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STATUTORY INSTRUMENTS

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**2001 No. 393**

**The Afghanistan (United Nations Sanctions) Channel Islands) Order 2001**

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires—

“airport”—

- (a) in the application of this Order to the Bailiwick of Guernsey, means the aggregate of the land, buildings and works comprised in an aerodrome within the meaning of the Civil Aviation Act 1982(1); and
- (b) in the application of this Order to the Bailiwick of Jersey, has the meaning assigned to “aerodrome” in the Aerodromes (Administration) (Jersey) Law 1952;

“airport operator”—

- (a) in the application of this Order to the Bailiwick of Guernsey, in relation to any airport, means the person for the time being having the management of that airport; and
- (b) in the application of this Order to the Bailiwick of Jersey, means the Airport Director;

“Attorney General” means—

- (a) in the application of this Order to the Bailiwick of Guernsey, the Attorney General or the Solicitor General for Guernsey; and
- (b) in the application of this Order to the Bailiwick of Jersey, the Attorney General for Jersey;

“Chief Revenue Officer” and “States Revenue Officer”, in the application of this Order to the Bailiwick of Guernsey, have the meanings they bear in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972; and “States Revenue Officer”, in the application of this Order to the Bailiwick of Jersey, means the Agent of the Impôts and any officer of the Impôts (and any person authorised by the Agent of the Impôts);

“commander”, in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“document” includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“export” includes shipment as stores;

“exportation” in relation to any vessel, submersible vehicle or aircraft, includes the taking out of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey of the vessel, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power; and cognate expressions shall be construed accordingly;

“funds” means financial assets and economic benefits of any kind, including (but not limited to) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts); interest, dividends or other income on or value accruing from or generated by assets; credit, rights of set-off, guarantees, performance bands or other financial commitments; letters of credit bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export financing;

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

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

“owner”, in relation to a ship, where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;

“person connected with Usama bin Laden” means—

- (a) any person designated as such by the Sanctions Committee, or
- (b) any person acting on behalf of a person covered by paragraph (a) above;

“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;

“professional legal adviser” in the application of this Order to the Bailiwick of Jersey, means an advocate or solicitor;

“relevant enforcement authority” means—

- (a) in relation to the Bailiwick of Jersey, the Policy and Resources Committee of the States of Jersey; and
- (b) in relation to the Bailiwick of Guernsey, means—
  - (i) the Lieutenant Governor for the purposes of articles 3 to 8, 12, 15 and 26; and
  - (ii) the Attorney General for Guernsey or the Chief Revenue Officer for the purposes of articles 11 and 26 of, and Schedule 3 to, this Order;

“relevant institution” means—

- (a) in relation to the Bailiwick of Guernsey, an institution licensed by the Guernsey Financial Services Commission under the Banking Supervision (Bailiwick of Guernsey) Law 1994; and
- (b) in relation to the Bailiwick of Jersey, an institution within the meaning of article 1(1) of the Banking Business (Jersey) Law 1991, as amended;

“restricted goods” means the goods specified in Schedule 1 to this Order;

“the Sanctions Committee” means the Committee of the Security Council of the United Nations established by paragraph 6 of Resolution 1267 adopted on 15th October 1999;

“ship” includes every description of vessel used in navigation;

“shipment” (and cognate expressions) and “stores” shall,

- (a) in the application of this Order to the Bailiwick of Guernsey, have the meanings they bear in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972, and
- (b) in the application of this Order to the Bailiwick of Jersey, have the meanings they bear in the Customs and Excise (Jersey) Law 1999;

“the standard scale” means—

- (a) in the application of this Order to the Bailiwick of Guernsey, the standard scale of fines specified for the time being in section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law 1989, as amended, and
- (b) in the application of this Order to the Bailiwick of Jersey, the standard scale of fines specified for the time being in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, as amended;

“the Taliban” means the Afghan political faction known as the Taliban, which also calls itself the “Islamic Emirates of Afghanistan”;

“vehicle” means land transport vehicle;

“working day”—

- (a) in the application of this Order to the Bailiwick of Guernsey, means any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a public holiday in that Bailiwick;
- (b) in the application of this Order to the Bailiwick of Jersey, has the same meaning as “business day” for the purposes of Article 1 of the Public Holidays and Bank Holidays (Jersey) Law 1951 as amended.

(2) Any reference to an Act of Parliament of the United Kingdom shall, in the case of a provision which has been extended to the Channel Islands or otherwise applies to the Channel Islands, be construed as a reference to that provision as it has effect there.