

# PROJET DE LOI

ENTITLED

## **The Civil Defence (Guernsey) Law, 1952 \***

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XV, p. 291; as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406). See also the Civil Defence (Additional Powers) (Guernsey) Law, 1962 (Ordres en Conseil Vol. XIX, p. 17); the Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)). This Law was repealed by the Civil Contingencies (Bailiwick of Guernsey) Law, 2012 (No. XIV of 2012).

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### ARRANGEMENT OF SECTIONS

1. Duties of Department.
2. Works on highways, etc. Entry on Land, etc.
3. Police Force, Fire Brigade, employees of States and Public Utility Undertakings, etc.
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5. Ordinances.
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## **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.

### **Duties of [Department].**

1. (1) It shall be the duty of the [Home Department] 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 [Home Department] 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 [Home Department] may from time to time vary or cancel any such arrangements.

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**NOTES**

*In section 1, and the marginal note thereto, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 11, with effect from 6th May, 2004.*

*In accordance with the provisions of the Civil Defence (Additional Powers) (Guernsey) Law, 1962, section 1, with effect from 20th February, 1962, the Home Department may have such additional powers as are set out therein.*

*In accordance with the provisions of the Civil Defence (Additional Powers) (Guernsey) Law, 1962, section 4, with effect from 20th February, 1962, this Law, when cited together with the 1962 Law, may be cited as the Civil Defence (Guernsey) Laws, 1952 and 1962.*

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**Works on highways, etc. Entry on Land, etc.**

2. (1) When, in the discharge of any functions exercisable under this Law, the [Home Department] or any other Committee of the States do any work for the purpose of providing or maintaining a civil defence shelter, that [Department] 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 [Home Department] is satisfied after consultation with the [Home Department] that the shelter will not so obstruct the highway as substantially to diminish the utility of the highway to the public.

(2) The [Home Department], any members thereof and any person duly authorised by that [Department] 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 [level 2 on the uniform scale] 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.

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**NOTES**

*In section 2,*

*the words "Home Department" and "Department" in square brackets, wherever occurring, were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 11, with effect from 6th May, 2004;*

*the words and figure in square brackets in subsection (3) were*

*substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

*In accordance with their Resolution of 24th April, 1991, concerning Billet d'État No. XI, dated 12th April, 1991, the States directed that the Island Police Committee as established under Article 2 of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, the States Committees (Amendment) Law, 1948 and the Police Committee (Amendment) Law, 1990 should be the States Committee for Home Affairs. The functions, rights and liabilities of the States Committee for Home Affairs and of its President arising under or by virtue of this Law were subsequently transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.*

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**Police Force, Fire Brigade, employees of States and Public Utility Undertakings, etc.**

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 [Home Department] 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.

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**NOTE**

*In section 3, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 11, with effect from 6th May, 2004.*

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**Expenditure by [Department].**

4. No expenditure shall be incurred by the [Home Department] without the prior approval of the States.

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**NOTE**

*In section 4, and the marginal note thereto, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 11, with effect from 6th May, 2004.*

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**Ordinances.**

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.

**Definitions.**

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,

**"[Home Department]"** means the [States of Guernsey Home Department], and

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

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**NOTES**

*In section 6, the words in square brackets in the definition of the expression "Home Department" were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1,*

*paragraph 11, with effect from 6th May, 2004.*

*The Law received Royal Sanction on 29th July, 1952 and was registered on the Records of the Island of Guernsey and came into force on 30th August, 1952.*

*The functions, rights and liabilities of the Civil Defence Committee and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 11, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.*

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