STATUTORY INSTRUMENTS

1987 No. 1281

DEFENCE

The Protection of Military Remains Act 1986 (Guernsey) Order 1987

Made - - - -	*21st July 1987*
Coming into force -	*21st August 1987*

At the Court at Buckingham Palace, the 21st day of July 1987

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 10(4) of the Protection of Military Remains Act 1986**(a)**, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Protection of Military Remains Act 1986 (Guernsey) Order 1987 and shall come into force on 21st August 1987.

2. The Protection of Military Remains Act 1986 shall extend to the Bailiwick of Guernsey and the territorial waters adjacent thereto subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE PROVISIONS OF THE PROTECTION OF MILITARY REMAINS ACT 1986 AS EXTENDED TO THE BAILIWICK OF GUERNSEY

1.—(1) For any reference in the Act to:–

(a) "the Secretary of State", there shall be substituted a reference to "the Committee", together with (where necessary) the consequential substitution of "it" for "he" or "him";

(b) "the United Kingdom", there shall be substituted a reference to "the Bailiwick"; and

(c) "United Kingdom waters", there shall be substituted a reference to "Bailiwick waters".

(2) Any reference in the Act to the Act or a provision of it is a reference to the Act or provision as extended to the Bailiwick.

(a) 1986 c.35.

2. In section 1 (application of Act):–

(a) in subsection (2)(b), for the words from "(whether" to "international waters)" there shall be substituted "(in the Bailiwick or Bailiwick waters)";

(b) in subsection (3)(b) the words from "in the case of" to "outside the United Kingdom" shall be omitted;

(c) in subsection (4)(c) the words from "where" to "outside the United Kingdom" shall be omitted;

(d) in subsection (5), the words from "and no controlled site" to the end of the subsection shall be omitted;

(e) in subsection (6), for the words from "(whether" to "international waters)" there shall be substituted "(in the Bailiwick or Bailiwick waters)" and the words from "but no place" to the end of the subsection shall be omitted;

(f) in subsection (7), for the words "Crown land" there shall be substituted "land belonging to the States or the States of Alderney";

(g) in subsection (8), the words from "and a statutory" to the end of the subsection shall be omitted.

3. In section 3 (extra-territorial jurisdiction) subsections (1) and (3) and the words "Subject to subsection (1) above" in subsection (2) shall be omitted.

4. In section 4 (licences to carry out prohibited works, operations etc.):–

(a) for subsection (5)(b) there shall be substituted:

"(b) publish such a copy in La Gazette Officielle"; and

(b) in subsection (6) after the word "Crown" there shall be inserted ", the States and the States of Alderney".

5. In section 5 (supplemental provision with respect to licence applications), subsections (4) and (5) shall be omitted.

6. In section 6 (powers of boarding by authorised persons), subsection (1)(b) and the word "or" immediately before it shall be omitted.

7. In section 7 (supplemental provisions with respect to offences), subsection (1) shall be omitted.

8. Section 8 (administrative expenses) shall be omitted.

9. In section 9(1) (interpretation):–

(a) the definitions of "Crown land" and "nautical miles" shall be omitted;

(b) after the definition of "aircraft" there shall be inserted:–

'"Bailiwick" means the Bailiwick of Guernsey;';

(c) after the definitions of "British-controlled ship" there shall be inserted:–

'"Committee" means the States Ancient Monument Committee;'; and

(d) after the definition of "sea bed" there shall be inserted:–

'"States" means the States of Guernsey;'.

10. After section 9 there shall be inserted:–

"Statutory instruments

9A. An order of the Committee under this Act made by statutory instrument shall, as soon as possible after being made–

(a) be laid before a meeting of the States and may be annulled by resolution at that or the next meeting, in which event it shall cease to have effect, but without prejudice to anything done under it or to the making of a new order; and

(b) be caused by the Committee to be published in La Gazette Officielle.".

11. In section 10 (short title, commencement and extent), subsections (2), (3) and (4) shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the Protection of Military Remains Act 1986 to the Bailiwick of Guernsey, subject to the exceptions, adaptations and modifications set out in the Schedule to this Order.