
STATUTORY INSTRUMENTS

1996 No. 722

DEFENCE

The Army Act 1955 (Bailiwick of Guernsey) Order 1996

Made - - - - *13th March 1996*

Coming into force - - *1st June 1996*

At the Court at Buckingham Palace, the 13th day of March 1996

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 216(1) of the Army Act 1955⁽¹⁾, including that section as applied by section 24(4) of the Armed Forces Act 1991⁽²⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Army Act 1955 (Bailiwick of Guernsey) Order 1996 and shall come into force on 1st June 1996.

2.—(1) The Army Act 1955 (“the 1955 Act”) shall have effect in the Bailiwick of Guernsey subject to the modifications specified in Part I of the Schedule to this Order.

(2) Section 10 and Part III of the Armed Forces Act 1991⁽³⁾ shall have effect in the Bailiwick of Guernsey subject to the modifications specified in Part II of the Schedule to this Order.

3. In relation to any reference to a law for the time being in force in the Bailiwick of Guernsey, the modifications made by this Order have effect for all purposes of the 1955 Act (and not only in the application of that Act to the Bailiwick of Guernsey).

N. H. Nicholls
Clerk of the Privy Council

⁽¹⁾ 1955 c. 18; section 216(1) was substituted by section 24(1) of the Armed Forces Act 1991 (c. 62).

⁽²⁾ 1991 c. 62.

⁽³⁾ These provisions are, by section 24(4) of the 1991 Act, deemed to be comprised in the 1955 Act for the purposes of section 216 of that Act.

SCHEDULE

Article 2

PART I

modifications subject to which the army act
1955 has effect in the bailiwick of guernsey

1. In section 71AA(6)(4), at the end insert—
 - “(d) where the offender is in or removed to the Bailiwick of Guernsey, any place where he could have been detained if he had been ordered (in whatever terms) to be detained in custody by a court in the Bailiwick of Guernsey.”.
2. In section 133A(10)(5), in the definition of “the relevant court”, after paragraph (c) insert—

“or

 - (d) the court of summary jurisdiction in the Bailiwick of Guernsey (that is to say, the Magistrate’s Court in the case of Guernsey, the Court of Alderney in the case of Alderney and the Court of the Seneschal in the case of Sark),”.
- 3 In section 150(5)(6), in the paragraph beginning “references to an order”, after “1920” insert “or the Maintenance Orders (Facilities for Enforcement) (Guernsey) Law 1955”.
4. In section 151(1A)(7)(d)—
 - (a) after “Parliament of Northern Ireland” insert “or in force in the Bailiwick of Guernsey”;
 - (b) at the end insert

“; or

 - (d) he is in the care of the Children Board in the Bailiwick of Guernsey.”.
5. In section 220(2), at the end insert “or any part of the Bailiwick of Guernsey”.
- 6.—(1) Schedule 5A(8) shall be modified as follows.
 - (2) In paragraph 10(6)—
 - (a) after paragraph (c) insert—
 - “(d) where the offender is in or removed to the Bailiwick of Guernsey, any place where he could have been detained if he had been ordered (in whatever terms) to be detained in custody by a court in the Bailiwick of Guernsey;”;
 - (b) at the end insert “and in relation to an offender who is removed to the Bailiwick of Guernsey, includes an enactment in force in the Bailiwick of Guernsey”.
 - (3) In paragraph 11(4B), sub-paragraph (b) shall be omitted.

(4) Section 71AA was inserted by section 2(1) of the Armed Forces Act 1981 (c. 55) and amended by paragraph 2 of Schedule 9 to the Criminal Justice Act 1991 (c. 53).

(5) Section 133A was inserted by paragraph 1 of Schedule 8 to the Armed Forces Act 1976 (c. 52).

(6) Section 150(5) was amended by paragraph 2 of the Schedule to the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18).

(7) Section 151(1A) was inserted by section 18 of the Armed Forces Act 1976.

(8) Schedule 5A was inserted by paragraph 1 of Schedule 4 to the Armed Forces Act 1976; paragraph 11(4B) was inserted by section 9(4) of the Armed Forces Act 1991 and paragraph 10 was amended by paragraph 4 of Schedule 9 to the Criminal Justice Act 1991.

PART II

modifications subject to which provisions of the armed forces act 1991 have effect in the bailiwick of guernsey

1. In section 21(4), sub-paragraph (b) shall be omitted.
- 2.—(1) Schedule 1(9) shall be modified as follows.
 - (2) In paragraph 1, after sub-paragraph (b) insert—

“(ba) an advocate of the Royal Court of Guernsey of at least 7 years' standing;”.
 - (3) In paragraph 6, at the end insert “and
 - (e) in the case of a person who qualifies for appointment under paragraph 1(d) above by virtue of holding or having held judicial office in the Bailiwick of Guernsey, with the consent of the Lieutenant-Governor.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies certain provisions of the Army Act 1955, as amended, and the Armed Forces Act 1991 in their application to the Bailiwick of Guernsey.

(9) Schedule 1 has effect by virtue of section 10(7).