

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971**

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(Registered on the Records of the Island of Guernsey  
on the 22nd day of February, 1972.)

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1972.

**XXI**  
**1971**

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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 22nd day of February, 1972, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires, and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd day of December, 1971, ratifying a *Projet de Loi* entitled "The Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971", 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 22nd day of December 1971

PRESENT,

### The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD DRUMALBYN

MR. SECRETARY MAUDLING

SECRETARY SIR KEITH JOSEPH

SIR MICHAEL ADEANE

CHANCELLOR OF THE DUCHY OF LANCASTER

MR. GODBER

MR. PRIOR

MR. PEYTON

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 8th day of December 1971, 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 29th day of September 1971, the States of Deliberation at a meeting held on the 27th day of October 1971 approved a Bill or “Projet de Loi” entitled “The Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971” 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 Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971" and to order that the same shall have force of law in the Island of Guernsey.'

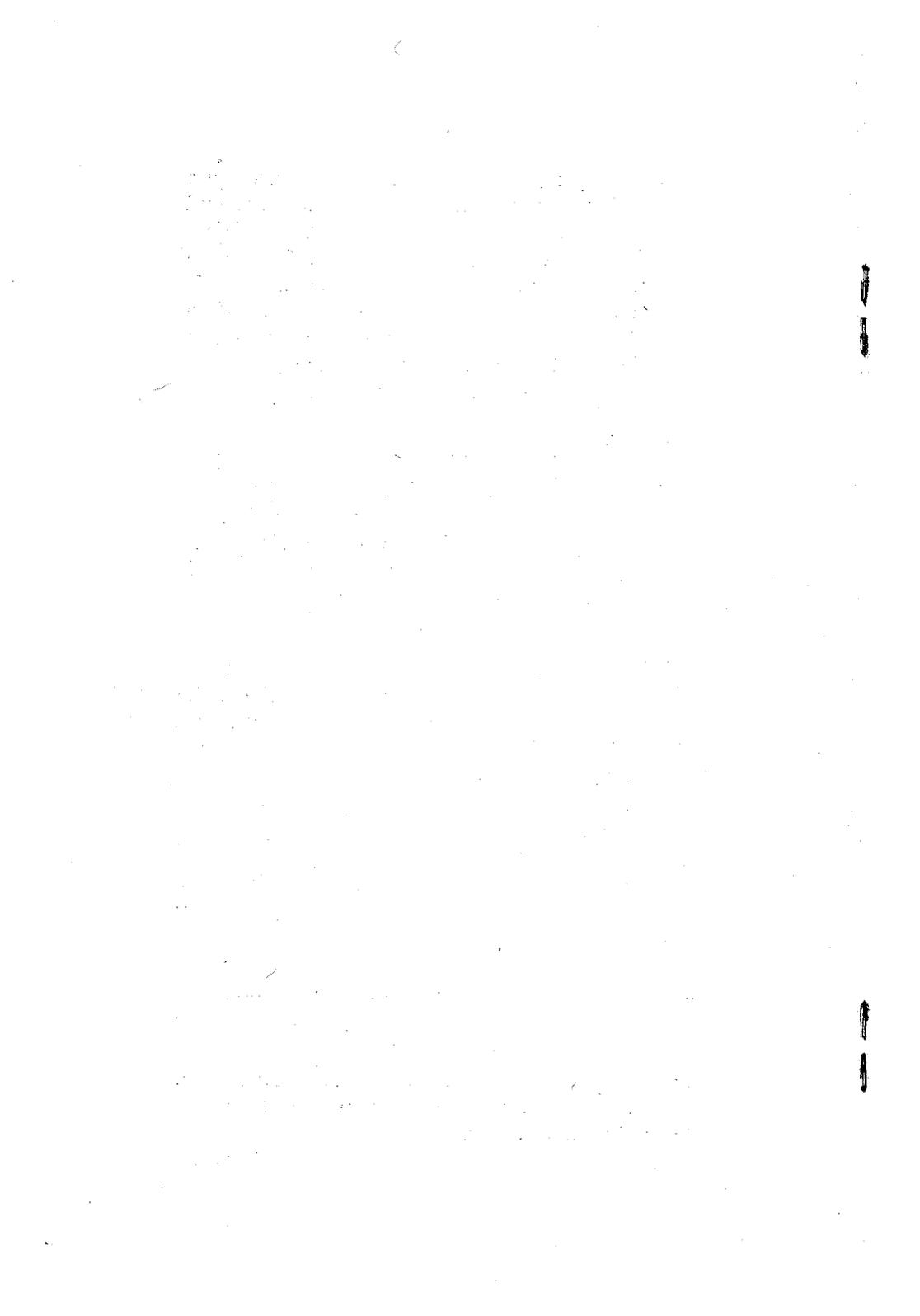
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer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



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

## PROJET DE LOI

ENTITLED

### **The Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971**

THE STATES, in pursuance of their Resolution of the twenty-ninth day of September, nineteen hundred and seventy-one, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in this Island.

1. (1) Paragraph (ii) of the proviso to subsection (1) of section three of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, as amended (hereinafter referred to as "the principal Law") (a) is hereby repealed.

Cover for liability in respect of passengers to be compulsory.

(2) Where after the coming into force of this Law a person uses a motor vehicle in circumstances such that under section two of the principal Law there is required to be in force in relation to his use of it such a policy of insurance as is mentioned in subsection (1) of that section, then, if any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—

(a) to negative or restrict any such liability of the user in respect of persons carried in or

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(a) Ordres en Conseil, Vol. X, p. 388.

upon the vehicle as is required by section three of the principal Law to be covered by a policy of insurance; or

- (b) to impose any conditions with respect to the enforcement of any such liability of the user;

and the fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

(3) For the purposes of the last preceding subsection references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle, and the reference to an antecedent agreement is to one made at any time before the liability arose.

Citation and  
collective  
title.

2. (1) This Law may be cited as the Motor Vehicles (Passenger Insurance) (Guernsey) Law, 1971.

(2) This Law and the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Laws, 1936 and 1958, may be cited together as the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Laws, 1936 to 1971.

Commence-  
ment.

3. This Law shall come into force on the first day of December, nineteen hundred and seventy-two.

R. H. VIDELO,

Her Majesty's Greffier.