

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

**THE CUSTOMS AND EXCISE (GENERAL PROVISIONS) (BAILIWICK OF GUERNSEY)
(AMENDMENT) LAW, 2022**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

EXPLANATORY MEMORANDUM

This Law amends the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 ("the 1972 Law"). The amendments are designed to enable the speedy and efficient delivery or disposal of items seized by Customs as liable to forfeiture, in particular plant material or perishables such as food.

Sections 1 to 4 amend paragraph 15 of the First Schedule to the 1972 Law, to allow Her Majesty's Procureur or Comptroller to give advance and general approval for the delivery or disposal of goods seized as liable to forfeiture, and to delegate the power to give such approval to an officer of Customs and Excise.

PROJET DE LOI

ENTITLED

The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2022

THE STATES, in pursuance of their Resolution of the 30th September, 2021^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Amendment of the 1972 Law.

1. Paragraph 15 of the First Schedule to the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^b is amended as follows.

2. Renumber that paragraph as paragraph 15(1).

3. In the renumbered paragraph 15(1), delete ", with the concurrence of Her Majesty's Procureur or Comptroller".

4. Immediately after the renumbered paragraph 15(1), insert the following subparagraphs –

^a Article VIII of Billet d'État No. XIX of 2021.

^b Ordres en Conseil Vol. XXIII, p. 573. This enactment has been amended.

"(2) The Committee must not exercise a power in subparagraph (1) without the approval of Her Majesty's Procureur or Comptroller.

(3) Her Majesty's Procureur or Comptroller may approve the exercise of a power for the purposes of subparagraph (2) –

- (a) generally by reference to a class or description of things, or specifically in relation to any particular thing,
- (b) before, while or after the thing is seized, and
- (c) subject to any condition or limit specified by Her Majesty's Procureur or Comptroller.

(4) Her Majesty's Procureur or Comptroller may arrange for an officer of Customs and Excise to perform the functions of Her Majesty's Procureur or Comptroller under subparagraphs (2) and (3).

(5) An arrangement made under subparagraph (4) has effect as if it were an arrangement made in accordance with section 4(1)(b) of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 for those functions to be performed by the delegate in the name of Her Majesty's Procureur or Comptroller; and section 4(2), (3) and (5)(a) of that Law applies in relation to that arrangement accordingly.

(6) For the avoidance of doubt, if the Committee has arranged for an officer of Customs and Excise to exercise the Committee's power in subparagraph (1), and Her Majesty's Procureur or Comptroller has

arranged under subparagraph (4) for the officer to perform the functions of Her Majesty's Procureur or Comptroller, that officer must not rely on an approval given by himself or herself in order to exercise the Committee's power in respect of any thing."

Citation.

5. This Law may be cited as the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2022.