

ORDER IN COUNCIL

XV
1997

ratifying a Projet de Loi

ENTITLED

The Registration Marks (Sale and Retention) (Guernsey) Law, 1997

(Registered on the Records of the Island of Guernsey
on the 17th June, 1997.)



1997

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 17th day of June, 1997 before de Vic Graham Carey, Esquire, Deputy Bailiff; present:- Stanley Walter John Jehan, John Edward Morris, Charles Anthony Spensley, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass and Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin and Alan Cecil Bisson, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 20th day of May, 1997, approving and ratifying a Projet de Loi of the States of Guernsey entitled "The Registration Marks (Sales and Retention) (Guernsey) Law, 1997", 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 20th day of May 1997

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 28th day of April 1997 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 28th day of October 1993, the States of Deliberation at a meeting held on the 26th day of February 1997 approved a Bill or “Projet de Loi” entitled “The Registration Marks (Sale and Retention) (Guernsey) Law, 1997”, 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 as 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 Registration Marks (Sale and Retention) (Guernsey) Law, 1997”, 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 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.

N. H. Nicholls

The Registration Marks (Sale and Retention) (Guernsey) Law, 1997

THE STATES, in pursuance of their Resolution of the 28th day of October, 1993^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 Island of Guernsey.

Sale of rights to particular registration marks.

1. (1) This section shall apply to registration marks which either-
 - (a) have never been assigned to a vehicle; or
 - (b) have been assigned to a vehicle but (as a result of having been subsequently withdrawn) are not for the time being so assigned,

and are such as the Committee may from time to time determine.

(2) The States may, from time to time, by Ordinance make a scheme providing for registration marks to which this section applies to be assigned to vehicles registered in the names of persons who have acquired rights under the scheme to have the marks in question so assigned and, without prejudice to the generality of the foregoing, they may, from time to time, by Ordinance, in particular, make provision for all or any of the following matters-

- (a) the classification of registration marks into special and non-special categories;

^a Article XI of Billet d'État No. XIX of 1993.

- (b) establishing a waiting list containing details of the persons reserving particular non-special registration marks for when they become available for assignment;
- (c) enabling the Committee to determine as it thinks fit-
 - (i) the fee for inclusion on the waiting list referred to in paragraph (b), or
 - (ii) the manner in which such fee is to be determined;
- (d) the acquisition by a person of a right under the scheme to have a particular registration mark to which this section applies assigned to a vehicle registered in his name on payment of such sum as is payable in accordance with the scheme in respect of the acquisition of the right (a "relevant right");
- (e) determining-
 - (i) the manner in which agreements for the sale of a relevant right may be effected,
 - (ii) the terms which may be contained in, or incorporated into, such agreements, and
 - (iii) rights and liabilities arising in connection with such agreements otherwise than under any such terms;

- (f) enabling the Committee to determine as it thinks fit-
 - (i) the prices at which particular relevant rights are to be sold or the reserve prices applicable to the sale of any such rights, or
 - (ii) the manner in which any such prices are to be determined;
- (g) determining the manner in which relevant rights are to be exercisable;
- (h) the relevant rights to be exercisable only on a single occasion falling within a prescribed period (subject to any provision made by virtue of paragraph (i));
- (i) enabling any such period to be extended by the Committee if it thinks fit in the circumstances of any particular case;
- (j) the relevant rights to be non-transferable (but without prejudice to the vesting of any such right in a person by operation of law);
- (k) the conditions which must be satisfied before a registration mark may be assigned to a vehicle pursuant to a relevant right;
- (l) authorising the Committee to revoke a relevant right-

- (i) if it appears to it that there are special reasons for doing so, or
 - (ii) in any other circumstances prescribed by the Ordinance; and
- (m) the payment, where appropriate, in connection with the assignment of a registration mark pursuant to a relevant right, of such charge as is for the time being prescribed by virtue of Article 15 of the 1932 Ordinance.

Retention of registration mark pending transfer.

2. (1) The States may, from time to time, by Ordinance provide for a person in whose name a vehicle is registered to be granted a right, exercisable on a single occasion falling within a prescribed period, to have the registration mark for the time being assigned to the vehicle assigned to some other vehicle which is registered in that person's name and, without prejudice to the generality of the foregoing, they may, from time to time, by Ordinance, in particular, make provision for all or any of the following matters-

- (a) the manner in which an application for the grant of such a right (a "right of retention") is to be made to the Committee;
- (b) the payment of a prescribed fee on the making of such an application and for the whole or part of the fee to be retained whether or not the application is granted;
- (c) authorising the Committee to refuse such an application on such grounds as it thinks fit;

- (d) determining the manner in which rights of retention are to be exercisable;
- (e) the rights of retention to be exercisable only on a single occasion falling within a prescribed period (subject to any provision made by virtue of paragraph (f));
- (f) enabling any such period to be extended by the Committee if it thinks fit in the circumstances of any particular case;
- (g) the rights of retention to be non-transferable (but without prejudice to the vesting of any such right in a person by operation of law);
- (h) the conditions which must be satisfied before a registration mark may be assigned to a vehicle pursuant to a right of retention;
- (i) authorising the Committee to revoke a right of retention-
 - (i) if it appears to it that there are special reasons for doing so, or
 - (ii) in any other circumstances prescribed by the Ordinance; and
- (j) the payment, where appropriate, in connection with the assignment of a registration mark pursuant to a right of

retention, of such charge as is for the time being prescribed by virtue of Article 15 of the 1932 Ordinance.

General provisions as to Ordinances.

3. (1) An Ordinance under section 1 or 2 may-

(a) be amended or repealed by a subsequent Ordinance thereunder; and

(b) contain such consequential, incidental, supplementary and transitional provision as may appear to the States to be necessary or expedient.

(2) Any power conferred upon the States by section 1 or 2 to make an Ordinance may be exercised-

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases;

(b) so as to make, as respects the cases in relation to which it is exercised-

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise);

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or

different provision for the same case or class of case for different purposes;

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

Interpretation.

4. (1) In this Law, unless the context otherwise requires-

"**the Committee**" means the States Traffic Committee;

"**the 1932 Ordinance**" means the Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile", made permanent on the 18th day of January, 1932^b;

"**relevant right**" has the meaning assigned by section 1(2)(d);

"**right of retention**" has the meaning assigned by section 2(1);

"**registration mark**", in relation to a vehicle, means the registered number assigned to that vehicle on the registration thereof as prescribed and the expression "**mark**" includes numerals and letters;

"**vehicle**" means a mechanically propelled vehicle intended or adapted for use on a public highway.

(2) Except where the context otherwise requires, any reference in this Law to any other enactment shall be construed as including a reference to that

^b Recueil d'Ordonnances Tome VI, p. 89; Tome XVI, p. 14.

enactment as amended, repealed, replaced, extended or applied by or under any other enactment including this Law.

Citation.

5. This Law may be cited as the Registration Marks (Sale and Retention) (Guernsey) Law, 1997.

Commencement.

6. This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions and different purposes.