
STATUTORY INSTRUMENTS

2018 No. 545

**PRISONS
WIRELESS TELEGRAPHY**

**The Prisons (Interference with Wireless
Telegraphy) (Guernsey) Order 2018**

Made - - - - 24th April 2018

Coming into force in accordance with Article 1(1)

At the Court at Windsor Castle, the 24th day of April 2018

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 5(2) of the Prisons (Interference with Wireless Telegraphy) Act 2012(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 Prisons (Interference with Wireless Telegraphy) (Guernsey) Order 2018 and shall come into force seven days after it is registered by the Royal Court of Guernsey.

(2) In this Order—

“the Act” means the Prisons (Interference with Wireless Telegraphy) Act 2012; and

“Guernsey” means the Bailiwick of Guernsey.

(3) For the purposes of construing provisions of the Act as part of the law of Guernsey, any reference to an enactment which extends to Guernsey shall be construed as a reference to that enactment as it has effect in Guernsey.

2. The provisions of the Act (specified in the left-hand column of the Schedule to this Order) shall extend to Guernsey subject to the modifications specified in the right-hand column of the Schedule.

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Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 2

Extension and Modification of the Act to Guernsey

| <i>Provision</i> | <i>Modifications</i> |
|---|---|
| Section 1 (Interference with wireless telegraphy in prisons etc) | In section 1, (a) in subsection (3)(a), before “a device” insert “a small unmanned aircraft (“SUAV”) and”; (b) in subsection (3)(b), before “a device” insert “an SUAV or”; and (c) in subsection (4), after “electronic communication” insert “or in relation to an SUAV”. |
| Section 2 (Safeguards) | In section 2(2) after “wireless telegraphy” insert “in respect of a device or article other than an SUAV”. |
| Section 3 (Retention and disclosure of information obtained under section 1) | In section 3, (a) for subsection (5)(c) substitute “the Committee for Home Affairs”; and (b) omit subsection (5)(d). |
| Section 4 (Interpretation) | In section 4, (a) in subsection (1) (i) for the definition of “the appropriate national authority” substitute “the appropriate national authority” means the Committee for Home Affairs of the States of Guernsey”; (ii) for the definition of “relevant institution” substitute ““relevant institution” means a prison in the Bailiwick of Guernsey” (iii) insert the following definitions - “(A) “SUAV” means a small unmanned aircraft, as defined in section 37(10) of the Air Navigation (Bailiwick of Guernsey) Law, 2012; (B) “traffic data” means traffic data in relation to electronic communications and traffic data in relation to SUAVs; |

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| <i>Provision</i> | <i>Modifications</i> |
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| | <p>(C) “traffic data in relation to SUAVs” means any data relating to SUAVs flying within the institution;</p> <p>(D) “within the institution” means within the curtilage of the institution and within 10 metres thereof;”;</p> <p>(b) omit subsections (2) and (3);</p> <p>(c) in subsection (4), after ““traffic data” insert “in relation to electronic communications”; and,</p> <p>(d) in subsection (6), for “Act 2000” substitute “(Bailiwick of Guernsey) Law, 2003”.</p> |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey, with modifications, the Prisons (Interference with Wireless Telegraphy) Act 2012 (c. 20). The modifications extend the provisions in the Act to also provide for authority to interfere with wireless telegraphy for the purposes of preventing the use of or detecting or investigating the use of a small unmanned vehicle within the curtilage of a prison in the Bailiwick of Guernsey and within 10 metres of the curtilage.