

ORDER IN COUNCIL

XV

ratifying a Projet de Loi

1958

ENTITLED

The Television Duty (Guernsey) Law, 1958.

(Registered on the Records of the Island of Guernsey
on the 25th day of October, 1958.)



1958.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 25th day of October, 1958, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :—
Sir John Leale, Arthur Falla, William Robert Freaque Clark, Esquires, Bertram Bartlett, Esquire, O.B.E., Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason and Henry Robin Bichard, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd day of October, 1958, ratifying a *Projet de Loi* entitled "The Television Duty (Guernsey) Law, 1958",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by the Greffier Delegate to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 22nd day of October, 1958.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

EARL OF SELKIRK .

MR. ORMSBY-GORE

MR. MARPLES

SIR HENRY WILLMER

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 9th day of October, 1958, 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 the States of Deliberation at a meeting held on the 1st day of October, 1958, in pursuance of their Resolution adopted on that day, approved a Bill or “Projet de Loi” entitled “The Television Duty (Guernsey) Law, 1958” 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 in the words and figures 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 Television Duty

(Guernsey) Law, 1958" and to order that the same shall have the force of Law in the Bailiwick of Guernsey excluding the Island of Sark.'

" 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, as it is hereby ordered, that the same shall have the force of law within the Bailiwick of Guernsey excluding the Island of Sark.

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, of the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

**The Television Duty (Guernsey) Law,
1958.**

THE STATES, in pursuance of their Resolution of the first day of October, nineteen hundred and fifty-eight, 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 excluding the Island of Sark.

Interpreta-
tion.

1. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ licence fees ” in relation to any licence means the sums payable to the Postmaster General in respect of the issue of the licence;

“ place ” includes a vehicle or a vessel or part of a vehicle or a vessel;

“ Post Office Regulations ” means regulations made by the Postmaster General under section two of the Wireless Telegraphy Act, 1949;

“ the States ” means the States of Guernsey;

“ television duty ” has the meaning assigned to it by subsection (1) of section two of this Law;

“ the Wireless Telegraphy Act, 1949 ” means that Act as extended to the Channel Islands by the Wireless Telegraphy (Channel Islands) Order, 1952.

(2) Except in so far as the context otherwise requires, any reference in this Law to any other

enactment shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

2. (1) There shall be charged on every licence to which this section applies (in this Law referred to as "a television licence") a duty, to be known as television duty, at the standard yearly rate for the time being fixed by the States by Ordinance made under this subsection or such other rate as under the following provisions of this section is applicable to the licence. Television duty.

(2) Television duty shall be paid on or before the issue of every television licence, and if not so paid shall be recoverable summarily as a civil debt.

(3) On a television licence of a type designed to authorise in any premises the installation and use for receiving television broadcast programmes of apparatus in rooms let or available for letting to guests or boarders as living-rooms or bedrooms, television duty shall be charged, not at the standard rate, but at a yearly rate equal to the aggregate duty at the standard rate on separate licences for those premises and for each of those rooms (up to the number covered by the licence), and on any other television licence which authorises apparatus to be installed and used as aforesaid in more than one place (otherwise than by giving general authority as to the whole or part of any specified premises, area, vehicle or vessel) the duty shall be similarly charged as on separate licences for each of those places:

PROVIDED that this subsection shall not apply to a licence unless the licence is or, if it authorised the installation of apparatus only in a single place, would be one for which the licence fees are prescribed by Post Office Regulations.

(4) Where—

- (a) the licence fees for a television licence are not prescribed by Post Office Regulations; and
- (b) the licence is not one to which subsection (3) of this section applies;

the television duty on the licence shall not be charged at the standard rate, but shall bear to the licence fees for that licence the same proportion as the duty on a licence chargeable at the standard rate bears to the licence fees for a licence so chargeable.

(5) The television duty payable on a television licence (other than a licence chargeable in accordance with subsection (4) of this section) shall be calculated at the appropriate yearly rate according to the number of months in the period for which the licence is issued (any incomplete month being treated as a complete month), and where a licence taken out after the expiration of a previous licence is issued so as to expire at the end of a period calculated from that expiration, it shall for this purpose be treated as a licence for that period:

PROVIDED that where a licence of a type normally issued for a period of a particular length is for special reasons issued for a longer or shorter period, but the licence fees payable for it are the same as if it had been issued for a period of the normal length, the licence shall be treated for the purposes of this subsection as a licence for a period of the normal length.

(6) Where a television licence is issued on the surrender of an unexpired television licence, and under Post Office Regulations the licence fees payable for the new licence are reduced by reason of the surrender of the old licence, the television duty on the new licence shall be reduced in the same proportion as the licence fees.

(7) Where a television licence on which television duty has been paid at a yearly rate is surrendered unexpired, and subsection (6) of this section does not apply by reason of the surrender to reduce the television duty chargeable on another licence, then for each complete month unexpired of the period for which the licence was issued there may be repaid an amount of duty not exceeding one-twelfth of the yearly rate at which the duty was paid on the licence.

(8) Television duty shall not be chargeable on any licence issued as a duplicate of a television licence which has been lost or destroyed, but for the purposes of this section the surrender of any licence so issued shall be treated as the surrender of the original licence.

(9) This section applies to any licence issued in the Bailiwick of Guernsey excluding the Island of Sark under section one of the Wireless Telegraphy Act, 1949, being a licence of a type designed wholly or partly for apparatus which is to be used primarily for receiving television broadcast programmes and is not to be so used solely or primarily with a view to re-broadcasting or relaying those programmes by wire or wireless:

PROVIDED that this section shall not apply to any licence for which no licence fees are payable.

(10) Television duty shall be chargeable on any licence issued on or after the commencement of this Law.

3. The States may from time to time by Ordinance— Power of the States.

(a) make such provision as they deem necessary or expedient for charging, levying, collecting and securing the payment of television duty;

- (b) suspend the operation of this Law;
- (c) provide for any incidental and supplementary matters for which the States deem it expedient for the purposes of the Ordinance to provide.

Variation
and repeal of
Ordinances.

4. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Citation and
commence-
ment.

5. (1) This Law may be cited as the Television Duty (Guernsey) Law, 1958.

(2) This Law shall come into force on such day as the States shall by Ordinance appoint.

R. A. MALLET,

Greffier Delegate.