

ORDER IN COUNCIL

ratifying a *Projet de Loi*

ENTITLED

The Civil Defence (Guernsey) Law, 1952.

(Registered on the Records of the Island of Guernsey
on the 30th day of August, 1952.)



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ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of August, 1952, before Henry James Casey, Esquire, M.B.E., M.C., Lieutenant-Bailiff; present:—Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx and Stephen James Falla, Esquires, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 29th day of July, 1952, ratifying a *Projet de Loi* entitled "The Civil Defence (Guernsey) Law, 1952",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller 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 29th day of July, 1952.

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT
EARL DE LA WARR
MISS HORSBRUGH
MR. BUCHANAN-HEPBURN.

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 25th day of July, 1952, 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 14th day of February, 1951, the States of Deliberation at a meeting held on the 9th day of July, 1952, approved a Bill or “Projet de Loi” entitled “The Civil Defence (Guernsey) Law, 1952” 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 Civil Defence (Guernsey) Law, 1952" and to order that the same shall have the force of Law in the Islands of Guernsey, Herm and Jethou."

"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 Islands of Guernsey, Herm and Jethou.

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.

F. J. FERNAU.

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

PROJET DE LOI

ENTITLED

The Civil Defence (Guernsey) Law, 1952

THE STATES, in pursuance of their Resolution of the fourteenth day of February, 1951, have approved the following provisions, which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

1. (1) It shall be the duty of the Civil Defence Committee to take such steps as the States may from time to time resolve to be necessary or expedient for civil defence purposes and in particular, and without prejudice to the generality of the foregoing, such steps as the States may from time to time resolve to be necessary or expedient in connexion with any of the following matters, that is to say—

- (a) the organisation, formation, maintenance, equipment and training of civil defence forces and services ;
- (b) the organisation, equipment and training for civil defence purposes of members of the Island Police Force, of Division B of the Guernsey Special Constabulary and of the States Fire Brigade and of employees of the States and of any Public Utility Undertaking who are employed primarily for purposes other than civil defence purposes ;

- (c) the instruction of members of the public in civil defence and their equipment for the purposes of civil defence ;
- (d) the provision, storage and maintenance of commodities and things required for civil defence ; and
- (e) the provision, construction, maintenance or alteration of premises, structures or excavations required for civil defence and the doing of any other work required for civil defence.

(2) The Civil Defence Committee may make arrangements whereby any of its functions under this section are, to such extent as may be provided by the arrangements, exercised on its behalf by another Committee of the States and the Civil Defence Committee may from time to time vary or cancel any such arrangements.

2. (1) When, in the discharge of any functions exercisable under this Law, the Civil Defence Committee or any other Committee of the States do any work for the purpose of providing or maintaining a civil defence shelter, that Committee may, if it appears expedient so to do, do that work and provide or maintain the shelter wholly or partly in, under or over any highway :

PROVIDED that in no event shall the powers conferred by this subsection be exercised unless the Civil Defence Committee is satisfied after consultation with the Island Police Committee that the shelter will not so obstruct the highway as substantially to diminish the utility of the highway to the public.

(2) The Civil Defence Committee, any members thereof and any person duly authorised by that Committee shall have a right to enter any land at all reasonable hours for the purpose of inspecting that or any

other land with a view to ascertaining whether or not anything ought to be constructed or done thereon or any use made thereof for civil defence purposes :

PROVIDED that a person proposing to exercise a power of entry conferred under this section—

- (a) shall, if so required, produce some duly authenticated document showing his authority ;
- (b) shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(3) If—

- (a) any person, who in compliance with the provisions of this section, is admitted into a factory or workplace, discloses, otherwise than in the performance of his duty, to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret ; or
- (b) any person to whom, by reason of his official position, any information obtained as aforesaid is disclosed, discloses, otherwise than in the performance of his duty, that information to any person,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

(4) The powers conferred by this section shall be in addition to and not in derogation of any powers which would apart from this section be available in relation to any of the functions exercisable under the preceding provisions of this Law.

3. Subject to the provisions of section one of this Law, it is hereby declared that the members of the

Island Police Force, of Division B of the Guernsey Special Constabulary and of the States Fire Brigade and, if and so far as provision in that behalf is made by Ordinance, employees of the States and of any Public Utility Undertaking who are employed primarily for purposes other than civil defence purposes, are, as such, under a duty to comply with requirements as to training for and taking part in any form of civil defence for the time being recognised by the Civil Defence Committee as appropriate to be undertaken by that force or brigade and their members respectively or, as the case may be, appropriate to be undertaken by employees of the class in question having regard to the nature of the work for which those employees are primarily employed.

4. No expenditure shall be incurred by the Civil Defence Committee without the prior approval of the States.

5. The States may from time to time by Ordinance make provision for Civil Defence purposes and any such Ordinance may, in particular, but without prejudice to the generality of the foregoing—

- (a) on such conditions, if any, as may be prescribed by the Ordinance, authorise or require things to be done in contravention of, or without compliance with, any provision of any enactment regulating or restricting the carrying out of building, engineering or other operations in, on, over or under land, or the making of any material change in the use of buildings or other land ; and
- (b) authorise the employment of personnel and the provision, construction or maintenance of premises and equipment, in excess of any limits imposed by any enactment ; and

- (c) make different provision for different cases or classes of cases ; and
- (d) contain such consequential and incidental provisions as may appear to the States to be necessary or expedient.

6. In this Law, unless the context otherwise requires—

“civil defence” does not include the provision or maintenance of a shelter which is used or intended to be used wholly or mainly by naval, military or air forces but, save as aforesaid, includes any measures not amounting to actual combat for affording defence against any form of hostile attack by a foreign power or for depriving any form of hostile attack by a foreign power of the whole or part of its effect, whether the measures are taken before, at or after the time of the attack ;

“Civil Defence Committee” means the committee styled “The States Civil Defence Committee” elected by the States on the 16th day of April, 1952, and includes any committee so styled and from time to time elected by the States ; and

“Public Utility Undertaking” means any undertaking in public or private ownership which is declared by Ordinance to be a Public Utility Undertaking.

JAMES E. LE PAGE,
Her Majesty Greffier.