

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**THE EXTRADITION (CROWN DEPENDENCIES) (BAILIWICK OF GUERNSEY) ORDINANCE,  
2023**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Extradition (Crown Dependencies) (Bailiwick of Guernsey) Ordinance, 2023", and to direct that the same shall have effect as an Ordinance of the States.

**EXPLANATORY MEMORANDUM**

There is a long established process to give effect in the Bailiwick to warrants issued in the UK. The Ordinance seeks in effect to mirror the process in respect of warrants issued in Jersey and the Isle of Man.

Section 1 defines a Crown Dependency warrant, in materially identical terms to the corresponding provision in the Isle of Man (section 81(1) of the Summary Jurisdiction Act 1989).

Section 2 sets out the circumstances in which the Bailiff may endorse a Crown Dependency warrant, and defines "endorse". Those circumstances correspond with the circumstances set out in the corresponding provision in the Isle of Man (section 81(2) of the Summary Jurisdiction Act 1989).

Section 3 sets out the effect of an endorsement. It does so in terms:

- consistent with the Isle of Man equivalent (in the case of subsection (1)(a));
- in the case of subsection (1)(b), inspired by the existing provisions governing rendition from Guernsey to the United Kingdom (the Indictable Offences Act 1848);
- in the case of subsection (2) and (3), consistent with similar provisions in the Extradition (Bailiwick of Guernsey) Law, 2019; and
- in the case of subsection (4), consistent with a similar provision in the International Criminal Court (Bailiwick of Guernsey) Law, 2019.

Section 4 makes a consequential amendment to the Administration of Justice (Bailiwick of Guernsey) Law, 1991, and sections 5 and 6 deal with citation and

commencement.

# **The Extradition (Crown Dependencies) (Bailiwick of Guernsey) Ordinance, 2023**

## ARRANGEMENT OF SECTIONS

1. Meaning of Crown Dependency warrant.
2. Endorsing a Crown Dependency warrant.
3. Effect of endorsement.
4. Amendment to section 13 of the 1991 Law.
5. Citation.
6. Commencement.

# **The Extradition (Crown Dependencies) (Bailiwick of Guernsey) Ordinance, 2023**

THE STATES, in pursuance of their Resolution of the 24<sup>th</sup> May, 2023<sup>a</sup>, and in exercise of the powers conferred upon them by section 5(5)(e) of the Extradition (Bailiwick of Guernsey) Law, 2019<sup>b</sup>, section 20 of the Administration of Justice (Bailiwick of Guernsey) Law, 1991<sup>c</sup> and all other powers enabling them in that behalf, hereby order:-

## **Meaning of Crown Dependency warrant.**

1. In this Ordinance, a "**Crown Dependency warrant**" is a warrant that is -
  - (a) for the arrest or commitment of a person ("P"), and
  - (b) signed or issued by a court, judge, justice of the peace or magistrate (by whatever title called) in any part of Jersey or the Isle of Man.

## **Endorsing a Crown Dependency warrant.**

2. (1) The Bailiff may endorse a Crown Dependency warrant if P -
  - (a) is, or is suspected to be, in the Bailiwick, or

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<sup>a</sup> Article XI of Billet d'État No. VII of 2023.

<sup>b</sup> Order in Council No. III of 2020.

<sup>c</sup> Ordres en Conseil Vol. XXXIII, p. 49; this enactment has been amended.

- (b) resides, or is suspected to reside, in the Bailiwick.
- (2) In this Ordinance -
- (a) "**endorse**" means to mark with, or attach -
    - (i) such wording as the Committee for Home Affairs may by regulation prescribe, or, if none,
    - (ii) such wording as the Bailiff considers fit to indicate that the warrant is endorsed, and
  - (b) an "**endorsed warrant**" is a Crown Dependency warrant endorsed under this section.

**Effect of endorsement.**

3. (1) An endorsed warrant gives sufficient authority to the person bringing it, and to any police officer, to -

- (a) execute the warrant, and
- (b) cause or allow P to be conveyed to Jersey or the Isle of Man (as the case may be) for the purpose of bringing P before the court there at the earliest practicable opportunity.

(2) An endorsed warrant may be executed whether or not, at the time of the arrest, the warrant or a copy of it is in the possession of the person executing it.

(3) A copy of the endorsed warrant must be given to P as soon as practicable after it is executed.

(4) For the purposes of any enactment or rule of law relating to warrants, an endorsed warrant must be treated as if it were a warrant signed or issued in the Bailiwick.

**Amendment to section 13 of the 1991 Law.**

4. (1) Section 13 of the Administration of Justice (Bailiwick of Guernsey) Law, 1991 is amended as follows.

(2) In the section heading, after "United Kingdom", insert ", Jersey or Isle of Man".

(3) In subsection 1, for "by virtue of sections 12 to 14 of the Indictable Offences Act 1848 or section 126 of the Magistrates' Court Act 1980" substitute "signed or issued by any court, judge, justice of the peace or magistrate (by whatever title called) in any part of the United Kingdom, Jersey or the Isle of Man".

**Citation.**

5. This Ordinance may be cited as the Extradition (Crown Dependencies) (Bailiwick of Guernsey) Ordinance, 2023.

**Commencement.**

6. This Ordinance comes into force on the date appointed for this purpose by regulations made by the Committee for Home Affairs; and different dates may be appointed for different provisions and for different purposes.