

# PROJET DE LOI

ENTITLED

## **The Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 \***

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* No. V of 2018; as amended by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (Commencement and Amendment) Ordinance, 2018 (No. \*\* of 2018); the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2018 (No. \*\* of 2018). See also the Police Force (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207). This Law is prospectively amended by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (Commencement and Amendment) Ordinance, 2018 (*supra*).

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## **The Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016**

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## **The Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016**

**THE STATES**, in pursuance of their Resolution of the 29<sup>th</sup> day of June, 2005<sup>a</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

#### APPLICATION OF LAW

#### **Application.**

**1.** (1) This Law applies, unless the contrary intention appears, to every enactment (including this Law) made before or after the commencement of this Law.

(2) For the purposes of subsection (1) and for the avoidance of doubt, a provision in an enactment stating that the Interpretation (Guernsey) Law, 1948<sup>b</sup> applies in respect of that enactment does not, of itself, constitute a contrary intention.

### PART II

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**a** Article XI of Billet d'État No. IX of 2005.

**b** Ordres en Conseil Vol. XIII, p. 355.

GENERAL PROVISIONS RELATING TO ENACTMENTS

**Citation of enactment.**

2. (1) An enactment may be cited –
- (a) by any title by which it, or any other enactment, authorises its citation, or
  - (b) if its citation is not so authorised, by its title.

(2) An enactment may continue to be cited in accordance with subsection (1) notwithstanding the repeal of that enactment or of any other enactment authorising its citation.

**Judicial notice of legislative instruments.**

3. (1) Judicial notice shall be taken of the legislative instruments listed in subsection (2), whether passed before or after the commencement of this Law.

- (2) The instruments are –
- (a) in respect of the Bailiwick, enactments,
  - (b) in respect of the United Kingdom –
    - (i) Acts of Parliament,
    - (ii) Orders in Council, and
    - (iii) subordinate legislation, within the meaning of

the Interpretation Act 1978<sup>c</sup>,

whether registered on the Records of the Island of Guernsey or not,

- (c) in respect of the European Union –
  - (i) the Treaties,
  - (ii) EU instruments,
  - (iii) decisions of, or expressions of opinion by, the European Court, and
  - (iv) the Official Journal of the Union, and
- (d) in respect of the European Economic Area –
  - (i) decisions of, or expressions of opinion by, the EFTA Court (established under Article 108 of the Agreement on the European Economic Area), and
  - (ii) instruments of the EFTA Surveillance Authority (also established under that Article).

**Preambles and headings.**

4. The preamble to an enactment and the headings of the parts, fasciculi, chapters, sections, articles, schedules, appendices and other divisions and

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<sup>c</sup> An Act of Parliament, 1978 c. 30.

subdivisions into which an enactment is divided form part of the enactment, but only to assist in explaining its intent and meaning.

**Schedules, appendices etc.**

5. A schedule or appendix to, or a table or diagrammatic representation (including any note, map, symbol or image) contained in, an enactment forms a part of that enactment, unless the contrary intention appears.

**Explanatory notes.**

6. An explanatory note relating to an enactment does not form part of that enactment.

**Amendment of arrangement of sections.**

7. (1) Where an enactment amends another enactment and, as a consequence, the arrangement of sections would require amendment, the arrangement of sections is, unless the contrary intention appears, amended accordingly.

(2) In subsection (1), an "**arrangement of sections**" includes a table or list of the parts, fasciculi, chapters, sections, articles, schedules, appendices and other divisions and subdivisions into which an enactment is divided.

PART III

COMMENCEMENT OF ENACTMENTS

**Commencement of enactment.**

8. (1) In an enactment the expression "**commencement**" and related expressions, when used with reference to an enactment, means the coming into force of the enactment.

(2) Unless the contrary intention appears, an enactment comes into force –

- (a) where provision is made for it to come into force on a particular day, at the beginning of that day,
- (b) where provision is made for it to come into force on a day to be appointed by Ordinance, subordinate legislation or resolution, at the beginning of the day so appointed, and
- (c) in any other case –
  - (i) if it is contained in a Law, at the beginning of the day on which the Law is registered on the Records of the Island of Guernsey, or
  - (ii) if it is contained in an Ordinance or subordinate legislation, at the beginning of the day on which that Ordinance or subordinate legislation is made.

(3) Where a provision of an enactment provides for commencement of the enactment on a day to be appointed by Ordinance, subordinate legislation or resolution, different days may be so appointed for different provisions of the enactment and for different purposes.

**Anticipatory exercise of powers.**

**9.** (1) Where an enactment which does not come into force immediately upon its making –

- (a) confers power –

*Consolidated text*

- (i) to make an Ordinance or subordinate legislation,
  - (ii) to make any appointment,
  - (iii) to give any notice,
  - (iv) to prescribe any form, or
  - (v) to do any other thing for the purposes of that enactment, or
- (b) would, if it had come into force, amend another enactment so as to insert into that enactment any of the powers set out in paragraph (a),

then, unless the contrary intention appears, the power may be exercised at any time after the making of the enactment and prior to its coming into force so far as may be necessary or expedient for the purposes set out in subsection (2).

(2) The purposes are –

- (a) bringing the enactment into force, or
- (b) giving effect to the enactment when it comes into force.

(3) For the avoidance of doubt, an Ordinance or subordinate legislation made under a power exercised in accordance with subsection (1) may come into force before the enactment comes into force.

[ (4) For the avoidance of doubt and for the purposes of this section, "**made**", in relation to a Law, has the meaning given in Part II of the Schedule.]

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**NOTE**

*In section 9, subsection (4) was inserted by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (Commencement and Amendment) Ordinance, 2018, section 2(a), with effect from 1st October, 2018.*

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PART IV  
CONSTRUCTION OF ENACTMENTS

**Enactment always speaking.**

**10.** Unless the contrary intention appears, an enactment continues to have effect and may be applied from time to time to the circumstances as they arise.

**Rules as to gender, number etc.**

**11.** Unless the contrary intention appears, in an enactment –

- (a) words and expressions indicating the masculine, feminine or neuter gender are not limited to the indicated gender, and
- (b) words and expressions in the singular include the plural and words and expressions in the plural include the singular.

PART V  
GENERAL INTERPRETATION PROVISIONS

**Definitions.**

**12.** (1) Unless the contrary intention appears –

- (a) in an enactment made before the commencement of this Law, words and expressions listed in Part I of the Schedule, and related words and expressions, are to be construed according to that Part, and
  - (b) in an enactment made after the commencement of this Law, words and expressions listed in Parts I and II of the Schedule, and related words and expressions, are to be construed according to those Parts.
- (2) The States may by Ordinance amend the Schedule.

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**NOTE**

*The following Ordinance has been made under section 12:*

*Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (Commencement and Amendment) Ordinance, 2018.*

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**Application of definitions and rules of interpretation.**

- 13.** Unless the contrary intention appears –
- (a) where a word or expression is defined in or for the purposes of an enactment, or is to be construed in accordance with rules of interpretation contained in or applicable to that enactment, related words and expressions in that enactment have corresponding meanings and are to be construed accordingly, and
  - (b) where a Law or an Ordinance confers power to make an Ordinance or subordinate legislation, expressions used in that Ordinance or subordinate legislation have the

meanings which they bear in the Law or Ordinance under which that Ordinance or subordinate legislation, as the case may be, is made.

**References to the Sovereign.**

14. Unless the contrary intention appears, a reference to the Sovereign in an enactment is a reference to the Sovereign for the time being.

**References to committees or public authorities.**

15. Where an enactment confers a function on a named committee or public authority, unless the contrary intention appears, a reference in the enactment to the named committee or public authority is a reference to the committee or public authority in which the function is for the time being vested.

PART VI

PROVISIONS RELATING TO TIME AND DISTANCE

**Time and reckoning of periods of time.**

16. (1) Unless the contrary intention appears, an expression of, or relating to, time or a reference to a point of time in an enactment shall be determined –

- (a) by reference to Greenwich mean time, or
- (b) where the time or point of time in question falls within the summer-time period, by reference to summer time.

(2) Unless the contrary intention appears –

- (a) where a period of time is expressed to begin on, or from, a particular day, that day is included in the

period,

- (b) where a period of time is expressed to begin after, or end before, a particular day, that day is not included in the period, and
- (c) where a period of time is expressed to end on, or to continue to, or until, a particular day, that day is included in the period.

**Distance.**

17. In measuring any distance for the purpose of an enactment, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

PART VII

REPEAL OF AND REFERENCES TO ENACTMENTS ETC

**General savings on repeal.**

18. (1) Where an enactment repeals another enactment the repeal does not, unless the contrary intention appears –

- (a) revive anything not in force or existing at the time of the repeal, including any enactment previously repealed,
- (b) affect the previous operation of the repealed enactment or anything duly done or suffered under it,
- (c) affect any right, interest, title, power, privilege, status or capacity created, acquired, accrued, established or

exercisable under the repealed enactment,

- (d) affect any duty, obligation, liability or burden of proof imposed, created or incurred under the repealed enactment,
- (e) affect any penalty, forfeiture or punishment incurred in respect of any offence committed in contravention of the repealed enactment, or
- (f) affect any investigation, legal proceeding or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, burden of proof, penalty, forfeiture or punishment.

(2) Unless the contrary intention appears –

- (a) any penalty, forfeiture or punishment referred to in subsection (1)(e) may be imposed and enforced, and
- (b) any investigation, legal proceeding or remedy referred to in subsection (1)(f) may be instituted, continued or enforced,

as if the repealing enactment had not been made.

(3) This section applies to an enactment which ceases to be in force by virtue of –

- (a) the expiration of any period,

- (b) the attainment of any date, or
- (c) the occurrence of any event,

specified in that or any other enactment as if it had been repealed by another enactment.

**References to other enactments.**

**19.** A reference in an enactment to another enactment is, unless the contrary intention appears, a reference to that other enactment as [from time to time] amended, re-enacted (with or without modification), extended or applied.

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**NOTE**

*In section 19, the words in square brackets were inserted by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (Commencement and Amendment) Ordinance, 2018, section 2(b), with effect from 1st October, 2018.*

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PART VIII

ORDINANCES AND SUBORDINATE LEGISLATION

**Power to make Ordinances and subordinate legislation.**

**20.** A statutory or customary power to make an Ordinance or subordinate legislation –

- (a) includes power, exercisable in the same manner and subject to the same consent and conditions, restrictions and requirements (if any), to amend or repeal the Ordinance or subordinate legislation,
- (b) may be exercised 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 case or class of case,

- (c) includes power 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 case, or different provision for the same case or class of case for different purposes,
  - (iii) any such provision either unconditionally or subject to any specified condition, and
  - (iv) such consequential, incidental, supplemental, transitional or saving provision as may appear to be necessary or expedient including, without limitation, provision making consequential amendments to the enactment conferring the power and any other enactment, and
- (d) shall, where the power is to make an Ordinance, include the power to confer power on a committee, court or person to make subordinate legislation under that Ordinance.

**Procedure for Ordinances under this Law.**

21. The Policy & Resources Committee shall, before recommending the States to agree to make an Ordinance under this Law, consult –

- (a) the Policy and Finance Committee of the States of Alderney, and
- (b) the [Policy and Finance Committee] of the Chief Pleas of Sark,

in relation to the terms of the proposed Ordinance; but a failure to comply with this section shall not invalidate any Ordinance made under this Law.

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**NOTES**

*In section 21, the words in square brackets were substituted by the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2018, section 2, Schedule, with effect from 24th October, 2018.*

*The functions, rights and liabilities of the Sark Policy and Performance Committee and of its Chairman arising under or by virtue of this Law were transferred to and vested in, respectively, the Sark Policy and Finance Committee and its Chairman by the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, Schedule, with effect from 24th October, 2018, subject to the savings and transitional provisions in section 3 of the 2018 Ordinance.*

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**Saving for subordinate legislation not laid.**

22. Unless the contrary intention appears, subordinate legislation is not invalid by reason only of not having been laid before the States of Deliberation, the States of Alderney or the Chief Pleas of Sark, as the case may be, in accordance with any requirement of the enactment under which the subordinate legislation was made.

**Rules of court.**

23. Where an enactment confers jurisdiction on a court, or extends or

varies the jurisdiction of a court –

- (a) the court, or
- (b) any other authority or body,

having for the time being power to make rules of court for that court, may make rules of court in exercise of, or in respect of, the jurisdiction conferred, extended or varied.

## PART IX STATUTORY POWERS AND DUTIES

### **Exercise of powers and duties.**

24. (1) Where an enactment confers a power or imposes a duty, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where an enactment confers a power or imposes a duty, unless the contrary intention appears, all powers –

- (a) as are reasonably necessary or expedient for the purposes of, or in connection with, or
- (b) as are ancillary, or incidental, to,

the exercise of the power or the performance of the duty, shall be regarded as given.

### **Provisions as to holders of office.**

25. (1) Where an enactment authorises the appointment of a person to any office, unless the contrary intention appears, it is to be treated as conferring on the person or body having the function of appointment –

- (a) power to remove or suspend the office holder, and
  - (b) power, exercisable in the same manner and subject to the same conditions, restrictions and requirements (if any) applicable on the appointment –
    - (i) to reappoint or reinstate the person to that office,
    - (ii) where the office holder is for any reason unable to carry out the functions of the office, to appoint another eligible person to replace the holder or to act temporarily in the holder's place, and to provide for the remuneration of the person so appointed, and
    - (iii) to fix or vary the office holder's remuneration, to withhold remuneration in whole or part during a period of suspension from office, and to terminate remuneration on the holder's removal from office.
- (2) Where –
- (a) an enactment authorises the appointment of a person to any office, and
  - (b) the appointment may only be made on the recommendation or subject to the approval, consent or concurrence of a person or body,

then, unless the contrary intention appears, the powers in subsection (1) are exercisable only on the recommendation or subject to the approval, consent or concurrence of that person or body.

**Exercise of powers of holders of office.**

26. Where an enactment confers a power or imposes a duty on the holder of an office, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

PART X  
OFFENCES AND PENALTIES

**Duplicated offences.**

27. Where an act or omission constitutes an offence –

- (a) under two or more enactments, or
- (b) both under an enactment and the common or customary law,

the offender is, unless the contrary intention appears, liable to be prosecuted and punished under either or any of those enactments or the common or customary law, but is not liable to be punished more than once for the same offence.

PART XI  
MISCELLANEOUS MATTERS

**Repeal.**

28. The following enactments are repealed –

- (a) the Interpretation (Guernsey) Law, 1948,
- (b) section 3(2) to (4) of the European Communities (Bailiwick of Guernsey) Law, 1973<sup>d</sup>, and
- (c) section 3 of the European Economic Area (Bailiwick of Guernsey) Law, 1996<sup>e</sup>.

**Application to Crown.**

**29.** This Law binds the Crown.

**Commencement.**

**30.** This Law shall come into force on the day appointed by Ordinance of the States.

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**NOTE**

*The Law was brought into force on 1st October, 2018 by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (Commencement and Amendment) Ordinance, 2018, section 1.*

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**Citation.**

**31.** This Law may be cited as the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016.

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<sup>d</sup> Ordres en Conseil Vol. XXIV, p. 87, Vol. XXVII, p. 242; Vol. XXIX, pp. 127 and 419 and cf. Vol. XXXVI, p. 458; Recueil d'Ordonnances Tome XXVI, p. 316; Tome XXVIII, pp. 79 and 541; Tome XXIX, p. 362 and Ordinance No. XIX of 2014.

<sup>e</sup> Ordres en Conseil Vol. XXXVI, p. 458.

SCHEDULE  
DEFINITIONS

Section 12

PART I

**"Act of Parliament"** means an Act within the meaning of the Interpretation Act 1978,

**"Acting Magistrate"** or **"Assistant Magistrate"** means a Deputy Judge of the Magistrate's Court,

**"Advocate"** means an Advocate of the Royal Court,

**"affidavit"**: see "oath" and "swear",

**"Agreement on the European Economic Area"** has the same meaning as "the Agreement" under section 4(1) of the European Economic Area (Bailiwick of Guernsey) Law, 1996<sup>f</sup>,

**"Alderney Official Gazette"** means the Alderney Official Gazette established under the Official Gazette (Alderney) Law, 1994<sup>g</sup>,

**"Bailiff"** includes the Deputy Bailiff, a Lieutenant Bailiff, the Juge-Délégué and a Judge of the Royal Court,

**"Bailiwick"** means the Bailiwick of Guernsey,

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<sup>f</sup> Ordres en Conseil Vol. XXXVI, pg. 458; amended by Ordinance No. XXXIII of 2003.

<sup>g</sup> Ordres en Conseil Vol. XXXV(1), p. 421.

**"body corporate"** means a body corporate, of whatever description, incorporated with or without limited liability in any part of the world,

**"British Islands"** means the United Kingdom, the Channel Islands and the Isle of Man,

**"British overseas territory"** has the same meaning as in the British Nationality Act 1981<sup>h</sup>,

**"British possession"** means any part of Her Majesty's dominions outside the United Kingdom, and where parts of such dominions are under both a central and a local legislature all parts under the central legislature are deemed, for the purposes of this definition, to be one British possession,

**"business day"** means any day other than –

- (a) a Saturday, a Sunday, Christmas Day and Good Friday, and
- (b) a public holiday,

and **"non-business day"** means any day other than a business day,

**"carry out"**, in relation to a function, includes perform a duty and exercise a power,

**"Chief Pleas"** means the Chief Pleas of Sark,

**"colonial legislature"** and **"legislature"**, in relation to a British

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<sup>h</sup> An Act of Parliament, 1981 c. 61.

possession, mean the authority, other than the Parliament of the United Kingdom or Her Majesty in Council, competent to make laws for the possession,

**"colony"** means any part of Her Majesty's dominions outside the British Islands except –

- (a) countries having fully responsible status within the Commonwealth,
- (b) territories for whose external relations a country other than the United Kingdom is responsible,
- (c) associated states,

and where parts of such dominions are under both a central and a local legislature all parts under the central legislature are deemed, for the purposes of this definition, to be one colony,

**"commencement"**: see section 8,

**"committee"** of the States of Guernsey, States of Alderney or Chief Pleas of Sark means any committee, council, department, authority, board or like body thereof, however called,

**"consular officer"** has the meaning assigned by Article 1 of the Vienna Convention set out in Schedule 1 to the Consular Relations Act 1968<sup>i</sup>,

**"contravention"** includes failure to comply,

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<sup>i</sup> An Act of Parliament, 1968 c.18.

**"Court of Alderney"** means the Court of Alderney constituted in accordance with Part II of the Government of Alderney Law, 2004<sup>j</sup>,

**"Court of Appeal"** means the Court of Appeal established by the Court of Appeal (Guernsey) Law, 1961<sup>k</sup>,

**"customs officer"** means an officer within the meaning of section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972<sup>l</sup>,

**"Deputy Judge of the Magistrate's Court"** means a person appointed to the office of that name under section 5 of the Magistrate's Court (Guernsey) Law, 2008,

**"discharge"**, in relation to a function, includes perform a duty and exercise a power,

**"electronic form"**, in relation to the electronic storage or recording of information or documents, includes storage or recording by means of any form of information storage technology, and **"electronic"** includes electrical, magnetic, wireless, optical, digital or electromagnetic,

**"enactment"** includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation, [and any reference in an enactment to another enactment is a reference to that other enactment as from time to time

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<sup>j</sup> Order in Council No. III of 2005.

<sup>k</sup> Ordres en Conseil Vol. XVIII, p. 315.

<sup>l</sup> Ordres en Conseil Vol. XXIII, p. 573 and see Vol. XXXIII, p. 217.

amended, re-enacted (with or without modification), extended or applied,]

**"European Union", "EU instrument", "the Treaties" and "the EU Treaties"** and other expressions defined by section 1 of, and Schedule 1 to the European Communities (Bailiwick of Guernsey) Law, 1973 have the meanings given under that Law,

**"function"** includes a duty and a power,

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

**"international agreement"** includes any convention, treaty, protocol or other international instrument or any provision thereof, whether or not binding on the Bailiwick or any part thereof,

**"Judge of the Magistrate's Court"** means a person appointed to the office of that name under section 2 of the Magistrate's Court (Guernsey) Law, 2008,

**"Judge of the Royal Court"** means a person appointed to the office of that name under section 3 of the Royal Court (Reform) (Guernsey) Law, 2008,

**"Jurat"** means –

- (a) in relation to Guernsey, a Jurat of the Royal Court (*Juré Justicier de la Cour Royale*) and includes a Juré-Justicier Suppléant<sup>m</sup>, and

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<sup>m</sup> The office of Juré-Justicier Suppléant was established by the Royal Court (Reform) (Guernsey) Law, 2008.

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

**"Juvenile Court"** means the Magistrate's Court sitting as the Juvenile Court, pursuant to the Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law, 2008<sup>n</sup>,

**"La Gazette Officielle"** means La Gazette Officielle established under the Law intituled Loi par rapport à la Publication des Annonces Officielles, registered on the Records of the Island on the 21<sup>st</sup> March, 1936<sup>o</sup>,

**"land"** includes houses and buildings,

**"Law Officer"** or **"Law Officer of the Crown"** means Her Majesty's Procureur or Her Majesty's Comptroller,

**"Lieutenant-Governor"** means the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey and its Dependencies,

**"Magistrate's Court"**, in relation to Guernsey, means the Court established by section 1 of the Magistrate's Court (Guernsey) Law, 1954<sup>p</sup>,

**"month"** means calendar month,

**"oath"**, in the case of a person permitted by law to affirm or declare

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<sup>n</sup> Order in Council Nos. VI and No. XVIII of 2009.

<sup>o</sup> Ordres en Conseil Vol. X, p. 304.

<sup>p</sup> Ordres en Conseil Vol. XVI, p. 103 and see Order in Council No. XVIII of 2009.

instead of swear, includes affirmation and declaration (and "**affidavit**" shall be construed accordingly),

**"officer of police"** means –

- (a) in relation to Guernsey, Herm and Jethou –
  - (i) a member of the salaried police force of the Island of Guernsey, or
  - (ii) within the limits of their jurisdiction, a member of the special constabulary of the Island of Guernsey,
- (b) in relation to Alderney –
  - (i) a member of the salaried police force of the Island of Guernsey,
  - (ii) a member of any police force which may be established by the States of Alderney, or
  - (iii) within the limits of their jurisdiction, a special constable appointed under section 47 of the Government of Alderney Law, 2004, and
- (c) in relation to Sark –
  - (i) the Constable, the Vingtenier or an Assistant Constable of Sark,

- (ii) a member of the salaried police force of the Island of Guernsey, or
- (iii) within the limits of their jurisdiction, a special constable appointed [under section 54 of the Reform (Sark) Law, 2008],

**"Ordinary Court"** means the Royal Court sitting as an Ordinary Court,

**"perform"**, in relation to a function, includes perform a duty and exercise a power,

**"person"** includes –

- (a) an individual,
- (b) a body corporate,
- (c) any other legal person, and
- (d) an unincorporated body of persons,

**"Petty Debts Court"** and **"Cour pour le recouvrement de Menues Dettes"** mean the Magistrate's Court exercising civil jurisdiction under Part III of the Magistrate's Court (Guernsey) Law, 2008,

**"Police Court"** and **"Cour de Police Correctionnelle"** mean the Magistrate's Court exercising criminal jurisdiction under Part II of the Magistrate's Court (Guernsey) Law, 2008,

**"police officer"** has the same meaning as officer of police,

**"public authority"** includes –

- (a) a court or tribunal, and
- (b) any person certain of whose functions are functions of a public nature,

but does not include the States of Deliberation, the States of Alderney or the Chief Pleas,

**"public holiday"** means a day appointed as a public holiday –

- (a) in the case of the Bailiwick (other than Alderney and Sark), by the States of Deliberation by Ordinance made under section 1(1) of the Bills of Exchange (Guernsey) Law, 1958<sup>q</sup>,
- (b) in the case of Alderney, by the States of Alderney by Ordinance made under –
  - (i) section 1(1) of the Bills of Exchange (Guernsey) Law, 1958, or
  - (ii) paragraph (o) of Schedule 2 to the Government of Alderney Law, 2004, or

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<sup>q</sup> Ordres en Conseil Vol. XVII, p. 384; Vol. XXIV, p. 84; Vol. XXXIV, p. 504 and Vol. XXXV(1), p. 367.

- (c) in the case of Sark, by the Chief Pleas by Ordinance made under section 1(1) of the Bills of Exchange (Guernsey) Law, 1958,

**"repeal"** includes rescind, revoke, cancel, omit or delete,

**"Royal Court"** means the Royal Court of Guernsey,

**"Secretary of State"** means one of Her Majesty's Principal Secretaries of State,

**"Seneschal"**, in relation to Sark, includes the Deputy Seneschal and a Lieutenant Seneschal,

**"States"** means the States of Deliberation,

**"subordinate legislation"** means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

**"summer time"** means the time applicable during the summer-time period within the meaning of Directive 2000/84/EC of the European Parliament and of the Council of 19 January 2001<sup>r</sup> concerning summer time arrangements,

**"swear"**, in the case of persons allowed by law to affirm or declare instead of to swear, includes to affirm and to declare (and **"affidavit"** shall be construed accordingly),

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<sup>r</sup> OJ No. L031, 2 February 2001 p. 21.

**"territorial sea"** or **"territorial waters"** of or adjacent to the Bailiwick or of any island thereof means the territorial sea adjacent to the Bailiwick or, as the case may be, that island, the breadth thereof being measured from the baselines established by the Territorial Sea (Baselines) Order 2014<sup>s</sup>,

**"under"**, in relation to an enactment, includes "by", "in accordance with", "for the purposes of", "pursuant to" and "by virtue of" the enactment or any Ordinance or subordinate legislation made under the enactment,

**"United Kingdom"** means the United Kingdom of Great Britain and Northern Ireland, and

**"writing"** includes printing, photography, photocopying, lithography, typewriting and any other modes of representing or reproducing words in visible form.

## PART II

**"document"** includes information stored or recorded in any form (including, without limitation, in electronic form); and, in relation to information stored or recorded otherwise than in legible form, references to its production, however expressed, include (without limitation) references to the production of the information in a form –

- (a) in which it can be taken away, and
- (b) in which it is visible and legible or from which it can

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<sup>s</sup> U.K. S.I. 2014 No. 1353.

readily be produced in a visible and legible form[, and]

[ "**made**", in relation to a Law, is a reference to its approval by –

- (i) where it applies in Alderney only, the States of Alderney,
- (ii) where it applies in Sark only, the Chief Pleas of Sark,
- (iii) where it applies in Alderney and Sark only, the final legislature the approval of which is required before the Law may be transmitted to the Committee for the Affairs of Jersey and Guernsey of Her Majesty's Most Honourable Privy Council, and
- (iv) in any other case, the States of Deliberation.]

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## NOTES

*In the Schedule, first, the words in square brackets in the definition of the expression "enactment" were inserted, second, the words in square brackets in the definition of the expression "officer of police" were substituted, third, the punctuation and word at the end of the definition of the expression "document" were substituted and, fourth, the definition of the expression "made" was inserted by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (Commencement and Amendment) Ordinance, 2018, respectively section 3(c)(i), section 3(c)(iii), section 3(d)(i) and section 3(d)(ii), with effect from 1st October, 2018.*

*In accordance with the provisions of the Police Force (Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the references 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.*

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