

Ordinance directing that certain Defence Regulations shall have effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, as extended to the Bailiwick of Guernsey.

THE ROYAL COURT, by virtue and in exercise of the powers conferred upon it by the Supplies and Services (Transitional Powers) (Guernsey) Order in Council, 1946, having heard the conclusions of His Majesty's Procureur, has ordered and doth hereby order that this Ordinance shall have effect in the Bailiwick of Guernsey and the territorial waters adjacent to every part thereof and that copies thereof shall be transmitted to the Judge of the Island of Alderney and the Seneschal of the Island of Sark for registration on the Records of those Islands respectively:—

1.—Such of the Defence Regulations contained in Part III., Part IV. or Part V. of the Defence (General) (Guernsey) Regulations, 1945, as are specified in the First Schedule to this Ordinance shall have effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, as extended to the Bailiwick of Guernsey by the Supplies and Services (Transitional Powers) (Guernsey) Order in Council, 1946, subject to the adaptations specified in the third column of that Schedule.

2.—The Defence Regulations specified in the second Schedule to this Ordinance shall have effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, as extended to the Bailiwick of Guernsey by the Supplies and Services (Transitional Powers) (Guernsey) Order in Council, 1946, subject to the adaptation specified in the second column of that Schedule.

3.—References in the First and Second Schedules to this Ordinance to the Supplies and Services (Transitional Powers) Act, 1945, shall be deemed to be references to that Act as extended to the Bailiwick of Guernsey by the Supplies and Services (Transitional Powers) (Guernsey) Order in Council, 1946.

FIRST SCHEDULE

DEFENCE (GENERAL) (GUERNSEY) REGULATIONS, 1945

<i>No. of Regulation</i>	<i>Subject matter</i>	<i>Adaptation</i>
43	General control of navigation	—
43A ...	Control of salvage	—
44A ...	Power to exclude British ships from particular areas	—
45	Measures for safety of British ships	—
47A ...	Desertion from ships, etc.	—
50 ...	Power to do work on land	After the word "community" where it occurs in paragraphs (1) and (2) there shall be inserted the words "or for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers Act, 1945)".
51	Taking possession of land	After the word "community" where it occurs in paragraphs (1) and (2) there shall be inserted the words "or for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945."

<i>No. of Regulation</i>	<i>Subject matter</i>	<i>Adaptation</i>
53	Requisitioning of property other than land	After the word "community" where it occurs in paragraphs (1) and (2) there shall be inserted the words "or for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945."
54	Special powers as to ships and aircraft	_____
55	General control of industry	After the word "community" where it occurs in paragraphs (1), (4) and (6) there shall be inserted the words "or for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945."
62 ... (applicable only to the Island of Guernsey)	Control of cultivation	After the word "community" in paragraph (1) there shall be inserted the words "or for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945."
62B ...	Suspension of restrictions on keeping pigs, hens and rabbits	_____
77	Inquiries	_____
82	False documents and false statements	_____
83 ...	Obstruction	The words "any servant of His Majesty acting in the course of his duty as such or" and the words "or otherwise discharging any lawful functions in connection with the defence of the realm or the securing of public safety" shall be omitted.
84 ...	Restriction on disclosing information	_____

<i>No. of Regulation</i>	<i>Subject matter</i>
85	Entry upon, and inspection of, land

Adaptation

For paragraph (1) there shall be substituted the following paragraph:—

“(1) Any person authorised by a competent authority may, on producing, if so required, some duly authenticated document showing his authority—

(a) enter on any land for the purposes of exercising any of the powers conferred by or under any of these Regulations;

(b) enter on any land and inspect the land and any article thereon for the purpose of determining whether, and if so, in what manner, any of those powers are to be exercised in relation to the land or that article; and

(c) for any purpose connected with the exercise of powers conferred by or under Regulation fifty of these Regulations (so far as those powers are exercisable for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945) or of powers conferred by Regulation fifty-one of these Regulations, pass (with or without animals or vehicles) over any land:

Provided that admission to any building or part of a building which is occupied shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been served on the occupier, or authority to enter without such notice has been given by the competent authority on the ground of urgent necessity in the public interest, and the document of authority contains a statement to that effect.”

Paragraph (1) shall be omitted.

87	Permits, licences, etc.
88	Fees for permits, licences, etc.

<i>No. of Regulation</i>	<i>Subject matter</i>	<i>Adaptation</i>
88A ...	Entry and search of premises, etc., to obtain evidence of offences.	In paragraph (1) for the words "an offence to which these Regulations apply, or any act prejudicial to the public safety or the defence of the realm", and in paragraph (3) for the words "any of the offences mentioned in paragraph (1) of this Regulation, or any act prejudicial to the public safety or the defence of the realm" there shall be substituted the words "any offence against Regulation 55 of these Regulations or against the Defence (Finance) (Guernsey) Regulations, 1945", the words "or act" where they occur in paragraphs (1), (2) and (3) shall be omitted; and paragraph (8) shall be omitted.
89	Use of force in entering premises.	————
90 ...	Attempts to commit offences and assisting offenders	————
91 ...	Offences by Corporations.	————
92 ...	Penalties.	————
93	Legal proceedings.	————
94 ...	Disposal of articles in possession of executive authorities.	In paragraph (1) for the words "whether in consequence of the seizure of the article under any of these Regulations or otherwise" there shall be substituted the words "in consequence of the seizure of the article under any of these Regulations having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945", and for the words "an offence to which these Regulations apply" where they occur in paragraphs (1), (2) and (9) there shall be substituted the words "any offence against any of these Regulations having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945", and at the end of paragraph (4) there shall be inserted the words "or for any of the purposes specified in sub section (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945".

<i>No. of Regulation</i>	<i>Subject matter</i>	<i>Adaptation</i>
95	... Recovery of expenses.	_____
96	Entrusting of functions to statutory bodies.	_____
97	... Service of notices.	_____
98	Revocation and variation of orders, etc.	_____
99B	... Application of Interpretation Act, 1889, to Defence Regulations.	The reference to the Emergency Powers (Defence) Acts, 1939 and 1940, shall be construed as including a reference to the Supplies and Services (Transitional Powers) Act, 1945.
100	Interpretation.	At the end of the definition of "essential services" there shall be inserted the words "or for any of the purposes specified in sub section (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945"; and in paragraph 7 for the words "as amended by any subsequent Regulation made under the Emergency Powers (Channel Islands) Order in Council, 1944, or the Emergency Powers (Guernsey) Order in Council, 1945" there shall be substituted the words "as subsequently amended, modified or adapted".
106	... Continuation of Defence Regulations, etc., made under the Emergency Powers (Channel Islands) Order in Council, 1944.	References in these Regulations to any other Regulation or to any derivative act under any other Regulation shall, unless that other Regulation is a Regulation specified in this Schedule, be deemed to be omitted.
106A	... Amendment of Regulation 106, etc.	
107	... Extension to Alderney of Defence Regulations, etc., hitherto applicable only to the remainder of the Bailiwick of Guernsey.	References in this Regulation to any other Regulation or to any derivative act under any other Regulation shall, unless that other Regulation is one of the Regulations specified in this Schedule, or in the Second Schedule to this Ordinance, be deemed to be omitted.

SECOND SCHEDULE

DEFENCE REGULATIONS OTHER THAN THE DEFENCE (GENERAL) (GUERNSEY) REGULATIONS, 1945

<i>Regulations</i>	<i>Adaptation</i>
The Defence (Finance) (Guernsey) Regulations, 1945.	For references to the Defence Regulations (Guernsey), 1945, there shall be substituted references to the Defence (General) (Guernsey) Regulations, 1945, and in paragraph (1) of Regulation nine thereof for the words "as if in the said Part V any reference to those Regulations included a reference to these Regulations" there shall be substituted the words "as if these Regulations were included in those Regulations".
