

ORDER IN COUNCIL

XXVI

ratifying a Projet de Loi

1957

ENTITLED

The Vehicular Traffic (Causing Death by Driving) Law, 1957.

(Registered on the Records of the Island of Guernsey
on the 28th day of December, 1957.)



1957.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 28th day of December, 1957, before Frank Gahan, Esquire, Q.C., Lieutenant-Bailiff; present: Sir John Leale, Arthur Falla, William Robert Freake Clark, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, and Richard Edward Gibson, Esquire, O.B.E., Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of November, 1957, ratifying a *Projet de Loi* entitled "The Vehicular Traffic (Causing Death by Driving) Law, 1957",—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 27th day of November, 1957.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

SIR DAVID ECCLES

MR. AUBREY JONES

SIR ROBERT TREGOLD

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 15th day of November, 1957, 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 29th day of May, 1957, the States of Deliberation at a meeting held on the 31st day of July, 1957, approved a Bill or “Projet de Loi” entitled “The Vehicular Traffic (Causing Death by Driving) Law, 1957,” 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 Vehicular Traffic (Causing Death by Driving) Law, 1957" and to order that the same shall have the force of law in the Island of Guernsey.'

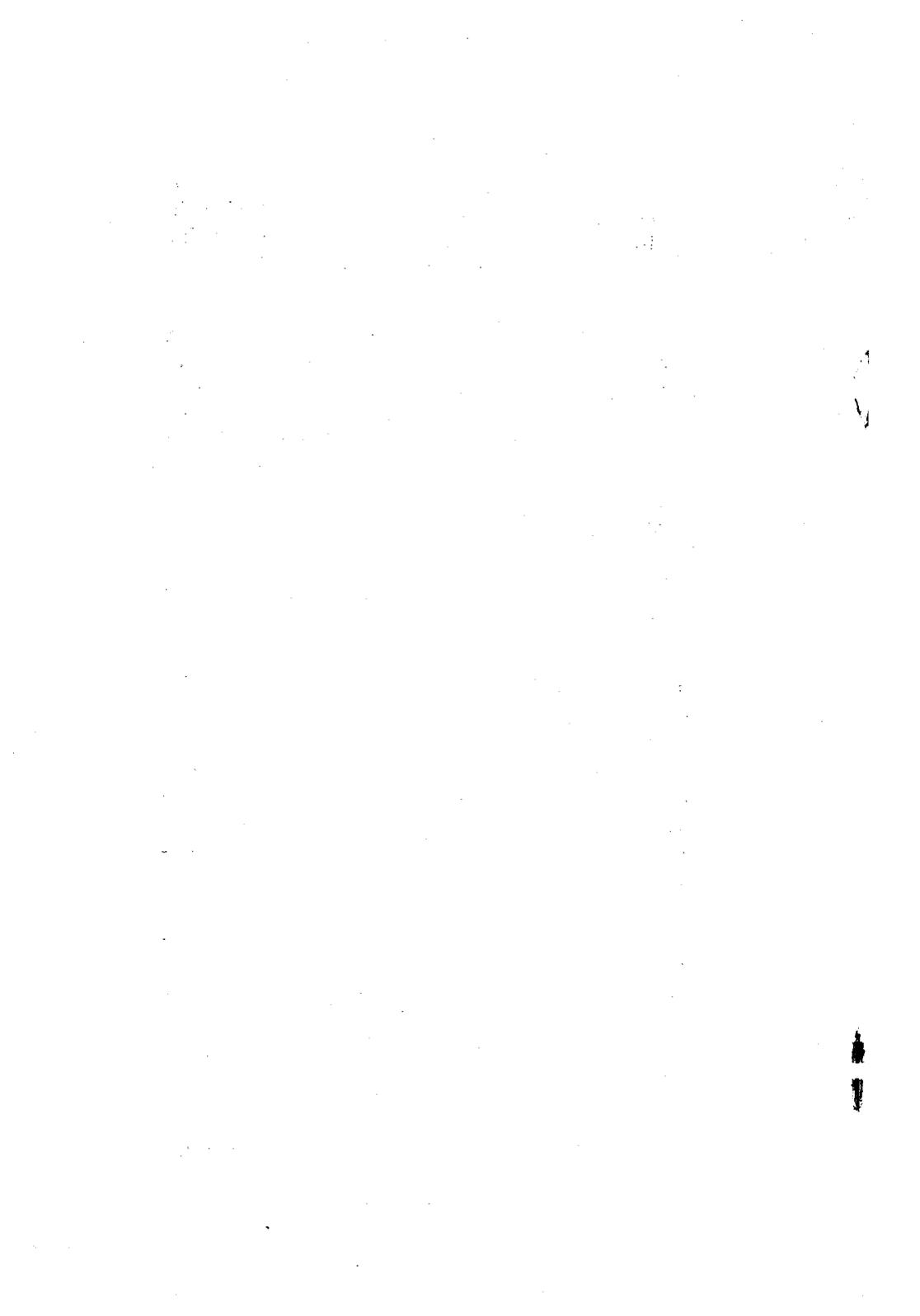
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer 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, as 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.

W. G. AGNEW.



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

PROJET DE LOI

ENTITLED

The Vehicular Traffic (Causing Death by Driving) Law, 1957

THE STATES, in pursuance of their Resolution of the twenty-ninth day of May, nineteen hundred and fifty-seven, 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.

1. (1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding five years or to a fine or to both such term of imprisonment and a fine.

(2) If, upon the trial of a person for an offence against the last preceding subsection, the court is not satisfied that his driving was the cause of the death but is satisfied that he is guilty of driving as mentioned in the last preceding subsection it shall

be lawful for the court to convict him of and to punish him for an offence under the provisions of any enactment, for the time being in force, which makes such driving an offence.

2. For the purposes of this Law the following expressions have the meanings hereby respectively assigned to them—

“road” means any highway and any other road to which the public has access;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on a road.

JAMES E. LE PAGE,

Her Majesty's Greffier.