provisions of the Import and Export (Control) Alderney Law, 1946.

3. (1) The following provisions of the Import and Export (Control) Alderney Law, 1946^g (which are concerned with the exportation of goods and related matters) are repealed.

(2) In Article 1 (control of importation and exportation) -

(a) in paragraph 1, the words ", or exportation from" and the words "or the shipment as ships' stores",

(b) in paragraph 3, the words ", exportation, or shipment as ships' stores" and ", exported or shipped as ships' stores", and

^g Ordres en Conseil Vol. XII, p. 367.

- (c) in paragraph 4, the words "or out of" and "or exportation".
- (3) In Article 2 (duties of travellers) -
- (a) in paragraph 1, the words "or is about to leave", and
 - (b) in paragraph 1(a), the words "or exported".
- (4) In Article 3 (penalty for illegal importation or exportation of goods) -
- (a) in paragraph 1-
 - (i) in subparagraph (a), the words ", exported or shipped as ships' stores",
 - (ii) after subparagraph (a), the word "or" and the whole of subparagraph (b), and
 - (iii) the words from ", or the exporter" to "case may be,",
 - (b) in paragraph 2-
 - (i) the words from ", exported or shipped" to "so shipped,",

(ii) the words "or exportation" to the first "case may be," and

(iii) the words from ", exportation or shipment" to the second "case may be".

(5) In Article 5 (power to require entry and clearance), the words "or before shipment, as the case may be" and the words from "and of all goods" to the end.

Amendment of the Import and Export (Control) Alderney Law, 1946.

4. (1) The Import and Export (Control) Alderney Law, 1946 shall be amended as follows.

(2) In Article 3 (penalty for illegal importation or exportation of goods), in paragraph 1 for the words "the agent of any of them" substitute "his agent".

(3) After Article 5 (power to require entry and clearance) insert –

"Administrative Provisions.

5A. The provisions of this Law are provisions relating to customs, and, therefore, "customs Laws" as defined in section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972."

PROJET DE LOI

ENTITLED

The Reform (Guernsey) (Amendment) Law, 2006

THE STATES, in pursuance of their Resolutions of the 29th October, 2003^a, the 26th May, 2005^b and the 27th April, 2006^c, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou:-

Amendment of Law of 1948.

1. For article 8(c) of the Reform (Guernsey) Law, 1948, as amended^d substitute the following subparagraphs -

"(c) he is ordinarily resident in this Island on the date of his nomination as a candidate for that office, and

(d) he has been ordinarily resident in this Island -

(i) for a period of two years immediately before

^a Article XXV of Billet d'État No. XXI of 2003.

^b Article VII of Billet d'État No. VI of 2005.

^c Article II of Billet d'État No. VII of 2006.

^d Ordres en Conseil Vol. XIII, p.288; Vol. XIV, p.407; Vol. XV, p.279; Vol. XVI, p.178; Vol. XVIII, p.275; Vol. XIX, pp.84 and 140; Vol. XXII, p.122; Vol. XXIII, p.476; Vol. XXV, p.326; Vol. XXVI, p.255; Vol. XXIX, p.56; Vol. XXX, p.16; Vol. XXXI, p.164; Vol. XXXII, p.41; No. V of 1993; No. II of 1996; No. III of 1998; No. X of 1998; No. XIII of 2003; No. III of 2004; also amended by Ordinances XXXIII of 2003 and III of 2004.

that date, or

- (ii) for a period or periods of at least five years in the aggregate at any time before that date,".

2. After article 20 of the Reform (Guernsey) Law, 1948, as amended, insert the following articles -

"Absolute privilege for Members in course of States proceedings."

20A. (1) No civil or criminal proceedings may be instituted against a Member of the States of Deliberation for or in respect of -

- (a) any words spoken before, or written in any report to, the States of Deliberation or any department, or
- (b) any matter or thing brought by him in or before the States of Deliberation or any department by requête, amendment, sursis, question, report or other written document.

(2) No civil or criminal proceedings may be instituted against a Member of the States of Election for or in respect of -

- (a) any words spoken before, or written in any report to, the States of Election, or
- (b) any matter or thing brought by him in or before the States of Election by written document.

Protection of persons responsible for States publications.

20B. (1) No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent of any document by order or under the authority of the States or any department.

(2) For the purposes of paragraph (1), a certificate under the hand of the Chief Executive of the States stating that a document was published by order or under the authority of the States or any department is conclusive evidence of that fact.

Protection of persons who publish extracts, etc, of States documents.

20C. No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent, in good faith and without malice, of any account, summary or abstract of, or any extract from, any document published by order or under the authority of the States or any department.

Protection of persons who publish reports of States proceedings.

20D. No civil or criminal proceedings may be instituted against any person for or in respect of the publication by him or his servant or agent of a fair and accurate report of any proceedings in public of the States of Deliberation or the States of Election unless the publication is shown to be made with malice, but -

- (a) this article does not apply to the publication to the public, or a section of the public, of matter which is not of public concern and the publication of which is not for the public

benefit, and

- (b) nothing in this article shall be construed -
 - (i) as protecting the publication of matter the publication of which is prohibited by law, or
 - (ii) as limiting or abridging any privilege subsisting apart from this section.

Protection of persons appearing before Committees.

20E. A person attending to give evidence to or to produce any document before -

- (a) the States Public Accounts Committee or the States Scrutiny Committee, or
- (b) a panel established pursuant to article 20F to investigate an allegation or complaint that there has been a failure to comply with a code of conduct or a breach or abuse of privilege,

is entitled, in respect of any evidence given or document produced by him, to the same immunities and privileges as if he were a witness before the Royal Court.

Code of conduct.

20F. (1) The States of Deliberation may by resolution adopt (and subsequently amend, revoke or replace) a code of conduct -

- (a) prescribing or, as may be appropriate, regulating the duties, standards, propriety and conduct, in public life, of People's Deputies, and
 - (b) containing such other provision in relation to those matters as the States of Deliberation think fit.
- (2) A code of conduct may, without limitation, make provision -
- (a) for the investigation and disposal of allegations and complaints that a People's Deputy -
 - (i) has failed to comply with the code, or
 - (ii) has been guilty of any breach or abuse of privilege,
 - (b) for the establishment of a panel or panels to investigate such allegations and complaints, and the constitution, powers and proceedings of any such panel,
 - (c) requiring any People's Deputy under investigation by a panel to co-operate fully with it,

- (d) without prejudice to subparagraph (b), empowering the panel to request the production of documents from any person (including the People's Deputy under investigation) and to request any person to appear before it,
- (e) for the sanctions to be available against an offending People's Deputy, which may include-
 - (i) a reprimand, or
 - (ii) suspension or expulsion (for example, by debarring him from proceedings of, or terminating his membership of, the States of Deliberation or any department, or by removing any of his functions in relation to such proceedings).

(3) People's Deputies must comply with a code of conduct in all aspects of their public life and are bound by any decision made under it; and the code and any such decision shall have effect for the purposes of -

- (a) this Law,
- (b) the States Committees (Constitution and Amendment) (Guernsey) Law, 1991^e and any resolution of the States of Deliberation

^e Order in Council No. XX of 1991.

thereunder, and

- (c) the Rules of Procedure of the States of Deliberation,

the provisions of which shall apply accordingly.

- (4) This article applies in relation to -

- (a) an Alderney Representative, and
- (b) a member of a department who is not also a Member of the States of Deliberation as set out in article 1(1),

as it applies in relation to a People's Deputy; and references in this article to a People's Deputy shall be construed accordingly.

Interpretation of articles 20A to 20F.

20G. In articles 20A to 20F -

"code of conduct" means a code of conduct adopted under article 20F(1),

"department" means any department, council, committee or authority, however called, of the States, including, for the avoidance of doubt -

- (a) the Board of Governors of the Ladies' College and the Board of Directors of Elizabeth

College, and

- (b) the Priaulx Library Council,

"document" includes an enactment,

"to publish" includes -

- (a) to make known, distribute or transmit to any person,
- (b) to publish in any electronic or other non-visible or non-legible form from which the content may, by any means, be reproduced in visible or legible form,
- (c) to broadcast by means of wireless telegraphy within the meaning of section 19 of the Wireless Telegraphy Act 1949^f, and
- (d) to include in a programme service within the meaning of section 201 of the Broadcasting Act 1990^g,

and related expressions shall be construed accordingly,

^f An Act of Parliament (1949 c. 54); extended to the Bailiwick by United Kingdom S.I. 1952/1900.

^g An Act of Parliament (1990 c. 42); extended to the Bailiwick by United Kingdom S.I. 1991/1709.

"States" means the States of Guernsey.

Power to amend by Ordinance.

- 20H.** (1) The States of Deliberation may by Ordinance amend -
- (a) articles 20A to 20G, and
 - (b) any other provision of this Law for the purpose of giving effect to -
 - (i) those articles, as from time to time amended, and
 - (ii) any code of conduct.
- (2) An Ordinance under paragraph (1) -
- (a) may be amended or repealed by a subsequent Ordinance, and
 - (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient, including (without limitation) provision as to the creation and punishment of offences.
- (3) The provisions of article 3(5) (including, for the avoidance of doubt, the proviso thereto) apply in relation to an Ordinance under this article as those provisions apply in relation to a Projet de Loi

intended to repeal or vary any of the provisions of this Law."

Citation.

3. This Law may be cited as the Reform (Guernsey) (Amendment) Law, 2006.

PROJET DE LOI

ENTITLED

The Preferred Debts, Désastre Proceedings and Miscellaneous Provisions (Guernsey and Alderney) Law, 2006

THE STATES, in pursuance of their Resolution of the 29th March, 2006^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

PART I

AMENDMENT OF PREFERRED DEBTS LAW

Amendment of 1983 Law.

1. The Preferred Debts (Guernsey) Law, 1983^b ("**the 1983 Law**") is amended in accordance with the following provisions of this Law.

2. For section 1(1)(b) of the 1983 Law, substitute the following -

"(b) in priority to all debts other than debts to which paragraph (a) relates -

^a Article VI of Billet d'État No. VII of 2006.

^b Ordres en Conseil Vol. XXVIII, p. 184; amended by No. VII of 1992; No. III of 1993; No. IX of 1998; Ordinance No. XXXI of 2005; and the Preferred Debts (Guernsey and Alderney) (Amendment) Ordinance, 2006.

- (i) all wages or salary due to any clerk or servant (whether or not earned wholly or in part by way of commission) for a period or periods not exceeding four months in the aggregate in respect of services rendered to the debtor during the six years immediately preceding the relevant date, and the wages due to any workman or labourer (whether payable for time or for piece work) for a like period or periods in respect of services so rendered,
- (ii) all accrued holiday remuneration becoming payable to any clerk, servant, workman or labourer (or, in the case of his death, to any other person in his right) on the termination of his employment before, or by the effect of, the insolvency of the debtor or the winding-up of a company,
- (iii) all income tax deducted during a period or periods not exceeding twelve months in the aggregate, in accordance with the provisions of section 81A of the Income Tax (Guernsey) Law, 1975, as amended^c, by an employer from the emoluments of an employee within the six

^c Ordres en Conseil Vol. XXV, p.124; section 81A was inserted by Vol. XXVII, p. 118 and amended by Vol. XXVIII, p. 184, Vol. XXXII, p. 307 and No. IV of 1991.

years immediately preceding the relevant date and not paid by the employer in accordance with the provisions of the said section 81A,

- (iv) all primary Class I contributions deducted during a period or periods not exceeding twelve months in the aggregate, in accordance with the provisions of section 13 of the Social Insurance (Guernsey) Law, 1978, as amended^d, by an employer from the earnings of an employed person within the six years immediately preceding the relevant date and not paid by the employer in accordance with the requirements of the said section 13,

provided always that -

- (A) if wages or salary are due to the clerk, servant, workman or labourer in question for a period or periods exceeding four months in the aggregate, or
- (B) if income tax or primary Class I contributions have been deducted by the

^d Ordres en Conseil Vol. XXVI, p. 292 as amended by Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXII, p. 59; No. XII of 1993; Ordinance No. XIV of 1993 (Tome XXVI, p. 177); No. V of 1994; No's VI and XIII of 1995; No. 1 of 1998; No. VI of 1999; No. X of 2000; No. IX of 2001; No. XXIV of 2003; No. XI of 2004.

employer in question during a period or periods exceeding twelve months in the aggregate and not paid by the employer as mentioned in subparagraph (iii) or (iv) above,

then, for the purpose of calculating the amount to which preference is to be given in accordance with subparagraph (i), (iii) or (iv), as the case may be, regard shall be had to the wages or salary most recently due or to the deductions most recently made."

3. In section 4(2) of the 1983 Law after the words "next following the first publication of the notice" insert "or within such additional time as the Court may in any particular case allow".

4. In section 4(5)(a) of the 1983 Law, for the words "within the period specified by notice as aforesaid" substitute "within the period of 14 days next following the first publication of the notice referred to in subsection (2)".

5. In section 4(5)(b) of the 1983 Law, after the words "within the said period" insert "or after the expiration of that period but prior to the goods being sold".

6. After section 9 of the 1983 Law insert the following section -

"Power to make Ordinances and general provisions in respect thereof.

9A. (1) The States may by Ordinance amend this Law.

(2) The provisions of subsection (1) are without prejudice to any other provision of this Law conferring power to make Ordinances (and vice versa).

(3) An Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the States 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 case,
- (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, and
- (iii) any such provision either unconditionally or subject to any prescribed conditions."

PART II

MISCELLANEOUS PROVISIONS AS TO ARRÊT, DÉSASTRE, ETC

Sale of goods by Sheriff to pass good title; and exclusion of liability.

7. (1) Where Her Majesty's Sheriff or (as the case may be) the Clerk of the Court of Alderney -

- (a) has executed an arrest of any goods, and
- (b) has sold the goods,

then, provided that -

- (i) he was acting under the authority of an Act of Court,
- (ii) notice of the intended sale was given in La Gazette Officielle or (as the case may be) in the Alderney Official Gazette,

- (iii) prior to the date of sale, no application had been made to the Court to determine the lawful ownership of the goods or otherwise to oppose the sale, and
- (iv) where appropriate, he complied with the provisions of section 4 of the 1983 Law (formalities for sale of goods subject to landlord's tacit hypothecation),

subsections (2) to (6) apply in relation to the sale.

(2) The sale of the goods shall not be impugned by reason of the subsequent determination of any application to the Court to decide the lawful ownership of the goods or otherwise to oppose the sale.

(3) A bona fide purchaser for value of the goods without notice of any ground on which such an application might have been made shall be deemed to have acquired good title to them.

(4) The rights of any person claiming to be the owner or joint owner of the goods shall attach instead to the proceeds of sale received by Her Majesty's Sheriff or, as the case may be, by the Clerk of the Court of Alderney (whether or not the proceeds are still in his hands) or to any property representing the proceeds of sale.

(5) No liability shall be incurred by Her Majesty's Sheriff or (as the case may be) by the Clerk of the Court of Alderney, or by any of their respective officers, servants or agents, in respect of the arrest and sale of the goods and the subsequent paying out of the proceeds of sale.

(6) Subsection (5) does not apply to anything done or omitted to be done in bad faith.

Power of Commissioner to call for evidence of claims.

8. In désastre proceedings the Commissioner may, at the meeting of creditors for the proving of claims or at such other time as he thinks fit, require any creditor to provide, for the purpose of the verification of his claim or preference, such evidence, information and documents in support thereof (including, without limitation, evidence by affidavit) as the Commissioner thinks fit.

Power of Court to make rules as to désastre proceedings, arrest, etc.

9. (1) The Royal Court may by Order make such provision as it thinks fit as to the procedure to be followed in relation to -

- (a) désastre proceedings in Guernsey, and
- (b) the arrest and sale of goods or other property by Her Majesty's Sheriff.

(2) The Court of Alderney may by Order make such provision as it thinks fit as to the procedure to be followed in relation to -

- (a) désastre proceedings in Alderney, and
- (b) the arrest and sale of goods or other property by the Clerk of the Court of Alderney.

(3) An Order under this section -

- (a) may be amended or repealed by a subsequent Order hereunder,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Royal Court or (as the case may be) the Court of Alderney to be necessary or expedient, and
- (c) may make provision modifying any provision of this Law or of the 1983 Law in its application to the matters in respect of which such an Order may be made.

PART III
GENERAL PROVISIONS

Ordinances.

- 10.** (1) The States may by Ordinance amend this Law.
- (2) An Ordinance under this Law -
 - (a) may be amended or repealed by a subsequent Ordinance hereunder, and
 - (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the States to be necessary or expedient.
- (3) 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 case,
- (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, and
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.

Interpretation.

11. (1) In this Law -

"Court" means -

- (a) in relation to Guernsey, Herm and Jethou, the Royal Court sitting as an Ordinary Court or (as the case may be) the Magistrate's Court sitting as the Petty Debts Court,

(b) in relation to Alderney, the Court of Alderney,

"the 1983 Law" means the Preferred Debts (Guernsey) Law, 1983^e.

(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^f apply to the interpretation of this Law throughout the islands of Guernsey, Alderney, Herm and Jethou.

Transitional provisions.

12. (1) The amendments effected to the 1983 Law by section 2 of this Law have effect in relation to désastre proceedings and the winding up of a company subject to the provisions of subsections (2) and (3).

(2) The amendments do not apply in relation to désastre proceedings where the meeting of creditors for the proving of claims was held by a Commissioner of the Court before the date of commencement of this Law.

(3) The amendments do not apply in relation to the winding up of a company where -

(a) in the case of a compulsory winding up, the creditors'

^e Ordres en Conseil Vol. XXVIII, p. 184 as amended by No. VII of 1992; No. III of 1993; No. IX of 1998; and Ordinance No. XXXI of 2005.

^f Ordres en Conseil Vol. XIII, p. 355.

meeting for the purpose of examining and verifying financial statements and creditors' claims and preferences was held by a Commissioner of the Court pursuant to section 102(2) of the Companies (Guernsey) Law, 1994^g or (as the case may be) section 133(2) of the Companies (Alderney) Law, 1994^h (as read with sections 2 and 3 of the 1983 Law) before the date of commencement of this Law, or

- (b) in the case of a voluntary winding up, the general meeting of the company for the purpose of presenting the liquidator's account of the winding up was held by the liquidator pursuant to section 88(1) of the Companies (Guernsey) Law, 1994 or (as the case may be) section 119(1) of the Companies (Alderney) Law, 1994 before that date.

Citation.

13. This Law may be cited as the Preferred Debts, Désastre Proceedings and Miscellaneous Provisions (Guernsey and Alderney) Law, 2006.

Commencement.

14. This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions.

^g Order in Council No. XXXIII of 1994.

^h Order in Council No. XXXIV of 1994.

**The Smoking (Prohibition in Public Places and
Workplaces) (Guernsey) Law, 2005 (Commencement)
Ordinance, 2006**

THE STATES, in exercise of the powers conferred on them by section 6 of the Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005^a and of all other powers enabling them in that behalf, hereby order: -

Commencement of the Law.

1. The Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005 shall come into force on the 2nd July 2006, at 4 a.m.

Citation.

2. This Ordinance may be cited as The Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005 (Commencement) Ordinance, 2006.

^a

Order in Council No. ** of 2006

**The Smoking (Prohibition in Public Places and
Workplaces) (Exemptions and Notices) (Guernsey)
Ordinance, 2006**

THE STATES, in exercise of the powers conferred on them by section 2 of the Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005^a and of all other powers enabling them in that behalf, hereby order: -

Premises exempt from the provisions of the Law.

1. (1) The premises, or classes and descriptions of premises, referred to in subsection (2) are exempt from the provisions of the Law.

(2) The premises, or classes and descriptions of premises, for the purpose of subsection (1) are -

- (a) prison cells at the States Prison,
- (b) hotel bedrooms which have been designated by the hotel manager as bedrooms where smoking is permitted,
- (c) enclosed workplaces on vessels which are fishing vessels and which -
 - (i) are operated, and
 - (ii) may be operated lawfully,

^a Order in Council No. ** of 2006

solely by one master or captain, provided that that master or captain takes appropriate measures to minimise unnecessary exposure of other persons to tobacco smoke,

(d) enclosed workplaces (other than those referred to in paragraph (c)) -

(i) which are used as a place of work by a single individual,

(ii) which are not enclosed public places, and

(iii) which are not located on a vessel,

provided that that individual takes appropriate measures to minimise unnecessary exposure of other persons to tobacco smoke,

(e) any area -

(i) which, subject to subsections (3) and (4), is designated by the Department, or, in relation to a privately owned residential home or nursing home, the manager, as a place where smoking is permitted,

(ii) which is not an enclosed public place, and

(iii) which is located within -

(aa) a long stay ward, which caters for persons in need of long-term care,

(bb) a residential home,

(cc) a nursing home, or

(dd) an acute psychiatric ward.

(3) The Department or manager shall not designate an area for the purposes of subsection (2)(e) unless it or he is satisfied that -

(a) appropriate measures have been taken to minimise unnecessary exposure of persons to tobacco smoke in the area, and

(b) the area is not an enclosed public place.

(4) Where the Department or manager has designated an area for the purposes of subsection (2)(e), and it or he has become aware that -

(a) measures with which it or he was satisfied under subsection (3) -

(i) are no longer appropriate for, or

(ii) are not being observed, or enforced, in respect of,

the area concerned, or

- (b) the area concerned has become an enclosed public place,

it or he may revoke, suspend or vary any designation it has made under subsection (3), as it thinks fit.

Requirement to display notices.

2. (1) The licensee of any licensed premises to which section 1 of the Law applies must ensure the display, in such manner as to be easily read by the public, at all times in those parts of the premises referred to in subsection (2), of a combined sign and notice in the form and lay-out, and of the type and description, indicated in the Schedule to this Ordinance.

(2) The parts of the premises for the purposes of subsection (1) are -

- (a) any public entrance,
- (b) any bar counter,
- (c) any toilet facilities, and
- (d) any staff rooms.

Contravention of section 2 to be an offence.

3. (1) A licensee who contravenes section 2 shall be guilty of an offence and liable, on summary conviction -

- (a) for a first offence, to a fine not exceeding level 1 on the uniform scale, and
- (b) for a second or subsequent offence, to a fine not exceeding level 3 on the uniform scale.

(2) Where an offence under subsection (1) is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Interpretation.

4. (1) In this Ordinance unless the context requires otherwise -

"**acute psychiatric ward**" means a hospital ward that provides in-patient treatment to individuals suffering from mental illness and related conditions, on either a voluntary or involuntary basis,

"**bar counter**" has the meaning given by section 101(1) of the Liquor Licensing Ordinance, 2006^b,

"**the Department**" means the States Health and Social Services Department or, for the purpose of the designation of any area of a

^b Ordinance No. V of 2006.

residential home under section 1(2)(e)(iii)(bb) which is administered by the Housing Department, the States Housing Department,

"designated" means designated in writing,

"hotel" has the meaning given by section 71 of the Housing (Control of Occupation) (Guernsey) Law, 1994^c,

"hotel manager" means the manager of the hotel, or his authorised representative,

"the Law" means the Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005,

"licensed premises" has the meaning given by section 101(1) of the Liquor Licensing Ordinance, 2006,

"licensee" means a person who holds a liquor licence under the Liquor Licensing Ordinance, 2006,

"nursing home" includes any nursing home managed by or on behalf of the States and otherwise has the meaning given by section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law, 1976 Law^d,

"persons in need of long-term care" has the meaning given by section 9 of the Long-term Care Insurance (Guernsey) Law, 2002^e,

^c Orders in Council No. IV of 1994; No. VI of 1998 and No. III of 2002

^d Ordres en Conseil Vol. XXVI, p. 71.

"**residential home**" includes any residential home managed by or on behalf of the States and otherwise has the meaning given by section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law, 1976 Law,

"**uniform scale**" means the uniform scale of fines as from time to time specified under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^f,

and other expressions have the same meanings as in the Law.

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

Power of Department to amend Schedule by order.

5. (1) The Department may by order made under this section amend the Schedule to this Ordinance.

(2) Any order made under subsection (1) -

(a) may be amended or revoked by a subsequent order so made, and

(b) may include incidental, consequential, supplementary and transitional provisions.

^e Order in Council No. XXIII of 2002.

^f Ordres en Conseil Vol. XXXI, p. 278 (Amended by Recueil d'Ordonnances Tome XXV, p. 344 and Ordinance No. XXII of 1998).

(3) Any order made under subsection (1) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul the order, cease to have effect, but without prejudice to anything done under the order or to the making of a new order.

Extent.

6. This Ordinance has effect in the Islands of Guernsey and Herm

Citation.

7. This Ordinance may be cited as The Smoking (Prohibition in Public Places and Workplaces) (Exemptions and Notices) (Guernsey) Ordinance, 2006.

SCHEDULE
SIGN AND NOTICE

Section 2(1)

Form and lay-out of sign and notice.

1. The general form and lay-out of the sign and notice should be as indicated below -

Sign



Notice

NO SMOKING

**Under the Smoking (Prohibition in Public
Places and Workplaces)
(Guernsey) Law, 2005
it is illegal to smoke in these premises**

**Maximum Fine Level 3 (£1,000)
Please notify complaints to**

Minimum diameter of sign and size of combined sign and notice.

2. (1) The minimum diameter of the sign is 85 millimetres.

- (2) The minimum size of the combined sign and notice is 230 millimetres by 160 millimetres.

Lettering.

3. Letters comprising the notice shall be clear and legible black letters, of not less than 5 millimetres in height on a white background.

ORDINANCE LAID BEFORE THE STATES

**The Criminal Justice (Proceeds of Crime) (Bailiwick of
Guernsey) (Enforcement of Overseas Confiscation Orders)
(Amendment) Ordinance, 2006**

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the powers conferred upon the States by sections 35 and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^a and all other powers enabling them in that behalf, and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^b, hereby orders:-

Amendments to Schedule 1 to the Ordinance of 1999.

1. Schedule 1 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Enforcement of Overseas Confiscation Orders) Ordinance, 1999^c, as amended, is amended by the insertion, at the appropriate place in alphabetical order in the column entitled "*Designated country*", of "South Africa".

Citation.

2. This Ordinance may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Enforcement of Overseas Confiscation Orders) (Amendment) Ordinance, 2006.

^a Order in Council No. VIII of 1999.

^b Ordres en Conseil Vol. XIII, p. 288; there are amendments not material to this Ordinance.

^c Ordinance No. XXXIII of 1999; No. VIII of 2002 and No. XLIV of 2004.