
STATUTORY INSTRUMENTS

1986 No. 1884

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 1982 (Guernsey) Order 1986

Made - - - - 5th November 1986

Coming into Operation 1st December 1986

At the Court at Buckingham Palace, the 5th day of November 1986

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 81(11) of the Criminal Justice Act 1982, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Criminal Justice Act 1982 (Guernsey) Order 1986 and shall come into operation on 1st December 1986.

(2) In this Order the expression “Guernsey” means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

2.—(1) The provisions specified in paragraph (2) below shall extend to Guernsey subject to the modifications specified in the Schedule to this Order.

(2) The provisions referred to in paragraph (1) above are—

- (a) section 32(1) of the Criminal Law Act 1977;
- (b) sections 32 and 143 of the Magistrates' Courts Act 1980(1); and
- (c) in the Criminal Justice Act 1982—
 - (i) sections 35 to 38(2);
 - (ii) section 39 (including Schedule 3);
 - (iii) section 40;
 - (iv) sections 46 and 47;
 - (v) section 50(3);

(1) subsection (1) of section 32 is amended by the Schedule to the Criminal Attempts Act 1981 (c.47) and subsection (9) by the Criminal Penalties etc (Increase) Order 1984 (S.I. 1984/447); section 143 is amended by section 48 of the Criminal Justice Act 1982.

(2) In section 37(2), the standard scale is amended by the Criminal Penalties etc (Increase) Order 1984.

(3) Subsection (1)(b) was repealed by the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)).

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- (vi) section 74(1); and
- (vii) section 75(4).

G. I. de Deney
Clerk of the Privy Council

(4) This section is amended by the Fines and Penalties (Northern Ireland) Order 1984.

SCHEDULE

Article 2

MODIFICATIONS TO PROVISIONS EXTENDED TO THE BAILIWICK OF GUERNSEY

1.—(1) Any reference to an enactment shall be construed, unless the contrary intention appears, as a reference to that enactment as it has effect in Guernsey.

(2) Any reference to an offence triable either way or to a summary offence shall be construed in the same way in relation to Guernsey as in relation to England and Wales.

2. In section 32(1) of the Criminal Law Act 1977, after the words “convicted on indictment” there shall be inserted the words “under a provision contained in an Act of Parliament and extending to Guernsey”.

3. In section 32 of the Magistrates' Courts Act 1980—

(a) for subsection (1) there shall be substituted the following subsection:—

“(1) On summary conviction of any offence under section 20 of the Telegraph Act 1868⁽⁵⁾ (disclosing or intercepting messages) or section 3 of the Submarine Telegraph Act 1885⁽⁶⁾ (damaging submarine cables) a person shall be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding the prescribed sum or both.”;

(b) in subsection (2), for the words “listed in Schedule 1 to this Act, being” there shall be substituted the words “an offence mentioned in subsection (1) above but which is”;

(c) subsections (5) and (8) shall be omitted;

(d) in subsection (9), after the words “In this section” there shall be inserted the following definition:—

““enactment” means an enactment contained in an Act of Parliament and extending to Guernsey;”;

and in the definition of “relevant enactment”, after the words “same Session” there shall be inserted the words “of Parliament”.

4. In section 143 of the Magistrates' Courts Act 1980—

(a) in subsection (2), paragraphs (a), (aa), (c) to (f), (i), (j), and (l) to (n) shall be omitted; and

(b) in subsection (5)—

(i) after the words “any enactment” there shall be inserted the words “extending to Guernsey”; and

(ii) after the words “any Act” and “same Session” there shall be inserted the words “of Parliament”.

5.—(1) The following provisions of this paragraph shall have effect for the purpose of modifying provisions of the Criminal Justice Act 1982.

(2) In section 35—

(a) in subsection (1), the words “Subject to subsection (3) below” shall be omitted and for the words “an Act” there shall be substituted the words “a provision contained in an Act of Parliament and extending to Guernsey”;

(b) in subsection (2), after the words “came into force” there shall be inserted the words “in Guernsey”; and

(c) subsection (3) shall be omitted.

(5) 1868 c.110.

(6) 1885 c.49.

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- (3) In section 36—
 - (a) in subsection (1), for the words “an Act” there shall be substituted the words “a provision contained in an Act of Parliament and extending to Guernsey”; and
 - (b) in subsection (2), for the word “Act” there shall be substituted the word “provision” and after the words “came into force” there shall be inserted the words “in Guernsey”.
- (4) In section 37(3), for all the words from the beginning to “after this Act)” there shall be substituted the words “Where any enactment contained in an Act of Parliament and extending to Guernsey (whether that Act was passed before or after this Act)”.
- (5) In section 38—
 - (a) in subsection (1), for the words “contained in an Act” there shall be substituted the words “extending to Guernsey and contained in an Act of Parliament”; and
 - (b) in subsection (1)(b), the words “30 or” shall be omitted.
- (6) In section 39, subsections (1) and (3) shall be omitted.
- (7) In section 40—
 - (a) in subsection (1), for the words “contained in an Act” there shall be substituted the words “extending to Guernsey and contained in an Act of Parliament”;
 - (b) in subsection (5), the words “Subject to subsection (6) below” shall be omitted; and
 - (c) subsection (6) shall be omitted.
- (8) In section 46—
 - (a) in subsection (4), after the word “means” there shall be inserted the words “an enactment contained in an Act of Parliament and extending to Guernsey, being”;
 - (b) in subsection (4)(a), the words from “except” to the end shall be omitted; and
 - (c) in subsection (4)(d), after the word “Session” there shall be inserted the words “of Parliament”.
- (9) In section 47(2), there shall be added at the end the words “in Guernsey”.
- (10) In Section 50—
 - (a) subsection (1)(b) shall be omitted; and
 - (b) in subsection (2), there shall be added at the end the words “in Guernsey”.
- (11) In section 74(1)—
 - (a) for the words “(whether contained in an Act” there shall be substituted the words “extending to Guernsey and contained in an Act of Parliament (whether”); and
 - (b) the words “in England and Wales” shall be omitted.
- (12) In section 75—
 - (a) for the words “(whether contained in an Act” there shall be substituted the words “extending to Guernsey and contained in an Act of Parliament (whether”); and
 - (b) the words “in relation to England and Wales” and paragraphs (b) and (c) shall be omitted.

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EXPLANATORY NOTE

This Order extends to the Bailiwick of Guernsey those provisions of the Criminal Law Act 1977, the Magistrates' Courts Act 1980 and the Criminal Justice Act 1982 which are specified in Article 2 of the Order, subject to the modifications specified in the Schedule to the Order. The provisions extended relate to criminal penalties and, as so extended, have effect only in relation to an offence under an Act of Parliament which is itself extended to Guernsey.