STATUTORY INSTRUMENTS

1965 No. 1874

MAGISTRATES' COURTS

The Backing of Warrants (Republic of Ireland and Guernsey) Order 1965

Made - - - - *29th October* 1965

Coming into Operation *15th November* 1965

At the Court at Buckingham Palace, the 29th day of October 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers conferred on Her by section 12(2) of the Backing of Warrants (Republic of Ireland) Act 1965(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. The Backing of Warrants (Republic of Ireland) Act 1965 shall, in its application to the Bailiwick of Guernsey, have effect subject to the adaptations and modifications specified in the Schedule to this Order.

2. In the said Schedule " the Bailiwick " means the Bailiwick of Guernsey and the territorial waters adjacent thereto ; the " Island of Guernsey " includes the Islands of Herm and Jethou and " police officer " means—

(*a*) in relation to the Island of Guernsey, a member of the salaried police force of that Island and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey ;

(*b*) in relation to the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney, and

(*c*) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of Guernsey.

3. This Order may be cited as the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965 and shall come into operation on 15th November 1965.

W. G. Agnew.

SCHEDULE

ADAPTATIONS AND MODIFICATIONS OF THE BACKING OF WARRANTS (REPUBLIC OF IRELAND) ACT 1965 IN ITS APPLICATION TO THE BAILIWICK OF GUERNSEY

1. The Act shall apply as if for the words " a justice of the peace in the United Kingdom ", the words " a justice of the peace in any part of the United Kingdom ", the words " a justice of the peace acting for the same area as that of the

(a) 1965 c. 45.

court by which the order was made, or in Scotland to the Sheriff" and the words "the justice" there were substituted in each case—

(i) as respects the Island of Guernsey, the words "the Bailiff";

(ii) as respects the Island of Alderney, the words "the Chairman of the Court of Alderney", and

(iii) as respects the Island of Sark, the words "the Seneschal".

2. The Act shall apply as if for the words "the area for which the justice acts" and the words "the part of the United Kingdom comprising the area for which he acts" there were substituted in each case—

(i) as respects the Island of Guernsey, the words "the Island of Guernsey";

(ii) as respects the Island of Alderney, the words "the Island of Alderney"; and

(iii) as respects the Island of Sark, the words "the Island of Sark";

and the words "that part" shall be construed accordingly.

3. The Act shall apply as if for the word "constable" there were substituted the words "police officer".

4. The Act shall apply as if for the words "a magistrates' court" there were substituted—

(i) as respects the Island of Guernsey, the words "the Magistrate's Court constituted under the Magistrate's Court (Guernsey) Law 1954";

(ii) as respects the Island of Alderney, the words "the Royal Court sitting as an Ordinary Court", and

(iii) as respects the Island of Sark, the words "the said Ordinary Court".

5. Section 3 shall apply as if there were substituted the following section—

"3.—(1) Where an order is made by a court under section 2(1) of this Act in respect of any person—

(*a*) he shall not be delivered up under the order until the expiration of fifteen days beginning with the date on which the order is made, unless he gives notice in the prescribed manner that he consents to his earlier removal;

(*b*) if within that period he gives notice of appeal under subsection (2) of this section, he shall not be so delivered up while proceedings on the appeal are pending;

and the court making the order shall inform him that he will not be delivered up under the order during the said period of fifteen days unless he gives notice as aforesaid, and that he has the right to appeal under subsection (2) of this section.

(2) An appeal shall lie against an order made under section 2(1) of this Act as if the order were a conviction by the Magistrate's Court within the meaning of the Police Court Appeals Law 1939.".

6. Section 6(1) shall apply as if there were added at the end the words "or in the Bailiwick the Royal Court sitting as a Full Court".

7. Section 8(1) shall apply as if there were added at the end the following paragraph:—

"(*d*) in the Bailiwick, Rules of Procedure made by the Royal Court sitting as a Full Court and, accordingly, the Royal Court shall have power to make rules for the purposes of this Act.".

8. The Schedule shall apply as if there were added at the end the following paragraphs:—

"*Proceedings in the Bailiwick*

11. Paragraph 12 of this Schedule shall apply to proceedings in the Bailiwick under section 2 of this Act.

12. The Court shall have the like powers, including the power to adjourn the case and meanwhile to remand the person arrested either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the Court were conducting the committal proceedings in respect of an indictable offence alleged to have been committed by that person.".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes adaptations and modifications in the application of the Backing of Warrants (Republic of Ireland) Act 1965 to the Bailiwick of Guernsey.