

**XVIII**  
**1948**

# **ORDER IN COUNCIL**

Ratifying a Projet de Loi entitled

**“Road Traffic (Driving under the Influence  
of Drink or Drugs) Law, 1948”.**

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(Registered on the Records of the Island of Guernsey  
on the 30th day of October, 1948.)



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1948.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 30th day of October, 1948, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff ; present : Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., James Frederick Carey, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 8th day of October, 1948, ratifying a *Projet de Loi* entitled "Road Traffic (Driving under the Influence of Drink or Drugs) Law, 1948",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur, 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 8th day of October, 1948.

**Present,**

**The King's Most Excellent Majesty.**

LORD PRESIDENT.

MR. SECRETARY CREECH JONES.

MAJOR MILNER.

MR. BARNES.

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 2nd day of October, 1948, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, 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 17th day of December, 1947, the States of Deliberation at a meeting held on the 4th day of February, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ Road Traffic (Driving under the Influence of Drink or Drugs) Law, 1948,” 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 “ Road Traffic (Driving under the Influence of Drink or Drugs) Law, 1948,” and to order and direct that the same shall have 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*.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice

of His 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 HIS MAJESTY doth hereby further direct that this Order and, the said Projet de Loi (a copy whereof is hercunto 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 His 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.

*E. C. E. Leadbitter.*

Projet de Loi referred to in the foregoing  
Order in Council

PROJET DE LOI

ENTITLED

“ Road Traffic (Driving under the Influence  
of Drink or Drugs) Law, 1948 ”.

THE STATES, in pursuance of their Resolution of the 17th day of December, 1947, have approved the following provisions, which subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island :—

- I. (1) Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road or other public place is under the influence of drink or of a drug to such an extent as to be incapable of having a proper control of the vehicle, shall be liable—
  - (a) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment :
  - (b) on conviction on indictment before the Royal Court sitting as a Full Court, to imprisonment with or without hard labour for a term not exceeding six months or to a fine or to both such imprisonment and fine.
- (2) A person convicted of an offence under this Law shall, unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a

longer period of disqualification be disqualified for a period of twelve months from the date of the conviction from holding or obtaining a licence.

(3) A police constable may arrest without warrant any person committing an offence under this Law.

2. For the purposes of this Law the expression "motor vehicle" shall mean any mechanically propelled vehicle intended or adapted for use on roads.

3. A person liable to be charged with an offence under this Law shall not be liable to be charged with an offence under the Loi par rapport aux Personnes Ivres ayant le Soins de Véhicules sur les Voies Publiques registered on the Records of this Island on the 28th day of October, 1922.

JAMES E. LE PAGE,  
H.M. Greffier.