
STATUTORY INSTRUMENTS

1990 No. 1771

UNITED NATIONS

**The Iraq and Kuwait (United Nations
Sanctions) (Channel Islands) Order 1990**

<i>Made</i>	- - - -	<i>29th August 1990</i>
<i>Laid before Parliament</i>		<i>29th August 1990</i>
<i>Coming into force</i>	- -	<i>30th August 1990</i>

At the Court at Balmoral, the 29th day of August 1990

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations have, by a resolution adopted on 6th August 1990, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to a decision of that Council in relation to the situation between Iraq and Kuwait:

Now, therefore, Her Majesty, in pursuance of section 1 of the United Nations Act 1946⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Iraq and Kuwait (United Nations Sanctions) (Channel Islands) Order 1990 and shall come into force on 30th August 1990.

(2) This Order shall extend to the Channel Islands so as to be law, respectively, in the Bailiwick of Guernsey and in the Bailiwick of Jersey only.

(3) In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say:

“the Bailiff” means, in the application of this Order to the Bailiwick of Guernsey, the Bailiff of Guernsey and, in its application to the Bailiwick of Jersey, the Bailiff of Jersey and, in either case, includes a person lawfully performing the functions of the Bailiff;

(1) 1946 c. 45.

“commander”, in relation to an aircraft, means the person designated as commander of the aircraft by the operator thereof, and includes any person who is for the time being in charge or command of the aircraft;

“land transport vehicle” includes a barge;

“master”, in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

“police officer” means

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney;
- (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey, and
- (d) in relation to the Bailiwick of Jersey, a member of the Honorary Police or a member of the States of Jersey Police Force;

“operator”, in relation to an aircraft or to a land transport vehicle, means the person for the time being having the management of the aircraft or the vehicle;

“owner”, in relation to a ship, includes any person for the time being having the management of the ship and any person to whom it is chartered;

“person in Iraq or Kuwait” includes any body constituted or incorporated under the law of Iraq or Kuwait and any body carrying on business (whether within Iraq or Kuwait or not) which is controlled by persons or bodies resident in Iraq or Kuwait or constituted or incorporated as aforesaid.

Importation of goods into the Channel Islands

2.—(1) Except under the authority of a licence granted—

- (a) in the case of the Bailiwick of Guernsey, under the Import and Export of Goods (Control) (Guernsey) Order 1978;
- (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee,

any goods exported from either Iraq or Kuwait after 6th August 1990 are prohibited to be imported into any of the Channel Islands.

(2) Any person who imports any goods into the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, in contravention of paragraph (1) above shall, in the Bailiwick in question, be guilty of an offence against this Order.

(3) Nothing in this article shall be construed so as to prejudice any other provision of law prohibiting or restricting the importation of goods into any of the Channel Islands.

Exportation of goods from Iraq or Kuwait and dealing and processing

3.—(1) Except under the authority of a licence or permission specified in article 2(1) of the Iraq and Kuwait (United Nations Sanctions) Order 1990⁽²⁾ or a licence granted under this Order by the Lieutenant Governor of the Bailiwick of Guernsey or, as the case may be, of the Bailiwick of Jersey no person shall—

- (a) make or carry out any contract for the exportation of any goods from either Iraq or Kuwait;

(2) S.I.1990/1651, as amended by the Iraq and Kuwait (United Nations Sanctions) (Amendment) Order 1990(S.I. 1990/1768).

(b) make or carry out any contract for the sale of any goods which he intends or has reason to believe that another person intends to export from either Iraq or Kuwait, or

(c) do any act calculated to promote the exportation of any goods from either Iraq or Kuwait.

(2) Except under the authority of a licence granted by the Lieutenant Governor of the Bailiwick of Guernsey or, as the case may be, of the Bailiwick of Jersey under this Order, no person shall deal in any goods that have been exported from Iraq or Kuwait after 6th August 1990, that is to say, shall, by way of trade or otherwise for gain, acquire or dispose of such goods or of any property or interest in them or any right to or charge upon them or process them or do any act calculated to promote any such acquisition, disposal or processing by himself or any other person.

(3) Nothing in paragraph (1)(b) or (c) or (2) above shall apply where the exportation of the goods from Iraq or Kuwait is authorised by a licence granted by the Lieutenant Governor of the Bailiwick of Guernsey or, as the case may be, of the Bailiwick of Jersey under this Order or the importation of the goods into the Bailiwick in question is authorised by a licence granted—

(a) in the case of the Bailiwick of Guernsey, under the Import and Export of Goods (Control) (Guernsey) Order 1978, or

(b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee.

Supply of goods to a person in Iraq and Kuwait

4.—(1) Except under the authority of a licence granted—

(a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor under this Order;

(b) in the case of the Bailiwick of Jersey, by the Lieutenant Governor under this Order, or

(c) in either case, under the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990(3),

no person shall—

(i) supply or deliver or agree to supply or deliver to or to the order of any person in either Iraq or Kuwait any goods that are not in either country;

(ii) supply or deliver or agree to supply or deliver any such goods to any person, knowing or having reasonable cause to believe that they will be supplied or delivered to or to the order of any person in either Iraq or Kuwait or to any person for the purposes of any business carried on in or operated from Iraq or Kuwait, or

(iii) do any act calculated to promote the supply or delivery of any such goods to any person in Iraq or Kuwait, or to any person for the purposes of any business carried on in or operated from Iraq or Kuwait.

(2) Nothing in paragraph (1)(ii) or (iii) above shall apply where the supply or delivery of the goods to or to the order of the person concerned is authorised by a licence granted—

(a) in the case of the Bailiwick of Guernsey, by the Lieutenant Governor under this Order;

(b) in the case of the Bailiwick of Jersey, by the Lieutenant Governor under this Order, or

(c) in either case, under the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990.

Application of articles 3 and 4

5.—(1) The provisions of articles 3 and 4 above shall apply to any person within the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey and to any person elsewhere who—

(3) S.I. 1990/1640.

- (a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, or
 - (b) is a body incorporated or constituted under the law of any part of the Bailiwick of Guernsey or, as the case may be, the law of the Bailiwick of Jersey.
- (2) Any person specified in paragraph (1) above who contravenes the provisions of article 3(1) or (2) or 4 above shall, in the Bailiwick in question, be guilty of an offence against this Order.

Payments under bonds

6.—(1) Except under the authority of a permission referred to in paragraph (1) of article 4A of the Iraq and Kuwait (United Nations Sanctions) Order 1990 or granted under this Order by the Lieutenant Governor of the Bailiwick of Guernsey or, as the case may be, of the Bailiwick of Jersey, no person shall make any payment to or to the order of any person in Iraq or Kuwait under or in respect of a bond to which this article applies.

(2) Except under the authority of a permission granted under this Order, no person shall do any act for the purpose of obtaining payment or make any payment in respect of any right to indemnity in respect of any bond to which this article applies, where payment under or in respect of the bond is, or would if payment were to be made by a person referred to in paragraph (6) below be, unlawful by virtue of paragraph (1) above.

(3) A bond to which this article applies is a bond given in respect of a contract the performance of which is wholly or in part unlawful by virtue of this Order, or the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990.

(4) In this article—

- (a) “bond” means an agreement under which a person (“the obligor”) agrees that, if called upon to do so, or if a third party fails to fulfil obligations owed to another, the obligor will make payment to or to the order of the other party to the agreement, and
- (b) “make payment” means make payment by any method, including but not restricted to, the grant or any agreement to the exercise of any right of set off, accord and satisfaction and adjustment of any account.

(5) Any person who makes payment or does any act for the purpose of obtaining payment in contravention of paragraph (1) or (2) above shall be guilty of an offence against this Order.

(6) Paragraphs (1) and (2) above shall apply to any person within the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey and to any person elsewhere who—

- (a) is a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, or
- (b) is a body incorporated or constituted under the law of any part of the Bailiwick of Guernsey or, as the case may be, the law of the Bailiwick of Jersey.

(7) Any permission granted under this article may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the person who granted it.

Exportation of goods from the Channel Islands

7.—(1) Except under the authority of a licence granted—

- (a) in the case of the Bailiwick of Guernsey, under the Import and Export of Goods (Control) (Guernsey) Order 1978;

(b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee, all goods are prohibited to be exported to Iraq or Kuwait from any of the Channel Islands.

(2) Any person who exports any goods from the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey in contravention of paragraph (1) above shall, in the Bailiwick in question, be guilty of an offence against this Order.

(3) Nothing in this article shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from any of the Channel Islands.

Carriage of goods exported from or destined for Iraq or Kuwait

8.—(1) Without prejudice to the generality of article 3 above and except under the authority of a licence granted under this Order by the Lieutenant Governor of the Bailiwick of Guernsey or, as the case may be, of the Bailiwick of Jersey, no ship or aircraft to which this article applies and no land transport vehicle within any of the Channel Islands shall be used for the carriage of goods if those goods are being or have been exported from Iraq or Kuwait after 6th August 1990.

(2) Without prejudice to the generality of articles 4 and 7 above and except under the authority of a licence granted under this Order by the Lieutenant Governor of the Bailiwick of Guernsey or, as the case may be, of the Bailiwick of Jersey no ship or aircraft to which this article applies and no land transport vehicle within any of the Channel Islands shall be used for the carriage of any goods if the carriage is, or forms part of, carriage from any place outside Iraq or Kuwait to any destination therein or to any person for the purposes of any business carried on in or operated from Iraq or Kuwait.

(3) This article applies to British ships registered in any of the Channel Islands or the United Kingdom, to aircraft registered in the United Kingdom and to any other ship or aircraft that is for the time being chartered to any person who is—

- (a) a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or
- (b) a body incorporated or constituted under the law of any part of the Bailiwick of Guernsey or, as the case may be, the law of the Bailiwick of Jersey.

(4) If any ship, aircraft or land transport vehicle is used in contravention of paragraph (1) above, then each of the following persons—

- (a) in the case of a British ship registered in any of the Channel Islands or the United Kingdom, or any aircraft registered in the United Kingdom, the owner and master of the ship or, as the case may be, the operator and the commander of the aircraft; or
- (b) in the case of any other ship or aircraft to which this article applies—
 - (i) the person to whom the ship or aircraft is for the time being chartered, and
 - (ii) if he is such a person as is referred to in sub-paragraph (a) or (b) of paragraph (3) above, the master of the ship or, as the case may be, the operator and the commander of the aircraft; or

- (c) in the case of a land transport vehicle, the operator of the vehicle,

shall be guilty of an offence against this Order unless he proves that he did not know and had no reason to suppose that the goods were being or had been exported from Iraq or Kuwait after 6th August 1990.

(5) If any ship, aircraft or land transport vehicle is used in contravention of paragraph (2) above, then—

- (a) in the case of a British ship registered in any of the Channel Islands or the United Kingdom, or any aircraft registered in the United Kingdom, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft; or

- (b) in the case of any other ship or aircraft to which this article applies—
 - (i) the person to whom the ship or aircraft is for the time being chartered, and
 - (ii) if he is such a person as is referred to in sub-paragraph (a) or (b) of paragraph (3) above, the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
 - (c) in the case of a land transport vehicle, the operator of the vehicle,
- shall be guilty of an offence against this Order unless he proves that he did not know and had no reason to suppose that the carriage of the goods in question was, or formed part of, carriage from any place outside Iraq or Kuwait to any destination therein or to any person for the purposes of any business carried on in or operated from Iraq or Kuwait.
- (6) Nothing in paragraph (1) above shall apply where the exportation of the goods concerned from Iraq or Kuwait was authorised by a licence granted under this Order by the Lieutenant Governor of the Bailiwick of Guernsey or, as the case may be, of the Bailiwick of Jersey, or the importation of the goods concerned into any of the Channel Islands was authorised by a licence granted—
- (a) in the case of the Bailiwick of Guernsey, under the Import and Export of Goods (Control) (Guernsey) Order 1978;
 - (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee.
- (7) Nothing in paragraph (2) above shall apply where the supply or delivery or exportation from any of the Channel Islands of the goods concerned to that destination was authorised by a licence granted—
- (a) in the case of the Bailiwick of Guernsey, under the Import and Export of Goods (Control) (Guernsey) Order 1978, or by the Lieutenant Governor under this Order;
 - (b) in the case of the Bailiwick of Jersey, by the Finance and Economics Committee, or by the Lieutenant Governor under this Order, or
 - (c) in either case, under the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990.
- (8) Nothing in this article shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships, aircraft or land transport vehicles.

Investigation, etc. of suspected British ships, aircraft and land transport vehicles

9.—(1) Where any authorised officer, that is to say, any such officer, other than an officer of the Board of Trade, as is referred to in section 692(1) of the Merchant Shipping Act 1894⁽⁴⁾, has reason to suspect that any British ship registered in any of the Channel Islands or the United Kingdom has been or is being or is about to be used in contravention of paragraph (1) or (2) of article 8 above, he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force, and he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and an authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may, in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of article 8(2) above, exercise the following further powers with a view to the prevention of the commission (or the continued commission) of any such contravention or in order that enquiries into the matter may be pursued, that is to say, he may either direct the master to refrain, except with the consent of an authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps:

(4) 1894 c. 60.

- (a) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by any authorised officer that the ship may so proceed;
- (b) if the ship is then in a port in the United Kingdom or in any of the Channel Islands, to cause her to remain there until the master is notified by any authorised officer that the ship may depart;
- (c) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (b) of this paragraph; and
- (d) to take her to any other destination that may be specified by the officer in agreement with the master;

and the master shall comply with any such request or direction.

(2) Without prejudice to the provisions of paragraph (10) below, where a master refuses or fails to comply with a request made under this article that his ship shall or shall not proceed to or from any place or where an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with, any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(3) Where, in the case of the Bailiwick of Guernsey, the Attorney General for Guernsey or, in the case of the Bailiwick of Jersey, the Bailiff, or any person authorised by him for that purpose either generally or in a particular case, has reason to suspect that any aircraft registered in the United Kingdom or any aircraft for the time being chartered to any person specified in paragraph (3) of article 8 above has been or is being or is about to be used in contravention of paragraph (1) or (2) of article 8 above then the Attorney General or, as the case may be, the Bailiff, or that authorised person, may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify, and the Attorney General or, as the case may be, the Bailiff, or that authorised person, may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force; and, if the aircraft is then in any of the Channel Islands, the Attorney General or, as the case may be, the Bailiff, or any such authorised person (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may further request the charterer, operator and the commander or any of them to cause the aircraft to remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey until notified that the aircraft may depart; and the charterer, the operator and the commander shall comply with any such request.

(4) Without prejudice to the provisions of paragraph (10) below, where the Attorney General or, as the case may be, the Bailiff, or any person authorised by him as aforesaid, has reason to suspect that any request that an aircraft should remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey that has been made under paragraph (3) above may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry, upon any land and upon that aircraft;
- (b) detain, or authorise the detention of, that aircraft; and
- (c) use, or authorise the use of, reasonable force.

(5) Where, in the case of the Bailiwick of Guernsey, the Attorney General for Guernsey or, in the case of the Bailiwick of Jersey, the Bailiff, or any person authorised by him for that purpose either generally or in a particular case, has reason to suspect that any land transport vehicle in the Bailiwick in question has been or is being or is about to be used in contravention of paragraph (1) or (2) of

article 8 above then the Attorney General or, as the case may be, the Bailiff, or that authorised person, may request the operator and driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify, and the Attorney General or, as the case may be, the Bailiff, or that authorised person, may (either alone or accompanied and assisted by persons under his authority) board the vehicle and, for that purpose, may use or authorise the use of reasonable force; the Attorney General or, as the case may be, the Bailiff, or any such authorised person (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of such a request) may further require the operator or driver to cause the vehicle to remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey until notified that the vehicle may depart; and the operator and driver shall comply with any such request.

(6) Without prejudice to the provisions of paragraph (10) below, where the Attorney General or, as the case may be, the Bailiff, or any person authorised by him as aforesaid, has reason to suspect that any request that a land transport vehicle should remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey that has been made under paragraph (5) above may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

- (a) enter, or authorise entry, upon any land and upon that vehicle;
- (b) detain, or authorise the detention of, that vehicle; and
- (c) use, or authorise the use of, reasonable force.

(7) A person authorised by the Attorney General or, as the case may be, the Bailiff to exercise any power for the purposes of any of paragraphs (3) to (6) above shall, if requested to do so, produce evidence of his authority before exercising that power.

(8) No information furnished or document produced by any person in pursuance of a request made under this article shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this subparagraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

- (b) to any person who would have been empowered under this article to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the States of Guernsey or Alderney or, as the case may be, the States of Jersey; or
- (c) on the authority of the Attorney General or, as the case may be, the Bailiff, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Iraq or Kuwait decided upon by the Security Council of the United Nations; or
- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence against this Order or, with respect to any of the matters regulated by this Order, for an offence against any enactment relating to customs or for an offence against any provision of law with respect to similar matters that is for the time being in force in any of the Channel Islands.

(9) Any power conferred by this article to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information

should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(10) Each of the following persons shall be guilty of an offence against this Order, that is to say:

- (a) a master of a ship who disobeys any direction given under paragraph (1) above with respect to the landing of any cargo;
- (b) a master of a ship or a charterer or an operator or a commander of an aircraft or an operator or a driver of a land transport vehicle who, without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this article by any person empowered to make it or who wilfully furnishes false information or produces false documents to such a person in response to such a request;
- (c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a land transport vehicle who wilfully obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under this article.

(11) Nothing in this article shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships or aircraft.

Obtaining of evidence and information

10. The provisions of the Schedule to this Order shall have effect in order to facilitate the obtaining of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining of evidence of the commission of an offence against this Order or, with respect to any of the matters regulated by this Order, of an offence relating to customs.

Penalties and proceedings

11.—(1) Any person guilty of an offence against this Order shall be liable, in the Bailiwick of Guernsey—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £2,000 or to both,

and, in the Bailiwick of Jersey, on conviction to imprisonment for a term not exceeding two years or to a fine or to both.

(2) Where any body corporate is guilty of an offence against this Order, and that offence 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 who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Summary proceedings in the Bailiwick of Guernsey and any proceedings in the Bailiwick of Jersey for an offence against this Order, being an offence alleged to have been committed outside the Bailiwick in question, may be commenced at any time person charged first enters that Bailiwick after committing the offence.

(4) Proceedings against any person for an offence against this Order may be taken before the appropriate court in any of the Channel Islands having jurisdiction in the place where that person is for the time being.

(5) No proceedings for an offence against this Order, in its application to the Bailiwick of Jersey, shall be instituted except by or with the consent of the Attorney General for Jersey:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Exercise of powers

12.—(1) The Lieutenant Governor of the Bailiwick of Guernsey or, as the case may be, of the Bailiwick of Jersey may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order to any person, or class or description of persons, approved by him, and references in this Order to the Lieutenant Governor shall be construed accordingly.

(2) Any licences granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted them.

Miscellaneous

13.—(1) This Order applies to or in relation to any ship or aircraft or any body corporate that purports to be registered in any particular place or, as the case may be, that purports to be incorporated or constituted under the law of that place as it applies to or in relation to any ship or aircraft that is so registered or any body corporate that is so incorporated or constituted.

(2) Any provision of this Order in its application to the Bailiwick of Guernsey and to the Bailiwick of Jersey respectively, which prohibits the doing of a thing except under the authority of a licence or permission shall not have effect in relation to any such thing done in a country or place outside the Bailiwick in question by a person who is ordinarily resident in, or by a body incorporated or constituted under the law of, that country or place, provided that it is so done under the authority of a licence or with permission granted, in accordance with any law in force in that country or place (being a law substantially corresponding to the relevant provision of this Order in its application to the Bailiwick in question), by the authority competent in that behalf under that law.

R. P. Bulling
Clerk of the Privy Council

SCHEDULE

Article 10

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, in the application of this Order to the Bailiwick of Guernsey, the Attorney General for Guernsey or, in the application of this Order to the Bailiwick of Jersey, the Bailiff (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Bailiwick in question to furnish to him any information in his possession or control, or to produce to him any document in his possession or control which may be required for the purpose of securing compliance with or detecting evasion of this Order; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as advocate for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted for failing to furnish information or produce a document when requested so to do under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2.—(1) If the Bailiff is satisfied by information given on oath—

- (a) that there is reasonable ground for suspecting that an offence against this Order has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified; or
- (b) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, vessel or aircraft,

he may grant a search warrant authorising any police officer, together with any other persons named in the warrant and any other police officers to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or, as the case may be, the vehicle, vessel or aircraft.

(2) Any person authorised by any such warrant as aforesaid to search any premises or any vehicle, vessel or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft and may seize any document or article found on the premises or in the vehicle, vessel or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any offence against this Order or any document which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule or to take in relation to any such article or document any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no female shall, in pursuance of any warrant issued under this paragraph, be searched except by a female.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, vessel or aircraft he may use such force as is reasonably necessary for that purpose.

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(4) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for an offence against this Order to which they are relevant, until the conclusion of those proceedings.

(5) In the application of this paragraph to the Islands of Alderney and Sark, any reference to the Bailiff includes a reference, in the case of Alderney, to the Chairman of the Court of Alderney and, in the case of Sark, to the Seneschal.

3. A person authorised by the Attorney General or, as the case may be, the Bailiff to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) of this Schedule shall be disclosed except—

- (a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized;

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this subparagraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the States of Guernsey or Alderney or, as the case may be, the States of Jersey; or
- (c) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence against this Order or for an offence against any provision of law with respect to matters similar to those regulated by this Order that is for the time being in force in the Bailiwick of Guernsey or, as the case may be, in the Bailiwick of Jersey.

5. Any person who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it; or
- (b) wilfully furnishes false information or a false explanation or otherwise wilfully obstructs any person in the exercise of his powers under this Schedule; or
- (c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes, or removes any document,

shall be guilty of an offence against this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the United Nations Act 1946, applies to the Channel Islands. It prohibits the importation into the Channel Islands of certain goods exported from Iraq or Kuwait and the exportation from the Channel Islands of certain goods intended for Iraq or Kuwait. It also prohibits certain activities and dealings relating to the exportation from Iraq or Kuwait of the former goods and the supply to Iraq or Kuwait of the latter goods, including carriage of these goods in British ships, aircraft and land transport vehicles and makes provision for the investigation of any such ships, aircraft and vehicles that are suspected of contravening this Order. The Order prohibits payments under any bond in respect of a contract the performance of which is unlawful by virtue of this Order or the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990. It confers certain powers relating to the obtaining of evidence and information for the purposes of the Order.