

GUERNSEY

STATUTORY INSTRUMENT

1952 No. 3

Law not brought into force

Law repealed by the Social Insurance (Guernsey) Law, 1960

NATIONAL INSURANCE

THE NATIONAL INSURANCE (GUERNSEY) (STAMPS)
REGULATIONS, 1952

Made 3rd January, 1952.
Laid before the States
Coming into Operation 3rd January, 1952.

The States Insurance Authority, by virtue of the powers conferred on it by paragraph (b) of subsection (2) of section 7 of the National Insurance (Guernsey) Law, 1951, and of all other powers in that behalf, hereby makes the following regulations:-

1. - (1) The regulations may be cited as the National Insurance (Guernsey) (Stamps) Regulations, 1952.

(2) These regulations shall come into operation on the 3rd January, 1952.

(3) The Interpretation (Guernsey) Law, 1948, applies to the interpretation of these regulations as it applies to the interpretation of an enactment.

(4) In these regulations, unless the context otherwise requires -

the expression "the Authority" means the States Insurance Authority;

the expression "duty" includes any contribution payable under the National Insurance (Guernsey) Law, 1951, and directed to be made by means of stamps;

the expression "fictitious stamp" means any facsimile or imitation or representation, whether on paper or otherwise, of an insurance stamp;

the expression "material" includes every sort of material upon which words or figures can be expressed;

Citation,
commence-
ment and
interpre-
tation.

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;

the expressions "forge" and "forged" include counterfeit and counterfeited;

the expression "stamp" means in relation to stamps prepared and issued for the purposes of the National Insurance (Guernsey) Law, 1951, an adhesive stamp.

Allowances
for spoiled
stamps
etc.

2.--(1) Subject to the production of such evidence by statutory declaration or otherwise as the Authority may require, allowance is to be made by the Authority for insurance stamps spoiled in the case hereinafter mentioned (that is to say):-

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:

Provided that the application for relief is made within two years after the insurance stamp has been spoiled or become useless.

(2) 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.

(3) 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 upon his delivering up the insurance stamp to be cancelled, and proving to its satisfaction that it was purchased by him from some person duly

appointed to sell and distribute insurance stamps, within the period of two years next preceding the application and with a bona-fide intention to use it.

Sale of stamps by appointed persons.

3. Notwithstanding anything in these regulations contained, it shall be lawful for any person appointed in that behalf by the Authority to sell stamps in such manner and at such place as the Authority may direct, and a breach of any term or provision contained in a direction of the Authority under this regulation shall be an offence punishable on conviction by a fine not exceeding ten pounds.

Penalty for un-

authorised dealing in stamps etc.

4.-(1) If any person who is not duly appointed to sell and distribute insurance stamps deals in any manner in insurance stamps he shall for every such offence incur a fine of twenty pounds.

(2) If any person, other than a person duly authorised by the Authority so to do, 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 twenty pounds.

(3) In default of payment of the fine, on conviction the offender shall be imprisoned for any term not exceeding two months.

(4) 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.

(5) Any person may arrest a person found committing an offence against paragraph (2) of this regulation, and take him before the Police Magistrate who shall hear and determine the matter.

Certain offences in relation to stamps.

5. 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:-

(1) Forges a die or insurance stamp;

- (2) Prints or makes an impression upon any material with a forged die;
- (3) Fraudulently prints or makes an impression upon any material from a genuine die;
- (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;
- (5) Fraudulently mutilates any insurance stamp, with intent that any use should be made of any part of such stamp;
- (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;
- (7) Fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing whatsoever thereon written, with intent that any use should be made of the insurance stamp upon such material;
- (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;
- (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 otherwise either really or apparently removed, shall on conviction be liable to imprisonment for any term not exceeding fourteen years.

Proceedings
for detec-
tion of
forged
dies and
stamps.

6.--(1) On information given before the Bailiff upon oath 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 over to the Authority.

(2) The Bailiff may, upon reasonable suspicion that insurance stamps have been stolen or fraudulently obtained, issue his warrant for the seizure thereof, and for apprehending and bringing before the Police Magistrate the person in whose possession or custody the insurance stamps may be found, to be dealt with according to law.

(3) 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 some person duly appointed to sell and distribute insurance stamps, the stamps shall be forfeited and shall be delivered over to the Authority.

(4) 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 some person duly appointed to sell or distribute insurance stamps, such stamps may be delivered up to him.

Offences
by persons
authorised
to sell
stamps.

7.-(1) If any forged insurance stamps are found in the possession of any person appointed to sell and distribute insurance 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.

(2) On information given before the Bailiff upon oath that there is just cause to suspect any such person of having in his possession any forged insurance stamps, he may by warrant under his hand authorise any person 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, the authorised person 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.

Assaulting
or obstruct-
ing authorised
person etc.

8. Any person who -

- (a) refuses to permit any search or seizure to be made by virtue of regulation 7 of these regulations; or
- (b) assaults, opposes, molests or obstructs any person so authorised in due execution of the powers conferred by regulation 7 of these regulations or any person acting in his aid or assistance shall incur a fine of fifty pounds.

Mode of proceeding where stamps are seized.

9. Where insurance stamps are seized under a warrant, the person authorised by the warrant shall, if required, give to the person in whose custody or possession the stamps are found an acknowledgement of the number, particulars and amount of the stamps, and permit the stamps to be marked before the removal thereof.

As to defacement of adhesive stamps.

10. Every person who by any writing in any manner defaces any insurance stamp before it is used shall incur a penalty of five pounds:

Provided that any person may, with the special authority of the Authority and in conformity with the conditions which the Authority may prescribe, write upon or otherwise appropriate an insurance stamp before it is used for the purpose of identification thereof.

Prohibition of fictitious stamps.

11.- (1) A person shall not

(a) make, knowingly utter, deal in, or sell any fictitious stamp, or knowingly use for the purpose of payment of contributions under the National Insurance (Guernsey) Law, 1951, 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.

(2) If any person acts in contravention of this regulation he shall be liable ^{on conviction} on a prosecution by order of the Authority to a fine not exceeding twenty pounds.

(3) Any stamp, die, plate, instrument or materials found in the possession of any person in contravention of this regulation may be seized and shall be forfeited.

Declara-
tions how
to be
made.

12. Any statutory declaration, affidavit or oath to be made in pursuance of or for the purpose of these regulations may be made before the Authority or any officer or person authorised by it in that behalf or before any commissioner for oaths or any justice or notary public in any part of the British Islands or at any place out of the British Islands before any person duly authorised to administer oaths there.

Dated this 3rd day of January, 1952.

(Signed) Marie S. M. Randall.

Acting President,
States Insurance Authority
on behalf of that Authority.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations apply provisions similar to the provisions of the Stamp Duties Management Act, 1891 (as amended by any subsequent enactment), and section sixty-five of the Post Office Act, 1908 (as so amended), in relation to insurance stamps. Insurance stamps are the stamps by means of which contributions payable for the purposes of the National Insurance (Guernsey) Law, 1951, will (when paid by the stamping of insurance cards) be paid.