

ORDER IN COUNCIL

I
1992

ratifying a Projet de Loi

ENTITLED

The Conditions of Employment (Amendment) (Guernsey) Law, 1992

(Registered on the Records of the Island of Guernsey
on the 31st March, 1992.)



1992

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 31st day of March, 1992 before Graham Martyn Dorey, Esquire, Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, 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 11th February, 1992, approving and ratifying a Projet de Loi entitled “The Conditions of Employment (Amendment) (Guernsey) Law, 1992”, 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 11th day of February 1992

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 22nd day of January, 1992, 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 13th day of March, 1991, the States of Deliberation at a meeting held on the 26th day of September, 1991, approved a Bill or “Projet de Loi” entitled “The Conditions of Employment (Amendment) (Guernsey) Law, 1992”, 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 Conditions of Employment (Amendment) (Guernsey) Law, 1992”, and to order that the same shall have force of Law in the Islands of Guernsey and Herm.”

“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 Islands of Guernsey and Herm.

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.

G. I. de Deney

(No.I - 1992)

PROJET DE LOI

ENTITLED

The Conditions of Employment (Amendment) (Guernsey) Law, 1992

THE STATES, in pursuance of their Resolution of the 13th March, 1991(a), 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 and Herm.

Amendment to Law of 1985.

1. In the Conditions of Employment (Guernsey) Law, 1985(b) -

(a) in section 3 for "twenty-one hours weekly" substitute "15 hours (or such other number of hours as the States may determine by Ordinance) per week";

(b) after section 3 insert the following section -

"Statements of pay.

3A.(1) An employer who, pursuant to a contract of employment, is obliged to pay remuneration to an employee shall, on or before the day on which, pursuant to the contract, the remuneration is payable, give the employee a statement (a "statement of

(a) Article XVIII of Billet d'Etat No. V of 1991.

(b) Ordre en Conseil No. VI of 1985.

pay") which conforms with subsections (2) and (3).

(2) The statement of pay shall specify -

- (a) the gross amount of remuneration which, pursuant to the contract, is payable to the employee on that day;
- (b) the amount of each deduction made therefrom;
- (c) the matters in respect of which each deduction is made;
- (d) the aggregate amount of all deductions;
- (e) the net amount of remuneration payable (being the difference between the amounts referred to in paragraphs (a) and (d)); and
- (f) the date on which the

net amount of
remuneration is to be
paid.

(3) The statement of pay shall
be written and legible.

(4) For the purposes of
subsection (2)(a), the gross amount of
an employee's remuneration includes
payments for overtime, shift pay and
any other pecuniary benefit payable
pursuant to the contract of
employment.";

(c) in section 8 -

(i) after "Sections 1" insert "and
3A";

(ii) after "employee" insert "unless
the husband and wife are separated
pursuant to a decree or
pronouncement of judicial
separation";

(d) after section 9 insert the following
section -

"Offences.

9A.(1) An employer who fails to
comply with any provision of section
1, 2, 3A, 4 or 5 is guilty of an

offence and liable on summary conviction to a fine not exceeding level 4 on the uniform scale.

(2) Proceedings under subsection (1) are without prejudice to the provisions of section 10 and to any civil proceedings that may lie against the employer.";

(e) in section 10(1) after "any provision of this Law" insert "(other than the requirements of section 3A)".

Citation.

2. This Law may be cited as the Conditions of Employment (Amendment) (Guernsey) Law, 1992.