

ORDER IN COUNCIL

XI
1993

ratifying a *Projet de Loi*

ENTITLED

The Bills of Exchange (Amendment) (Bailiwick of Guernsey) Law, 1993

(Registered on the Records of the Island of Guernsey
on the 20th July, 1993.)



1993

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of October, 1993 before Sir Graham Dorey, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar Ozanne and John Richard Rowe Henry, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 20th July, 1993, approving and ratifying a *Projet de Loi* entitled “The Bills of Exchange (Amendment) (Bailiwick of Guernsey) Law, 1993”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ordered:-

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty’s Greffier to the Clerk of the Court of Alderney and to Sénéchal of Sark for registration on the records of those Islands respectively of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 20th day of July 1993

PRESENT,

The Queen's Most Excellent Majesty in Council

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 9th day of July 1993 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 24th day of February 1993 the States of Deliberation at a meeting held on the said 24th day of February 1993 approved a Bill or “Projet de Loi” entitled “The Bills of Exchange (Amendment) (Bailiwick of Guernsey) Law, 1993” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 7th day of April 1993, copnsidered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Cheif Pleas of the Island of Sark at a meeting held on the 14th day of April 1993, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. 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 Bills of Exchange (Amendment) (Baliwick of Guernsey) Law, 1993”, and to order that the same shall have force of Law in the Baliwick 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, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick 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.

N. H. Nicholls

(No.XI - 1993)

PROJET DE LOI

ENTITLED

**The Bills of Exchange (Amendment)
(Bailiwick of Guernsey) Law, 1993**

THE STATES, in pursuance of their Resolutions of 30th September, 1992(a) and 27th January, 1993(b), have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Amendments to Bills of Exchange Law

1. In the Bills of Exchange (Guernsey) Law, 1958(c)-

(a) in section 1(1)-

(i) in the definition of "bank holiday" for "bank", wherever appearing, substitute "public";

(ii) for the definition of "non-business day" substitute-

"non-business day" has the meaning given by order of the States Advisory and Finance Committee;";

(a) Article XIV of Billet d'État No. XVII of 1992.

(b) Billet d'État No. II of 1993.

(c) Ordres en Conseil Vol. XVII, p.384 and Vol. XXIV, p.84.

- (b) after section 1 insert the following sections-

"General provisions as to orders.

1A. An order of the States Advisory and Finance Committee under section 1(1) may be amended or repealed by a subsequent order thereunder.

Construction of references to bank holidays.

1B. Any reference in any enactment, order of the court or statutory instrument which has effect in the Bailiwick or any part thereof to a bank holiday, howsoever expressed, shall be construed, in relation to the Bailiwick or that part thereof, as the case may be, as a reference to a public holiday within the meaning of section 1(1) above.";

- (c) in section 80, after "crossed cheque" insert "(including a cheque which under section 80A of this Law or otherwise is not transferable)";
- (d) after section 80 insert-

"Non-transferable cheques.

80A. (1) Where a cheque is crossed and bears across its face the words "account payee" or "a/c payee", either with or without the word "only", the cheque shall not be transferable, but

shall only be valid as between the parties thereto.

(2) A banker is not to be treated for the purposes of section 79 of this Law as having been negligent by reason only of his failure to concern himself with any purported indorsement of a cheque which under subsection (1) of this section or otherwise is not transferable.";

(e) in section 84(2)(a), after "cheques" insert "(including cheques which under section 80A(1) of this Law or otherwise are not transferable)".

Amendment.

2. In Schedule 2 to the Government of Alderney Law, 1987(d), in paragraph (o) for "bank" substitute "public".

Citation

3. This Law may be cited as the Bills of Exchange (Amendment) (Bailiwick of Guernsey) Law, 1993.

Commencement

4. This Law shall come into force at the expiration of one week beginning on the day on which it is registered on the records of the Island of Guernsey.