

# ORDER IN COUNCIL

**VIII**  
**1998**

ratifying a Projet de Loi

ENTITLED

## **The Wreck and Salvage (Amendment) (Bailiwick of Guernsey) Law, 1998**

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(Registered on the Records of the Island of Guernsey  
on the 18th August, 1998.)

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**1998**

## ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 18th day of August, 1998 before de Vic Graham Carey, Esquire, Deputy Bailiff; present:- Leonard Arthur Moss, Lawrence Oscar Ozanne, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin. Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory and Keith Bichard, OBE, Esquires, and The Reverend Peter Gerald Lane, Jurats.*

The Deputy Bailiff having this day placed before the Court a copy of an Order of Her Majesty in Council dated the 21st day of July, 1998 approving and ratifying a *Projet de Loi* entitled "The Wreck and Salvage (Amendment) (Bailiwick of Guernsey) Law, 1998", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the S n schal of Sark for registration on the records of those Islands respectively of which Order in Council the tenor followeth:-

## At the Court at Buckingham Palace

The 21st day of July 1998

PRESENT,

### The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 14th day of July 1998 in the words following, viz.:-

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:-

“1. That, in pursuance of their Resolutions of the 28th day of September 1994 and the 28th day of May 1997, the States of Deliberation at a meeting held on the 1st day of August 1997 approved a Bill or “Projet de Loi” entitled “The Wreck and Salvage (Amendment) (Bailiwick of Guernsey) Law, 1998”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 1st day of October 1997, considered the Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 1st day of October 1997, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Wreck and Salvage (Amendment) (Bailiwick of Guernsey) Law, 1998”, and to order that the same shall have force of law in the Bailiwick of Guernsey.”:

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and *observed accordingly.*

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers *for the time being in the said Island, and all other persons* whom it may concern, are to take notice and govern themselves accordingly.

*N. H. Nicholls*

**The Wreck and Salvage (Amendment) (Bailiwick of  
Guernsey) Law, 1998**

THE STATES, in pursuance of their Resolutions of the 28th day of September, 1994<sup>a</sup> and the 28th day of May, 1997<sup>b</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

**Amendment of Law of 1986.**

1. In the Wreck and Salvage (Vessels and Aircraft) (Bailiwick of Guernsey) Law, 1986, as amended<sup>c</sup>-

(a) for section 18(2) substitute the following-

"(2) An order under this section shall identify the restricted area (whether by specifying the location of the vessel, cargo or object or otherwise) in such manner as the Committee thinks fit to ensure the protection of the site.";

(b) after section 18 insert the following section-

**"Powers of police and Receiver in relation to prohibited and restricted areas.**

**18A.** (1) An officer of police, the Receiver and any person authorised by the Receiver in writing in that behalf

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<sup>a</sup> Article XXIII of Billet d'État No. XVII of 1994.

<sup>b</sup> Article VI of Billet d'État No. VIII of 1997.

<sup>c</sup> Ordres en Conseil Vol. XXIX, p. 390; Ordinance No. XVIII of 1993.

may (without prejudice to the exercise by him of any other lawful power) exercise the powers conferred by this section in any place within the Bailiwick and the territorial waters adjacent thereto.

(2) He may arrest without warrant any person reasonably suspected by him of having committed an offence under section 14, 17 or 18.

(3) He may, for the purpose of determining whether or not any such offence has been committed, exercise the following powers in relation to any vessel which is within, or which is reasonably suspected by him of having entered, a prohibited or restricted area or which is reasonably suspected by him to be carrying persons who have committed any such offence-

- (a) he may board the vessel (with or without persons assigned to assist him) and for that purpose require the vessel to stop and do anything else necessary to facilitate boarding;
- (b) he may require the attendance of the master and any other person on board the vessel and make any examination or inquiry appearing to him to be necessary;
- (c) he may examine anything carried on or belonging to the vessel, including its equipment, and require any person on board to do anything reasonably necessary to facilitate the examination;

- (d) he may require any person on board the vessel to produce any document which relates to the vessel, its activities or the persons on board and which is in that person's custody, possession or power, and take copies and extracts and require an explanation thereof;
- (e) he may search the vessel for any thing or document described in paragraph (c) or (d) and require any person on board to do anything reasonably necessary to facilitate the search.

(4) Where he has reason to suspect that an offence under section 14, 17 or 18 has been committed, he may-

- (a) seize and detain any thing or document described in paragraph (c) or (d) of subsection (3) produced to him or found by him for the purpose of enabling it to be used as evidence;
- (b) require the master of any such vessel as is described in subsection (3) to take, or himself take, the vessel and its crew to whichever port in the Bailiwick appears to him to be the most convenient;
- (c) detain or require the master to detain any such vessel in port, and require the master to do, or

himself do, anything necessary to facilitate such detention; and

- (d) seize any object in relation to which the offence appears to have been committed together with any diving, salvaging or other equipment used in connection with the commission of the offence.

(5) A person who-

- (a) fails without reasonable excuse, proof whereof shall lie on him, to comply with a requirement imposed by, or to answer a question put by, a person described in subsection (1);
- (b) prevents or attempts to prevent another person from so doing; or
- (c) assaults, obstructs or fails to give all reasonable assistance to such a person in the exercise or purported exercise of the powers conferred by this section;

shall be guilty of an offence and liable-

- (i) on summary conviction, to a fine not exceeding level 5 on the Guernsey uniform scale of fines, to imprisonment



for a term not exceeding 3 months or to both;

(ii) on conviction on indictment, to a fine, to imprisonment for a term not exceeding 2 years or to both.";

(c) after section 19(8) add the following subsections-

"(9) Where a person is convicted of an offence under section 17 or 18, the court convicting him may, in addition to imposing any penalty prescribed by law in relation to the offence, and without prejudice to any other power vested in the court or any other remedy, order the forfeiture, restitution, destruction or other disposal of any vessel, equipment, apparatus, object or other thing in relation to which or by means of which the offence was committed or which was used in connection with the commission of the offence.

(10) An appeal lies from an order of the court under subsection (9) in the same manner as if it were a penalty imposed upon conviction.";

(d) for the definition of "officer of police" in paragraph 7 of Schedule 1 substitute the following-

**"officer of police"** means, in addition to any person included in the definition of that expression as set out in section 32(1) of this Law, a member of any police force which may be established by the States of Alderney and, within the limits of his

jurisdiction, a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law, 1987<sup>d</sup>,";

- (e) for the definition of "officer of police" in paragraph 7 of Schedule 2 substitute the following-

**"officer of police"** means, in addition to any person included in the definition of that expression as set out in section 32(1) of this Law, the Constable and the Vingtenier;".

**Citation.**

2. This Law may be cited as the Wreck and Salvage (Amendment) (Bailiwick of Guernsey) Law, 1997.

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<sup>d</sup> Ordres en Conseil Vol. XXX, p. 37; and No. XI of 1988.