

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

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* No. XV of 1997 (Ordres en Conseil Vol. XXXVII, p. 218); as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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ARRANGEMENT OF SECTIONS

1. Sale of rights to particular registration marks.
2. Retention of registration mark pending transfer.
3. General provisions as to Ordinances.
4. Interpretation.
5. Citation.
6. Commencement.

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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 - (b) have been assigned to a vehicle but (as a result of having been subsequently withdrawn) are not for the time being so assigned,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.

Consolidated text

- (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

Consolidated text

- (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.

NOTE

The following Ordinance has been made under section 1:

Registration Marks (Sale and Retention) Ordinance, 1997.

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.

NOTE

The following Ordinance has been made under section 2:

Registration Marks (Sale and Retention) Ordinance, 1997.

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 [Committee for the Environment & Infrastructure],

"the 1932 Ordinance" means the Ordinance entitled "Ordonnance

supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Île", 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 enactment as amended, repealed, replaced, extended or applied by or under any other enactment including this Law.

NOTES

In section 4, the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Citation.

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

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

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.

NOTE

The Law was brought into force on 1st November, 1997 by the Registration Marks (Sale and Retention) (Guernsey) Law, 1997 (Commencement) Ordinance, 1997, section 1.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 29, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Traffic Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 29, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.