

# ORDER IN COUNCIL

**XI**  
**1985**

ratifying a Projet de Loi

ENTITLED

## **The Obscene Publications (Bailiwick of Guernsey) Law, 1985**

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(Registered on the Records of the Island of Guernsey  
on the 3rd day of December, 1985.)

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1985

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 3rd day of December, 1985 before Sir Charles Frossard, Kt., Bailiff, present:—Albert Richard McCartney Straw, Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires and Mrs. Dorothy Winifred Le Pelley, Jurats.*

The Bailiff having this day placed before the Court an Order of Counsellors of State dated the 30th October, 1985 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Obscene Publications (Bailiwick of Guernsey) Law, 1985" the Court after having heard Her Majesty's Procureur thereon, ordered that the said *Projet de Loi* be registered on the records of this Island and that an extract of this present Act, together with a copy of the said *Projet de Loi* 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 of Saint James

The 30th day of October 1985

PRESENT,

### The Counsellors of State in Council

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 27th day of September 1985, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND 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 16th day of October 1985 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 25th day of April 1984 the States of Deliberation at a meeting held on the 24th day of April 1985 approved a Bill or “Projet de Loi” entitled “The Obscene Publications (Bailiwick of Guernsey) Law, 1985”, 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 (Bailiwick of Guernsey) Law, 1985", and to order that the same shall have force of law in the Bailiwick 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."

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Edward, being authorised thereto by the said Letters Patent, have taken the said Report into consideration and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf, approve of and ratify the said Projet de Loi, and order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

And do 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 (Bailiwick of Guernsey) Law, 1985**

THE STATES, in pursuance of their Resolution of the 25th day of April, 1984, 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. (1) It is an offence for a person to—

Prohibition  
on obscene  
matter.

- (a) make, or have in his possession, import, circulate, export or cause any other person to import, circulate or export, any obscene publication for trade or business or for distribution or for public display or for circulation in any manner whatsoever;
- (b) deal, even though such dealing be not with the public at large, with obscene publications, or do any act whatsoever relating to such publications, distribute them, display them in public or offer them for letting on hire;
- (c) with intent to further the circulation or distribution of obscene publications, publicise or make known by any means whatsoever that a person is engaged in any of the afore-said acts, publicise or make known, directly or indirectly, in what way and from whom obscene publications may be obtained.

(2) A person found guilty of an offence under the provisions of subsection (1) of this section shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding £500;
- (b) on conviction on indictment to imprisonment for a term not exceeding three years, or to a fine, or to both.

Powers of  
search and  
forfeiture.

2. (1) If the Bailiff is satisfied by information on oath that there is reasonable cause to believe that any person has in his custody or possession or on his premises any obscene publication or copy thereof to which this Law applies, the Bailiff may grant a warrant to search for and seize the same; but no warrant to search for such articles shall be addressed to a person other than a police officer except under the authority of an enactment expressly so providing.

(2) Where under this section a police officer is authorised to search premises, he may enter and search the premises accordingly and may seize any obscene publication and any copies thereof and any other object which he has reasonable cause to believe to be one to which this Law applies.

(3) The court by or before which a person is convicted of an offence under this Law shall order any obscene publication or other object to which the conviction relates to be forfeited and either destroyed or dealt with in such other manner as the court may order.

Provided that an order made under this subsection shall not take effect until the expiration of the ordinary time within which an appeal in the matter of the proceedings in which the order was made may be lodged or, where such an appeal is duly lodged, until the appeal is finally decided or abandoned.

3. In this Law, unless the context otherwise requires— Interpreta-  
tion.

“the Bailiff” means—

- (a) in relation to Guernsey, Herm and Jethou, the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué;
- (b) in relation to Alderney, the Chairman of the Court of Alderney; and
- (c) in relation to Sark, the Seneschal;

“obscene publication” means any book, writing, drawing, engraving, painting, print, picture, poster, emblem, photograph, cinematograph or video film or any other object whatsoever containing obscene representations;

“police officer” means—

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney; and

(c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of Guernsey;

“premises” includes any vehicle, vessel or stall.

**Repeal.**

4. The Law entitled “Loi ayant rapport à la répression de la circulation et du trafic des publications obscènes, 1924” registered on the 22nd November, 1924(a) is hereby repealed.

**Citation.**

5. This Law may be cited as the Obscene Publications (Bailiwick of Guernsey) Law, 1985.

K. H. TOUGH,

Her Majesty's Greffier.

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(a) Ordres en Conseil Vol. VII, p. 297.