



At the Court at Buckingham Palace

THE 17th DAY OF OCTOBER 2012

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolutions of 30th March 2005, 1st December 2011 and 21st February 2012, the States of Deliberation at a meeting on 21st February 2012 approved a *Projet de Loi* entitled the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the States of the Island of Alderney at a meeting held on 18th April 2012 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Alderney. That the Chief Pleas of the Island of Sark at a meeting held on 18th April 2012 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Sark. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, and to order that it shall have force of law in the Bailiwick of Guernsey.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Bailiwick of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Civil Contingencies (Bailiwick of Guernsey) Law, 2012

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The Civil Contingencies (Bailiwick of Guernsey) Law, 2012

THE STATES, in pursuance of their Resolutions of the 30th day of March, 2005^a, the 1st day of December, 2011^b, and the 21st day of February, 2012^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 Bailiwick of Guernsey.

PART 1

CIVIL CONTINGENCIES AUTHORITY

Establishment of the Civil Contingencies Authority.

1. (1) There is established a body known as the Civil Contingencies Authority ("**the Authority**") which shall be a committee of the States of Guernsey, and which shall have the functions conferred by this Law, by any other enactment and by Resolution of the States of Guernsey.

(2) Schedule 1 shall have effect as respects the constitution of the Authority.

(3) For the avoidance of doubt, Resolutions of the States (whether under section 1 of the States Committees (Constitution and Amendment) (Guernsey) Law, 1991^d, or otherwise) relating to the constitution and operation of departments and committees of the States of Guernsey generally shall apply to the Authority only to the extent that contrary provision is not made in this Law or those Resolutions.

^a Article I of Billet d'État No. III of 2005.

^b Article XIII of Billet d'État No. XIX of 2011.

^c Article I of Billet d'État No. IV of 2012.

^d Ordres en Conseil Vol. XXXIII, p. 471.

PART 2
ARRANGEMENTS FOR CIVIL PROTECTION

Introductory

Meaning of "emergency".

2. (1) In this Law "**emergency**" means -

- (a) an event or situation which threatens serious damage to human welfare or the environment in the Bailiwick, or any part thereof, or
- (b) war, or terrorism, which threatens serious damage to the security of the Bailiwick, or any part thereof.

(2) For the purposes of subsection (1)(a) an event or situation threatens damage to human welfare only if it involves, causes or may cause -

- (a) loss of human life,
- (b) human illness or injury,
- (c) homelessness,
- (d) damage to property,
- (e) disruption of the supply and distribution of food, water, energy or fuel, or money,

- (f) disruption of a system of communication,
- (g) disruption of facilities for transport, or
- (h) disruption of services relating to health.

(3) For the purposes of subsection (1)(a) an event or situation threatens damage to the environment only if it involves, causes or may cause -

- (a) contamination of land, water or air with biological, chemical or radioactive matter, or
- (b) disruption or destruction of plant life or animal life.

(4) An event or situation mentioned in subsection (1) may occur or be within or outside the Islands.

Contingency planning

Power of Authority to order risk assessment and planning.

3. (1) The Authority may specify, by regulations, that a person or body listed in Part I or II of Schedule 2 shall do one or more of the following -

- (a) at least once in each calendar year assess the risk of an emergency occurring,
- (b) at least once in each calendar year assess the risk of an emergency making it necessary or expedient for the person or body to perform any of his or its functions,

- (c) prepare and maintain a plan for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs the person or body is able to continue to perform his or its functions,
- (d) prepare and maintain a plan for the purpose of ensuring that if an emergency occurs or is likely to occur the person or body is able to perform his or its functions so far as necessary or desirable for the purpose of -
 - (i) preventing the emergency,
 - (ii) reducing, controlling or mitigating its effects,
or
 - (iii) taking other action in connection with it,
- (e) consider whether an assessment carried out under paragraph (a) or (b) makes it necessary or expedient for the person or body to add to or modify plans maintained under paragraph (c) or (d), or
- (f) maintain arrangements to warn the public, and to provide information and advice to the public, if an emergency is likely to occur or has occurred.

(2) Regulations under subsection (1) may make provision about the manner in which a duty set out there is to be performed by the person or body.

- (3) Regulations under subsection (1) may -
- (a) make provision about the kind of emergency in relation to which the person or body is or is not to perform a duty set out in those regulations,
 - (b) permit or require the person or body not to perform a duty set out in those regulations in specified circumstances or in relation to specified matters,
 - (c) make provision as to the timing of performance of a duty set out in those regulations,
 - (d) require the person or body to consult a specified person or body or class of person or body before or in the course of performing a duty set out in those regulations,
 - (e) permit, require or prohibit collaboration, to such extent and in such manner as may be specified, by persons or bodies in the performance of a duty set out in those regulations,
 - (f) permit or require a person or body listed in Part I, II or III of Schedule 2 to cooperate, to such extent and in such manner as may be specified, with a person or body listed in Part I or II of that Schedule in connection with the performance of a duty set out in those regulations,

- (g) permit or require a person or body listed in Part I, II or III of Schedule 2 to provide information, either on request or in other specified circumstances, to the Authority or to a person or body listed in Part I or II of that Schedule in connection with the performance of a duty set out in those regulations,
- (h) permit or require the person or body to perform (wholly or partly) a duty under those regulations having regard to, or by adopting or relying on, work undertaken by another specified person or body,
- (i) permit or require the person or body, in maintaining a plan under those regulations, to have regard to the activities of bodies whose activities are not carried on for profit,
- (j) make provision about the extent of, and the degree of detail to be contained in, a plan maintained under those regulations,
- (k) require a plan to include provision for the carrying out of exercises,
- (l) require a plan to include provision for the training of staff or other persons,
- (m) permit the person or body to make arrangements with another person or body, as part of planning undertaken

by that body, for the performance of a function on behalf of the first person or body,

- (n) make provision which has effect despite other provision made by or by virtue of an enactment,
- (o) make provision which applies only in specified circumstances, and
- (p) require the person or body to make public such information as may be specified.

Supplemental.

4. (1) The Authority may issue guidance to a person or body listed in Schedule 2 about the matters specified in regulations made under section 3(1).

(2) A person or body specified in regulations made under section 3(1) shall send a copy of a plan that has to be maintained under those regulations to the Authority, as soon as the plan is -

- (a) produced, or
- (b) amended.

Civil protection and emergency prevention

Identification and assessment of risks by the Authority.

5. (1) If the Authority identifies the risk of an emergency affecting the Bailiwick or any part thereof, it may direct, by means of a written notice, that a

person or body specified in regulations made under section 3(1) addresses that risk in a plan specified in that section.

(2) The Authority shall, in each calendar year, report to the Policy Council on the risks of an emergency affecting the Islands, save that such a report shall not include any information which may prejudice -

- (a) the security of the Bailiwick,
- (b) the enforcement of law in the Bailiwick,
- (c) the economy of the Bailiwick,
- (d) the international reputation of the Bailiwick, or
- (e) relations with other jurisdictions.

Action to prevent an emergency occurring.

6. (1) If the Authority has reasonable grounds to believe that -
- (a) there is a significant risk that an emergency will occur unless an action identified by the Authority is performed, and
 - (b) there is a significant risk that the action referred to in (a) will not be performed in time to prevent that emergency occurring,

then, subject to subsections (3) to (6), the Authority may either -

(i) direct a committee, or a person or body listed in Part II of Schedule 2, to perform that action, or

(ii) if it considers such direction to be inappropriate in the circumstances, perform that action itself.

(2) Under subsection (1) the Authority may -

(a) direct a committee, or person or body listed in Part II of Schedule 2, to perform an action, or

(b) perform that action itself,

whether or not that committee, person or body, or the Authority, as the case may be, is empowered, by Resolution of the States, an enactment (other than this Law), or otherwise, to perform it.

(3) For the avoidance of doubt, the power under subsection (1) to perform an action does not include a power to make subordinate legislation, nor to disapply or modify an enactment.

(4) The Authority may neither direct a committee, person or body under subsection (1) to perform an action, nor perform an action under that subsection itself, unless Her Majesty's Procureur has advised it about the proportionality of so doing.

(5) A direction under subsection (1)(i) must be in writing and must specify the period of time within which the action identified therein must be

performed.

- (6) In this section –
- (a) "**perform an action**" includes make a promise, enter into an undertaking, enter an agreement and make a decision, on behalf of the States of Guernsey, and
- (b) subject to section 7, when there is a temporary member of the Authority nominated under paragraph 2(1) of Schedule 1, "**committee**" includes a Committee of the States of Alderney (where that member has been nominated by the Policy and Finance Committee of the States of Alderney) and a Committee of the Chief Pleas of Sark (where that member has been nominated by the Emergency Services Committee of the Chief Pleas of Sark).

Action to prevent an emergency occurring: temporary members.

7. (1) If there is a temporary member of the Authority nominated under paragraph 2(1) of Schedule 1 by the Policy and Finance Committee of the States of Alderney, and -

- (a) the Authority proposes to direct a Committee of the States of Alderney under this section to perform an action, or to perform itself an action that in the opinion of Her Majesty's Procureur falls within a function conferred on a Committee of the States of Alderney by law or delegated to it by resolution of the States of Alderney,

- (b) in the opinion of Her Majesty's Procureur the action in question does not fall within one of the subjects listed in the Schedule to the Alderney (Application of Legislation) Law, 1948^e (subjects in respect of which Guernsey legislation may be extended to Alderney), and
- (c) that temporary member objects to the direction being made or action being performed, as the case may be,

then the Authority may not make that direction or perform that action.

(2) If there is a temporary member of the Authority nominated under paragraph 2(1) of Schedule 1 by the Emergency Services Committee of the Chief Pleas of Sark, and -

- (a) the Authority proposes to direct a Committee of the Chief Pleas of Sark to perform an action, or to perform itself an action that in the opinion of Her Majesty's Procureur falls within a function conferred on a Committee of the Chief Pleas of Sark by law or delegated to it by resolution of the Chief Pleas of Sark, and
- (b) that temporary member objects to the direction being made or action being performed, as the case may be,

^e Ordres en Conseil Vol. XIII, p. 448; Vol. XVI, pp. 124 and 126; Vol. XXIV, p. 210; Vol. XXIX, p. 299; Vol. XXX, p. 224; Vol XXXVII, p. 251.

then the Authority may not make that direction or perform that action.

Monitoring by the Authority.

8. (1) The Authority may, by notice in writing, require a person or body listed in Schedule 2 to -

- (a) provide it with information about action taken by the person or body for the purpose of complying with a duty under this Part, or
- (b) explain why the person or body has not taken action for the purpose of complying with a duty under this Part.

(2) A requirement under subsection (1) may specify -

- (a) a period within which the information or explanation, and
- (b) the form in which the information or explanation,

is to be provided.

(3) The Authority may only require a person or body to provide information in accordance with subsection (1)(a) if it has reasonable grounds to believe that that person or body -

- (a) is in possession of,

- (b) has access to, or
- (c) with reasonable effort, is able to obtain,

the relevant information.

Provision of information.

9. Regulations or a notice under this Part may, if addressing the provision or disclosure of information, make provision about the -

- (a) timing of that provision or disclosure,
- (b) form in which information is provided or disclosed,
- (c) use to which information may be put,
- (d) storage of information, and
- (e) disposal of information.

Amendment of Schedule 2.

10. (1) The States may, by Ordinance, amend Schedule 2.

(2) Before an Ordinance is made under subsection (1), the Authority shall consult the Policy and Finance Committee of the States of Alderney, the Emergency Services Committee of the Chief Pleas of Sark, or both, if, in the opinion of the Authority, Alderney, Sark or both Islands (as the case may be) would be affected by the Ordinance.

Regulations under this Part.**11. Regulations under this Part -**

- (a) may be amended or repealed by subsequent regulations,
- (b) may contain such consequential, incidental, supplemental or transitional provision as may appear to the Authority to be necessary or expedient, and
- (c) shall be laid before a meeting of the States as soon as is reasonably practicable after being made and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

PART 3**EMERGENCY POWERS****Power to make emergency regulations.**

12. (1) The Authority may make emergency regulations if the conditions in section 13 are satisfied.

(2) Regulations under this section must be prefaced by a statement by the Authority -

- (a) specifying the nature of the emergency in respect of which the regulations are made, and

- (b) declaring that the Authority is satisfied that -
- (i) the conditions in section 13 are satisfied,
 - (ii) the regulations contain only provisions which are appropriate for and proportionate to the purpose of preventing, controlling or mitigating the emergency or an aspect or effect of the emergency in respect of which the regulations are made,
 - (iii) the effect of the regulations is in due proportion to the emergency or that aspect or effect of the emergency, and
 - (iv) the regulations are compatible with the Convention rights within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^f ("**the Human Rights Law**").

Conditions for making emergency regulations.

- 13.** (1) This section specifies the conditions mentioned in section 12.
- (2) The first condition is that an emergency has occurred, is occurring or is about to occur.
- (3) The second condition is that it is necessary to make provision

^f Ordres en Conseil Vol. XL p. 396; amended by Order in Council No. I of 2005; Recueil d'Ordonnances Tome XXIX, p. 406; and G.S.I. No. 27 of 2006.

for the purpose of preventing, controlling or mitigating the emergency or aspects or effects of the emergency.

(4) The third condition is that the need for provision referred to in subsection (3) is urgent.

(5) The fourth condition is that Her Majesty's Procureur has advised the Authority about the proportionality of making the proposed regulations.

Scope of emergency regulations.

14. (1) Subject to section 15, emergency regulations may make any provision which the Authority is satisfied is appropriate for the purpose of preventing, controlling or mitigating the emergency or an aspect or effect of the emergency in respect of which the regulations are made.

(2) In particular, emergency regulations may make any provision which the Authority is satisfied is appropriate for the purpose of -

- (a) protecting human life, health or safety,
- (b) treating human illness or injury,
- (c) protecting or restoring property,
- (d) protecting or restoring the supply or distribution of food, water, energy or fuel, or money,
- (e) protecting or restoring a system of communication,
- (f) protecting or restoring facilities for transport,

- (g) protecting or restoring the provision of services relating to health,
- (h) protecting or restoring the activities of banks or other financial institutions,
- (i) preventing, containing or reducing the contamination of land, water or air,
- (j) preventing, reducing or mitigating the effects of disruption or destruction of plant life or animal life,
- (k) protecting or restoring the performance of a public function,
- (l) preventing, reducing or mitigating the effects of war or terrorism, and
- (m) maintaining public order.

(3) Emergency regulations may make provision of any kind that could be made by Projet de Loi, and in particular, regulations may -

- (a) confer a function on a Minister, Chairman or other presiding officer of a committee, a Committee of the States of Alderney or the Chief Pleas of Sark, or on any other specified person, and a function conferred may, in particular, be -

- (i) a power, or duty, to exercise a discretion,
 - (ii) a power to give directions or orders, whether written or oral,
- (b) provide for or enable the requisition or confiscation of property (with or without compensation),
- (c) provide for or enable the destruction of property, animal life or plant life (with or without compensation),
- (d) prohibit, or enable the prohibition of, movement to or from a specified place,
- (e) require, or enable the requirement of, movement to or from a specified place,
- (f) prohibit, or enable the prohibition of, assemblies of specified kinds, at specified places or at specified times,
- (g) prohibit, or enable the prohibition of, travel at specified times,
- (h) prohibit, or enable the prohibition of, other specified activities,
- (i) create an offence of -

- (i) failing to comply with a provision of the regulations,
 - (ii) failing to comply with a direction or order given or made under the regulations, and
 - (iii) obstructing a person in the performance of a function under or by virtue of the regulations,
- (j) disapply, adapt or modify an enactment or any rule of law,
- (k) require a person or body to act in performance of a function (whether the function is conferred by the regulations or otherwise and whether or not the regulations also make provision for remuneration or compensation),
- (l) make provision (which may include conferring powers in relation to property) for facilitating any deployment of Her Majesty's armed forces,
- (m) confer jurisdiction on a court or tribunal (which may include a tribunal established by the regulations),
- (n) make provision which has effect in relation to an area of the territorial sea adjacent to the Bailiwick, and
- (o) make provision which applies generally or only in specified circumstances or for a specified purpose.

(4) In subsection (3) "**specified**" means specified by, or to be specified in accordance with, the regulations.

(5) Emergency regulations may be amended or repealed by subsequent emergency regulations, and may contain such consequential, incidental, supplemental or transitional provision as may appear to the Authority to be necessary or expedient.

(6) The Authority must have regard to the importance of ensuring that the Royal Court of Guernsey is able to conduct proceedings in connection with

-

(a) the regulations, or

(b) action taken under the regulations.

Limitations of emergency regulations.

15. (1) Emergency regulations may make provision only if and in so far as the Authority is satisfied -

(a) that the provision is appropriate for the purpose of preventing, controlling or mitigating the emergency or an aspect or effect of the emergency in respect of which the regulations are made, and

(b) that the effect of the provision is proportionate to the emergency or that aspect or effect of the emergency.

(2) Emergency regulations must specify the Islands or parts

thereof in relation to which the regulations have effect; and for the avoidance of doubt, emergency regulations may extend to the entire Bailiwick, to one or more Islands, or to one or more identified parts of an Island or Islands.

- (3) Emergency regulations may not -
 - (a) create an offence other than one of the kind described in section 14(3)(i),
 - (b) create an offence which is punishable -
 - (i) with imprisonment for a period exceeding three months, or
 - (ii) with a fine exceeding level 5 on the uniform scale, or
 - (c) alter procedure in relation to criminal proceedings.
- (4) Emergency regulations may not amend, adapt, modify or disapply -
 - (a) this Part of this Law, or
 - (b) the Human Rights Law.

Duration and scrutiny of emergency regulations.

16. (1) Emergency regulations shall be laid before the States as soon as is reasonably practicable after being made.

(2) Emergency regulations shall lapse at the end of the period of seven days beginning with the date of laying, unless during that period -

(a) a proposition is put before the States to approve the regulations which is not carried, in which case the regulations shall lapse immediately, or

(b) the States pass a Resolution approving them.

(3) Emergency regulations which have not lapsed under subsection (2) shall lapse -

(a) at the end of the period of 30 days beginning with the date on which they are made, or

(b) at such earlier time as may be specified in the regulations.

(4) If the States pass a Resolution that emergency regulations shall cease to have effect, the regulations shall cease to have effect -

(a) at such time, after the passing of the Resolution, as may be specified in it, or

(b) if no time is specified in the Resolution, on the passing of the Resolution.

(5) If the States pass a Resolution that emergency regulations shall have effect with a specified amendment, the regulations shall have effect as amended, with effect from -

- (a) such time, after the passing of the Resolution, as may be specified in them, or
 - (b) if no time is specified in the Resolution, at the beginning of the day after that on which the Resolution was passed.
- (6) Nothing in this section -
- (a) shall prevent the making of new regulations, or
 - (b) shall affect anything done by virtue of regulations before they lapse, cease to have effect or are amended under this section.

Scrutiny of emergency regulations: Alderney and Sark.

17. (1) Emergency regulations that have effect in Alderney shall be laid before a meeting of the States of Alderney as soon as practicable after being made; and if at that meeting the States of Alderney resolve that the emergency regulations be annulled, they shall cease to have effect in Alderney, but without prejudice to anything done under them or to the making of new regulations.

(2) Emergency regulations that have effect in Sark shall be laid before a meeting of the Chief Pleas of Sark as soon as practicable after being made; and if at that meeting the Chief Pleas resolve that the emergency regulations be annulled, they shall cease to have effect in Sark, but without prejudice to anything done under them or to the making of new regulations.

PART 4
GENERAL

Exclusion of liability.

18. (1) Subject to subsection (2), no person is to be –

- (a) liable in damages, or
- (b) where an individual, personally liable in any civil proceedings,

in respect of anything done or omitted to be done after the commencement of this Law in the discharge or purported discharge of his functions, or functions delegated to him, under this Law, unless the thing was done or omitted to be done in bad faith.

(2) Subsection (1) does not apply so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights Law.

Regulations may make different provision for different circumstances, etc.

19. The power to make regulations under Part 2, and emergency regulations under Part 3, may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases, and

- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.

Offences and penalties.

20. (1) A person who fails to comply with -

- (a) regulations made under section 3(1),
- (b) a notice made under section 5(1), or
- (c) a notice under section 8(1),

is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or

- (b) on summary conviction, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Offences by bodies corporate and partnerships, etc.

21. (1) Where an offence under this Law, or any subordinate legislation made under it, 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 purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director.

(3) Where any such offence is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) in the case of a partnership, any partner,
- (b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty whereof the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or

- (c) any person purporting to act in any capacity described in paragraph (a) or (b),

he as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(4) Where any such offence is alleged to have been committed by an unincorporated body, proceedings for the offence shall be brought in the name of the body and not in the name of any of its members.

(5) A fine imposed on an unincorporated body on its conviction of any such offence shall be paid from the funds of the body.

Unauthorised disclosures of information.

22. (1) A person who is or has been a member of the Authority is guilty of an offence if without lawful authority he makes a disclosure of any information, document or other article which is or has been in his possession by virtue of his position as a member of the Authority.

(2) A person who is or has been a States of Guernsey employee or contractor is guilty of an offence if without lawful authority he makes a disclosure of any information, document or other article available to him under this Law which is or has been in his possession by virtue of his position as such an employee or contractor.

(3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, either that the information, document or article in

question related to the work of the Authority, or that the disclosure would be damaging within the meaning of subsection (4).

- (4) For the purposes of subsection (3) a disclosure is damaging if-
 - (a) it causes damage to the work of the Authority, or
 - (b) it is of information or a document or other article which is such that its unauthorised disclosure would be likely to cause such damage or which falls within a class or description of information, documents or articles the unauthorised disclosure of which would be likely to have that effect.

- (5) A person guilty of an offence under this section is liable -
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Oath to be taken by members of Authority.

23. (1) An oath or affirmation must be taken by every person who is a member of the Authority.

(2) The oath or affirmation must be taken by the person concerned before he begins to act in the performance of his functions as a member of the Authority.

(3) If the person concerned is a permanent member of the Authority, then, subject to subsection (5), the oath or affirmation must be taken before the Bailiff.

(4) If the person concerned is a temporary member of the Authority, then, subject to subsection (5), the oath or affirmation must be taken either before the Bailiff, or before -

- (a) the Chairman of the Court of Alderney (in the case of a temporary member nominated under paragraph 2(1) of Schedule 1 by the Policy and Finance Committee of the States of Alderney), or
- (b) the Seneschal (in the case of a temporary member nominated under paragraph 2(1) of Schedule 1 by the Emergency Services Committee of the Chief Pleas of Sark).

(5) An oath or affirmation under this section may be taken over a live television link.

(6) The oath or affirmation shall be in such form as the States may prescribe by Ordinance.

(7) In this section, "**the Bailiff**" includes the Deputy Bailiff, a Lieutenant-Bailiff, a Juge Délégué, and a Judge of the Royal Court.

General provisions as to Ordinances.

24. (1) Any Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
- (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient, including provision making consequential amendments to this Law and any other enactment.

(2) Any power conferred by this Law to make any Ordinance may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases, and
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

Interpretation.

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

"**Airport Director, Guernsey and Alderney Airports**" means the airport director and the deputy airport director for the time being of Guernsey Airport and Alderney Airport,

"**Alderney Harbour Officer**" means the Harbour Officer as defined in section 62(1) of the Government of Alderney Law, 2004^g,

"**Authority**" has the meaning given by section 1(1),

"**Chairman**" means the Chairman of the Authority,

"**Chief Fire Officer**" has the meaning given in the Fire Services (Guernsey) Law, 1989^h,

"**Chief Officer of Police**" means the chief officer of the salaried police force of the Island of Guernsey,

"**Chief Officer of Customs and Excise**" has the meaning given in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law,

^g Order in Council No. III of 2005; No. XXII of 2010.

^h Ordres en Conseil Vol. XXXI, p. 432; as amended by Ordres en Conseil Vol. XXXVII, p. 454; Recueil d'Ordonnances Tome XXVI, p. 57; Tome XXIX, p. 406.

1972ⁱ,

"Chief Pharmacist" means the person appointed as chief pharmacist by the Health and Social Services Department,

"committee" means any committee, department, board, authority or other body of the States of Guernsey, whether established by Resolution or by an enactment,

"Director General of Utility Regulation" means the person appointed to the office of Director General under section 1 of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001^j,

"Director of Civil Aviation" has the meaning assigned to it by the Aviation (Bailiwick of Guernsey) Law, 2008^k,

"Director of Environmental Health and Pollution Regulation" means the person appointed under section 4 of the Environmental Pollution

ⁱ Ordres en Conseil Vol. XXIII, p. 573; as amended by Ordres en Conseil Vol. XXIV, p. 87; Vol. XXXI, p. 278; Vol. XXXIII, p. 217; Order in Council No. X of 2004; No. XIV of 2007; No. II of 2010; Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXII, p. 668; Tome XXXII, p. 607; Ordinance No. VII of 2008; No. LV of 2008; No. XLIV of 2009; No. LII of 2011; G.S.I. No. 56 of 2008; G.S.I. No. 76 of 2009; and G.S.I. No. 97 of 2010.

^j Ordres en Conseil Vol. XLI, p. 295; as amended by Order in Council No. XXII of 2009; Recueil d'Ordonnances Tome XXVIII, p. 493; Tome XXIX, p. 406; and Tome XXXII, p. 8.

^k No. XXVIII of 2008; as amended by G.S.I. No. 90 of 2008; G.S.I. No. 91 of 2008.

(Guernsey) Law, 2004^l,

"**emergency**" has the meaning given by section 2,

"**emergency regulations**" means regulations made under Part 3,

"**enactment**" means a Law, Ordinance or subordinate legislation,

"**function**" means any power or duty whether conferred by virtue of an enactment or otherwise,

"**Guernsey Water**" means the Guernsey Water Division of the States of Guernsey Public Services Department,

"**Harbourmaster**" has the meaning given by the Harbours Ordinance, 1988^m,

"**Health and Social Services Department**" means the States of Guernsey Health and Social Services Department,

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

"**Home Department**" means the States of Guernsey Home

^l Order in Council No. XIII of 2004; as amended by Order in Council No. XIII of 2010; Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXI, p. 618; Tome XXXI, p. 660; Tome XXXII, p.113; Ordinance No. XVIII of 2010.

^m Recueil d'Ordonnances Tome XXIV, p. 418; as amended Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXIV, p. 418; Tome XXV, p. 11; Tome XXVI, p. 310; Tome XXVIII, p. 424; Tome XXIX, p. 359; Tome XXIX, p. 406.

Department,

"**Islands**" means the islands of the Bailiwick, and "**Island**" shall be construed accordingly,

"**Medical Officer of Health**" has the meaning given in the Loi relative à la Santé Publique, 1934ⁿ,

"**member of the Authority**" includes its Chairman,

"**obstructing**" includes wilfully not co-operating,

"**Policy Council**" means the States of Guernsey Policy Council,

"**Public Services Department**" means the States of Guernsey Public Services Department,

"**Sark medical officer**" means the person appointed as the Island medical officer by the Chief Pleas of Sark,

"**States Works**" means the States Works Division of the States of Guernsey Public Services Department,

"**subordinate legislation**" means any regulation, rule, order, rule of court, Resolution, scheme, direction, byelaw or other instrument made under

ⁿ Ordres en Conseil Vol. IX, p. 386; as amended by Ordres en Conseil Vol. XIX, p. 213; Vol. XXIX, p. 239; Vol. XXXI, p. 278; Vol. XXXIX, p. 64; Recueil d'Ordonnances Tome XXIII, p. 427; Tome XXIX, p. 406. This Law is applied to the Island of Alderney by Recueil d'Ordonnances Tome IX, p. 280; and to the Islands of Herm and Jethou by Recueil d'Ordonnances Tome XIII, p. 264.

any enactment and having legislative effect,

"**system of communication**" means a system that provides for the transmission of information and includes telecommunications services within the meaning of the Telecommunications (Bailiwick of Guernsey) Law, 2001^o,

"**terrorism**" has the meaning given by section 1 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002^p,

"**uniform scale**" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^q, and

"**war**" includes armed conflict.

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

(3) 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.

^o Ordres en Conseil Vol. XLI, p. 452; amended by Order in Council No. XXX of 2003; and Recueil d'Ordonnances Tome XXIX, p. 406.

^p Order in Council No. XVI of 2002; No. VII of 2005; No. XIII of 2006; No. XIII of 2010; Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXII, p. 648; Ordinance No. XIII of 2010; No. XX of 2010; No. XXXVII of 2010; G.S.I. No. 16 of 2003; and G.S.I. No. 41 of 2005.

^q Ordres en Conseil Vol. XXXI, p. 278.

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

Repeals and consequential amendments.

26. (1) The enactments specified -

(a) in Part 1 of Schedule 3 are repealed to the extent specified in the second column of that Part, and

(b) in Part II of Schedule 3 are repealed.

(2) The enactments specified in Part III of Schedule 3 are amended as set out therein.

Extent, citation and commencement.

27. (1) This Law extends to the territorial waters adjacent to the Bailiwick.

(2) This Law may be cited as the Civil Contingencies (Bailiwick of Guernsey) Law, 2012.

(3) This Law shall come into operation on the day appointed by Ordinance of the States, and such an Ordinance may appoint different days for different provisions and different purposes.

S. M. SIMMONDS,
Her Majesty's Deputy Greffier.

SCHEDULE 1

CIVIL CONTINGENCIES AUTHORITY

Membership: permanent and temporary

1. The following shall be permanent members of the Authority -
 - (a) the Chief Minister, or in the absence of the Chief Minister -
 - (i) the Deputy Chief Minister, or
 - (ii) in the absence of the Deputy Chief Minister, or if he is also the Minister of the Home Department, the Public Services Department or the Health and Social Services Department, such other member of the Policy Council as the Chief Minister shall nominate,
 - (b) the Minister of the Home Department, or in the absence of the Minister -
 - (i) the Deputy Minister of the Home Department, or
 - (ii) in the absence of the Deputy Minister, a member of the Home Department nominated by the Minister,

- (c) the Minister of the Public Services Department, or in the absence of the Minister -
 - (i) the Deputy Minister of the Public Services Department, or
 - (ii) in the absence of the Deputy Minister, a member of the Public Services Department nominated by the Minister, and
- (d) the Minister of the Health and Social Services Department, or in the absence of the Minister -
 - (i) the Deputy Minister of the Health and Social Services Department, or
 - (ii) in the absence of the Deputy Minister, a member of the Health and Social Services Department nominated by the Minister.

2. (1) When, in the view of a majority of the permanent members of the Authority -

- (a) an emergency has occurred, is occurring, or is about to occur, or
- (b) the significant risks set out in section 6(1)(a) and (b) exist,

and one or both of the Islands of Alderney and Sark have been, are being, or will be affected thereby, then the Authority shall invite the Policy and Finance Committee of the States of Alderney, the Emergency Services Committee of the Chief Pleas of Sark, or both, as the case may be, to nominate a representative to be a temporary member of the Authority; and on that nomination being accepted by the representative, he shall be a temporary member of the Authority.

(2) Subject to sub-paragraph (3), a person nominated under sub-paragraph (1) as a temporary member of the Authority shall, for the period of his membership, have the same rights and responsibilities in relation to the Authority as permanent members.

(3) The membership of the Authority of a person nominated under sub-paragraph (1) shall cease when either that person resigns his membership or, if earlier, when the permanent members vote that it shall cease.

(4) A vote under sub-paragraph (3) to end the membership of a person nominated under sub-paragraph (1) shall only be held on a proposition that the membership should cease because Alderney or Sark (as the case may be) is no longer affected by the emergency or the significant risks (as the case may be).

Presiding Officer right to attend and advise

3. (1) The Presiding Officer of the States of Deliberation, or in his absence, those persons listed in sub-paragraph (2), shall be given notice of every meeting of the Authority, and shall have the right to attend meetings of the Authority, and to advise it, both at its meetings and otherwise.

(2) The persons listed in subparagraph (1) are -

- (a) the Deputy Bailiff, or,
 - (b) in the absence of the Deputy Bailiff, any Acting Presiding Officer of the States of Deliberation.
- (3) For the avoidance of doubt, the Authority may consult and seek advice from any person.

Chairman

4. The Chairman of the Authority shall be the Chief Minister, or, in the absence of the Chief Minister -

- (a) the Deputy Chief Minister, or if the circumstances in paragraph 1(a)(ii) apply, the member of the Policy Council nominated by the Chief Minister, or, if he is not available,
- (b) the Minister of the Home Department, or, if he is not available,
- (c) the Minister of the Public Services Department, or, if he is not available,
- (d) the Minister of the Health and Social Services Department.

Votes and Quorum

5. Subject to paragraphs 2 and 6, each member of the Authority shall have one original vote.

6. In the case of a tied vote, the Chairman shall have an additional casting vote.

7. The quorum of the Authority shall be three permanent members.

Presence of Her Majesty's Procureur

8. Her Majesty's Procureur shall be present at all meetings of the Authority.

Meetings of the Authority by telephone, etc.

9. If a member of the Authority is, by telephone, live television link or any other means, in communication with the other members so that each member participating in the communication can hear or read what is said or communicated by each of the others, each member so participating is deemed to be present at a meeting with the other members so participating; and for the purposes of this paragraph only, Her Majesty's Procureur is a member of the Authority.

Authority free to decide its procedure

10. For the avoidance of doubt, subject to the foregoing provisions of this Schedule, the Authority is free to decide the procedure of its meetings.

SCHEDULE 2

CIVIL PROTECTION

PART I

Emergency services

1. Chief Officer of Police
2. Chief Officer of Customs and Excise
3. Chief Fire Officer
4. Chief Ambulance Officer, the St. John Ambulance & Rescue Service
(Guernsey Ambulance and Rescue Service)

PART II

Health

1. States of Guernsey Health and Social Services Department
2. Medical Officer of Health
3. Chief Pharmacist

Transport

4. Airport Director, Guernsey and Alderney Airports
5. Director of Civil Aviation
6. Harbourmaster
7. Alderney Harbour Officer
8. Sark Harbour Master

Environment

9. States of Guernsey Environment Department
10. Director of Environmental Health and Pollution Regulation

Utilities

11. Guernsey Water

Other States of Guernsey Departments

12. Commerce and Employment Department

13. Culture and Leisure Department

14. Education Department

15. Home Department

16. Housing Department

17. Policy Council

18. Public Services Department

19. Treasury and Resources Department

20. Social Security Department

Other

21. States Works

PART III

Health

1. A person registered as a recognised pharmacist under the Doctors, Dentists and Pharmacists Ordinance, 1987^s
2. A person registered as a recognised medical practitioner under the Doctors, Dentists and Pharmacists Ordinance, 1987
3. Sark medical officer

Utilities

4. A person who holds a licence granted under Part I of the Electricity (Guernsey) Law, 2001^t
5. A person who holds a licence granted under Part I of the Telecommunications (Bailiwick of Guernsey) Law, 2001
6. Director General of Utility Regulation
7. International Energy Group Limited
8. Alderney Electricity Limited

^s Recueil d'Ordonnances Tome XXIV, p. 79; this Ordinance has effect in Alderney subject to the modifications set out in the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 262).

^t Ordres en Conseil Vol. XLI, p. 343; as amended Recueil d'Ordonnances Tome XXVIII, p. 545; Tome XXIX, p. 406.

9. Sark Electricity Company Limited

Transport

10. A person who holds a Guernsey air transport licence within the meaning of the Air Transport Licensing (Guernsey) Law, 1995^u, or an Alderney air transport licence within the meaning of the Air Transport Licensing (Alderney) Law, 1996^v

11. A person licensed as a general pilot within the meaning of the Pilotage (Guernsey) Law, 1966^w

12. A person licensed as a general pilot within the meaning of the Pilotage (Alderney) Law, 1984^x

13. A person who holds a public service omnibus licence granted under the Public Transport Ordinance, 1986^y

14. A person who holds a licence granted by His Excellency the Lieutenant-

^u Ordres en Conseil Vol. XXXVI, p. 370; as amended Recueil d'Ordonnances Tome XXIX, p. 406.

^v Ordres en Conseil Vol. XXXVI, p. 582; as amended by Alderney Ordinance No. II of 1997; Recueil d'Ordonnances Tome XXIX, p. 406.

^w Ordres en Conseil Vol. XX, p. 206; amended by Vol. XXIX, p. 340; Vol. XLI, p. 681.

^x Ordres en Conseil Vol. XXVIII, p. 515; amended by Vol. XXX, p. 172.

^y Recueil d'Ordonnances Tome XXIII, p. 351; as amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome XXIV, p. 103; Tome XXIV, p. 265; Tome XXV, p. 211; Tome XXVI, p. 152; Tome XXVI, p. 370; Tome XXVIII, p. 414; Tome XXVIII, p. 440; Tome XXIX, p. 406; Tome XXXIII, pp. 38 and 326.

Governor of Guernsey under the Alderney and Sark (Licensing of Vessels) Law, 1951^z to carry cargo and freight in addition to hand luggage

15. Condor Limited
16. Condor Logistics (Guernsey) Limited
17. Ferryspeed (Guernsey) Limited
18. Huelin-Renouf Shipping (Guernsey) Limited
19. Jamesco 750 Limited

Fuel suppliers

20. Fuel Supplies (C.I.) Limited
21. Channel Islands Fuels Limited

Food suppliers and distributors

22. Alliance Limited
23. The Channel Islands' Co-operative Society Limited
24. Creasey's (Franchise) Limited
25. Sandpiper CI Limited

^z Ordres en Conseil Vol. XV, p. 37.

26. Waitrose (Guernsey) Limited

Voluntary Organisations

27. British Red Cross Society (Bailiwick of Guernsey Branch)
28. British Red Cross Society (Sark Branch)
29. Guernsey Civil Protection Volunteers
30. The Guernsey Voluntary Service
31. Bailiwick of Guernsey Group of the Radio Amateurs' Emergency Network (RAYNET)
32. Salvation Army (L'Islet Corps, Guernsey)
33. The St John Ambulance (voluntary)

Alderney and Sark Committees

34. The Policy and Finance Committee of the States of Alderney
35. The Emergency Services Committee of the Chief Pleas of Sark
36. The Public Works Committee of the Chief Pleas of Sark

Other

37. Guernsey Financial Services Commission

SCHEDULE 3

REPEALS AND CONSEQUENTIAL AMENDMENTS

PART I

PARTIAL REPEALS

(1) Enactment

(2) Extent of Repeal

Ordonnance relative à la Santé Publique, 1936^{aa}

Article X

^{aa} Recueil d'Ordonnances Tome VIII, p. 316; as amended by Ordres en Conseil Vol. XXXI, p. 278; Recueil d'Ordonnances Tome X, p. 35; Tome X, p. 61; Tome XIII, p. 264; Tome XV, p. 239; Tome XV, p. 387; Tome XIX, p. 91; Tome XX, p. 163; Tome XXIII, p. 427; Tome XXVIII, p. 80; Tome XXIX, p. 406; Tome XXXI, p. 618; Ordinance No. XLI of 2010. This Ordinance is applied to the Island of Alderney by Recueil d'Ordonnances Tome IX, p. 280; and to the Islands of Herm and Jethou by Recueil d'Ordonnances Tome XIII, p. 264.

PART II
REPEALS

Laws

Civil Defence (Guernsey) Law, 1952^{bb}

Civil Defence (Additional Powers) (Guernsey) Law, 1962^{cc}

The Emergency Powers (Bailiwick of Guernsey) Law, 1965^{dd}

The Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 1988^{ee}

The Emergency Powers (Bailiwick of Guernsey) (Amendment) Law, 2005^{ff}

Ordinance

The Emergency Powers (Forms of Oath) Ordinance, 2005^{gg}

^{bb} Ordres en Conseil Vol. XV, p. 291.

^{cc} Ordres en Conseil Vol, XIX, p. 18.

^{dd} Ordres en Conseil Vol. XX, p. 6; as amended Ordres en Conseil Vol. XXXI, p. 154; Ordres en Conseil Vol. XLI, p. 452; and Order in Council No. VII of 2005.

^{ee} Ordres en Conseil Vol. XXXI, p. 154.

^{ff} Order in Council No. VII of 2005.

^{gg} Recueil d'Ordonnances Tome XXX, p. 75.

PART III
CONSEQUENTIAL AMENDMENTS

1. In the Reform (Guernsey) Law, 1948^{hh} and the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002, for the references to the Emergency Powers Authority (however expressed) substitute references to the Civil Contingencies Authority.

2. In section 3(1)(b) of the Energy (Bailiwick of Guernsey) Law, 1978ⁱⁱ, for the words from "there exists" to and including "threatened emergency", substitute "an emergency within the meaning of section 2 of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 is occurring or is about to occur".

3. (1) In the sections listed in subparagraph (2), for the words from "an order" to the end, substitute "emergency regulations made by the Civil Contingencies Authority under section 12(1) of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 remain in force.".

^{hh} Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil 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. XXVIII, p. 581; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 58 and 164; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p.478; Vol. XXXVIII, p.150 and 295; Order in Council No. XIII of 2003; No. III of 2004; No. VII of 2005; No. II of 2007; No. XIII of 2008; No. XXII of 2008; No. VII of 2010; Recueil d'Ordonnances Tome XXIX, p. 406 and Tome XXXIII, p. 126.

ⁱⁱ Ordres en Conseil Vol. XXVI, p. 520; amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. VII of 2005; Recueil d'Ordonnances Tome XXIX, p. 406.

(2) The sections are section 53(3) of the Registered Patents and Biotechnological Inventions (Bailiwick of Guernsey) Ordinance, 2009^{jj}, paragraph 5(2) of Schedule 2 to the Registered Designs (Bailiwick of Guernsey) Ordinance, 2005^{kk}, and section 34(3) of both the Registered Plant Breeders' Rights (Bailiwick of Guernsey) Ordinance, 2007^{ll} and the Unregistered Design Rights (Bailiwick of Guernsey) Ordinance, 2005^{mm}.

^{jj} Recueil d'Ordonnances Tome XXXIII, p. 344.

^{kk} Recueil d'Ordonnances Tome XXX, p. 724.

^{ll} Recueil d'Ordonnances Tome XXXII, p. 12.

^{mm} Recueil d'Ordonnances Tome XXX, p. 527.

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