

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Social Insurance (Stamps) (Guernsey) Ordinance, 1964

*

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

© States of Guernsey

* Recueil d'Ordonnances Tome XIV, p. 58; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (No. IX of 1996, Ordres en Conseil Vol. XXXVI, p. 639); the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018 (G.S.I. No. 45 of 2018).

**ORDINANCE
OF THE STATES OF DELIBERATION**

ENTITLED

The Social Insurance (Stamps) (Guernsey) Ordinance, 1964

ARRANGEMENT OF SECTIONS

1. Adaptation of enactments.
2. Extent.
3. Citation construction and commencement.

SCHEDULE

(Made on the 16th December, 1964.)

The Social Insurance (Stamps) (Guernsey) Ordinance, 1964

THE STATES, in exercise of the powers conferred upon them by subsection (4) of section seven of the Social Insurance (Guernsey) Law, 1964, and of all other powers thereunto them enabling, hereby order: –

Adaptation of enactments.

1. The provisions of the Stamp Duties Management Act, 1891, as amended, and of section sixty-three of the Post Office Act, 1953, as amended, as set out and adapted in the Schedule to this Ordinance, shall apply to stamps prepared and issued for the purposes of the Social Insurance (Guernsey) Law, 1964 (which said stamps are referred to in the said Schedule as "**insurance stamps**").

NOTES

In accordance with the provisions of the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018, regulation 1, with effect from 22nd October, 2018 and subject to the savings and transitional provisions in regulation 3, the functions, rights and liabilities of the Committee for Employment & Social Security and of its President and members relating to the collection of social insurance contributions arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President and members; and, in accordance with regulation 2 of the 2018 Regulations, for any reference herein to the Committee for Employment & Social Security or its President or members, however expressed, there was substituted, to the extent that the reference related to the collection of social insurance contributions, a reference to the Policy & Resources Committee or (as the case may be) its President or members.

The Social Insurance (Guernsey) Law, 1964 has since been repealed by the Social Insurance (Guernsey) Law, 1978, section 118, Fourth Schedule, Part I, with effect from 1st January, 1979, subject to the transitional provisions and savings in section 119 of, and Part II of the Fourth Schedule to, the 1978 Law.

Extent.

2. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation construction and commencement.

3. (1) This Ordinance may be cited as the Social Insurance (Stamps) (Guernsey) Ordinance, 1964.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

(3) This Ordinance shall come into force on the fourth day of January, nineteen hundred and sixty-five.

NOTE

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

SCHEDULE

Section one

The Stamp Duties Management Act, 1891

Section of Act	Subject-matter	Adapted provisions
3	Power to grant licences to deal in stamps.	<p>(1) The Authority may, in its discretion, grant a licence to any person to deal in insurance stamps in such places and subject to such conditions as the Authority thinks fit.</p> <p style="text-align: center;">* * *</p> <p>(4) One licence only shall be required for any number of persons in partnership, and the licence may at any time be revoked by the Authority.</p>
4	Penalty for un-authorized dealing in stamps, etc.	<p>(1) If any person deals in any manner in insurance stamps, without being licensed so to do he shall for every such offence incur a fine of [level 1 on the uniform scale].</p> <p>(2) If any person who is not duly licensed to deal in insurance stamps, has, or puts</p>

		<p>upon his premises either in the inside or on the outside thereof, or upon any board or any material whatever exposed to public view, and whether the same be affixed to his premises or not, any letters importing or intending to import that he deals in insurance stamps, or is licensed so to do, he shall incur a fine of [level 1 on the uniform scale].</p>
5	Provisions as to determination of licence.	<p>(1) If the licence of any person to deal in insurance stamps expires or is revoked, or if any person licensed to deal in insurance stamps dies or becomes insolvent, and any such person at the expiration or revocation of his licence, or at the time of his death or insolvency, has in his possession any insurance stamps, such person, or his executor, administrator or trustee, may, within six months after the expiration or revocation of the licence, or after the death or insolvency, as the case may be, bring or send the insurance stamps to the Authority.</p> <p>(2) The Authority may in any such case pay to the person bringing or sending insurance stamps the amount of the duty thereon, deducting therefrom the proper</p>

		<p>discount, if proof to its satisfaction is furnished that the same were actually in the possession of the person whose licence has expired or been revoked, or so dying or becoming insolvent, for the purpose of sale, at the time of the expiration or revocation of the licence, or of his death or insolvency, and that the insurance stamps were purchased by that person from the Authority, or from some person duly licensed to deal in insurance stamps.</p>
6	Penalty for hawking stamps.	<p>(1) If any person, whether licensed to deal in insurance stamps or not, hawks or carries about for sale or exchange any insurance stamps, he shall, in addition to any other fine or penalty to which he may be liable, incur a fine of [level 1 on the uniform scale].</p> <p>(3) All insurance stamps which are found in the possession of the offender shall be forfeited, and shall be delivered to the Authority to be disposed of as it thinks fit.</p>
9	Procedure for obtaining allowance.	<p>The Authority may, upon the production of such evidence as it may require, make allowance for insurance stamps spoiled in the</p>

		<p>case hereinafter mentioned (that is to say) –</p> <p style="text-align: center;">* * *</p> <p>(2) Any insurance stamp which has been inadvertently and undesignedly spoiled or rendered unfit for use and has not in the opinion of the Authority been affixed to any material,</p> <p style="text-align: center;">* * *</p> <p>Provided as follows: –</p> <p style="text-align: center;">(a) That the application for relief is made within two years after the insurance stamp has been spoiled or become useless.</p> <p style="text-align: center;">* * *</p> <p>In any case in which allowance is made for spoiled or misused insurance stamps the Authority may give in lieu thereof other insurance stamps of the same denomination and value, or if required and it thinks proper, insurance stamps, of any other denomination to the same amount in value, or in its discretion, the same value in money, deducting therefrom the discount allowed on the purchase of</p>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

12	Stamps not wanted may be repurchased.	<p>insurance stamps of the like description.</p> <p>When any person is possessed of an insurance stamp which has not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Authority may, if it thinks fit, repay to him the value of the insurance stamp in money, deducting the proper discount, upon his delivering up the insurance stamp to be cancelled, and proving to the Authority's satisfaction that it was purchased by him from the Authority or from some person duly licensed to deal in insurance stamps within the period of two years next preceding the application and with a bona-fide intention to use it.</p>
13	Certain offences in relation to stamps.	<p>Every person who does, or causes or procures to be done, or knowingly aids, abets or assists in doing any of the acts following, that is to say –</p> <ol style="list-style-type: none"><li data-bbox="810 1552 1353 1585">(1) Forges a die or insurance stamp,<li data-bbox="810 1664 1353 1809">(2) Prints or makes an impression upon any material with a forged die,<li data-bbox="810 1888 1353 1921">(3) Fraudulently prints or makes an

		<p>impression upon any material from a genuine die,</p> <p>(4) Fraudulently cuts, tears, or in any way removes from any material any insurance stamp, with intent that any use should be made of such stamp or of any part thereof,</p> <p>(5) Fraudulently mutilates any insurance stamp, with intent that any use should be made of any part of such stamp,</p> <p>(6) Fraudulently fixes or places upon any material or upon any insurance stamp, any such stamp or part of such stamp which whether fraudulently or not, has been cut, torn, or in any way removed from any other material, or out of or from any other insurance stamp,</p> <p>(7) Fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing whatsoever</p>
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>thereon written, with intent that any use should be made of the insurance stamp upon such material,</p> <p>(8) Knowingly sells or exposes for sale or utters or uses any forged insurance stamp or any insurance stamp which has been fraudulently printed or impressed from a genuine die,</p> <p>(9) Knowingly, and without lawful excuse (the proof whereof shall lie on the person accused) has in his possession any forged die or insurance stamp or any insurance stamp which has been fraudulently printed or impressed from a genuine die, or any insurance stamp or part of such stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any insurance stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date or other matter or thing has been fraudulently erased or</p>
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>otherwise either really or apparently removed, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding fourteen years.</p>
<p>16</p>	<p>Proceedings for detection of forged dies. etc.</p>	<p>If the Bailiff is satisfied by information on oath given by an officer of police and in relation to Guernsey, being of a rank not lower than that of inspector, that there is just cause to suspect any person of being guilty of any of the offences aforesaid, the Bailiff may, by warrant under his hand, cause every house, room, shop, building or place belonging to or occupied by the suspected person, or where he is suspected of being or having been in any way engaged or concerned in the commission of any such offence, or of secreting any machinery, implements or utensils applicable to the commission of any such offence, to be searched, and if upon such search any of the said several matters and things are found, the same may be seized and carried away and shall afterwards be delivered to the Authority.</p>
<p>17</p>	<p>Proceedings for detection of stamps stolen or obtained fraudulently.</p>	<p>(1) In any case where any insurance stamps are known or supposed to be concealed or deposited, the Bailiff may, upon reasonable suspicion that the same have</p>

		<p>been stolen or fraudulently obtained, issue a warrant for the seizure thereof, and for apprehending and bringing before the Magistrate's Court or the Court of Alderney, as the case may be, the person in whose possession or custody the insurance stamps may be found, to be dealt with according to law.</p> <p>(2) If the person does not satisfactorily account for the possession of the insurance stamps, or it does not appear that the same were purchased by him from the Authority or some person duly licensed to deal in such stamps, the stamps shall be forfeited and shall be delivered over to the Authority.</p> <p>(3) Provided that if at any time within six months after the delivery any person makes out to the satisfaction of the Authority that any stamps so forfeited were stolen or otherwise fraudulently obtained from him, and that the same were purchased by him from the Authority or some person duly licensed to deal in such stamps, such stamps may be delivered up to him.</p> <p>(1) If any forged insurance stamps are found</p>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

18	Licensed person in possession of forged stamps.	<p>in the possession of any person licensed to deal in such stamps, that person shall be deemed and taken, unless the contrary is satisfactorily proved, to have had the same in his possession knowing them to be forged and with intent to sell, use or utter them, and shall be liable to the punishment imposed by law upon a person selling, using, uttering or having in possession forged insurance stamps knowing the same to be forged.</p> <p>(2) If the Bailiff has cause to suspect any such person of having in his possession any forged insurance stamps, he may by warrant under his hand authorise any officer of police to enter between the hours of nine in the morning and seven in the evening into any house, room, shop or building of or belonging to the suspected person, and if on demand of admittance, and notice of the warrant, the door of the house, room, shop or building, or any inner door thereof, is not opened, such officer of police may break open the same and search for and seize any insurance stamps that may be found therein or in the custody or possession of the suspected person.</p>
----	-------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

19	Mode of proceeding where stamps are seized.	<p>(3) Any person who –</p> <p>(a) refuses to permit any such search or seizure to be made as aforesaid, or</p> <p>(b) assaults, opposes, molests or obstructs any officer of police so authorised in the due execution of the powers conferred by this section or any person acting in his aid or assistance,</p> <p>shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].</p> <p>Where insurance stamps are seized under a warrant, the officer of police authorised by the warrant shall, if required, give to the person in whose custody or possession the stamps are found an acknowledgment of the number, particulars and amount of the stamps, and permit the stamps to be marked before the removal thereof.</p> <p>Every person who by any writing in any manner defaces any insurance stamp before it is used shall incur a penalty of five pounds:</p>
20	As to defacement of adhesive stamps.	

27	Definitions.	<p>Provided that any person may, with the express sanction of the Authority and in conformity with the conditions which the Authority may impose, write upon or otherwise appropriate an insurance stamp before it is used for the purpose of identification thereof.</p> <p>In this Act, unless the context otherwise requires –</p> <p>The expression "Bailiff" means –</p> <ul style="list-style-type: none">(a) in relation to Guernsey, Herm and Jethou, the Bailiff, a Lieutenant-Bailiff or the Juge Délégué,(b) in relation to Alderney, the Chairman of the Court of Alderney. <p>The expression "duty" includes any contribution payable under the Social Insurance (Guernsey) Law, 1964, and directed to be made by means of stamps.</p> <p>The expression "material" includes every sort of material upon which words or figures can be expressed.</p>
----	--------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p style="text-align: center;">* * *</p> <p>The expression "die" includes any plate, type, tool or implement whatever used under the direction of the Authority for expressing or denoting any duty, or rate of duty, or the fact that any duty or rate of duty has been paid, and also any part of any such plate, type, tool or implement.</p> <p>The expressions "forge" and "forged" include counterfeit and counterfeited.</p> <p>The expression "stamp" means an adhesive stamp or a stamp impressed by means of a die.</p> <p>The expression "stamped" is applicable as well to instruments and material impressed with stamps by means of a die as to instruments and material having adhesive stamps affixed thereto.</p> <p>The expression "officer of police" means a member of the salaried police force of the Island of Guernsey.</p>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The Post Office Act, 1953

63	Prohibition of fictitious stamps.	<p>(1) A person shall not –</p> <ul style="list-style-type: none">(a) make, knowingly utter, deal in, or sell any fictitious stamp, or knowingly use for the purpose of payment of contributions under the Social Insurance (Guernsey) Law, 1964, any fictitious stamp, or(b) have in his possession unless he shows a lawful excuse, any fictitious stamp, or(c) make, or unless he shows a lawful excuse, have in his possession any die, plate, instrument or materials for making any fictitious stamp. <p>(2) If any person acts in contravention of this section he shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].</p> <p>(3) Any stamp, die, plate, instrument or</p>
----	-----------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>materials found in the possession of any person in contravention of this section may be seized and shall be forfeited.</p> <p>(4) For the purposes of this section the expression "fictitious stamp" means any facsimile or imitation or representation, whether on paper or otherwise, of an insurance stamp.</p>
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTES

In the Schedule, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

In accordance with the provisions of the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996, section 6, and with reference to the penalty prescribed for the offence contained in section 13(9) of the Stamp Duties Management Act, 1891, as adapted and applied to stamps prepared and issued for the purposes of the Social Insurance (Guernsey) Law, 1978, a court, instead of or in addition to any other punishment which may be lawfully imposed, may fine the offender for any such offence.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Social Insurance (Guernsey) Law, 1964 has since been repealed by the Social Insurance (Guernsey) Law, 1978, section 118, Fourth Schedule, Part I, with effect from 1st January, 1979, subject to the transitional provisions and savings in section 119 of, and Part II of the Fourth Schedule to, the 1978 Law.
