

2000 No. 743

CHEMICAL WEAPONS

The Chemical Weapons Act 1996 (Guernsey) Order 2000

Made - - - *15th March 2000*
Coming into force *1st April 2000*

At the Court at Buckingham Palace, the 15th day of March 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 3(3) and 39(3) of the Chemical Weapons Act 1996(a), 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 Chemical Weapons Act 1996 (Guernsey) Order 2000 and shall come into force on 1st April 2000.

(2) In this Order—

“Guernsey” means the Bailiwick of Guernsey; and

“the Act” means the Chemical Weapons Act 1996.

Application of section 2 of the Act

2. The application of section 2 of the Act, so far as it applies to acts done outside the United Kingdom, shall extend to bodies incorporated under the law of any part of Guernsey.

Extension of provisions of the Act to Guernsey

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

A.K. Galloway
Clerk of the Privy Council

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO PROVISIONS OF THE
ACT AS THEY EXTEND TO GUERNSEY

1.—(1) For the words “Secretary of State” and “Secretary of State’s”, in each place where they occur, substitute “Board” and “Board’s” respectively with (where necessary) the consequential substitution of the word “it” for “he” or “him” and of the word “its” for “his”.

(2) For the words “a constable”, in each place where they occur, substitute “an officer of police”.

(3) For the words “a justice of the peace”, in each place where they occur, substitute “the Bailiff”.

(4) For the words “the High Court or in Scotland the Court of Session”, in each place where they occur, substitute “the Royal Court”.

(5) For the words “the statutory maximum”, in each place where they occur, substitute “level 5 on the uniform scale”.

2. After section 1, insert the following section—

“Other definitions

1A.—(1) In this Act—

“the Bailiff” means—

- (a) in relation to the Bailiwick, the Bailiff;
- (b) in relation to Alderney, the Chairman of the Court of Alderney or, if he is absent or unable to act, a Jurat of the Court of Alderney; and
- (c) in relation to Sark, the Seneschal of Sark or his deputy;

“the Bailiwick” means the Bailiwick of Guernsey;

“the Board” means the States Board of Industry;

“officer of police” means a member of the salaried police force of the Island of Guernsey and—

- (a) in relation to Guernsey, Herm and Jethou, 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 any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law, 1987; and
- (c) in relation to Sark, the Constable and the Vingtenier.

(2) The provisions of the Interpretation (Guernsey) Law, 1948 shall apply for the interpretation of this Act as they apply for the interpretation of an enactment.”.

3. In section 3—

(a) in subsection (1), for the words “United Kingdom” substitute “Bailiwick”;

(b) for subsection (2) substitute—

“(2) So far as it applies to acts done outside the Bailiwick, section 2 applies to United Kingdom nationals, Scottish partnerships, and bodies incorporated under the law of any part of the Bailiwick or of any part of the United Kingdom.”;

(c) omit subsection (3); and

(d) in subsection (5), for the words “United Kingdom”, where they first occur, substitute “Bailiwick”; and for the words “any place in the United Kingdom” substitute “the Island of Guernsey”.

4. In section 5(2), omit paragraph (b) and the word “or” immediately before it.

5. In section 7(7), omit paragraph (b) and the word “or” immediately before it.

6. In section 14(2), omit paragraph (b) and the word “or” immediately before it.

7. In section 15(3), omit paragraph (b) and the word “or” immediately before it.

8. In section 20, omit subsection (5).
9. In section 23–
 - (a) in subsection (3), for the words from “such manner” to the end substitute “*La Gazette Officielle*”; and
 - (b) omit subsection (6).
10. In section 25–
 - (a) in subsection (1) for the words “United Kingdom” substitute “Bailiwick”; and
 - (b) in subsections (4)(b) and (6) for the word “constable” substitute “officer of police”.
11. In section 26(1)(a) for the word “constable” substitute “officer of police”.
12. In section 27–
 - (a) in subsection (4), for the words “United Kingdom” substitute “Bailiwick”;
 - (b) in subsection (7), omit the definition of “enactment”; and
 - (c) at the end add the following subsection–

“(8) Any reference in this section to any privilege or immunity enjoyed by diplomatic agents in accordance with any provision of the 1961 Articles shall be construed as a reference to the privilege or immunity which would be so enjoyed if the Bailiwick were a part of the United Kingdom.”.
13. In section 29(1), omit paragraph (b) and the word “or” immediately before it.
14. In section 31, omit subsections (1) and (2).
15. In section 32(2)(g), for the words “United Kingdom” insert “Bailiwick”.
16. For section 33 substitute–

“Annual reports by the Board

33. The Board shall in each calendar year–
 - (a) prepare a report on the operation of this Act, and
 - (b) submit the report for inclusion as an appendix to a Billet d’État.”.
17. In section 34, in paragraph (b), for the words “United Kingdom” substitute “Bailiwick”.
18. Omit section 35.
19. In section 36–
 - (a) in subsection (1) after “this Act” insert the words “as it extends to the Bailiwick” and at the end add the words “being additions, omissions or modifications equivalent to those made by the Secretary of State under this section as it has effect in the United Kingdom”; and
 - (b) omit subsections (2) and (3).
20. After section 36 insert the following section–

“Orders of the Board

- 36A.—(1) An order of the Board under this Act–
 - (a) may be amended or repealed by a subsequent order hereunder;
 - (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to the Board to be necessary or expedient; and
 - (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul it, cease to have effect, but without prejudice to anything done under it or to the making of a new order.
- (2) Any power conferred upon the Board by this Act to make an order may be exercised–
 - (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases; and
 - (b) so as to make, as respects the cases in relation to which it is exercised–
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise);

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes; or

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) In this section, “order” includes regulations.”.

21. Omit section 38.

22. In section 39, omit subsections (1) to (3).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies section 2 of the Chemical Weapons Act 1996, as it has effect in the United Kingdom, to bodies incorporated under the law of any part of the Bailiwick of Guernsey. It also extends that Act to the Bailiwick of Guernsey with the exceptions, adaptations and modifications specified in the Schedule to the Order.

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