
STATUTORY INSTRUMENTS

2001 No. 3930

LANDMINES

The Landmines Act 1998 (Jersey) Order 2001

Made - - - - 11th December 2001

Coming into force - - 2nd January 2002

At the Court at Buckingham Palace, the 11th day of December 2001

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 3(4) and 29(4) of the Landmines Act 1998⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Landmines Act 1998 (Jersey) Order 2001 and shall come into force on 2nd January 2002.

(2) In this Order—

“the Act” means the Landmines Act 1998,

“Jersey” means the Bailiwick of Jersey, and

“section” means a section of the Act and “subsection” shall be construed accordingly.

Application of section 2(1) and (2)

2. The application of subsections (1) and (2) of section 2, as far as they apply as mentioned in subsection (3) of section 3, shall extend to bodies incorporated under the law of Jersey.

Extension of the Act to Jersey

3. The Act shall extend to Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

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A. K. Galloway
Clerk of the Privy Council

SCHEDULE

Article 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS
OF THE ACT AS IT EXTENDS TO JERSEY

1. In section 2(8), omit the words “on indictment”.
2. In section 3—
 - (a) in subsections (1) and (2), for “the United Kingdom” in each place where those words occur substitute “Jersey”;
 - (b) for subsection (3) substitute—

“(3) Subsections (1) and (2) of section 2, so far as they apply respectively to—

 - (a) conduct outside Jersey, and
 - (b) assistance, encouragement and inducements outside Jersey,

impose prohibitions only on United Kingdom nationals, Scottish partnerships and bodies incorporated under the law of a part of the United Kingdom or of Jersey.”;
 - (c) omit subsection (4), and
 - (d) in subsection (6), for “outside the United Kingdom” substitute “outside Jersey” and for “any place in the United Kingdom” substitute “Jersey”.
3. In section 4—
 - (a) in subsections (2) and (4), after “Secretary of State” insert “or the Committee”, and
 - (b) in subsection (8), for “Secretary of State” substitute “Committee”.
4. In section 5—
 - (a) in subsection (3), insert at the end of the paragraph (a) “and Jersey”; and
 - (b) in subsection (4), for “Secretary of State” substitute “Lieutenant Governor”.
5. In section 6(3)—
 - (a) in paragraph (a)—
 - (i) after “Secretary of State,” insert “the Committee,”; and
 - (ii) for “constable” substitute “police officer (or, elsewhere than in Jersey, a constable)”;
 - (b) in paragraph (b)—
 - (i) after “the Secretary of State's” insert “or the Committee's”; and
 - (ii) after “on the Secretary of State” insert “or on the Committee”.
6. In section 7—
 - (a) for “the Secretary of State”, in each place where those words occur, and for the words “him” and “he”, substitute “the Committee”;
 - (b) in subsection (2)(b) for “his” substitute “the Committee's”.
7. In section 8—
 - (a) in subsection (1), for “Secretary of State”, in both places where those words occur, substitute “Committee”; and
 - (b) in subsection (2)—
 - (i) in paragraph (a), for “a justice of the peace” substitute “the Bailiff”;
 - (ii) omit paragraph (b) and the word “or” immediately preceding it; and
 - (iii) for “Secretary of State” substitute “Committee”; and

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- (c) in subsection (8), for the word “constable” substitute “police officer”.
- 8.** In section 9—
- (a) for “Secretary of State”, in each place where those words occur, and for “he”, in both places where that word occurs, substitute “the Committee”;
- (b) in subsection (3)—
- (i) in paragraph (b), for “his” substitute “the Committee's”; and
- (ii) in paragraph (c), for “the Secretary of State's” substitute “the Committee's”.
- 9.** In section 10—
- (a) for “the Secretary of State”, in each place where those words occur, substitute “the Committee”;
- (b) in subsection (3)(b), for “his” substitute “the Committee's”;
- (c) in subsection (5), for “he” substitute “the Committee”;
- (d) in subsection (7)—
- (i) in paragraph (a), for “a justice of the peace” substitute “the Bailiff”; and
- (ii) omit paragraph (b) and the word “or” immediately preceding it; and
- (e) in subsection (10), for “constable” substitute “police officer”.
- 10.** In section 11(2)—
- (a) for “the High Court or, in Scotland, the Court of Session” substitute “the Royal Court”; and
- (b) for “Secretary of State” substitute “Committee”.
- 11.** In section 12—
- (a) in subsection (4), for paragraphs (a) and (b) substitute “, on conviction, to a fine”; and
- (b) in subsection (5), for paragraphs (a) and (b) substitute “, on conviction, to imprisonment for a term not exceeding two years or to a fine or to both”.
- 12.** In section 13—
- (a) for “Secretary of State”, in each place where those words occur, substitute “Lieutenant Governor”;
- (b) for “the United Kingdom”, in each place where those words occur, substitute “Jersey”; and
- (c) in subsections (4) and (5) for “constable” in each place where that word occurs substitute “police officer”.
- 13.** In section 14—
- (a) in subsection (1)(a), for “constable” substitute “police officer”; and
- (b) in subsection (3), for paragraphs (a) and (b) substitute “, on conviction, to a fine”.
- 14.** In section 15—
- (a) in subsection (2), for “the United Kingdom”, in both places where those words occur, substitute “Jersey”;
- (b) in subsection (4), for “Secretary of State” substitute “Lieutenant Governor”; and
- (c) in subsection (5), for the words from “Schedule 1” to the end of the subsection substitute—
“the First Schedule to the Privileges and Immunities (Diplomatic, Consular, etc.) (Jersey) Law 1998 (Articles of Vienna Convention on Diplomatic Relations of 1961 having force of law in Jersey)”.
- 15.** In section 16, after “Secretary of State” insert “or the States of Jersey”.

- 16.** In section 17—
- (a) for “Secretary of State”, in each place where those words occur, substitute “Committee”;
 - (b) in subsection (3), for paragraphs (a) and (b) substitute “, on conviction, to a fine”; and
 - (c) in subsection (4), for paragraphs (a) and (b) substitute “, on conviction, to imprisonment for a term not exceeding two years or to a fine or to both”.
- 17.** In section 18—
- (a) in subsection (1)—
 - (i) in paragraph (a), for “a justice of the peace” substitute “the Bailiff”;
 - (ii) omit paragraph (b) and the word “or” immediately preceding it; and
 - (iii) for “Secretary of State” substitute “Committee”;
 - (b) in subsections (4), (5) and (6), for “constable” substitute “police officer”; and
 - (c) in subsection (8), for paragraphs (a) and (b) substitute “, on conviction, to a fine”.
- 18.** In section 19—
- (a) in subsection (2), at the end of paragraph (f) insert “or of Jersey”; and
 - (b) in subsection (3), for paragraphs (a) and (b) substitute “, on conviction, to imprisonment for a term not exceeding two years or to a fine or to both”.
- 19.** In section 20, for paragraphs (a) and (b) substitute “except by or with the consent of the Attorney General for Jersey”.
- 20.** Omit section 21.
- 21.** In section 22(2), for “the Secretary of State”, in both places where those words occur, and for “him”, substitute “the Committee”.
- 22.** In section 24—
- (a) in subsection (1)—
 - (i) for “Secretary of State” substitute “Committee”, and for “he” substitute “the Committee”;
 - (ii) after “this Act” insert “as it has effect in Jersey”; and
 - (iii) at the end insert “, being omissions, additions and modifications equivalent to those made by order of the Secretary of State under this section as it has effect in the United Kingdom”; and
 - (b) for subsection (2) substitute—

“(2) The Subordinate Legislation (Jersey) Law 1960, as amended, shall apply to an order under this section.”
- 23.** In section 26, in paragraph (b), for “the United Kingdom” substitute “Jersey”.
- 24.** In section 27, insert in the appropriate places the following definitions—
- ““Committee” means the Home Affairs Committee of the States of Jersey”;
 - ““Jersey” means the Bailiwick of Jersey”; and
 - ““police officer” means a police officer within the meaning of the Police Force (Jersey) Law 1974, as amended ;”.
- 25.** In section 28—
- (a) in subsection (2), for “the High Court or, in Scotland, the Court of Session” substitute “the Royal Court”; and

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(b) in subsection (4), omit the words from “; and this subsection” to the end.

26. In section 29, omit subsections (2), (3) and (4).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies section 2(1) and (2) of the Landmines Act 1998 (prohibited conduct), as it has effect in the United Kingdom in respect of conduct outside the United Kingdom, to bodies incorporated under the law of the Bailiwick of Jersey. It also extends that Act to the Bailiwick of Jersey with the exceptions and modifications specified in the Schedule to the Order.