

BILLET D'ÉTAT No. XXI, 2014

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The Public Health (Amendment) Ordinance, 2014

THE STATES, in pursuance of their Resolution of the 26th February, 2014^a and in exercise of the powers conferred on them by section 4 of the Law entitled "Loi relative à la Santé Publique, 1934"^b, section 1 of the Alderney (Application of Legislation) Law, 1948^c, Article 71 of the Reform (Guernsey) Law, 1948^d and all other powers enabling them in that behalf, hereby order:-

Amendment of principal Ordinance.

1. The principal Ordinance is amended as follows.

2. In the title of Part 3 of the principal Ordinance, immediately after "DISEASES", insert "AND CAUSATIVE AGENTS".

3. In the cross-heading of Article VI of the principal Ordinance, immediately after "DISEASE", insert "OR NOTIFIABLE AGENT".

^a Article IV of Billet d'État No. III of 2014.

^b Ordres en Conseil Vol. IX, p.386, as amended by Vol. XIX, p.213; Vol. XXIX, p.329; Vol. XXXIX, p. 64.

^c Ordres en Conseil Vol. XIII, p. 448; as amended by Vol. XXIV, p. 210; Vol. XXIX, p. 299; Vol. XXX, p. 224; Vol. XXXVII, p. 251.

^d Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXVIII, p. 581; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, pp. 58, 164 and 278; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp. 150 and 295; Vol. XLIII(1) p. 387; Order in Council No. III of 2004; Nos. II and XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010; Nos. II and XIV of 2012; also amended by Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXIII, p. 126; and Ordinance No. XXXII of 2011.

4. In section 1 of Article VI of the principal Ordinance –

(a) for subsection (1), substitute the following subsection –

"(1) For the purposes of this Ordinance, the expression "**notifiable disease**" means any infectious or contagious disease which the Department may from time to time by order declare to be a notifiable disease within the meaning of this section, and the expression "**infectious or contagious**" shall be construed accordingly.", and

(b) in subsection (2), for "the last preceding paragraph", substitute "subsection (1)".

5. Between section 1 and section 2 of Article VI of the principal Ordinance, insert the following section –

"Meaning of notifiable agent."

1A. (1) For the purposes of this Ordinance, the expression "**notifiable agent**" means any causative agent which the Department may from time to time by order declare to be a notifiable agent within the meaning of this section.

(2) Any power conferred by subsection (1) to make any order shall be construed as a power exercisable in like manner to vary or repeal the order.

(3) In subsection (1), "**causative agent**" means any organism, substance or other agent, the presence of which in any person, or

on any premises, in the Bailiwick of Guernsey, the Department believes may pose a serious risk to public health."

6. In section 2 of Article VI of the principal Ordinance, for "the last preceding section", substitute "this article or Article VII".

7. In the cross-heading of Article VII of the principal Ordinance, immediately after "DISEASE", insert "OR NOTIFIABLE AGENT".

8. In section 1(1) of Article VII of the principal Ordinance –

(a) immediately after "certificate", insert "in the form and manner prescribed by order of the Department,", and

(b) for paragraphs (c) and (d), substitute the following paragraphs–

"(c) if the premises aforesaid are a hospital, the address of the premises from which the patient came to the hospital, and

(d) any other particulars prescribed by order of the Department."

9. For section 1(2) of Article VII of the principal Ordinance, substitute the following subsections –

"(1A) Subsection (1B) applies to the following persons –

- (a) a laboratory representative who becomes aware or has reasonable grounds to believe that –
 - (i) a sample has been taken from or provided by a person who is or was present in the Bailiwick of Guernsey,
 - (ii) the sample has been tested, examined or analysed by the laboratory representative or a laboratory of which the laboratory representative is in charge, or for which the laboratory representative acts as an agent, and
 - (iii) the person referred to in subparagraph (i) is suffering from a notifiable disease, and
- (b) any other person designated by order of the Department who becomes aware or has reasonable grounds to believe that a person is suffering from a notifiable disease in any circumstances prescribed by the order.

(1B) A person to whom this subsection applies shall, unless he believes on reasonable grounds that a medical practitioner has sent the certificate required to be sent by subsection (1) in respect of the person believed to be suffering from a notifiable disease ("**the sufferer**"), promptly send a written notice to the Medical Officer of Health, in the form and manner prescribed by order of the Department, stating (to the extent that this information is known to the person to whom this subsection applies) –

- (a) the name, age and sex of the sufferer and the address of the premises where the sufferer is believed to be staying or residing,
- (b) particulars of the notifiable disease from which the sufferer is, or is believed to be, suffering,
- (c) where applicable, the premises where the sufferer is or was present, and
- (d) any other particulars prescribed by order of the Department.

(2) In this section and section 1A of this Article –

"hospital" means any institution for the reception and treatment of persons suffering from illness, any maternity home and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation,

"illness" includes mental disorder and any injury or disability requiring medical, surgical or dental treatment or nursing,

"laboratory representative" means –

- (a) the States Analyst,

- (b) any person managing, or in charge of the day-to-day operations of, a laboratory (whether or not the laboratory is located in this Island), or
- (c) any person acting as an agent for a laboratory (whether or not the laboratory is located in this Island), and

"**the States Analyst**" means the States Analyst for the time being appointed by the States of Guernsey Policy Council and includes, where such person is appointed in writing by the Policy Council to discharge all or any relevant functions of the States Analyst, a person who is a public analyst or a food examiner for the purposes of the Food Safety Act 1990 (Chapter 16 of 1990).".

10. Between section 1 and section 2 of Article VII of the principal Ordinance, insert the following sections –

"Cases of notifiable agent to be notified."

1A. (1) This section applies to the following persons –

- (a) a medical practitioner who becomes aware or has reasonable grounds to believe that a notifiable agent is or was present in any patient whom the medical practitioner is attending,
- (b) a laboratory representative who becomes aware or has reasonable grounds to believe that –

- (i) a sample taken from or provided by a person who is or was present in the Bailiwick of Guernsey, or taken or provided from any premises in the Bailiwick of Guernsey, has been tested, examined or analysed by the laboratory representative or a laboratory of which the laboratory representative is in charge, or for which the laboratory representative acts as an agent, and
- (ii) the testing, examination or analysis indicates that a notifiable agent is or was present on the person or premises concerned, and
- (c) any other person designated by an order of the Department who becomes aware or has reasonable grounds to believe that a notifiable agent is or was present in any person or on any premises in any circumstances prescribed by the order.

(2) A person to whom this section applies ("A") shall, unless A believes on reasonable grounds that any other person has sent the notice required to be sent by this subsection in respect of the person or premises in or on which the notifiable agent is believed to be or have been present, promptly send a written notice to the Medical Officer of Health, in the form and manner prescribed by order of the Department, stating (to the

extent that this information is known to A) –

- (a) the name, address and sex of the person, or the address of the premises, in or on which the notifiable agent is believed to be or have been present,
- (b) particulars of the notifiable agent concerned, and the date on which that notifiable agent is believed to have been so present, and
- (c) any other particulars prescribed by order of the Department.

Department may order exemptions.

1B. The Department may from time to time make an order to exempt any person from an obligation imposed on the person under the provisions of section 1 or 1A of this Article."

11. In section 2 of Article VII of the principal Ordinance –

- (a) for "medical practitioner", substitute "person", and
- (b) for "the last preceding section", substitute "section 1 or 1A of this Article".

12. Immediately after section 8 of Article XI of the principal Ordinance, insert the following section –

"Confidentiality."

9. (1) This section applies to any information from which an individual or body may be identified and which is acquired by a person in carrying out the person's functions under this Ordinance or the Law.

(2) A person mentioned in subsection (1) shall not disclose any information to which this section applies without the consent of every individual who, and every body which, can be identified from that information, except to the extent that its disclosure –

(a) is expressly authorised or required by or under this Ordinance, the Law or any other enactment, or

(b) appears to that person to be necessary –

(i) to enable functions under this Ordinance or the Law to be carried out,

(ii) in the interests of –

(A) the investigation, detection or prevention of offences, or

(B) the apprehension or prosecution of offenders, or

(iii) to comply with an order of a court of this Island.

(3) A person who fails to comply with or contravenes subsection (2) shall be guilty of an offence and liable, on conviction, to a fine not exceeding level 1 on the uniform scale."

Interpretation.

13. (1) In this Ordinance, "**the principal Ordinance**" means the Public Health Ordinance, 1936^e.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Extent.

14. (1) This Ordinance has effect –

- (a) in Guernsey, Herm and Jethou, and
- (b) subject to subsection (2), in Alderney.

(2) The principal Ordinance (as amended by this Ordinance) has effect in Alderney –

- (a) subject to the modifications set out in Part VII of the First Schedule to the Alderney (Application of

^e Recueil d'Ordonnances Tome VIII, p. 316; as amended by Tome X, pp. 35 and 61; Tome XIII, p. 264; Tome XV, pp. 239 and 387; Tome XIX, p. 91; Tome XX, p. 163; Tome XXIII, p. 427; Tome XXVIII, p. 80; Tome XXIX, p. 406; Tome XXXI, p. 618; Ordinance No. XLI of 2010. See also Ordres en Conseil Vol. XXXI, p. 278.

Legislation) Ordinance, 1948^f in relation to the principal Ordinance, and

- (b) as if any reference to this Island is a reference to the island of Alderney.

Citation.

15. This Ordinance may be cited as the Public Health (Amendment) Ordinance, 2014.

Commencement.

16. This Ordinance comes into force on the 10th November, 2014.

^f Recueil d'Ordonnances Tome IX, p. 280; as amended by Tome XI, pp. 105 and 106; Tome XII, pp 185 and 196; Tome XIV, p. 37; Tome XV, p. 237; Tome XVI, p. 495; Tome XVIII, pp. 10 and 111; Tome XIX, p. 111; Tome XXXII, p. 1.

The Wastewater Charges (Guernsey) Ordinance, 2014

THE STATES, in pursuance of their Resolution of the 30th January, 2014^a, and in exercise of the powers conferred on them by sections 2(1)(b), 5(4), 15 and 16 of the Wastewater Charges (Guernsey) Law, 2009^b, and section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007^c, hereby order:-

Unmetered non-domestic properties with private water supplies liable to wastewater charges.

1. Any non-domestic property with a private water supply is prescribed to be liable to the wastewater charges under section 2(1)(b)(ii) of the Law.

Amendment of the Law.

2. The Law is amended as set out in the Schedule.

Interpretation.

3. (1) In this Ordinance, "**the Law**" means the Wastewater Charges (Guernsey) Law, 2009.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

^a Article VII of Billet d'État No. I of 2014.

^b Order in Council No. VIII of 2010, brought into force by Ordinance No. LI of 2010. As amended by G.S.I. No. 1 of 2014.

^c Order in Council No. VII of 2008; as amended by No. VIII of 2010; Recueil d'Ordonnances Tome XXXIII, p. 38; Ordinance No. IV of 2011; Ordinance No. XLIII of 2013.

Consequential amendments to the Law.

4. (1) Section 7(2) of the Law is amended as follows –

- (a) in paragraphs (a) and (b), immediately after "water fittings" in each place it occurs, insert ", any private supply meter",
- (b) at the end of paragraph (a), delete the word "and",
- (c) for the full stop at the end of paragraph (b), substitute a comma and the word "or", and
- (d) immediately after paragraph (b), insert the following paragraph –

"(c) remove from the property, carry out maintenance work on, or replace, any private supply meter."

(2) Section 7(3) of the Law is amended by inserting, immediately after paragraph (a), the following paragraph –

"(aa) to determine whether any private supply meter needs maintenance or replacement, and if so, to carry out the maintenance or replacement,".

Consequential amendments to the Fees, Charges and Penalties (Guernsey) Law, 2007.

5. (1) Part A of the Schedule to the Fees, Charges and Penalties (Guernsey) Law, 2007 is amended, in the entry relating to the Wastewater Charges

(Guernsey) Law, 2009, in the column headed "Class or Description of Fee", by substituting, for "Rate 1 and Rate 2", "any rate".

(2) For the avoidance of doubt, the Department may prescribe by regulations a rate to substitute Rate 3 as inserted in the Schedule to the Law by section 2 of, and paragraph 10 of the Schedule to, this Ordinance.

Transitional provision relating to abatement agreements.

6. An agreement under section 5(2) of the Law between a person liable to pay Charge C for a non-domestic metered property and the Department that is in force immediately before the commencement of this Ordinance is deemed to expire upon the commencement of this Ordinance, unless renewed after this Ordinance is approved by the States.

Transitional provision where Department unable to meet request for meter.

7. (1) This section applies where –

- (a) a person makes a request under section 5(1A) of the Law in respect of any property at any time after this Ordinance is approved by the States but before the commencement of this Ordinance, and
- (b) the Department is unable to install a meter on each private water supply to the property before the commencement of this Ordinance, other than through any fault of the owner or occupier of the property.

(2) Where this section applies, notwithstanding any provision of the Law to the contrary, until the Department installs a meter on each private water supply to the property –

- (a) the property shall not be liable to any wastewater charge other than a wastewater charge to which that property was liable immediately before the commencement of this Ordinance, and
- (b) if that property was liable to Charge C immediately before the commencement of this Ordinance, Charge C for the property shall be calculated in accordance with section 5(1) as if that provision had not been amended by this Ordinance.

Transitional provision for accounts.

8. (1) This section applies to any written account served by the Department under section 8 of the Law (in respect of a metered property with a private water supply) after the commencement of this Ordinance, which concerns both –

- (a) an amount of metered water supplied by the Department to the property before the commencement of this Ordinance, and
- (b) an aggregate of the amount of metered water supplied by the Department to a metered property and the amount of metered water supplied to the property from a private water supply, after the commencement of this Ordinance.

(2) In calculating Charge C under section 5(1) of the Law for the purposes of the written account, the Department must apply –

- (a) the former calculation in relation to the estimated amount of metered water referred to in subsection (1)(a), and
- (b) the current calculation in relation to the estimated amount of metered water referred to in subsection (1)(b).

(3) In this section –

"current calculation" means the calculation of Charge C in accordance with section 5(1)(c) of the Law, as amended by this Ordinance,

"former calculation" means the calculation of Charge C in accordance with section 5(1)(a) of the Law, as if that provision had not been amended by this Ordinance, and

"metered water", in relation to subsections (1)(a) and (2)(a), has the meaning given by section 18(1) of the Law, as if the definition of **"metered water"** in that provision had not been substituted by this Ordinance.

Citation.

9. This Ordinance may be cited as the Wastewater Charges (Guernsey) Ordinance, 2014.

Commencement.

10. (1) Subject to subsection (2), this Ordinance shall come into force on the 1st March, 2015.

(2) The amendment to the Law made by paragraph 5 of the Schedule shall come into force on the day after the date on which this Ordinance is approved by the States.

SCHEDULE
AMENDMENTS TO THE LAW

Section 2

1. In section 3(2) of the Law, immediately after "unmetered chargeable property", insert "(other than a non-domestic property with a private water supply)".

2. Immediately after section 3(2) of the Law, insert the following subsection –

"(2A) Any non-domestic property with a private water supply that would otherwise be liable to wastewater charges under section 2(1)(b)(ii) is exempt from all wastewater charges if the drains in, and in connection with, that property are configured in such a manner that no water from its private water supply is discharged into a public sewer, cesspool or septic tank."

3. In section 3(3) of the Law, immediately after "subsection (2)" insert "or subsection (2A)".

4. In section 5(1) of the Law –

(a) in paragraph (a), immediately after "metered property", insert "other than a property with a private water supply",

(b) in paragraph (b) –

- (i) immediately after "unmetered chargeable property", insert "other than a property with a private water supply", and
- (ii) for the full stop at the end of paragraph (b), substitute a comma and the word "and", and
- (c) immediately after paragraph (b), insert the following paragraph –
 - "(c) for a property with any private water supply –
 - (i) where a private supply meter is installed on each private water supply to the property, Rate 1 x (0.9 x volume of metered water in cubic metres), but
 - (ii) in any other case, Rate 3."

5. Immediately after section 5(1), insert the following subsections –

"(1A) The owner of a non-domestic property with a private water supply (or the occupier of the property, with the owner's written consent) may at any time make a written request to the Department to install a meter to measure the volume of water supplied through each private water supply to the property, for the purpose of enabling Charge C to be calculated for the property in accordance with subsection (1)(c)(i).

(1B) On receiving a request under subsection (1A), the Department must, at its own expense –

- (a) install the meter as soon as practicable and in any event within 2 months of receipt of the request, and
- (b) maintain or replace the meter as necessary."

6. In section 5(2) of the Law, for "a non-domestic metered property" substitute "an eligible property".

7. In section 5(3)(a) of the Law, immediately after "subsection (1)(a)", insert "or (c)(i)".

8. In section 5(8) of the Law –

- (a) insert the following definition in the appropriate alphabetical order –

"eligible property" means any non-domestic property that –

- (a) is a metered property, or
- (b) is not a metered property, but is a property with one or more private water supplies, on each of which a private supply meter is installed," and

- (b) for the definition of **"Rate 1"** and **"Rate 2"**, substitute the following definition –

"Rate 1", "Rate 2" and "Rate 3" refer to the respective rates specified in paragraph (c) of the Schedule."

9. In section 18(1) of the Law –

- (a) for the definition of **"metered water"**, substitute the following definition –

"metered water", in relation to any property, means the aggregate volume of –

- (a) any water supplied by the Department to the property by way of a metered supply, and
- (b) any water supplied to the property from a private water supply on which a private supply meter is installed," and
- (b) insert the following definitions in the appropriate alphabetical order –

"private supply meter", in relation to any private water supply, means a meter that –

- (a) is installed by the Department on the private water supply –

- (i) under section 5(1B), or
- (ii) by way of replacement for a meter installed under section 5(1B)",
- (b) is in good working order, and
- (c) correctly and accurately measures the volume of water supplied from the private water supply, ",

""**private water supply**" means a supply of water other than water supplied by the Department, ", and

""**with a private water supply**", in relation to any property, means the property receives or is equipped to receive a private water supply, whether or not the property is also supplied with water by the Department.".

10. In the Schedule to the Law, at the end of paragraph (c), insert –

"Rate 3 - £2,000 per year for each property.".

The Russian Federation (Restrictive Measures) (Guernsey) Ordinance, 2014

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the powers conferred on the States by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a and all other powers enabling the States in that behalf, and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^b, as amended, hereby orders:-

Application and infringement of EU Regulation and EU Decision.

1. (1) Council Regulation (EU) No. 833/2014 of 31st July, 2014^c ("**the EU Regulation**") concerning restrictive measures in view of Russia's actions in destabilising the situation in Ukraine is applicable in Guernsey in all respects, subject to the modifications in section 2, as if Guernsey were a Member State.

(2) Article 2.1 of Council Decision 2014/512/CFSP of 31st July, 2014^d ("**the EU Decision**") concerning restrictive measures in view of Russia's actions in destabilising the situation in Ukraine and Articles 6, 7 and 8 of the EU Decision to the extent that they concern the application of Article 2.1 are applicable in Guernsey in all respects, subject to the modifications in section 2, as if Guernsey were a Member State.

^a Ordres en Conseil Vol. XXXV(1), p. 65.

^b Ordres en Conseil Vol. XIII, p.288; there are amendments not material to this Ordinance.

^c OJ L 229, 31.7.2014, p.1.

^d OJ L 229, 11.7.2014, p.12.

(3) A person who infringes, or causes or permits any infringement of, any of the prohibitions in or requirements of the EU Regulation is guilty of an offence.

(4) A person who infringes, or causes or permits any infringement of, the prohibitions in Article 2.1 or 8 of the EU Decision is guilty of an offence.

Modification of EU Regulation and EU Decision.

2. Except where the context requires otherwise, the EU Regulation and Articles 2.1, 6, 7 and 8 of the EU Decision in their application to Guernsey are modified as follows -

- (a) Articles 8 and 9 of the EU Regulation shall not apply,
- (b) references to the competent authorities of the Member States shall be construed as including a reference to the Home Department,
- (c) references to the obligation of a competent authority or Member State to inform, notify or consult shall be construed as including a reference to an obligation of the Home Department to inform, notify or consult one of Her Majesty's Principal Secretaries of State,
- (d) references to the flag vessels of Member States shall be construed as including a reference to a Guernsey ship and a Guernsey fishing vessel,
- (e) references to the aircraft of a Member State shall be

construed as including a reference to aircraft registered in Guernsey,

- (f) subject to paragraph (g), references to a Member State or the Member State concerned shall be construed as including a reference to the Home Department,
- (g) references to a Member State or the Member State concerned shall be construed as including a reference to Guernsey where such references concern jurisdiction or the enforcement of decisions or public policy,
- (h) references to the Union shall be construed as including a reference to Guernsey,
- (i) references to the territory of the Union and its airspace shall be construed as including a reference to Guernsey, its airspace and the territorial waters adjacent thereto,
- (j) references to the law of a Member State shall be construed as including a reference to the law of Guernsey, and
- (k) references to a national of a Member State shall be construed as including a reference to a person ordinarily resident in Guernsey.

Appeals against decisions of Home Department.

3. (1) A person aggrieved by a decision of the Home Department made under the EU Regulation or the EU Decision, or by a decision of the Home Department not to exercise any of its powers under the EU Regulation or the EU Decision, may appeal to the Ordinary Court against that decision on the grounds that -

- (a) the decision was ultra vires or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(2) On an appeal under this section the Ordinary Court may -

- (a) set the decision of the Home Department aside and, if the Court considers it appropriate to do so, remit the matter to the Home Department with such directions as the Court thinks fit, or
- (b) confirm the decision, in whole or in part.

(3) On an appeal under this section the Ordinary Court may, upon the application of the appellant, and on such terms as the Court thinks just,

suspend or modify the operation of the decision in question, pending the determination of the appeal.

Information.

4. The Schedule has effect in order to facilitate the obtaining, by or on behalf of the Home Department, of information for the purpose of ensuring compliance with the EU Regulation and the EU Decision.

Failure to provide information or to co-operate.

5. A person who, without reasonable excuse, fails to comply with any obligation to provide information to or co-operate with the Home Department in the exercise of any power to request or demand the provision of information, or the co-operation of any person, under any article of the EU Regulation or articles 2.1, 6, 7, and 8 of the EU Decision is guilty of an offence.

Furnishing of false information etc.

6. A person who in purported compliance with any article of the EU Regulation or article 2.1, 6, 7, and 8 of the EU Decision intentionally furnishes any false information, document or explanation, or recklessly furnishes any information, document or explanation which is false, is guilty of an offence.

Penalties and proceedings.

7. (1) A person guilty of an offence under -

(a) section 1(3), 1(4), 5 or 6, or

(b) paragraph 2(b) or (c) of the Schedule,

is liable -

- (i) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine, or to both,
- (ii) on summary conviction, to imprisonment for a term not exceeding three months, to a fine not exceeding level 5 on the uniform scale, or to both.

(2) A person guilty of an offence under paragraph 2(a) or 3(2) of the Schedule is liable on summary conviction to imprisonment for a term not exceeding three months, to a fine not exceeding level 5 on the uniform scale, or to both.

(3) Where a body corporate is guilty of an offence under this Ordinance, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(4) Where the affairs of a body corporate are managed by its members, subsection (3) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Certain provisions of Customs and Excise Law applicable.

8. (1) Section 55 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 applies to the detention of a person for an offence under section 1 as it applies to the detention of a person for an offence

under the customs Laws or excise Laws.

(2) Sections 61 to 65 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 apply in relation to offences, penalties and proceedings for offences under this Ordinance as they apply to offences, penalties and proceedings for offences under the customs Laws or excise Laws.

Interpretation.

9. (1) In this Ordinance, except where the context requires otherwise-

"**advocate**" means an advocate of the Royal Court of Guernsey,

"**Bailiff**" includes the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff, a Juge-Délégué and a Judge of the Royal Court,

"**contravention**" includes failure to comply, and cognate expressions shall be construed accordingly,

"**customs Laws**" and "**excise Laws**" mean those provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 and any other enactment for the time being in force relating to customs or, as the case may be, excise,"

"**enactment**" includes a Law, an Ordinance and any subordinate legislation,

"**EU Decision**" has the meaning given by section 1(2),

"EU Regulation" has the meaning given by section 1(1),

"Guernsey" means the Bailiwick of Guernsey apart from the Islands of Alderney and Sark,

"Home Department" means the States of Guernsey Home Department,

"Judge of the Royal Court" means the office of that name established by section 1 of the Royal Court (Reform) (Guernsey) Law, 2008^e,

"Ordinary Court" means the Royal Court of Guernsey sitting as an Ordinary Court which, for the purposes of this Ordinance, may be validly constituted by the Bailiff sitting alone,

"subordinate legislation" means any regulation, rule, order, notice, rule of court, resolution, scheme, warrant, byelaw or other instrument made under any enactment and having legislative effect, and

"uniform scale of fines" means the scale of fines from time to time in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^f,

and other terms used in this Ordinance and in the EU Regulation or in articles 2.1, 6, 7 and 8 of the EU Decision shall have the same meaning as in the EU Regulation or in articles 2.1, 6, 7 and 8 of the EU Decision, as the case may be.

^e Order in Council No. XXII of 2008.

^f Ordres en Conseil Vol. XXXI, p. 278.

(2) A reference in this Ordinance to an enactment or to the EU Regulation or articles 2.1, 6, 7 and 8 of the EU Decision is a reference thereto as from time to time amended, repealed and re-enacted (with or without modification), extended or applied.

Citation.

10. This Ordinance may be cited as the Russian Federation (Restrictive Measures) (Guernsey) Ordinance, 2014.

Commencement.

11. This Ordinance shall come into force on the 1st August, 2014.

SCHEDULE

Section 4

INFORMATION

1. (1) The Home Department (or any person authorised by it for that purpose either generally or in a particular case) may request any person in or resident in Guernsey to furnish or produce to it (or, as the case may be, to that authorised person) such information and documents in his possession or control as the Home Department (or, as the case may be, that authorised person) may require for the purpose of ensuring compliance with the EU Regulation or the applicable articles of the EU Decision; and a person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) No obligation of secrecy or confidence or other restriction on the disclosure of information to which any person may be subject, whether arising by statute, contract or otherwise, is contravened by reason of the disclosure by that person or by any of his officers, servants or agents of any information or document in compliance with this Schedule.

(3) Nothing in this Schedule compels the production by an advocate or other legal adviser of a communication subject to legal professional privilege; but an advocate or other legal adviser may be required to give the name and address of any client.

(4) Where a person is convicted of an offence under this Schedule of failing to furnish any information or produce any document, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(5) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any such document.

2. A person who -

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time is specified, within a reasonable time) to comply with a request made under this Schedule,
- (b) intentionally furnishes any false information, document or explanation, or recklessly furnishes any information, document or explanation which is false, to any person exercising his powers under this Schedule, or
- (c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

is guilty of an offence.

3. (1) No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule shall be disclosed except -

- (a) with the consent of the person by whom the

information was furnished or the document was produced: provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this item but such consent may instead be given by any person who is entitled to that information or to possession of that document in his own right,

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or any person holding or acting in any office under or in the service of the Crown in respect of Guernsey,
- (c) on the authority of the Home Department, to the European Commission, to any of the competent authorities listed in or under the EU Regulation or any annex thereto, or to one of Her Majesty's Principal Secretaries of State, for the purpose of assisting the Commission, that competent authority or that Principal Secretary of State to ensure compliance with the EU Regulation or the applicable articles of the EU Decision, or
- (d) for the purposes of the investigation, prevention or detection of crime or with a view to the instigation of, or otherwise for the purposes of, any criminal proceedings.

(2) A person who without reasonable excuse discloses any information or document in contravention of subparagraph (1) is guilty of an offence.