

ORDER IN COUNCIL

XV
1989

ratifying a Projet de Loi

ENTITLED

The Obscene Publications (Amendment) (Bailiwick of Guernsey) Law, 1989

(Registered on the Records of the Island of Guernsey
on the 18th July, 1989.)



1989

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 18th day of July, 1989 before Sir Charles Frossard, Kt., Bailiff; present:— Brian Ernest Herbert Joy, 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 and Kenneth John Rowe, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 13th June, 1989, approving and ratifying a *Projet de Loi* entitled "The Obscene Publications (Amendment) (Bailiwick of Guernsey) Law, 1989", 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 the Seneschal 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 13th day of June 1989

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 19th day of May 1989 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 26th day of November 1987, the States of Deliberation at a meeting held on the 26th day of January 1989 approved a Bill or “Projet de Loi” entitled “The Obscene Publications (Amendment) (Bailiwick of Guernsey) Law, 1989” 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 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 Obscene Publications (Amendment) (Bailiwick of Guernsey) Law, 1989”, 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, 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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Obscene Publications (Amendment) (Bailiwick of Guernsey) Law, 1989

THE STATES, in pursuance of their Resolution of the 26th day of November, 1987, 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.

1. The Obscene Publications (Bailiwick of Guernsey) Law, 1985^(a) is amended by inserting the following subsection immediately after section 1(2)—

Amendment
to the Law
of 1985.

“ (3) It shall be a defence to any prosecution under this law for the defendant to establish—

(a) that he was licensed to supply video works in accordance with the Video Licensing (Guernsey) Law, 1985^(b), or any Ordinance made thereunder, and

(b) that the article alleged to be obscene was a video work which he had been authorised to supply under a licence granted by the States Broadcasting Committee.”.

2. This Law may be cited as the Obscene Publications (Amendment) (Bailiwick of Guernsey) Law, 1989.

Citation.

A. G. LE CHEMINANT,
Her Majesty's Deputy Greffier.

(a) Ordres en Conseil No. XI of 1985.

(b) Ordres en Conseil No. XIII of 1985.