

# BILLET D'ÉTAT No. XII, 2008

24<sup>th</sup> September, 2008

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## **The House Committee (Transfer of Functions) Ordinance, 2008**

**THE STATES**, in pursuance of their Resolution of the 1<sup>st</sup> August, 2008<sup>a</sup>, and in exercise of the powers conferred on them by section 1 of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991<sup>b</sup> and all other powers enabling them in that behalf, hereby order:-

### **Transfer of functions.**

1. The functions, rights and liabilities of the House Committee and of its Chairman arising under or by virtue of the Reform (Guernsey) Law, 1948, as amended<sup>c</sup> are transferred to and vested in, respectively, the States Assembly and Constitution Committee and its Chairman.

### **Savings and transitional provisions.**

2. Anything done before the date of the commencement of this Ordinance or in the process of being done on that date by or in relation to the House Committee or its Chairman under or by virtue of the Reform (Guernsey) Law, 1948, as amended shall have effect as if done or (as the case may be) may be

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<sup>a</sup> Resolution 2 on Article XX of Billet d'État No. XI of 2008.

<sup>b</sup> Order in Council No. XXI of 1991.

<sup>c</sup> 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, p.84; Vol. XIX, p.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; No. II and XX of 2007; the Reform (Guernsey) (Amendment) Law, 2008; also amended by Ordinances XXXIII of 2003 (Tome XXIX, p.406); III of 2004 (Tome XXIX, p. 427) and LI of 2006.

continued by or in relation to the States Assembly and Constitution Committee or (as the case may be) its Chairman.

**Amendments.**

3. In the Reform (Guernsey) Law, 1948, as amended, in articles 34(5), 34(6), 34(11)(b), 35(2), 38A(4), 38C, 38D(2)(d) and 78 for "House Committee"<sup>d</sup> substitute "Assembly and Constitution Committee".

**Citation.**

4. This Ordinance may be cited as the House Committee (Transfer of Functions) Ordinance, 2008.

**Commencement.**

5. This Ordinance shall come into force on the 24<sup>th</sup> September, 2008.

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<sup>d</sup> References to the "House Committee" were inserted by Ordinance XXXIII of 2003.

**The Forfeiture of Money, etc in Civil Proceedings  
(Bailiwick of Guernsey) Law, 2007 (Commencement)  
Ordinance, 2008**

**THE STATES**, in pursuance of their Resolutions of the 31<sup>st</sup> May, 2002<sup>a</sup> and the 27<sup>th</sup> July, 2006<sup>b</sup> and in exercise of the powers conferred on them by section 68 of the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007<sup>c</sup>, hereby order:-

**Commencement of Parts I, III, IV and VI of, and the Schedule to, the Law.**

1. Parts I, III, IV and VI of, and the Schedule to, the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 shall come into force on the 24<sup>th</sup> September 2008.

**Citation.**

2. This Ordinance may be cited as the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 (Commencement) Ordinance, 2008.

**Commencement.**

3. This Ordinance shall come into force on the 24<sup>th</sup> September, 2008.

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<sup>a</sup> Article VI of Billet d'État No. IX of 2002.

<sup>b</sup> Article XXII of Billet d'État No. XIII of 2006.

<sup>c</sup> Order in Council No. \*\* of 2008.

## **The Education (Compulsory School Age) (Guernsey)(No. 2) Ordinance, 2008**

**THE STATES LEGISLATION SELECT COMMITTEE**, in exercise of the power conferred on the States by section 16(2) of the Education (Guernsey) Law, 1970<sup>a</sup> and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948<sup>b</sup>, and in pursuance of the States Resolution of the 10<sup>th</sup> May 2001<sup>c</sup>, hereby orders:-

### **Effect of section 16(1) of Law of 1970.**

1. It is hereby directed, subject to section 2, that section 16(1) of the Education (Guernsey) Law, 1970 (compulsory school age) shall have effect as if for each reference to "fifteen years" there were substituted "sixteen years".

### **Exception.**

2. The substitutions referred to in section 1 shall not have effect in relation to a person who attained the age of 15 at any time from 1<sup>st</sup> September 2007 to 31<sup>st</sup> August 2008 inclusive except for such a person who stayed on at school at any time on or after 1<sup>st</sup> September, 2008.

### **Interpretation.**

3. (1) In this Ordinance "school" shall have the same meaning as in

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<sup>a</sup> Ordres en Conseil Vol. XXII, p.318; Vol. XXVI, p. 107, Vol. XXVII, p. 347; Vol. XXVIII, p. 181; Vol. XXX, p. 179; Vol. XXXI, p. 168 and Vol. XXXII, p. 144.

<sup>b</sup> Ordres en Conseil Vol. XIII, p. 288 (there are amendments not material to this Ordinance).

<sup>c</sup> Billet d'État No. VII of 2001.

section 1(1) of the Education (Guernsey) Law, 1970.

(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.

**Repeal.**

4. The Education (Compulsory School Age) (Guernsey) Ordinance, 2008 is hereby repealed.

**Citation.**

5. This Ordinance may be cited as the Education (Compulsory School Age) (Guernsey) (No.2) Ordinance, 2008.

**Commencement.**

6. This Ordinance shall come into force on the 1<sup>st</sup> September, 2008.

**The Alderney (Application of Legislation) (Education)  
(No. 2) Ordinance, 2008**

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the power conferred on the States by section 1 of the Alderney (Application of Legislation) Law, 1948<sup>a</sup> and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948<sup>b</sup>, and in pursuance of the States Resolution of the 10<sup>th</sup> May 2001<sup>c</sup>, hereby orders:

**Ordinance of 2008 to have effect in Alderney.**

1. The Education (Compulsory School Age) (Guernsey) (No. 2) Ordinance, 2008<sup>d</sup> shall have effect in the Island of Alderney as it has effect in the Island of Guernsey.

**Repeal.**

2. The Alderney (Application of Legislation) (Education) Ordinance, 2008 is hereby repealed.

**Citation.**

3. This Ordinance may be cited as the Alderney (Application of

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<sup>a</sup> Ordres en Conseil Vol. XIII, p. 448; Vol. XVI, p. 124 and 126; Vol. XXIV, p. 210, Vol. XXIX, p. 299; Vol. XXX, p. 224 and Order in Council No. XVI of 1997 and Ordinance No. XXXIII of 2007.

<sup>b</sup> Ordres en Conseil Vol. XIII, p. 288 (there are amendments not material to this Ordinance).

<sup>c</sup> Billet d'État No. VII of 2001.

<sup>d</sup> Approved by resolution of the States on 28<sup>th</sup> May, 2008.

Legislation) (Education) (No. 2) Ordinance, 2008.

**Commencement.**

4. This Ordinance shall come into force on the 1<sup>st</sup> September, 2008.



**The Forfeiture of Money, etc in Civil Proceedings  
(Bailiwick of Guernsey) Law, 2007 (Amendment)  
Ordinance, 2008**

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the power conferred on the States by section 63(1) of the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948<sup>a</sup> and in pursuance of the States Resolution of the 31<sup>st</sup> May 2002<sup>b</sup> and the 27<sup>th</sup> July, 2006<sup>c</sup>, hereby orders:-

**Substitution of section 63(1) of Law of 2007.**

1. For section 63(1) of the Law of 2007 substitute -

"(1) The States may by Ordinance -

- (a) amend section 7 or 9, Part III or section 51 or 55, where it appears to the States to be necessary or expedient to do so for the purpose of -
  - (i) enhancing or protecting the reputation or economic interests of the Bailiwick,
  - (ii) improving or enhancing the investigation, prevention or detection of crime,

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<sup>a</sup> Ordres en Conseil Vol. XIII, p. 288.

<sup>b</sup> Article VI of Billet d'État No. IX of 2002.

<sup>c</sup> Article XXII of Billet d'État No. XIII of 2006.

- (iii) facilitating the instigation of, or otherwise for the purposes of, any criminal proceedings,
  - (iv) facilitating the detection, seizure and forfeiture of the proceeds of crime or assets intended for use in crime,
  - (v) discharging any international obligation to which the Bailiwick is subject, or
  - (vi) assisting, in the interests of the public or otherwise, any authority which appears to the States to exercise in a place outside the Bailiwick functions corresponding to any of the functions of Her Majesty's Procureur or the police under this Law, and
- (b) make such additional provision as they think fit for the purposes of carrying this Law into effect."

**Interpretation.**

2. (1) In this Ordinance, "**the Law of 2007**" means the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007.

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

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

**Citation.**

3. This Ordinance may be cited as the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007 (Amendment) Ordinance, 2008.

**Commencement.**

4. This Ordinance shall come into force on the same day as section 63 of the Law of 2007 comes into force.

## **The Protection of Investors (Bailiwick of Guernsey) Law, 1987 (Amendment) Ordinance, 2008**

**THE STATES LEGISLATION SELECT COMMITTEE**, in exercise of the power conferred on the States by section 42A(1) of the Protection of Investors (Bailiwick of Guernsey) Law, 1987<sup>a</sup> and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948<sup>b</sup> and in pursuance of the States Resolutions of the 27<sup>th</sup> July, 2006<sup>c</sup> and the 25<sup>th</sup> July 2007<sup>d</sup>, hereby orders:-

### **Amendment of section 27 of Law of 1987.**

1. (1) In section 27(7)(a) of the Law of 1987 for "38 or 38A" substitute "38(2)(c) or 38(6)".

(2) Immediately after section 27(7) of the Law of 1987, insert -

"(7A) A statement may not be used by virtue of subsection (7)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

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<sup>a</sup> Ordres en Conseil Vol. XXX, p. 281; amended by Vol. XXX, p. 243; Vol. XXXI, p. 278; Vol. XXXII, p. 324; Order in Council No. XIII of 1994; No. XII of 1995; No. II of 1997; No. XVII of 2002; No's XV and XXXII of 2003 and by No. \*\* of 2008. Also amended by Recueil d'Ordonnances Tome XXIV, p. 324; Tome XXVI, p. 333; Ordinances X and XX of 1998; and the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003.

<sup>b</sup> Ordres en Conseil Vol. XIII, p. 288

<sup>c</sup> Article XXII of Billet d'État No. XIII of 2006.

<sup>d</sup> Articles IV and V of Billet d'État No. XIX of 2007.

by or on behalf of that person in the proceedings arising out of the prosecution."

**Amendment of section 27E of Law of 1987.**

2. (1) In section 27E(7)(a) of the Law of 1987 for "38 or 38A" substitute "38(2)(d)".

(2) Immediately after section 27E(7) of the Law of 1987, insert -

"(7A) A statement may not be used by virtue of subsection (7)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

**Amendment of section 38 of Law of 1987.**

3. (1) Immediately after section 38(2)(c) of the Law of 1987, insert -

"or

(d) in purported compliance with a requirement under section 27E,".

**Amendment of section 42A of Law of 1987.**

4. (1) Section 42A of the Law of 1987 is amended as follows.

(2) For section 42A(1) substitute -

"(1) The States may by Ordinance -

- (a) amend Part I or II or section 35, 36, 38 or 39, where it appears to the States to be necessary or expedient to do so for the purpose of -
  - (i) enabling the Commission more effectively to carry out any of its functions,
  - (ii) enhancing or protecting the reputation or economic interests of the Bailiwick,
  - (iii) improving or enhancing the investigation, prevention or detection of crime,
  - (iv) facilitating the instigation of, or otherwise for the purposes of, any criminal proceedings,
  - (v) facilitating the detection, seizure and forfeiture of the proceeds of crime or assets intended for use in crime,
  - (vi) discharging any international obligation to which the Bailiwick is subject, or
  - (vii) assisting, in the interests of the public or otherwise, any authority which appears to the States to exercise in a place

outside the Bailiwick functions corresponding to any of the functions of the Commission, and

(b) make such additional provision as they think fit for the purposes of carrying this Law into effect."

(3) Immediately before the words "create offences" in section 42A(3)(a), insert "subject to subsection (3A),".

(4) Immediately after section 42A(3) insert -

"(3A) The power conferred by subsection (3)(a) to create offences does not include power -

(a) to provide for offences to be triable only on indictment,

(b) to authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008, or

(c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years."

**Interpretation.**

5. (1) In this Ordinance, "**the Law of 1987**" means the Protection of

Investors (Bailiwick of Guernsey) Law, 1987.

(2) The Interpretation (Guernsey) Law, 1948<sup>e</sup> applies to the interpretation of this Ordinance throughout the Bailiwick.

**Citation.**

6. This Ordinance may be cited as the Protection of Investors (Bailiwick of Guernsey) Law, 1987 (Amendment) Ordinance, 2008.

**Commencement.**

7. This Ordinance shall come into force on the same day as section 42A of the Law of 1987 comes into force.

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



**The Registration of Non-Regulated Financial Services  
Businesses (Bailiwick of Guernsey) Law, 2008  
(Amendment) Ordinance, 2008**

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the power conferred on the States by section 30(1) of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008 and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948<sup>a</sup> and in pursuance of the States Resolution of the 13<sup>th</sup> December, 2007<sup>b</sup>, hereby orders:-

**Amendment of sections 18, 19, 20 and 22 of Law of 2008.**

1. (1) In sections 18(10)(a), 19(7)(a), 20(4)(a) and 22(7)(a) of the Law of 2008 immediately after the words, figures and parentheses "or section 32(1)", insert "(but only in relation to a requirement imposed by or under this section)".

(2) Immediately after section 18(10) insert -

"(10A) A statement may not be used by virtue of subsection (10)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

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<sup>a</sup> Ordres en Conseil Vol. XIII, p. 288

<sup>b</sup> Article XVI of Billet d'État No. XXVI of 2007.

(3) Immediately after section 19(7) insert -

"(7A) A statement may not be used by virtue of subsection (7)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

(4) Immediately after section 20(4) insert -

"(4A) A statement may not be used by virtue of subsection (4)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

(5) Immediately after section 22(7) insert -

"(8) A statement may not be used by virtue of subsection (7)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

**Amendment of section 30 of Law of 2008.**

2. (1) Section 30 of the Law of 2008 is amended as follows.

(2) For section 30(1) substitute -

"(1) The States may, without prejudice to any other provision of this Law conferring power to enact Ordinances, by Ordinance amend section 3, 5, 10, 15, 16 or 38 or Schedule 2, where it appears to the States to be necessary or expedient to do so for the purpose of -

- (a) enabling the Commission more effectively to carry out any of its functions,
- (b) enhancing or protecting the reputation or economic interests of the Bailiwick,
- (c) improving or enhancing the investigation, prevention or detection of crime,
- (d) facilitating the instigation of, or otherwise for the purposes of, any criminal proceedings,
- (e) facilitating the detection, seizure and forfeiture of the proceeds of crime or assets intended for use in crime,

- (f) discharging any international obligation to which the Bailiwick is subject, or
- (g) assisting, in the interests of the public or otherwise, any authority which appears to the States to exercise in a place outside the Bailiwick functions corresponding to any of the functions of the Commission."

(3) Immediately before the words "create offences" in section 30(4)(a), insert "subject to subsection (4A),".

(4) Immediately after section 30(4) insert -

"(4A) The power conferred by subsection (4)(a) to create offences does not include power -

- (a) to provide for offences to be triable only on indictment,
- (b) to authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008, or
- (c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years."

**Interpretation.**

3. (1) In this Ordinance, "**the Law of 2008**" means the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008.

(2) The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Ordinance throughout the Bailiwick.

**Citation.**

4. This Ordinance may be cited as the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008 (Amendment) Ordinance, 2008.

**Commencement.**

5. This Ordinance shall come into force on the same day as section 30 of the Law of 2008 comes into force.

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