STATUTORY INSTRUMENTS

2004 No. 1290

NUCLEAR SAFEGUARDS

The Nuclear Safeguards (Guernsey) Order 2004

Made	*6th May2004*
Coming into force	*7th May2004*

At the Court at Buckingham Palace, the 6th day of May 2004

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 12(4) of the Nuclear Safeguards Act 2000(**a**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Nuclear Safeguards (Guernsey) Order 2004 and shall come into force on 7th May 2004.

(2) In this Order—

"Guernsey" means the Bailiwick of Guernsey;

"the 1978 Act" means the Nuclear Safeguards and Electricity (Finance) Act 1978(**b**); and

"the 2000 Act" means the Nuclear Safeguards Act 2000.

2.—(1) The provisions of the 1978 Act shall extend to Guernsey with the modifications specified in Schedule 1 to this Order.

(2) The provisions of the 2000 Act, including the amendments made to section 2 of the 1978 Act, shall extend to Guernsey with the modifications specified in Schedule 2 to this Order.

A.K. Galloway
Clerk of the Privy Council

(**a**) 2000 c.5.
(**b**) 1978 c.25.

SCHEDULE 1

Article 2(1)

Modifications of the 1978 Act in its Extension to Guernsey

1. In section 1(1), for the first reference to "the United Kingdom" substitute "the Bailiwick of Guernsey".

2. In section 2(**a**)—

(a) omit subsection (3);

(b) in subsection (5) for the words from "liable" to the end, substitute—

"liable—

(a) on summary conviction to a fine not exceeding level 5 on the uniform scale; or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both**"**; and

(c) for subsection (6) substitute —

"(6) In this Act "the uniform scale" means the scale specified for the time being in section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989.**"**.

3. In section 3—

(a) in subsection (1), for "Secretary of State" substitute "States Policy Council";

(b) in subsection (1)(a), for "United Kingdom" substitute "Bailiwick of Guernsey";

(c) in subsection (2) the words "not exceeding £500" substitute "not exceeding level 4 on the uniform scale"; and

(d) omit subsection (3).

4. In section 4, after subsection (2) insert—

"(2) For the purposes of this section "body corporate" includes a body incorporated or constituted under the law of any part of the Bailiwick of Guernsey.**"**.

5. Omit section 5(**b**).

6. Omit section 6(2).

SCHEDULE 2

Article 2(2)

Modifications of the 2000 Act in its Extension to Guernsey

1. In section 1

(a) in subsection (1) **—**

(i) in the definition "Additional Protocol information", after the words "Secretary of State" insert "or the Council" and for the words "the United Kingdom" insert "the Bailiwick";

(ii) in the definition of "authorised officer", for "Secretary of State" substitute "the Council";

(b) after subsection (3) insert the following new subsection—

(**a**) Section 11(3) of the 2000 Act amends section 2 of the 1978 Act. Article 2(2) and Schedule 2 to this Order provide for the extension and modification of those amendments.

(**b**) Section 5, as enacted, was repealed by section 112(4) and Schedule 18 to the Electricity Act 1989 (c.29).

"(4) The Council may, to such extent and to subject to such restrictions and conditions as it may think proper, delegate or authorise the delegation of any of its powers under this Order to any person, class or description of persons approved by the Council, and references in this Order to the Council or to an authorised person shall be construed accordingly.".

2. After section 1, insert the following section—

"**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 Council" means the States Policy Council;

"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 the said salaried force, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a member of the Alderney Special Constabulary established by section 46A of the Government of Alderney Law, 1987; and

(c) in relation to Sark, the Constable and the Vingtenier and a member of the said salaried police force;

"the uniform scale" means the uniform scale of fines specified for the time being in section 1 of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989.

(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 2—

(a) in subsection (1), after the words "giving information to" insert "the Council or";

(b) in subsections (2) and (3) for "Secretary of State" in each place where these words occur substitute "Council".

4. In section 3—

(a) for "Secretary of State" at each place where these words occur, substitute "Council";

(b) in subsection (1) for "him" substitute "it";

(c) omit subsection (4); and

(d) in subsection (5), for the words from "Secretary of State" to the end, substitute "Council shall arrange for a statement of the fact that they have been made to be published in *La Gazette Officielle*".

5. In section 4—

(a) in subsections (1) and (2), for "a justice of the peace" substitute "the Bailiff";

(b) in subsections (1) and (2), at each place where the words "Secretary of State" appear, substitute "Council";

(c) omit subsection (4);

(d) in subsections (6), (7), (8) and (9)(b), for the word "constable" at each place where that word appears, substitute "officer of police".

6. In section 5—

(a) in subsection (1), for "United Kingdom" substitute "Bailiwick";

(b) in subsection (3)(a) and (b), for "Secretary of State" substitute "Council" and omit the words "made by statutory instrument";

(c) in subsections (5) and (7)(b), for the word "constable" substitute "officer of police";

(d) in subsection (6), after "Secretary of State" insert "or the Council".

7. In section 6(2)(f), after "United Kingdom" insert "or of the Bailiwick".

8. In section 7, for "Secretary of State" at each place, substitute "Council".

9. In section 8—

(a) in subsection (1) for "a justice of the peace" substitute "the Bailiff", and omit paragraph (b);

(b) for "constable" at each place where that word appears, substitute "officer of police".

10. In section 9—

(a) In subsections (1)(a) and (2)(a) for the words "statutory maximum" substitute "level 5 on the uniform scale"; and

(b) for subsection (5) substitute—

"(5) For the purposes of this section "body corporate" includes a body incorporated or constituted under the law of any part of the Bailiwick.**"**.

11. In section 10(3), in paragraphs (a) and (b), after "United Kingdom" insert "or of the Bailiwick".

12. In section 11—

(a) omit subsections (1) and (2);

(b) in subsection (3)(b), in the inserted section 2(4A) of the 1978 Act for the words "statutory maximum" substitute "level 4 on the uniform scale";

(c) in subsection (3)(c), in the inserted section 2(8) of the 1978 Act, after "Secretary of State", insert "or the States Policy Council".

13. Omit section 12(2), (4) and (5).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the Nuclear Safeguards and Electricity (Finance) Act 1978 and the Nuclear Safeguards Act 2000 to the Bailiwick of Guernsey with the modifications specified in Schedules 1 and 2 to the Order.

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