

*The 24th day of August, 1945, before Victor Gosselin  
Carey, Esquire, Bailiff, present, etc.:*

**Defence Regulations (Guernsey) 1945.**

**The Defence Regulations (Guernsey), 1945, Ordinance.**

WHEREAS in exercise of the powers conferred on him by sub-section (1) of Section Four of the Emergency Powers (Defence) Act, 1939, His Majesty was pleased by the Emergency Powers (Channel Islands) Order in Council, 1944 (hereinafter referred to as "the 1944 Order in Council") to extend certain of the provisions

of the said Act to the Channel Islands subject to the adaptations and modifications contained in the Schedule to that Order; and

WHEREAS in exercise of the powers aforesaid His Majesty was pleased by the Emergency Powers (Guernsey) Order in Council, 1945 (hereinafter referred to as "the 1945 Order in Council") to direct that the 1944 Order in Council shall cease to have effect so far as it applies to the Bailiwick of Guernsey, on the twenty-fifth day of August, 1945; to extend certain of the provisions of the said Act to the Bailiwick of Guernsey subject to the adaptations and modifications contained in the Schedule to the 1945 Order in Council; and to authorise the making by the Royal Court of Defence Regulations as respects the Bailiwick of Guernsey excluding the Island of Alderney but so that no Defence Regulation made before the twenty-fifth day of August, 1945, for the purpose of continuing in force whether with or without modifications, any Defence Regulation for the time being in force in relation to the said Bailiwick under the said Act as so extended by the 1944 Order in Council, shall come into operation until that date; and

WHEREAS, in pursuance of the 1944 Order in Council, Defence Regulations have been made and orders, directions, authorities, permits, licenses and instructions (hereinafter referred to as "derivative acts") have been made, given and issued thereunder, and it is expedient to continue certain of them in force in relation to the said Bailiwick (excluding the Island of Alderney) subject to certain modifications:

NOW THEREFORE the Royal Court, after hearing the conclusions of His Majesty's Procureur, in exercise of the powers thereunto enabling it, has ordered and hereby orders that the Regulation hereinafter contained shall have effect on and after the twenty-fifth day of August, 1945, in the Bailiwick of Guernsey excluding the Island of Alderney, and that a copy of this Ordinance

shall be transmitted to the Seneschal of the Island of Sark for registration on the records of that Island.

106.—(1) The Defence Regulations made in pursuance of the 1944 Order in Council and such derivative acts as are applicable to the Bailiwick of Guernsey or to any part thereof other than those derivative acts applicable exclusively to the Island of Alderney (with the exception of the Defence Regulations and of those parts of Defence Regulations specified in the First Schedule hereto and of the derivative act and part thereof specified in the Second Schedule hereto), and are in force immediately before the twenty-fifth day of August, 1945, shall, notwithstanding that the 1944 Order in Council will cease to have effect on that date, continue to have effect on and after that date, subject to the provisions of Paragraph (2) of this Regulation, as though such Defence Regulations had been made in pursuance of the 1945 Order in Council and such derivative acts had been done under Defence Regulations so made:

**PROVIDED** that any such Defence Regulation may be varied or revoked at any time by the Authority empowered under the 1945 Order in Council to make Defence Regulations and that any such derivative act may be varied or revoked at any time by the Competent Authority.

(2) The Defence Regulations continuing to have effect by virtue of this Regulation shall be construed and have effect subject to the provisions contained in the Third Schedule hereto and the derivative acts continuing to have effect by virtue of this Regulation shall be construed and have effect subject to the provisions contained in the Fourth Schedule hereto.

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## FIRST SCHEDULE

1945

*Defence Regulations and parts of Defence Regulations not continued in force after the 24th August, 1945, in relation to the Bailiwick of Guernsey (excluding the Island of Alderney).*

Sub-paragraphs (c) and (d) of paragraph (1) and paragraphs (2) and (3) of Regulation 1.

Regulations 1B, 1C, 2C, 2D, 3A, 4A, 4B, 4C, 5.

The words “(a) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or (b)”

contained in paragraph (1) of Regulation 7 and paragraphs (2) and (3) of that Regulation.

Paragraph (3A) of Regulation 8.

Regulation 9 except paragraph (1) thereof.

Regulations 16A, 18A, 18B, 18D, 19A, 19B, 19C, 23E, 24, 25, 25A, 26, 27.

Paragraph (2) of Regulation 35.

Regulations 36, 37, 38A, 39.

Paragraph (2) and sub-paragraphs (b) and (c) of paragraph (4) of Regulation 39B.

Regulations 39BA, 39C, 39E, 40B.

Para 1B of Regulation 44B.

Regulations 45C, 56AA, 79B, 80, 84AA, 86.

Paragraphs (5), (6), (7) and (7A) of Regulation 88A.

Regulations 88B, 93AA, 93B, 94A and 94B.

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## SECOND SCHEDULE

*Derivative acts not continued in force after the 24th August, 1945, in relation to the Bailiwick of Guernsey (excluding the Island of Alderney).*

Order No. 1 dated 10th day of May, 1945, designating the Chief Civil Affairs Officer for the time

being in the Channel Islands as a Competent Military Authority in relation to those Regulations of the Defence (Channel Islands) Regulations, 1944, which are enumerated in the Schedule to that Order (but without prejudice to the continuance in operation, subject to the provisions contained in the Fourth Schedule to this Regulation, of all derivative acts done by the Competent Military Authority by virtue of such designation before the coming into operation of this Regulation).

Paragraph 5 of the Wireless Telegraphy (Channel Islands) Order dated 14th May, 1945.

### THIRD SCHEDULE

#### *Modifications of the Defence Regulations.*

References in any Defence Regulation to the Island of Jersey, to the States of Jersey, to any Law or Règlement in force in Jersey, to the Royal Court of Jersey, and to any Official or States Department of the Island of Jersey, shall be omitted.

Where, in any Defence Regulation as varied by virtue of this Defence Regulation, the Royal Court is empowered to do any act or thing by order, that Defence Regulation shall be construed as empowering the Royal Court to do that act or thing by Ordinance.

Where, in any Defence Regulation (save as regards Regulations 88, 88c, 88d and 94), the expression "Competent Military Authority" appears, there shall be substituted therefor the expression "Competent Authority" and the meanings of the latter expression, in relation to the Regulations enumerated in the first column of the following Table, shall be those assigned to that expression in the second column of that Table —

Column 1	Column 2
Regulations 7, 14, 14A .....	a Secretary of State or the Admiralty or the Lieutenant Governor.
Regulations 2BA, 9, 10, 11, 12, 13, 13A, 16, 17, 18, 18c, 19, 20A, 47A, 50, 51, 52, 53, 54, 79, 80A, 84, 85, 504 .....	the Lieutenant Governor.
Regulation 5 .....	the Admiralty or the Lieutenant Governor.
Regulations 8, 60cc .....	the Postmaster General.
Regulations 33A, 34, 35, 55 (except paragraph 1c), 66c, 74, 76, 77, 551 .....	the Royal Court.
Paragraph (1c) of Regulation 55 .....	a Law Officer of the Crown in the Island of Guernsey.
Regulation 58A .....	the Bailiff.
Regulations 43, 43A, 44, 44A, 44b, 44c, 45 .....	the Admiralty.
Regulation 45A .....	the Board of Trade.

and the expression "Competent Authority" in relation to any Defence Regulation (except as regards paragraph (1c) of Regulation 55), shall, besides the official or officials, body or bodies, specified in Column 2 of the Table contained in this Schedule as the Competent Authority in relation to that Defence Regulation, include such other person or persons as any of such official or officials, body or bodies may designate as a Competent Authority (and, subject to the provisions of the Second Schedule hereto, shall also include such person or persons designated as a Competent Military Authority under the Defence Regulations in force before the 25th day of

August, 1945, and whose designation as such was still operative immediately before the 25th day of August, 1945) in relation to that Defence Regulation with or without limitation of the powers of such designated persons or person as prescribed in any such designation.

Where, in any Defence Regulation, the expression "the Channel Islands" or "any of the Channel Islands" or "the Channel Islands or any of them" appears, then, except as regards sub-paragraph (b) of paragraph (2) of Regulation 54, for those expressions the expression "the Bailiwick of Guernsey excluding the Island of Alderney" shall be substituted.

The expression "Lieutenant Governor" shall, in the absence from duty or from the Island of Guernsey of the Lieutenant Governor, mean the Deputy Lieutenant Governor.

The expression "Bailiff" shall include any person for the time being lawfully acting in the place of the Bailiff.

The expression "officer of Customs and Excise" shall mean a revenue officer of the States of Guernsey.

In paragraph (3) of Regulation seventeen, for the words "a power at war with His Majesty," there shall be substituted the word "Japan."

In Regulation 33A, for the words "the Emergency Powers (Channel Islands) Order in Council, 1944," there shall be substituted the words "the Emergency Powers (Defence) Act, 1939."

For the figure "4" at the commencement of the Regulation immediately following Regulation 33A, there shall be substituted the figures "34."

In paragraph (4) of Regulation 47A, the words "and any superintendent within the meaning of the Merchant Shipping Act, 1894," shall be omitted and in sub-paragraph (b) of paragraph 7 of that Regulation the words "the Defence (General) Regulations, 1939, of the United Kingdom" shall be substituted for the words "these Regulations."

In Regulation 88 the words “ as the Competent Military Authority by order ” shall be omitted.

In Regulation 88c, the words “ and any person authorised by the Competent Military Authority to act under this Regulation ” shall be omitted.

In Regulation 88d, the words “ the Competent Military Authority ” shall be omitted.

In paragraph (9) of Regulation 94, the words “ the Competent Military Authority ” shall be omitted.

In Regulation 100 —

The definitions of “ agricultural land,” “ allotment,” “ fish ” and “ printing press ” shall be omitted.

The references to Alderney shall be omitted.

The definition of “ Competent Military Authority ” shall be omitted.

For the definition of “ these Regulations,” there shall be substituted the following definition:—

“ these Regulations ” means any and every Defence Regulation made at any time under the title “ Defence Regulations (Guernsey), 1945,” and includes any and every Defence Regulation made under the provisions of the Emergency Powers (Channel Islands) Order in Council, 1944, and continuing to have effect on and after the 25th day of August, 1945, and any and every order, direction, authority, permit, licence, instruction or other instrument in writing for the time being in force and issued (whether before or after the 25th day of August, 1945) pursuant to any such Defence Regulation.’

At the end of paragraph (7), the full-stop shall be omitted and there shall be added the words “ or the Emergency Powers (Guernsey) Order in Council, 1945.”

For Regulation 105, there shall be substituted the following Regulation:—

“ 105. These Regulations may be cited as The Defence Regulations (Guernsey), 1945.”

Where, in any Defence Regulation, a variation effected therein by virtue of any provision of this

Schedule requires any consequential grammatical modification of the language of that Defence Regulation, that Defence Regulation shall be construed as though the language thereof were modified accordingly.

#### FOURTH SCHEDULE

##### *Modifications of derivative acts.*

Where in the operative part of any derivative act the expression "the Channel Islands," "any of the Channel Islands," "any one of the Channel Islands," or "the Channel Islands, or any of them" appears, for such expression there shall be substituted the expression "the Islands (excluding Alderney) of the Bailiwick of Guernsey," "any of the Islands (excluding Alderney) of the Bailiwick of Guernsey," "any one of the Islands (excluding Alderney) of the Bailiwick of Guernsey" or "the Islands (excluding Alderney) of the Bailiwick of Guernsey or any of them" respectively and in any title to any such derivative act there shall be substituted for the expression "Channel Islands" the expression "Guernsey."

Where in any title to or operative part of any derivative act the expression "Bailiwick of Guernsey" appears, there shall be inserted immediately after that expression the words "excluding Alderney."

References to the Island of Jersey or to any place in that Island shall be omitted.

Where in the operative part of any derivative act the expression "Competent Military Authority" appears, for that expression the expression "Competent Authority" shall be substituted and the latter expression shall be construed in conformity with the provisions of the Third Schedule.

References to the Defence (Channel Islands) Regulations, 1944, shall be construed as references to the Defence Regulations (Guernsey), 1945.

References to any officer of Customs and Excise shall be construed as references to any revenue officer of the States of Guernsey.

The reference to Fort Albert, Alderney, in Part I. of the Schedule to the Prisoners of War (Bailiwick of Guernsey) (No. 1) Order, 1945, shall, for the purposes of this Regulation, be omitted.

Where in any derivative act, a variation effected therein by virtue of any provision of this Schedule requires any consequential grammatical modification of the language of that derivative act, that Defence Regulation shall be construed as though the language thereof were modified accordingly.