

## **The Tunisia (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2013**

**THE STATES OF ALDERNEY**, in exercise of the powers conferred on them by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994<sup>a</sup> and all other powers enabling them in that behalf, hereby order:-

### **Amendment of Tunisia (Freezing of Funds) (Alderney) Ordinance, 2011.**

1. (1) The Tunisia (Freezing of Funds) (Alderney) Ordinance, 2011<sup>b</sup> ("**the Ordinance**") is amended as follows.

(2) For section 1(2) of the Ordinance, substitute the following section -

"(2) A person who infringes, or causes or permits any infringement of, any prohibition in, or requirement of, the EU Regulation is guilty of an offence."

(3) For section 2 of the Ordinance, substitute the following section -

### **"Modification of Regulation.**

2. The EU Regulation in its application to Alderney is modified as follows -

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<sup>a</sup> Order in Council No. III of 1994.

<sup>b</sup> Ordinance No. VII of 2011

- (a) Articles 1(e) and 14 shall not apply,
- (b) references to the competent authorities of or in the Member States shall be construed as references to the Policy Council,
- (c) references to the obligation of a Member State to inform or notify shall be construed as references to the obligation of the Policy Council to inform or notify one of Her Majesty' s Principal Secretaries of State,
- (d) subject to paragraph (e), references to the Member State or the Member State concerned shall be construed as references to the Policy Council,
- (e) references to the Member State concerned shall be construed as including Alderney where such references concern the enforcement of decisions or public policy,
- (f) references to the Union shall be construed as including Alderney,
- (g) references to the territory of the Union and its airspace shall be construed as including Alderney, its airspace and the territorial waters adjacent thereto,

- (h) references to ports of Member States shall be construed as including any port in Alderney,
- (i) references to competent customs authorities of Member States shall be construed as including the Chief Officer of Customs and Excise,
- (j) references to nationals of Member States or from the territories of Member States shall be construed as including any person in Alderney or from Alderney, and
- (k) references to the law of a Member State shall be construed as including the law of Alderney."

(4) In section 9 of the Ordinance -

- (a) for the definition of "Bailiff", substitute the following definition -

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

- (b) insert the following definitions in the appropriate places -

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

""**Chief Officer of Customs and Excise**" has the meaning given by section 1(1) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,"

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

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

""**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".

**Citation.**

2. This Ordinance may be cited as the Tunisia (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2013.

**Commencement.**

3. This Ordinance shall come into force on the 19<sup>th</sup> June, 2013.