

ORDER IN COUNCIL

VII
1958

ratifying a *Projet de Loi*

ENTITLED.

The Airport Service Charge (Guernsey) Law, 1958.

(Registered on the Records of the Island of Guernsey
on the 3rd day of May, 1958.)



1958.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 3rd day of May, 1958, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present:—Sir John Leale, Arthur Falla, William Robert Freake Clark, Esquires, Bertram Bartlett, Esquire, O.B.E., Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason and Henry Robin Bichard, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 3rd day of April, 1958, ratifying a *Projet de Loi* entitled "The Airport Service Charge (Guernsey) Law, 1958", —the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 3rd day of April, 1958.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT
EARL OF PERTH
MR. SECRETARY WARD
MR. WATKINSON

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of March, 1958, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:

‘1. That, in pursuance of their Resolution of the 11th day of December, 1957, the States of Deliberation at a meeting held on the 29th day of January, 1958, approved a Bill or “Projet de Loi” entitled “The Airport Service Charge (Guernsey) Law, 1958” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States

of Guernsey entitled "The Airport Service Charge (Guernsey) Law, 1958" and to order that the same shall have force of law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

LAW NOT YET IN FORCE

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Airport Service Charge (Guernsey) Law, 1958.

THE STATES, in pursuance of their Resolution of the eleventh day of December, nineteen hundred and fifty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) Subject to the provisions of this Law, there shall be charged, levied and paid, in respect of each departure of an adult passenger from the Airport in an aircraft, an airport service charge.

(2) The airport service charge shall be charged at such rate or rates as may from time to time be fixed by Ordinance of the States and different rates may be so fixed in respect of the departure of different categories of adult passengers.

2. The States may, from time to time, by Ordinance:—

- (a) make such provision as they may deem necessary or expedient for charging, levying and securing the payment of the airport service charge;
- (b) make provision for waiving the payment of the airport service charge in cases approved by the Board;
- (c) make provision for the payment, to any person or body unincorporate who or which

collects the airport service charge for and on behalf of the States, of an amount not exceeding such percentage of the gross amount of the airport service charge collected by him or them as shall be fixed by the Ordinance, which payment shall be in full satisfaction of his or their services in, and any expenses he or they may incur in, and in connection with, such collection;

- (d) make provision for the inspection at all reasonable times, but without giving prior notice, of any ticket, counterfoil, book, account, estimate, return, declaration or other document used for any purpose connected with the exercise of any power, or the performance of any duty, conferred by or under this Law;
- (e) make provision for the entry into any premises for the purpose of inspecting any document in pursuance of any power conferred by or under this Law;
- (f) make provision for requiring any person to furnish any information, produce, send or otherwise make available any ticket, counterfoil, book, account, estimate, return, declaration or other document for any purpose connected with the exercise of any power or the performance of any duty conferred by or under this Law;
- (g) make provision enabling the Board to determine the form of any ticket, counterfoil, book, account, estimate, return, declaration or other document used for any purpose connected with the exercise of any power, or the performance of any duty, conferred by or under this Law;

- (h) suspend the operation of this Law;
- (i) make provision for any incidental and supplemental matters for which the States deem it expedient to provide.

3. (1) A person shall not, with intent to deceive—
- (a) forge or use, or lend to or allow to be used by any other person, any document issued for purposes of any Ordinance made under this Law; or
 - (b) make or have in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive; or
 - (c) produce, furnish, send or otherwise make use of, for the purposes aforesaid, any ticket, counterfoil, book, account, estimate, return, declaration or other document which is false in a material particular.

(2) A person shall not, in furnishing any information for the purposes of any Ordinance made under this Law, make any statement which he knows to be false in a material particular or recklessly make any statement which is false in a material particular.

4. A person shall not wilfully obstruct any person exercising any powers or performing any duties conferred or imposed on him under any Ordinance made under this Law.

5. (1) A person who contravenes or attempts to contravene or fails to comply with any of the provisions of this Law shall be guilty of an offence under this Law.

(2) Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or permits another person to contravene

any of the provisions of any Ordinance made under this Law or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance.

6. The States may from time to time by Ordinance prescribe the penalties which shall be incurred by any person guilty of any offence under this Law or of any offence under any Ordinance made under this Law and different penalties may be so prescribed for different offences.

7. Where a person convicted of an offence under this Law or of an offence under any Ordinance made under this Law is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

8. Without prejudice to any special provision contained in any Ordinance made under this Law, a notice to be served for the purposes of any Ordinance made under this Law may be served—

- (a) on any person by delivering it to him, by leaving it, or by sending it by post addressed to him, at his usual or last known place of abode;
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known principal place of business of the firm;
- (c) on any body corporate by leaving it at, or by sending it by post to, its registered office

if situated in the Island of Guernsey or, if its registered office is not so situated, its principal or last known principal place of business in the Island of Guernsey.

9. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

10. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“adult passenger” means any passenger apparently aged twelve years or more;

“Airport” means the premises for the time being belonging to the States of Guernsey and situate at La Villiaze and used from time to time for the landing and departure of aircraft or for purposes ancillary thereto;

“Board” means the States Board of Administration;

“operating crew” in relation to an aircraft includes pilots, flight navigators, flight engineers, flight radio operators, air hostesses, stewards and flight clerks and includes any such persons carried in that aircraft for the purpose of positioning another aircraft;

“passenger” means any person not being a member of the operating crew carried in an aircraft but does not include a person carried for the purposes of instruction in flying for which payment is made or a person carried in an aircraft engaged in a pleasure flight for hire or reward over or around the Island of Guernsey which

departs from and lands at the Airport without having landed at any place during the flight.

11. The States may, from time to time, by Ordinance vary the definition of "adult passenger" set out in the last preceding section.

12. (1) This Law may be cited as the Airport Service Charge (Guernsey) Law, 1958.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States:

PROVIDED that any powers conferred by this Law on the States to make any Ordinance may be exercised at any time after the registration of this Law and before the day appointed or to be appointed as aforesaid, subject to the restriction that any such Ordinance shall not come into force until the Law comes into force.

JAMES E. LE PAGE,

Her Majesty's Greffier.