

ORDERS IN COUNCIL

AND OTHER MATTERS OF GENERAL INTEREST
REGISTERED ON THE RECORDS
OF THE ISLAND OF GUERNSEY.

Compiled under the authority of
the Royal Court
by
W. H. Arnold, H.M. Procureur.

VOL.



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ORDRES EN CONSEIL.

(Enregistré sur les Records le 21 janvier 1935.)

1935

Monsieur le Procureur Délégué du Roi ayant communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 20 décembre 1934 accordant permission à la Société dite " Sea Transport Company Limited ", de retirer son Appel au Très Honorable Conseil Privé de Sa Majesté du Jugement de la Cour Royale de l'Ile de Guernesey en date du 13 février 1934 entre la dite Société et le Conseil Administratif des Etats:

Sea
Transport
Co. Ltd.
Appel retiré.

La Cour, après avoir eu lecture du dit Ordre a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile.

(Enregistré sur les Records le 21 janvier 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 20th day of December, 1934.

PRESENT :

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT,

SECRETARY SIR JOHN SIMON,

LORD CHAMBERLAIN,

SIR PHILIP SASSOON.

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 30th day of November 1934, in the words following, viz. :—

New
weighbridge
St. Sampson's
Harbour.

" YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

' (1) That on the 5th day of October, 1934, the States Board of Administration addressed a letter to the Bailiff and President of the States recommending that a new weighbridge be in-

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stalled on the North Side of the Harbour of St. Sampson at a cost of £575, to replace one which was installed fifty years ago and which was found to be totally unsuitable for dealing with present day traffic. (2) That at an adjourned meeting held on the 14th day of November, 1934, the States of Deliberation duly considered the matter, when a resolution was passed approving the same and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to the said sum of £575 being taken from the revenue of the Harbours of St. Peter-Port and St. Sampson. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the sum of £575 being taken from the revenue of the Harbours of St. Peter-Port and St. Sampson for the purpose of installing a new weighbridge on the North Side of the Harbour of St. Sampson.' ”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition 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.”

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve thereof.

AND HIS MAJESTY is pleased to order, as it is hereby ordered, that the sum of £575 be taken from the revenue of the said Harbours of St. Peter-Port and St. Sampson for the purpose of installing a new weighbridge on the North Side of the Harbour of St. Sampson.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly.

1935

And the Lieutenant Governor or 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.

(Enregistré sur les Records le 21 janvier 1935.)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 20 décembre 1934 transmettant des exemplaires de l'Acte de Parlement suivant :—

Registration of Expiring Laws Continuance Act, 1934.

24 & 25 George V, Chapter 57, "The Expiring Laws Continuance Act, 1934",

La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné :—

1. Que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile.
2. Qu'un des exemplaires du dit Acte de Parlement sera enregistré sur les dits Records par être logé au Greffe.
3. Qu'un extrait des Registres de ce present Acte avec un exemplaire du dit Acte de Parlement sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq afin d'être enregistré sur les Records des dites Iles.

(Enregistré sur les Records le 21 janvier 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 20th day of December, 1934.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT,

SECRETARY SIR JOHN SIMON,

LORD CHAMBERLAIN,

SIR PHILIP SASSOON.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of

Rappel des Lois concernant le

1935
 service des
 Voitures
 Publiques et
 la Perception
 par les États
 de
 Contribu-
 tions par
 rapport à
 l'Octroi de
 Licences pour
 telles
 Voitures.

the Committee of Council for the Affairs of Guernsey and Jersey, dated the 10th day of December, 1934, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—(1) That for the reasons set forth in the preamble thereof, the Royal Court on the 20th day of July, 1934, adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled “*Loi rappelant les Lois concernant le service des Voitures Publiques et la Perception par les États de Contributions par rapport à l'Octroi de Licences pour telles Voitures*”, and requested the Bailiff to submit the same to the States of Deliberation for approval. (2) That the said Bill or *Projet de Loi* was duly considered by the States on the 9th day of November, 1934, when a resolution was passed approving the same and authorising the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. (3) That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule annexed to the Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* intituled “*Loi rappelant les Lois concernant le service des Voitures Publiques et la Perception par les États de Contributions par rapport à l'Octroi de Licences pour telles Voitures*” and to order and direct that the same shall have the force of Law within 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*.”

1935

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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or 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.

LOI RAPPELANT LES LOIS CONCERNANT
LE SERVICE DES VOITURES PUBLI-
QUES ET LA PERCEPTION PAR LES
ETATS DE CONTRIBUTIONS PAR RAP-
PORT À L'OCTROI DE LICENCES POUR
TELLES VOITURES.

Attendu que par Ordre de Sa Majesté en Conseil en date du 30 janvier 1893 enregistré sur les Records de cette Ile le 14 février 1893 sanctionnant un Projet de Loi intitulé “Loi concernant le Service des Voitures Publiques” le Superviseur de la Chaussée fut autorisé à octroyer des licences aux propriétaires de Voitures Publiques et ce sur la recommandation des Connétables de la paroisse où résident les propriétaires de telles voitures :

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Attendu que par Ordre de Sa Majesté en Conseil en date du 20 décembre 1919 enregistré sur les Records de cette Ile le 10 janvier 1920 sanctionnant un Projet de Loi intitulé " Loi ayant rapport à la Police Salariée pour l'Ile entière " la surveillance des lois et ordonnances relatives à la circulation des véhicules sur les routes, rues et chemins de cette Ile fut confiée à la Police Salariée à la place des Connétables de l'Ile :

Attendu que l'introduction de Voitures Publiques automobiles et la grande augmentation du nombre de telles Voitures Publiques opérant en cette Ile a nécessité pour la sauvegarde du public un contrôle plus minutieux et efficace que celui envisagé dans la Loi ci-devant premièrement citée par rapport à l'octroi de licences pour les Voitures Publiques et que tel contrôle a été confié par Ordonnance de la Cour Royale à la Police Salariée laquelle pour bien des années a exercé tel contrôle :

Attendu aussi que l'office de Superviseur de la Chaussée a été aboli et que le Conseil des Etats dit " Conseil Administratif des Etats " qui a été créé à sa place n'a pas assumé les fonctions qu'il exerçait en vertu de la dite Loi concernant le service des Voitures Publiques :

Les Etats ont été d'avis de rappeler la dite Loi enregistrée le 14 février 1893, comme aussi le troisième alinéa de l'Article II du Projet de Loi intitulé " Loi relative à l'Entretien des Voies Publiques ", sanctionné par Ordre de Sa Majesté en Conseil en date du 14 novembre 1904, enregistré sur les Records de cette Ile le 26 novembre 1904, suivant lequel alinéa les contributions autorisées par la dite Loi enregistrée le 14 février 1893 pour l'octroi de Licences pour les Voitures Publiques doivent être levées annuellement par les Etats et, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, les Etats ont déclaré que le Projet de Loi suivant aura force de loi en cette Ile à partir de son enregistrement.

Sont et demeurent rappelés :—

1935

- (1) La Loi intitulée “ Loi concernant le Service des Voitures Publiques ” enregistrée sur les Records de cette Ile le 14 février 1893.
- (2) L'Alinéa 3 de l'Article II de la Loi intitulée “ Loi relative à l'Entretien des Voies Publiques ” enregistrée sur les Records de cette Ile le 26 novembre 1904.

(Enregistré sur les Records le 21 janvier 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 20th day of December, 1934.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT,

SECRETARY SIR JOHN SIMON,

LORD CHAMBERLAIN,

SIR PHILIP SASSOON.

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 23rd day of November, 1934, in the words following, viz. :—

Impôts
(Auregny)
1935.

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney, setting forth :— ‘That at a Meeting of the States of Alderney holden before the Petitioner on the 14th day of November, 1934, the States were of opinion to renew the duties sanctioned by Your Majesty for the period ending on the 31st day of December, 1934 (which duties and the rates thereof and the commodities whereon the same are leviabie are contained in the Schedule to the Petition), for a further period commencing on the 1st day of January, 1935, and ending on the 31st day of December, 1935, the said duties to be levied on the said commodities respectively which are consumed

1935

in the Island, such levy to be made at the time of the importation therein of such thereof as are imported and the proceeds thereof to be applied to the purposes and under the conditions already sanctioned by Your Majesty. That at the said Meeting the Petitioner was authorised to present in the name of the States a most humble Petition to Your Majesty in Council praying Your Majesty to be graciously pleased to grant the States power to levy the said duties for the said further period, and most humbly praying that Your Majesty would be graciously pleased to grant the States of Alderney power to levy the said duties during the said further period for and under the aforesaid purposes and conditions.

‘SCHEDULE OF DUTIES REFERRED TO IN THE
FOREGOING PETITION.

	‘Per gallon	
	s.	d.
‘Spirituous Liquors and Liqueurs	8	0
‘Wines :—		
Port and Sherry	3	0
Claret	1	0
Champagne and Sparkling Wines	5	0
‘Cordials	3	0
‘Beer	0	7
<hr style="width: 20%; margin: 10px auto;"/>		
	Per lb.	
‘Cigars	1	3
‘Cigarettes	1	10
‘Other Tobacco	0	6
‘Tea	0	2’

“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition 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.”

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve thereof and to order, as it is hereby ordered, that the States of the Island of Alderney be authorised to levy the duties specified in the Schedule to the said Petition during the period commencing on the 1st day of January, 1935, and ending on the 31st day of December, 1935, for and under the purposes and conditions referred to in the said Petition.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Registers of the Islands of Guernsey and Alderney and observed accordingly.

And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

(Enregistré sur les Records le 9 mars 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 21st day of February, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,
LORD CHAMBERLAIN,

LORD BRIDGEMAN,
MR. J. C. C. DAVIDSON.

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 19th day of January, 1935, in the words following, viz. :—

Tax on
passengers
landing in
Sark during
1935.

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble

1935

Petition of Robert W. Hathaway, Seigneur, Frederick de Carteret, Seneschal, and Alfred Baker, Prévôt of the Island of Sark, setting forth:—‘(1) That on the 3rd October, 1934, the Tenants and Deputies of the Chief Pleas assembled to consider the Estimate of Expenditure and Taxation of the Island for the year ending 30th September, 1935, as prepared by the Treasurer. (2) That the Estimate was submitted on the 22nd October, 1934, to His Excellency the Lieutenant-Governor. (3) That the items as entered in the Estimate have received His Excellency’s approval under the Order in Council of the 20th June, 1922. (4) That the general expenditure may be met as heretofore from the monies received from the Impôt and Landing Tax. (5) That the tax of One Shilling per head on passengers (other than the inhabitants of Sark) landing in the Island, the levy of which was authorised until 31st December, 1934, by Order in Council dated 21st December, 1933, be continued during the year 1935. And most humbly praying that Your Majesty would be graciously pleased to declare and order that the levy of One shilling per head on passengers (other than the inhabitants of Sark) landing in the Island, be continued during the year 1935.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition 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 thereof.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve thereof and to order, as it is hereby ordered, that the levy of One shilling per head on passengers (other than the inhabitants of Sark) landing in the Island be continued during the year 1935.

AND HIS MAJESTY doth hereby further direct

that this Order be entered upon the Registers of the Islands of Guernsey and Sark and be observed accordingly.

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And the Lieutenant-Governor or Commander-in-Chief of the Bailiwick of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, of the said Bailiwick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

(Enregistré sur les Records le 9 mars 1935.)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 21 février 1935, transmettant des exemplaires de l'Ordre en Conseil suivant :—

Copyright
(Rome
Convention)
(Morocco
(Spanish
Zone)) Order
1935.

“The Copyright (Rome Convention) (Morocco (Spanish Zone)) Order, 1935.”

La Cour, après avoir eu lecture du dit Ordre en Conseil, ouïes les conclusions des Officiers du Roi, a ordonné :—

1. Que le dit Ordre en Conseil communiqué sera enregistré sur les Records de cette Ile.
2. Que le dit Ordre en Conseil transmis sera enregistré par être logé au Greffe.
3. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre en Conseil transmis seront expédiés par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Serk afin d'être enregistrés sur les records des dites Iles.

(Enregistré sur les Records le 9 mars 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 21st day of February, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,

LORD BRIDGEMAN.

LORD CHAMBERLAIN,

MR. J. C. C. DAVIDSON.

WHEREAS there was this day read at the Board Loi portant
modification

1935
à la Loi
relative aux
Automobiles.
(Auregny)

a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 3rd day of January, 1935, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney, setting forth :—‘That Your Majesty was graciously pleased by Your Majesty’s Order in Council dated the 26th day of June, 1923, to ratify the *Projet de Loi* intituled “*Loi relative aux Automobiles*” ; that at a Meeting of the States of Alderney holden before the Petitioner on the 4th day of December, 1933, the States considered a recommendation from a special Committee of the States for certain modifications to be made to the said Law and authorised the Court to prepare a *Projet de Loi* to give effect thereto ; that at a meeting of the said States holden before the Petitioner on the 14th day of November, 1934, the States took into consideration the *Projet de Loi* intituled “*Projet de Loi portant amendement à la Loi relative aux Automobiles*” and were of opinion with several amendments to approve the same, and to authorise the Petitioner to present in the name of the States a most humble Petition to Your Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying Your Majesty to be graciously pleased to grant to the said *Projet de Loi* (a copy whereof is hereunto annexed) Your Royal Sanction and to order the same to have force of Law in Your Majesty’s said Island of Alderney’ :

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition, and the *Projet de Loi* annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to your

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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 Alderney.

AND HIS 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order in Council.

LOI PORTANT MODIFICATION À LA LOI RELATIVE AUX AUTOMOBILES.

Sont et demeurent rappelés les articles 1, 2, 3, 4, Rappels. 6, 10 de la Loi relative aux Automobiles, sanctionnée par Ordre de Sa Majesté en Conseil en date du vingt-six juin mil neuf cent vingt-trois et enregistrée sur les Records de cette Ile le vingt-et-un juillet mil neuf cent vingt-trois, et sont les articles suivants substitués à leur place et seront censés former partie de la dite Loi :—

1. Il est défendu à toute personne de faire circuler une automobile sur la voie publique sans que telle

Circulation
sans licence
défendue.

1935 automobile soit licenciée aux fins de cette Loi sous peine d'une amende n'excédant pas £2 stg., et pour toute infraction subséquente d'une amende n'excédant pas £5 stg., ou d'emprisonnement n'excédant pas un mois.

Sont exceptés :

Exceptions. Ceux qui prouveront que l'automobile qu'ils font circuler leur appartient et n'a pas été en leur possession pour au delà de quarante-huit heures.

Procédure pour obtenir une licence. 2. Tout propriétaire d'automobile en cette Ile qui désire obtenir une licence pour telle automobile s'adressera au Procureur du Roi par le moyen d'une déclaration par écrit contenant tels détails concernant tel propriétaire et telle automobile qui seront requis par le Procureur du Roi.

3. Au reçu de telle déclaration et sur paiement par l'impétrant des droits à un des taux ci-après mentionnés, le Procureur du Roi accordera une licence annale ou semestrielle suivant le cas.

Classes de licence. 4. (a) Les licences pour les automobiles seront de deux classes savoir :—

(1) Les licences annales expirant le 31 décembre de chaque année.

(2) Les licences semestrielles pour la période commençant le premier avril et terminant le 30 septembre.

Droits pour licences. (b) Le taux des droits pour les licences sera comme suit :—

(1) Pour les licences annales, la somme de cinq chelins sterling par chaque cent douze livres avoirdupois ou partie de cent douze livres avoirdupois :

(2) pour les licences semestrielles la somme de trois chelins et neuf pennis par chaque cent douze livres avoirdupois ou partie de cent douze livres avoirdupois.

Poids de l'automobile. Le poids de l'automobile sera son poids avec ses appareils, mécanisme et carrosserie.

La somme percevable ne sera dans aucun cas	1935
moins d'une livre sterling.	
Sont exceptées du paiement de la licence les automobiles appartenant aux Départements du Gouvernement de Sa Majesté.	Minimum somme percevable.
10. Il sera payé pour chaque autorisation et chaque renouvellement d'autorisation :—	Exemptions du paiement de licence.
Pour conduire une motocyclette la somme d'un chelin sterling.	Sommes payables pour autorisations
Pour conduire une automobile ou un véhicule commercial, deux chelins et six pennis sterling.	
Pour conduire un autobus ou camion portant des passagers, cinq chelins sterling.	
Par un visiteur pour conduire une automobile, la somme de cinq chelins sterling.	
Le net produit des autorisations sera appliqué aux Besoins Publics.	

ALDERNEY.

Translation of "Law amending the Law relating to Automobiles," approved by His Majesty in Council the 21st day of February, 1935.

Are hereby repealed articles 1, 2, 3, 4, 6, 10 of the Law relating to Automobiles sanctioned by Order of His Majesty in Council dated the twenty-sixth day of June, One thousand nine hundred and twenty-three, registered on the Records of this Island the twenty-first July, one thousand nine hundred and twenty-three, and the following Articles are substituted therefor, and shall form part of the said Law ;

1. It is forbidden to any person to drive an automobile on the Public Roads until such automobile has been licensed in accordance with this Law under the penalty of a fine which shall not exceed £2 stg., and for any subsequent infringement to a fine not exceeding £5 stg., or to imprisonment not exceeding one month.

Repeals.
Use of unlicensed Automobiles on public roads forbidden.

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Are exempted :

Exemption.

Those who prove that the automobile they are driving belongs to them and has not been in their possession more than forty-eight hours.

Procedure for obtaining licence.

2. Any owner of an automobile in this Island who wishes to obtain a licence for such Automobile shall apply to His Majesty's Procureur and shall make a declaration in writing setting forth such information as may be required by His Majesty's Procureur with regard to the owner and the said automobile.

3. On receipt of such declaration and on the payment by the applicant of the tax of either one of the classes hereinafter mentioned, His Majesty's Procureur shall grant a yearly or half-yearly licence as may be required.

Classes of licence.

4. (a) Automobile licences shall be of two classes, namely :

(1) Yearly licences expiring on the thirty-first of December of each year :

(2) Half-yearly licences for the period commencing the first of April and ending the 30th September.

Charges for licences.

(b) The amount payable for the licences shall be as follows :

(1) For the yearly licences, the sum of Five shillings per cwt. avoirdupois or part thereof :

(2) For the half-yearly licences, the sum of three-shillings and ninepence per cwt. avoirdupois or part thereof.

Weight of Automobiles.

The weight of the Automobile shall be the weight including the gear, mechanism and coach work.

Minimum charge for licence.

The amount of the licence shall in no case be less than One Pound sterling.

Exemptions from payment of licence.

Automobiles belonging to His Majesty's Government Departments shall be exempt from the payment of licences.

Charges for driving licences.

10. There shall be paid for each permit to drive and for the renewal of such permit :

To drive a motor-cycle, the sum of one shilling 1935
sterling.

To drive a motor-car or commercial vehicle, two
shillings and six pence sterling.

To drive a motor bus or lorry carrying passen-
gers, five shillings sterling.

By a visitor driving a motor-car, five shillings
sterling.

The nett product of the Permits shall be placed
in the Besoins Publics Account.

(Enregistré sur les Records le 9 mars 1935.)

AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of February, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,

LORD BRIDGEMAN,

LORD CHAMBERLAIN,

MR. J. C. C. DAVIDSON.

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 18th day of January, 1935, in the words following, viz. :—

*Loi au sujet
de la
Conservation
des Beautés
Naturelles,
1935.*

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—1.—That on the 9th day of November 1934, the States of Deliberation on the recommendation of the Committee for the Preservation of the Natural Beauties of the Island, resolved to extend the powers of the said Committee in order to enable it to preserve as far as possible masoned walls, dry walls and hedgerows and to make it an offence to remove, destroy or demolish any wall or hedge which is visible from a road or other public place, without permission ; and the Royal Court was requested to prepare a Bill or Projet de Loi to give effect to the

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resolution of the States in the matter. 2.—That in conformity with the said resolution the Royal Court on the 1st day of December, 1934, adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled ‘ *Loi au sujet de la Conservation des Beautés Naturelles, 1935* ’, and requested the Bailiff to submit the same to the States for their approval. 3.—That on the 28th day of December, 1934, the States duly considered the said Bill or *Projet de Loi*, when a resolution was passed approving the same and authorising the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 4.—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 would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled ‘ *Loi au sujet de la Conservation des Beautés Naturelles, 1935* ’, and to order and direct that the same shall have force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or 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.

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M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order
in Council.

LOI AU SUJET DE LA CONSERVATION DES
BEAUTÉS NATURELLES, 1935.

Vu la délibération des Etats en date du 9 novembre 1934 :

Les Etats ont approuvé le Projet de Loi qui suit tendant à modifier et amplifier certaines des dispositions des Lois au sujet des Beautés Naturelles et Bâtiments Malséants, 1929 à 1932, lequel Projet de Loi, moyennant la sanction de Sa Très Excellente Majesté en Conseil, aura force de Loi en cette Ile à partir du jour de son enregistrement.

1.—Les Lois au sujet des Beautés Naturelles et Bâtiments Malséants, 1929 à 1932, ci-après respectivement qualifiées “ la Loi de 1929 ” et “ la Loi de 1932 ” auront effet comme si :—

(a) l'alinéa suivant fut inséré dans l'Article IV de la Loi de 1929 immédiatement après l'alinéa

(c) qui s'y trouve :—

(d) de démolir, d'abattre ou détruire en tout ou en partie aucun fossé, haie, crôte ou muraille visible d'un chemin ou autre lieu public en cette Ile.

(b) les mots “ ou l'on se propose de faire aucun ouvrage pour lequel sa permission est requise ” furent substitués aux mots “ de tout bâtiment proposé ” dans l'Article V. de la Loi de 1929.

Démolition
etc. de fossés,
murailles etc.
visibles de
lieux publics.

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2.—Les dispositions des Sections 3 et 4 de l'Article VI. de la Loi de 1932 ne s'appliqueront pas aux cas où la Cour Royale a confirmé un refus de permission de faire aucun ouvrage visé par l'alinéa (d) présentement incorporé dans l'Article IV. de la Loi de 1929.

3.—Nonobstant les dispositions des Lois au sujet des Beautés Naturelles et Bâtiments Malséants, 1929 à 1932 ainsi que modifiées par cette présente Loi, la permission du Comité constitué par la Loi de 1929 ne sera pas requise à l'égard d'aucun ouvrage fait en conformité aux Ordonnances de la Cour Royale de temps à autre en vigueur relatives au Coupement de Broussailles, Jaon, Epines et Branchages et à la Hauteur des Haies bordant les Encoignures des Voies Publiques.

4.—Les Lois de 1929 et de 1932 et cette Loi seront interprétées ensemble et une référence tant aux dites Lois de 1929 et de 1932 qu'à cette Loi sera entendue par l'expression "Lois au sujet des Beautés Naturelles et Bâtiments Malséants, 1929 à 1935."

(Enregistré sur les Records le 9 mars 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 21st day of February, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,

LORD BRIDGEMAN,

LORD CHAMBERLAIN,

MR. J. C. C. DAVIDSON.

Enregistre-
ment des
Naissances et
Décès dans le
Bailliage de
l'Île de
Guernesey.

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 31st day of January, 1935, in the words following, viz.:—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—1.—That for the reasons set forth

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in the preamble thereof, the Royal Court on the 13th day of October, 1934, adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled ' *Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey* ' and requested the Bailiff to submit the same to the States of Deliberation for their approval ; 2.—That on the 9th day of November, 1934, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same with slight modifications and authorising the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto ; 3.—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 would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled ' *Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey* ' and to order and direct that the same shall have the force of Law within the Bailiwick of 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 Bailiwick of Guernsey.

AND HIS MAJESTY doth hereby further direct that this Order, and the said *Projet de Loi* (a copy

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whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or 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.

M. P. A. HANKEY.

“PROJET DE LOI” referred to in the foregoing Order in Council.

LOI RELATIVE À L'ENREGISTREMENT DES NAISSANCES ET DÉCÈS DANS LE BAIL- LIAGE DE L'ILE DE GUERNESEY.

Les Etats, ayant, par leur délibération du 8 mars 1933, décidé que les déclarations des Naissances qui ont lieu dans les paroisses de la Campagne ci-devant faites aux Députés-Régistres des Naissances des paroisses de la Campagne seront à l'avenir faites au Greffe, le bureau du Régistres-Général des Naissances, et que par conséquent les dits Députés-Régistres doivent être relevés de leurs charges, et censant que les changements dans la législation ainsi entraînés seront mieux faits en statuant de nouveau à ce sujet, et qu'il y a lieu d'incorporer dans cette loi les dispositions relatives à l'enregistrement des décès dans le Bailliage de cette Ile, le Projet de Loi qui ensuit a été approuvé par les Etats afin que, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, il ait force de Loi dans le Bailliage de l'Ile de Guernesey.

ARTICLE I.

ARTICLE GÉNÉRAL

Régistres
Général.

Le Greffier du Roi, ou dans son absence son Député,

sera tant le Régistrai-re-Général des Naissances et des Décès pour le Bailliage de l'Ile de Guernsey que le Régistrai-re des Naissances et des Décès pour l'Ile de Guernesey, et le bureau du Greffe sera le Bureau Général d'Enregistrement.

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Les dispositions de cette Loi s'étendront aux Iles d'Herm et de Jethou lesquelles Iles, pour les besoins de cette Loi seront censées former partie du territoire de l'Ile de Guernesey et l'expression " Ile de Guernesey " aura référence aux dites Iles collectivement avec l'Ile de Guernesey.

Herm et
Jethou.

Pareillement l'Ile de Brechou sera censée former partie du territoire de l'Ile de Sercq et l'expression " Ile de Sercq " aura référence à l'Ile de Brechou collectivement avec l'Ile de Sercq.

Brechou.

Dans cette Loi, lorsque le contexte l'exige ou le permet, le terme " Régistrai-re " où il se trouve sans être qualifié ou usité en d'autre sens s'appliquera tant au Régistrai-re des Naissances et des Décès de l'Ile de Guernesey qu'au Régistrai-re des Naissances et des Décès de l'Ile de Sercq.

Signification
du terme
"Régis-
trai-re".

La Cour Royale sur la demande du Régistrai-re-Général nommera un Régistrai-re des Naissances et des Décès pour l'Ile de Sercq, dont le salaire sera fourni par la dite Ile de Sercq.

Régistrai-re
pour Sercq.

Le Greffier du Roi et son Député, et celui qui est nommé Régistrai-re pour l'Ile de Sercq, avant d'entrer en fonctions, seront tenus de prêter serment devant la Cour Royale de bien et fidèlement s'acquitter des devoirs de leur charge.

Greffier et
son député, et
Régistrai-re
pour Sercq
à être
sermentés
devant la
Cour Royale.

Les formes de déclarations, de certificat et de permission suivant aux formes dans la cédule à cette Loi pourront être rédigées et complétées soit en la langue française, soit en la langue anglaise.

Formes soit
en anglais
soit en
français.

L'enregistrement des Naissances et des Décès dans l'Ile d'Auregny se fera en conformité à la Loi relative à l'Enregistrement des Naissances et Décès en force en la dite Ile d'Auregny.

Enregistre-
ment en
Auregny

Le Régistrai-re-Général gardera des registres dans

Garde des
registres.

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lesquels seront inscrites toutes les déclarations de naissances et de décès ayant lieu dans le Bailliage de l'Île de Guernesey.

ARTICLE 2.

ENREGISTREMENT DES NAISSANCES

Déclaration
de naissance
avant
l'expiration
de 30 jours.

(1) Lors de la naissance d'un enfant, le père, et dans le cas du décès, de la maladie ou de l'absence de l'Île du père, toute personne présente à la naissance et toute personne ayant le soin de l'enfant devra, avant l'expiration de trente jours de la naissance de l'enfant, faire en personne ou envoyer par une personne âgée de seize ans au moins, une déclaration par écrit signée du déclarant ayant rapport à la naissance de l'enfant et suivant à la forme "A" dans la Cédule à cette Loi, soit :—

- (a) au Régistrare pour l'Île de Guernesey lorsqu'il s'agit d'une naissance dans l'Île de Guernesey, soit
- (b) au Régistrare pour l'Île de Sercq, lorsqu'il s'agit d'une naissance dans l'Île de Sercq.

Enfants
illégitimes

(2) Si l'enfant est illégitime, il doit être désigné comme tel et la personne assistant à l'accouchement, et faute de telle personne, la mère, sera tenue de faire la dite déclaration quant à la naissance. Dans tous les cas la déclaration de la mère sera recevable.

de veuves et
de femmes
non mariées;

(3) Dans le cas d'un enfant illégitime d'une veuve ou d'une femme non mariée, personne en qualité du père de tel enfant ne sera tenu de fournir au Régistrare les renseignements quant à la naissance requis par la première section de cet article, et le Régistrare n'inscrira pas dans le registre le nom d'aucun individu comme étant le père de l'enfant à moins que ce soit sur la demande faite conjointement par la mère et par l'individu qui se déclare être le père de tel enfant, et dans ce cas la naissance de l'enfant sera inscrite comme enfant illégitime du dit individu et de la mère.

(4) L'enregistrement de la naissance d'un enfant illégitime d'une femme mariée devra se faire suivant la déclaration de la mère que le dit enfant est illégitime et que son mari n'est pas le père du dit enfant, et aucun nom indiquant un individu comme étant le père de l'enfant ne sera inscrit sur le registre.

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de femmes mariées.

ARTICLE 3.

Après l'expiration des trente jours et avant l'expiration des six mois qui suivront la naissance d'un enfant, il sera permis au Régistrare d'enregistrer la naissance de tel enfant pourvu qu'il lui soit produit une déclaration solennelle faite devant Justice par une personne présente à la naissance, ou par le père, la mère ou le tuteur de l'enfant, laquelle déclaration contiendra les détails requis suivant la forme "A" dans la Cédule à cette Loi. La personne qui fera la dite déclaration signera le registre comme la personne donnant l'information.

Enregistre-
ment de
naissances
avant
l'expiration
de 6 mois
mais après
l'expiration
de 30 jours.

Dans ce cas le Régistrare inscrira la déclaration sur le registre. Il sera payé pour telle inscription la somme d'un chelin six pennis.

ARTICLE 4.

Après les six mois qui suivront la naissance d'un enfant, il ne sera plus permis au Régistrare d'enregistrer la naissance de tel enfant sans un acte spécial de la Cour Royale l'autorisant à ce faire. L'acte pourra s'obtenir dans le cas où les faits auront été constatés à la satisfaction de la Cour Royale. La personne à l'instance de laquelle l'acte aura été obtenu signera le registre comme la personne donnant l'information. Dans ce cas le Régistrare inscrira sur le registre que l'acte de Cour lui a été produit.

Enregistre-
ment de
naissances
après
l'expiration
de six mois.

ARTICLE 5.

Lorsque le nom d'un enfant dont la naissance a été enregistrée est changé, ou qu'un nom est donné à un

Enregistre-
ment et
changement
de noms.

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enfant dont la naissance fut enregistrée sans lui donner de nom, le père, la mère, le tuteur de tel enfant ou autre personne demandant que le nom de l'enfant soit changé ou qu'un nom lui soit donné, et ce dans l'ordre de priorité ci-dessus, devra livrer au Régistrare un certificat signé par la personne qui aura baptisé l'enfant ou un extrait des Registres de baptême, et si l'enfant n'a pas été baptisé devra faire une demande par écrit à l'effet qu'un nom soit donné ou changé, et le Régistrare pourra, s'il est satisfait, insérer ou changer tel nom suivant le cas.

ARTICLE 6.

Enregistre-
ment du nom
d'un enfant
né avant le
mariage de
ses père et
mère.

Dans le cas où un enfant soit né avant le mariage de ses père et mère et que tel enfant soit reconnu légitime par les dits père et mère lors de leur mariage, le Régistrare inscrira dans le registre de la naissance du dit enfant le nom du père comme étant le père du dit enfant ainsi reconnu légitime.

ARTICLE 7.

Amende.

Tout contrevenant aux dispositions des articles ci-dessus sera passible d'une amende qui n'excédera pas £1 sterling.

ENREGISTREMENT DES DÉCÈS.

ARTICLE 8.

L'enregistrement des Décès dans cette Ile et dans l'Ile de Sercq se fera suivant aux dispositions des Articles qui suivent.

ARTICLE 9.

Déclarations
de mort.

Avant les quarante-huit heures expirées depuis la mort d'une personne, le plus proche parent demeurant dans la maison, et faute de tel, le plus proche parent dans l'Ile, et faute de tel, l'occupant ou le propriétaire de la maison où le décès a eu lieu, ou

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celui qui a la surintendance des funérailles, est tenu, sous une pénalité qui n'excédera pas une livre sterling de faire en personne ou d'envoyer par une personne agée de seize ans au moins au Régistrare, une déclaration par écrit sous son seing, spécifiant le nom, le prénom et l'âge du décédé, l'heure, la date et le lieu et, autant qu'il le pourra, les noms et prénoms du père et de la mère du défunt, son état ou sa profession, le lieu de sa naissance, et le lieu de sa résidence ordinaire, suivant à la forme " B " de la Cédule de cette Loi, accompagné du certificat mentionné dans l'article 11 d'un médecin constatant la cause de mort ou la cause probable de mort, ou constatant qu'il n'est pas à même de constater la cause de mort ou la cause probable de mort. Les dispositions de cet article s'appliqueront, autant que possible, dans le cas d'un enfant mort-né.

ARTICLE 10.

Dans le cas où, lors d'un décès dans l'Ile de Sercq Sercq. il ne se trouve pas de Médecin dans l'Ile, celui qui est tenu de se conformer aux dispositions de l'article 9 de la présente Loi, sera tenu au lieu d'envoyer au Régistrare un certificat de médecin, de faire part du décès aux Connétables et au Sénéchal.

ARTICLE 11.

Il est défendu d'enregistrer la mort d'une personne sans la production d'un certificat suivant à la Forme " C " de la Cédule de cette Loi, signé d'un Médecin, constatant qu'il a vu le corps du décédé et constatant la cause de mort ou la cause probable de mort, ou sans production d'un Acte de Cour permettant l'inhumation du corps. Certificat de
médecin.

ARTICLE 12.

Tout médecin appelé à constater la cause de mort qui a lieu de croire qu'un crime a été commis, ou que Décès dont la
cause est crue
criminelle ou

1935
 n'est pas
 susceptible
 d'être
 constatée.

la mort a été causée ou accélérée par négligence, ou qui n'est pas à même de constater la cause de mort ou la cause probable de mort en informera de suite l'Inspecteur de la Police Salariée et les Officiers du Roi dans l'Ile de Guernesey et les Connétables et le Sénéchal dans l'Ile de Sercq, suivant le cas.

ARTICLE 13.

Certificat
 suivant la
 forme "D".

Le Régistrai re ne livrera pas de certificat de décès ni permission d'enterrer suivant la forme " D " de la cédule de cette Loi, sans avoir reçu un certificat de la cause de mort ou de la cause probable de mort, signé d'un médecin suivant la forme " C " de la cédule, ou la production d'un Acte de Cour permettant l'inhumation du corps. Il sera payé au Régistrai re par les Etats la somme de six pennis pour chaque permission d'enterrer livrée en cette Ile.

ARTICLE 14.

Enterre-
 ments.

Il est défendu au Ministre ou autre personne conduisant les funérailles d'enterrer un mort ou d'en disposer par autre moyen, sans avoir reçu du Régistrai re une permission suivant la forme " D " de la cédule. Sera tout contrevenant à ce présent article passible d'une amende qui n'excédera pas £50 sterling.

Dans le cas d'un mort apporté dans l'Ile pour être enterré le certificat de l'enregistrement du décès sera exhibé au Régistrai re qui livrera la permission suivant la forme " D " de la cédule, en omettant les mots " cause ou la cause probable de ".

ARTICLE 15.

Période de
 garde de
 corps.

Il est défendu de garder un corps au delà de six jours, sauf avec la permission dans l'Ile de Guernesey par écrit des Connétables et des Officiers du Roi, et dans l'Ile de Sercq des Connétables et du Sénéchal,

sous peine d'une amende qui n'excédera pas £10 sterling. 1935

ARTICLE 16.

Il sera loisible à la Cour Royale de passer des Ordonnances relatives aux enterrements. Ordonnances relatives aux enterrements.

Il sera loisible à la Cour Royale de passer des Ordonnances pour assurer que les morts soient enterrés sans délai, pour régler la conduite des enterrements, et pour porter à exécution les dispositions de cette Loi.

ARTICLE 17.

Lors de la naissance d'un mort-né, le père, et à son défaut la personne ayant la charge des couches, sera tenu sous une pénalité qui n'excédera pas £1 sterling, de faire en personne ou d'envoyer par l'intermédiaire d'une personne âgée de 16 ans au moins, au Régistratre une déclaration par écrit sous son seing, de la naissance, spécifiant les noms et prénoms du père et de la mère, l'heure, le jour et le lieu de la naissance, le tout conformément, autant que possible, aux dispositions contenues dans l'Article 9. Déclaration du naissance d'un mort-né.

RÈGLEMENTS GÉNÉRAUX.

ARTICLE 18.

Le Régistratre des Naissances et des Décès dans l'Île d'Auregny et dans l'Île de Sercq transmettra au Régistratre-Général à la fin de chaque trimestre, ou plus souvent lorsque requis par lui, une copie authentiquée par tel Régistratre de toute inscription de naissances et de décès et de toute note faite par lui sur son registre pendant le trimestre. Transmission au Régistratre-Général de copies des inscriptions dans les registres d'Auregny et de Sercq.

ARTICLE 19.

Le Régistratre-Général au moins une fois par an, vérifiera personnellement ou par son Député, les registres des Régistratres des Îles d'Auregny et de Sercq, pour s'assurer que les inscriptions y soient en ordre et conformes aux siens. Vérification des registres d'Auregny et de Sercq.

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ARTICLE 20.

Rectification
d'erreurs
dans les
registres.

S'il se trouve une erreur, autre qu'une erreur insignifiante, dans les registres des naissances et des décès, tant de cette Ile que des Iles d'Auregny et de Sercq, le Régistreur-Général s'adressera à la Cour Royale pour permission de la rectifier. Telle rectification sera écrite par lui ou par son Député sans faire de rature ou autre correction ; elle portera de plus la date de l'Acte de Cour octroyant la permission et sera signée par le Régistreur-Général ou son Député.

ARTICLE 21.

Indices pour
naissances et
pour décès.

Il sera fait par le Régistreur-Général, et gardé parmi les registres, un indice pour les Naissances et un indice pour les Décès. Le Régistreur-Général doit permettre en tous temps, dans les heures ordinaires, la recherche tant dans les indices que dans les livres d'enregistrements, et donner copie sous sa signature d'aucun enregistrement dans les dits livres. Pour chaque recherche d'indice, et du livre qui y a rapport, y compris copie de l'enregistrement par lui certifiée, si elle est demandée en même temps, il lui sera payé un chelin en outre les droits de timbre ; il lui sera payé un chelin en outre les droits de timbre pour toute autre copie d'enregistrement par lui certifiée.

Recherches.

ARTICLE 22.

Copies etc.
reçues en
témoignage.

Toutes copies ou extraits d'inscriptions sur le Registre-Général des Naissances ou Décès certifiés par le Régistreur-Général ou par son Député et timbrés du sceau de l'Office du Régistreur-Général seront reçus en témoignage et pour preuve de la naissance ou de la mort dont il s'agit, en toutes Cours de Justice, sans autre preuve de leur enregistrement.

ARTICLE 23.

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Il sera payé par les Etats de cette Ile au Régis-
traire-Général pour le compte des Etats pour ses
services sous la présente Loi telle somme qui sera
déterminée par les Etats.

Paiement du
Régistrare-
Général.

ARTICLE 24.

Le Régistrare fournira chaque mois à l'Officier de
Santé des Etats, sur des formes à lui fournies par le
dit Officier de Santé, copie de chaque enregistrement
dans le Registre des Décès, et le nombre de Naissances
avec le sexe de l'enfant, qui auront été enregistrés en
cette Ile pendant le mois précédent. Il lui sera payé
par les Etats la somme de trois pennis stg. par copie.

Statistique
fournie à
l'Officier de
Santé.

ARTICLE 25.

Les frais pour l'achat des livres et formes néces-
saires seront payés par les Etats de cette Ile, pourvu
toutefois que dans le cas de l'Ile de Sercq, tels livres
et formes seront fournis par les Etats aux frais de la
dite Ile de Sercq.

L'achat de
livres et
formes.

ARTICLE 26.

Les amendes imposées par la présente Loi seront
applicables moitié à Sa Majesté et moitié aux Etats
de cette Ile.

Application
d'amendes.

ARTICLE 27.

Celui qui, dans le dessein de le faire insérer dans
un Registre de Naissances ou de Décès, donnera ou
fera donner un état ou rapport faux d'aucun détail
nécessaire d'être connu et enregistré au sujet des dits
naissances et décès, sera sujet aux mêmes peines et
pénalités que s'il était coupable de parjure.

Rapports
faux etc.

ARTICLE 28.

La Loi relative aux certificats de Décès et aux

Rappel de
Lois.

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Enterrements sanctionnée par un Ordre de Sa Majesté en Conseil en date du 11 février 1907 enregistré sur les Records de l'Ile de Guernesey le 2 mars 1907, et la Loi relative à l'Enregistrement de Naissances et Décès dans le Bailliage de l'Ile de Guernesey sanctionnée par un Ordre de Sa Majesté en Conseil en date du 26 mai 1925 enregistré sur les Records de l'Ile de Guernesey le 13 juin 1925 sont rappelées, pourvu que, nonobstant ce rappel les articles et les parties d'articles de la Loi relative aux Naissances, aux Mariages et aux Morts sanctionnée par un Ordre de Sa Majesté en Conseil en date du 3 octobre 1840 enregistré le 24 octobre 1840 qui ont rapport aux Naissances et aux Décès et qui furent rappelés par les dites lois de 1907 et 1925, demeureront rappelés.

Pourvu aussi que ce rappel des dites Lois de 1907 et de 1925 n'aura effet :—

- (a) d'affecter l'opération antérieure d'icelles,
- (b) d'affecter aucune obligation ou passibilité encourue en vertu d'icelles,
- (c) d'affecter aucune pénalité, forfaiture ou punition encourue à l'égard d'aucune contravention d'icelles,
- (d) d'affecter aucune poursuite ou recours à l'égard de telle obligation, passibilité, forfaiture ou punition,

et toute et telle poursuite ou tout et tel recours pourra être institué, continué ou mis en vigueur, et toute et telle pénalité, forfaiture ou punition pourra être imposée comme si cette présente Loi n'avait pas été passée.

ARTICLE 29.

Cette Loi viendra en force tel jour après son enregistrement sur les Records de cette Ile, qui sera fixé par la Cour Royale.

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FORME A.

Date de Naissance.....
 Nom de l'Enfant.....
 Sexe de l'Enfant.....
 Nom du Père.....
 Nom de la Mère avant mariage.....
 Lieu de Naissance de l'Enfant.....
 Rang, état ou profession du Père.....
 Signature du Déclarant.....
 Qualité
 Résidence

Cette déclaration doit être livrée au Régistrare dans les 30 jours de la naissance par une personne âgée d'au moins 16 ans.

FORME B.

Date et heure de Décès.....
 Nom du décédé.....
 Femme ou veuve de.....
 Age
 Nom du Père.....
 Nom de la Mère avant mariage.....
 Lieu de Décès.....
 Rang, état ou profession.....
 Résidence ordinaire.....
 Lieu de naissance.....
 Cause de Décès.....
 Signature du déclarant.....
 Résidence

Cette déclaration doit être livrée au Régistrare dans les 48 heures du décès par une personne âgée d'au moins 16 ans.

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FORME C.

CERTIFICAT MÉDICAL DE LA CAUSE OU
CAUSE PROBABLE DE MORT.

Je soussigné certifie par ces présentes :—

1—Que j'ai vu le corps de.....âgé de.....
lequel décéda en la paroisse de.....
le.....à.....heures du.....

*2—Que je l'ai visité pendant sa dernière maladie.

*3—Que je l'ai vu en vie pour la dernière fois le

.....

**Rayer ces détails lors non applicables.*

4—Que du meilleur de ma connaissance :

(a) la cause de mort

(b) la cause probable de mort

fut :— Primaire

Secondaire

Ce.....19.... Signature

Qualités

FORME D.

Je soussigné déclare par ces présentes que les formalités voulues par la loi pour constater la cause ou la cause probable de mort de.....âgé de..... décédé le.....à.....ayant été observées, il est permis de faire inhumer le corps d..dit.....

.....193....

.....

Régistraire.

GUERNSEY.

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Translation of " Law relating to the Registration of Births and Deaths in the Bailiwick of the Island of Guernsey ", approved by His Majesty in Council the 21st day of February, 1935.

The States having, by their deliberation of the 8th March, 1933, decided that the declarations of Births which take place in the Country parishes formerly made to the Deputy-Registrars of Births of the Country parishes shall in future be made at the Greffe, the Office of the Registrar-General of Births, and that in consequence the said Deputy-Registrars shall be relieved of their duties, and deeming that the legislative changes thus involved will be better made by re-enactment, and that there is need to incorporate in this Law the provisions relating to the registration of deaths in the Bailiwick of this Island, the following Projet de Loi has been approved by the States in order that, subject to the Sanction of His Most Excellent Majesty in Council, it may have force of law in the Bailiwick of the Island of Guernsey.

ARTICLE 1.

GENERAL ARTICLE.

His Majesty's Greffier, or in his absence his Deputy, shall be the Registrar-General of Births and Deaths for the Bailiwick of the Island of Guernsey as well as the Registrar of Births and Deaths for the Island of Guernsey, and the Greffe Office shall be the General Register Office. Registrar-General etc.

The provisions of this Law shall extend to the Islands of Herm and Jethou which Islands, for the purposes of this Law, shall be deemed to form part of the territory of the Island of Guernsey and the expression " Island of Guernsey " shall have reference to the said Islands collectively with the Island of Guernsey. Herm and Jethou.

1935 Brechou.	Similarly the Island of Brechou shall be deemed to form part of the territory of the Island of Sark and the expression "Island of Sark" shall have reference to the Island of Brechou collectively with the Island of Sark.
Definition of "Registrar".	In this Law, where the context requires or allows, the term "Registrar" where found without being qualified or used in any other sense shall apply to the Registrar of Births and Deaths of the Island of Guernsey as well as to the Registrar of Births and Deaths of the Island of Sark.
Registrar for Sark.	The Royal Court, on the application of the Registrar-General, shall appoint a Registrar of Births and Deaths for the Island of Sark, whose salary shall be provided by the said Island of Sark.
Greffier and Deputy, and Registrar for Sark to be sworn before Royal Court.	His Majesty's Greffier and his Deputy, and the person who is appointed Registrar for the Island of Sark, before taking office, shall take an oath before the Royal Court to discharge the duties of their office well and faithfully.
Forms may be either in English or French.	The forms of declarations, certificate and permission according to the forms in the Schedule to this Law, may be drawn and completed either in the French or English language.
Registration in Alderney.	The registration of Births and Deaths in the Island of Alderney shall be in conformity with the Law relating to the Registration of Births and Deaths in force in the said Island of Alderney.
Registrar-General to keep register for Bailiwick.	The Registrar-General shall keep the registers in which shall be entered all declarations of births and deaths taking place in the Bailiwick of the Island of Guernsey.

REGISTRATION OF BIRTHS.

ARTICLE 2.

Declarations of birth to be made within 30 days.	(1) On the birth of a child, the father, and in the case of the death, sickness or absence from the Island of the father, any person present at the birth and any
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person having the care of the child, shall, before the expiration of thirty days from the birth of the child, make in person or send by a person of at least sixteen years of age, a declaration in writing signed by the declarant with reference to the birth of the child and according to Form A in the Schedule to this Law, either :—

- (a) to the Registrar for the Island of Guernsey, in the case of a birth in the Island of Guernsey, or
- (b) to the Registrar for the Island of Sark in the case of a birth in the Island of Sark.

(2) If the child is illegitimate, it must be described as such, and the person assisting at the confinement, and failing such person, the mother, shall make the said declaration as to the birth. In all cases the declaration of the mother shall be admissible.

Illegitimate children

(3) In the case of an illegitimate child of a widow or of an unmarried woman, no person in the capacity of father of such child shall be obliged to furnish to the Registrar the particulars required by Section 1 of this article as to the birth, and the Registrar shall not enter in the register the name of any individual as being the father of the child unless it be at the request made jointly by the mother and the individual who declares himself to be the father of such child, and in this case the birth of the child shall be entered as the illegitimate child of the said individual and the mother.

of widows and spinsters

(4) The registration of the birth of an illegitimate child of a married woman shall be made according to the declaration of the mother that the said child is illegitimate and that her husband is not the father of the said child, and no name indicating an individual as being the father of the child shall be entered in the register.

of married women.

ARTICLE 3.

After the expiration of thirty days and before the expiration of six months following the birth of a child,

Registration of births after 30 days

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but within 6
months.

it shall be permissible for the Registrar to register the birth of such child provided a solemn declaration made before the Court is produced to him by a person present at the birth, or by the father, mother or guardian of the child, which declaration shall contain the details required in accordance with Form A in the Schedule to this Law. The person who shall make the said declaration shall sign the register as the person giving the information.

In this case the Registrar shall enter the declaration in the register. The sum of one shilling and sixpence shall be paid for such entry.

ARTICLE 4.

Registration
of births
after 6
months.

After six months following the birth of a child, it shall no longer be permissible for the Registrar to register the birth of such child without a special act of the Royal Court authorizing him to do so. The act may be obtained in the case where the facts shall have been established to the satisfaction of the Royal Court. The person at whose instance the act shall have been obtained shall sign the register as the person giving the information. In this case the Registrar shall enter on the register that the Act of Court has been produced to him.

ARTICLE 5.

Change or
late
registration
of names.

When the name of a child whose birth has been registered is changed, or a name is given to a child whose birth was registered without any name being given it, the father, mother, the guardian of such child or other person requesting that the name of the child be changed, or that a name be given it, and this in the order of priority as above, shall deliver to the Registrar a certificate signed by the person who shall have baptised the child or an extract from the baptismal registers, and if the child has not been baptised shall make an application in writing to the effect that a

name be given or changed, and the Registrar may, if he is satisfied, insert or change such name as the case may be.

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ARTICLE 6.

In the case where a child is born before the marriage of his father and mother and such child is acknowledged as legitimate by the said father and mother at the time of their marriage, the Registrar shall enter in the register of birth of the said child the name of the father as being the father of the said child so acknowledged as legitimate.

Registration of name of child born before marriage of parents.

ARTICLE 7.

Anyone contravening the provisions of the above articles shall be liable to a fine not exceeding £1 stg.

Fine.

REGISTRATION OF DEATHS.

ARTICLE 8.

The registration of Deaths in this Island and in the Island of Sark shall be made according to the provisions of the following Articles.

ARTICLE 9.

Before the expiration of forty-eight hours after the death of a person the nearest relative living in the house, and in default of such, the nearest relative in the Island, and in default of such, the occupier or the proprietor of the house in which the death has taken place, or the person who has the superintendence of the funeral, shall, under a penalty not exceeding one pound sterling, make in person or send by a person of at least sixteen years of age, to the Registrar, a declaration in writing signed by him, stating the surname, christian name and age of deceased, the time, date and place and, as far as he is able, the surnames and christian names of the father and mother of the deceased, his rank or profession, place

Declaration of death.

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of birth, and his ordinary place of abode, according to Form " B " of the Schedule of this Law, accompanied by the doctor's certificate mentioned in Article 11 stating the cause or probable cause of death, or stating that he is not in a position to state the cause or probable cause of death. The provisions of this Article shall apply as far as possible, in the case of a still-born child.

ARTICLE 10.

Sark.

In the case where, on the occasion of a death in the Island of Sark there is no doctor in the Island, the person who is bound to conform to the provisions of Article 9 of the present Law, shall, instead of sending a doctor's certificate to the Registrar, give notice of such death to the Constables and to the Seneschal.

ARTICLE 11.

Doctor's
certificate.

It is forbidden to register the death of a person without producing a certificate made according to Form " C " of the Schedule of this Law, signed by a doctor, stating that he has seen the body of the deceased and stating the cause or probable cause of death, or without the production of an Act of Court permitting the burial of the body.

ARTICLE 12.

Suspected
crime or
unascertained
cause
of death.

Every doctor who is called upon to state the cause of death, who has reason to believe that a crime has been committed, or that the death was caused or accelerated by negligence, or who is not in a position to state the cause or probable cause of death, shall immediately inform the inspector of the Salaried Police and the Crown Officers in the Island of Guernsey and the Constables and the Seneschal in the Island of Sark as the case may be.

ARTICLE 13.

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The Registrar shall not deliver a Death Certificate nor permission to bury in accordance with Form "D" of the Schedule to this Law, without having received a certificate of the cause or probable cause of death, signed by a doctor in accordance with Form "C" of the Schedule, or the production of an Act of Court permitting the burial of the body. The sum of sixpence shall be paid to the Registrar by the States for each permission to bury delivered in this Island.

Death certificate and permission to bury.

ARTICLE 14.

It is forbidden for the Minister or other person conducting the funeral to bury a corpse or otherwise dispose thereof, without having received a permit from the Registrar in accordance with Form "D" of the Schedule. Every person offending against this present Article shall be liable to a fine not exceeding £50 sterling.

Burials.

In the case of a corpse brought into the Island to be buried, the certificate of registration of death shall be shown to the Registrar who will deliver the permit in accordance with Form "D" of the Schedule, omitting therefrom the words "Cause or probable cause of".

ARTICLE 15.

It is forbidden to keep a corpse for more than six days, except with the permission in writing of the Constables and Crown Officers in the Island of Guernsey, and in the Island of Sark, of the Constables and the Seneschal, under penalty of a fine not exceeding £10 sterling.

Limit of time for keeping body.

ARTICLE 16.

It shall be lawful for the Royal Court to pass Ordinances to ensure that corpses be buried without delay, to regulate the conduct of burials and to carry into execution the provisions of this Law.

Ordinances relative to burials.

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ARTICLE 17.

Still-born
children.

At the time of the birth of a still-born child, the father, and in default of the father, the person in charge of the confinement, shall, under a penalty not exceeding £1 sterling, make in person, or send through the medium of a person of at least 16 years of age, to the Registrar, a declaration in writing under his signature of the birth, stating the surnames and Christian names of the father and mother, the hour, the day and place of birth, the whole, as far as possible in conformity with the provisions contained in Article 9.

GENERAL REGULATIONS.

ARTICLE 18.

Copies of,
entries in
registers of
Alderney and
Sark sent to
Registrar-
General.

The Registrar of Births and Deaths in the Island of Alderney and the Island of Sark shall transmit to the Registrar-General at the end of each quarter, or more often whenever required by him, a copy certified by such Registrar of every entry of births and deaths and of any note made by him in his register during the quarter.

ARTICLE 19.

Verification
of Registers
of Alderney
and Sark.

The Registrar-General shall, at least once a year, verify personally or through his Deputy, the registers of the Registrars of the Islands of Alderney and Sark, to satisfy himself that the entries therein are in order and in conformity with his own.

ARTICLE 20.

Rectification
of errors.

Should an error, other than an insignificant error, be found in the Registers of births and deaths either in this Island or in the Islands of Alderney and Sark, the Registrar-General shall apply to the Royal Court for permission to rectify it. Such correction shall be written by him or his deputy without making

any erasure or other correction ; it shall moreover bear the date of the Act of Court granting permission and shall be signed by the Registrar-General or his deputy.

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ARTICLE 21.

An index for births, and one for deaths shall be made by the Registrar-General and kept amongst the Registers. The Registrar-General shall at all times, during official hours, allow search to be made in the Indexes as well as in the Registers, and give a copy under his signature of any registry in the said Registers. For each search in the Index, and in the book relating thereto, including a copy of the registry certified by him, if it be asked for at the same time, he shall be paid one shilling in addition to the stamp duty. He shall be paid one shilling in addition to the stamp duty for every other copy of a registry certified by him.

Indexes for
births and
deaths.

ARTICLE 22.

All copies or extracts of entries in the General Register of Births and Deaths certified by the Registrar-General or by his Deputy, and stamped with the official seal of the Registrar-General shall be received in evidence and as proof of the birth or death in question in all Courts of Justice, without further proof of their registration.

Copies
received as
evidence.

ARTICLE 23.

The States of this Island shall pay the Registrar-General, for his services under the present Law, such sum, to be credited to the States, as shall be determined by the States.

Payment of
Registrar-
General.

ARTICLE 24.

The Registrar shall furnish to the States Medical Officer of Health each month, on the forms supplied to him by the said Medical Officer of Health, a copy

Statistics for
M.O.H.

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of every registration in the Register of Deaths, and the number of Births, with the sex of the child, which shall have been registered in this Island during the preceding month. The States shall pay him the sum of threepence per copy.

ARTICLE 25.

Cost of books
and forms.

The cost of purchase of the necessary books and forms shall be paid by the States of this Island, provided always that in the case of the Island of Sark such books and forms shall be provided by the States at the expense of the said Island of Sark.

ARTICLE 26.

Application
of fines.

The fines imposed by the present Law shall be applicable one half to His Majesty and one half to the States of this Island.

ARTICLE 27.

Penalties for
false
statements
etc.

Any person who, with intent to cause the same to be inserted in a Register of Births or Deaths, shall give or cause to be given a false statement or report of any detail necessary to be known and registered with reference to the said births and deaths, shall be subject to the same pains and penalties as if he were guilty of perjury.

ARTICLE 28.

Repeal of
Laws.

The law relating to certificates of Deaths and Burials sanctioned by an Order of His Majesty in Council dated 11th February, 1907, registered on the Records of the Island of Guernsey, 2nd March, 1907, and the Law relative to the Registration of Births and Deaths in the Bailiwick of the Island of Guernsey, sanctioned by an Order of His Majesty in Council dated 26th May, 1925, registered on the Records of the Island of Guernsey, 13th June, 1925, are re-

pealed, provided that, notwithstanding this repeal the articles and portions of articles of the Law relating to Births, Marriages and Deaths sanctioned by an Order of His Majesty in Council dated 3rd October, 1840, and registered 24th October, 1840, which relate to Births and Deaths and which were repealed by the said Laws of 1907 and 1925, shall remain repealed.

Provided also that this repeal of the said Laws of 1907 and 1925 shall not have the effect

- (a) of affecting the previous operation of those Laws,
- (b) of affecting any obligation or liability incurred by virtue of those Laws,
- (c) of affecting any penalty, forfeiture or punishment incurred by reason of any contravention of those Laws,
- (d) of affecting any legal proceeding or remedy with regard to such obligation, liability, forfeiture or punishment,

and any such legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture or punishment may be imposed as if this present Law had not been passed.

ARTICLE 29.

This Law shall come into force on such day after its registration on the Records of this Island, as shall be fixed by the Royal Court.

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FORM A.

Date of Birth.....
 Name of Child.....
 Sex of Child.....
 Name of Father.....
 Name of Mother before Marriage.....
 Place of birth of Child.....
 Rank, state or profession of Father.....
 Signature of Declarant.....
 Qualification
 Residence

This declaration must be delivered to the Registrar within 30 days of the birth by a person of at least 16 years of age.

FORM B.

Date and Hour of Death.....
 Name of Deceased.....
 Wife or widow of.....
 Age
 Name of Father.....
 Name of mother before marriage.....
 Place of Death.....
 Rank, state or profession.....
 Ordinary residence.....
 Place of Birth.....
 Cause of Death
 Signature of declarant.....
 Residence

This declaration must be delivered to the Registrar within 48 hours of the death by a person of at least 16 years of age.

FORM C.

MEDICAL CERTIFICATE OF THE CAUSE OR
PROBABLE CAUSE OF DEATH.

I, the undersigned, hereby certify :—

1. That I have seen the body of.....
aged..... who died in the parish of
..... onat.....
.....

*2. That I visited him/her during his/her last
illness.

*3. That I saw him/her alive for the last time
on.....

** Delete these details when not applicable.*

4. That to the best of my knowledge :

(a) the cause of death

(b) the probable cause of death was :—

Primary.

Secondary. . .

..... 19..... Signature

Qualifications

FORM D.

I, the undersigned, hereby declare that the for-
malities required by the Law for stating the cause or
probable cause of death of.....
aged.....who died on the.....
at.....having been observed, permis-
sion is given to bury the body of the said.....

.....

..... 193.....

.....

Registrar.

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(Enregistré sur les Records le 9 mars 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 21st day of February, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,

LORD BRIDGEMAN,

LORD CHAMBERLAIN,

MR. J. C. C. DAVIDSON.

Loi relative
à la
Vaccination
des Enfants.

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 31st day of January, 1935, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1.—That for the reasons set forth in the preamble thereof, the Royal Court on the 13th day of October, 1934, adopted a Bill or Projet de Loi, prepared by the Law Officers of the Crown, intituled “Loi relative à la Vaccination des Enfants” and requested the Bailiff to submit the same to the States of Deliberation for their approval; 2.—That on the 9th day of November, 1934, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same with slight modifications and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto; 3.—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 would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled “Loi relative à la Vaccination des Enfants” and to order and direct that the same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

“PROJET DE LOI” referred to in the foregoing Order in Council.

LOI RELATIVE À LA VACCINATION DES ENFANTS.

Attendu que, en vertu des dispositions de la Loi relative à la Vaccination des Enfants sanctionnée par un Ordre de Sa Majesté en Conseil en date du 14 août 1896 enregistré le 26 août 1896, certaines fonctions

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dans l'administration de la dite Loi sont attribuées aux Députés Régistrais paroissiaux des Naissances ;

Attendu que, en vertu des dispositions de la Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Ile de Guernesey, le service d'enregistrement paroissial est supprimé et les Députés Régistrais paroissiaux sont relevés de leurs charges ;

Attendu qu'il est trouvé expédient de clarifier et préciser les dispositions de quelques uns des articles de la dite Loi relative à la Vaccination des Enfants et notamment celles des articles 8 et 9 d'icelle ;

Attendu que la valeur impérative des considérations qui ont motivé la dite Loi relative à la Vaccination des Enfants et qui sont exprimées dans le préambule d'icelle est toujours reconnue ;

Attendu que pour donner effet aux changements législatifs ci-dessus indiqués il est censé plus convenable de statuer de nouveau que d'amender la dite Loi relative à la Vaccination des Enfants ;

Les Etats ont approuvé le Projet de Loi ci-dessous lequel moyennant la Sanction de Sa Très Excellente Majesté en Conseil aura force de loi en cette Ile.

Définitions.

Article Général.—Dans cette Loi le terme "Parent" s'applique a toute personne ayant charge d'un enfant; le terme " Vaccinateur " s'applique au Vaccinateur nommé par une paroisse et au médecin ou au chirurgien autorisé à exercer sa profession dans cette Ile auquel un enfant sera présenté pour la vaccination ; le terme " Régistratre " s'applique au Régistratre ou au Député-Régistratre des Naissances et des Décès.

Nomination
de
Vaccinateurs

1.—Il sera nommé par chaque paroisse de cette Ile, aux frais de la paroisse, au moins un médecin ou chirurgien autorisé à exercer sa profession en cette Ile qui exercera dans la paroisse les devoirs de " Vaccinateur ". Pour les besoins de cette Loi les Iles d'Herm et de Jethou seront censées former partie de la paroisse de Saint Pierre Port.

Vaccin.

2.—Le Vaccinateur sera obligé de vacciner avec

de vaccin animal (anglicé " Calf Lymph ") qu'il sera tenu de se fournir à ses propres frais. 1935

3.—Le Comité Paroissial pour la salubrité publique et le Vaccinateur fixeront le lieu, le jour et l'heure où les vaccinations et la présentation des enfants auront lieu et le Comité Paroissial en avertira le Régistrare, bien entendu que le Vaccinateur s'y trouvera lorsque nécessaire. Vaccinations.

4.—Lors de l'enregistrement de la naissance d'un enfant le Régistrare livrera au parent ou autre personne représentant le parent du dit enfant selon le cas, un écrit contenant les instructions suivant la forme du Modèle " A " contenue dans la Cédule annexée à cette Loi, et sera le dit parent tenu de s'y conformer sous les peines ci-dessous prescrites. Instructions
livrées par le
Régistrare.

5.—Le parent d'un enfant qui naîtra en cette Ile devra, dans les trois mois de la naissance de l'enfant, le présenter avec les instructions par écrit qu'il aura reçues du Régistrare, soit au Vaccinateur de la paroisse où l'enfant est né, soit à ses propres frais à un autre Vaccinateur, pour être vacciné suivant les dispositions de la présente Loi. Le Vaccinateur devra vacciner l'enfant s'il se trouve dans un état de santé qui ne l'empêche pas d'être vacciné. Devoirs du
parent et du
Vaccinateur.

6.—Dans la semaine suivante, et le même jour de la semaine que celui où l'opération a été pratiquée, le parent devra présenter de nouveau l'enfant au Vaccinateur, de façon qu'il soit examiné pour déterminer le résultat de l'opération. Si le Vaccinateur trouve que l'enfant a été vacciné avec succès, il devra de suite livrer au parent un certificat daté et signé de lui constatant ce fait dans la forme du Modèle " B " contenue dans la dite Cédule. Le parent est tenu de transmettre le dit certificat au Régistrare avant l'expiration des sept jours de la réception. Dans le cas de non réussite, le Vaccinateur livrera au parent un certificat dans la forme du Modèle " E " contenue dans la dite Cédule lequel sera transmis par le parent

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au Régistrare dans les sept jours. Et sera tel parent tenu de présenter de nouveau l'enfant pour la vaccination dans tel terme que le Vaccinateur aura fixé.

Exemptions
permanentes.

7.—Si le Vaccinateur juge qu'un enfant qu'il aura déjà vacciné trois fois sans succès est impropre à une bonne vaccination, ou que l'enfant qui lui est présenté pour être vacciné a déjà eu la variole, il livrera au parent un certificat, daté et signé de sa main, dans la forme du Modèle " D " contenue dans la dite Cédule, et sera tel parent exempté de présenter l'enfant pour qu'il soit ré-vacciné. Le Certificat sera transmis par le parent dans les sept jours de la réception au Régistrare.

Exemptions
temporaires.

8.—(1) Si le Vaccinateur est d'avis qu'un enfant n'est pas dans une bonne disposition pour être vacciné, il devra de suite livrer au parent un certificat daté et signé de lui, dans la forme du Modèle " C " contenue dans la dite Cédule, constatant que l'enfant est dans un état de santé qui ne permet pas la vaccination. Ce certificat sera valable pour deux mois, et sera renouvelable pour des périodes successives de même durée tant que, pendant les deux années qui suivront la naissance de l'enfant, il continue dans tel état de santé. A la fin de chaque période successive pendant les dites deux années, le parent sera tenu de présenter de nouveau l'enfant au Vaccinateur pour être vacciné ou pour le renouvellement du certificat selon le cas.

(2) Aussitôt que pendant les dites deux années, le Vaccinateur aura jugé que l'état de santé de l'enfant est favorable à une bonne vaccination, le parent sera tenu de le faire vacciner sans retard, et un certificat, sous la forme du Modèle " B " ou du Modèle " E " constatant le résultat, lui sera livré par le Vaccinateur et sera par lui transmis, dans les sept jours, au Régistrare.

(3) Si, à l'expiration des dites deux années, le Vaccinateur trouve que l'enfant continue toujours indisposé à une bonne vaccination, il livrera au parent

un certificat dans la forme du Modèle " F " contenue dans la dite Cédule et le parent ne sera plus tenu de présenter l'enfant au Vaccinateur.

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9.—Tout parent qui néglige de présenter un enfant à la vaccination dans les trois mois de la naissance ou qui néglige de le présenter au Vaccinateur suivant les dispositions de cette Loi, et ne présente pas une excuse raisonnable de ses négligences, sera passible d'une amende qui n'excédera pas Dix livres sterling, —et tout parent qui néglige dans les sept jours de la réception de transmettre au Régistrare un certificat à lui livré par le Vaccinateur, sera passible d'une amende qui n'excédera pas Cinq chelins sterling. Celui qui a été poursuivi et puni en vertu de cet article sera passible à des poursuites et pénalités répétées tant qu'il s'obstine à contrevenir aux dispositions de cette Loi comme dessus.

Penalités
auxquelles
parents
seront
passibles.

10.—Tout Vaccinateur qui aura vacciné avec du vaccin autre que le vaccin animal ou qui refusera ou négligera de remplir et signer, et de livrer au parent un certificat constatant le résultat d'une vaccination qu'il aurait eu à faire ou un certificat de remise ou d'exemption de vaccination selon le cas, sera passible d'une amende n'excédant pas Vingt chelins sterling. Toute personne qui sciemment et volontairement signera un faux certificat, sera punissable d'un emprisonnement pour un terme n'excédant pas six mois ou à une amende n'excédant pas Cinquante livres sterling.

Penalités
auxquelles
vaccinateurs
seront
passibles.

Faux
certificats.

11.—Dans une poursuite pour avoir négligé de faire vacciner un enfant, il ne sera pas nécessaire d'établir que l'accusé a reçu avis du Régistrare des exigences de la Loi à cet égard.

Preuve d'avis
de la Loi pas
nécessaire.

12.—Il est déclaré par ces présentes que la vaccination, ou l'assistance médicale ou chirurgicale relative à la vaccination par un Vaccinateur nommé par une paroisse, ne sera pas considérée comme un secours public.

Vaccination
pas un
secours
public.

13.—Le Régistrare gardera en liasse les certificats

Devoirs du
Régistrare.

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qui lui seront transmis ou par lui reçus directement, et en tiendra un registre ; il sera chargé de la mise à exécution de la présente Loi, bien entendu que les frais par lui encourus pour cet objet seront pour le compte des Etats ; il permettra de faire des recherches dans le registre, et sur la demande qui lui en sera faite, il donnera copie de certificats et d'enregistrements moyennant paiement de six pennis sterling, par chaque recherche, et six pennis par chaque copie. Bien entendu que les susdits honoraires ne seront pas exigibles des Vaccinateurs ni des officiers paroissiaux. Pour les services qui lui seront imposés par la présente Loi, il lui sera payé annuellement par les Etats de cette Ile telle somme qui sera déterminée par les Etats.

Paiement par les Etats de certaines dépenses.

14.—Les Etats fourniront au Régistreur et aux Vaccinateurs les livres, certificats et autres imprimés qui leur seront nécessaires, conformément aux dispositions de cette Loi, et paieront toutes les dépenses nécessaires pour l'impression et la distribution de notices dans les paroisses respectives. Les Etats rembourseront de plus aux paroisses les frais par elles encourus pour la vaccination obligatoire des enfants étrangers.

Application d'amendes.

15.—Les amendes seront applicables moitié à Sa Majesté et moitié au délateur.

Formes soit en anglais soit en français.

16.—Les formes suivant les Modèles contenues dans la Cédule annexée à cette loi pourront être rédigées et complétées soit en la langue française soit en la langue anglaise.

Rappels.

17.—Est et sera rappelée la Loi relative à la Vaccination des Enfants sanctionnée par un Ordre de Sa Majesté en Conseil en date du 14 août 1896 enregistré le 26 août 1896. Pourvu que ce rappel n'aura effet—

- (a) d'affecter l'opération antérieure de la dite Loi,
- (b) d'affecter aucune obligation ou passibilité encourue en vertu d'icelle,
- (c) d'affecter aucune pénalité, forfaiture ou punition encourue à l'égard d'aucune contravention d'icelle,

(d) d'affecter aucune poursuite ou recours à l'égard de telle obligation, passibilité, forfaiture ou punition, et toute et telle poursuite ou tout et tel recours pourra être institué, continué ou mis en vigueur, et toute et telle pénalité, forfaiture ou punition pourra être imposée comme si cette présente Loi n'avait pas été passée.

18.—Cette Loi viendra en force tel jour après le jour de l'enregistrement sur les Records de cette Ile de l'Ordre de Sa Majesté en Conseil la sanctionnant, qui sera fixé par la Cour Royale.

Date à laquelle Loi viendra en force.

CÉDULE DE FORMES.

FORME D'INSTRUCTIONS (MODÈLE " A ").

Je, soussigné, vous signifie par ces présentes que, suivant à la Loi relative à la Vaccination, vous êtes tenu de faire vacciner l'enfant (suivent les noms,) dont la naissance est aujourd'hui enregistrée, dans les trois mois qui suivront la naissance, savoir : avant le jour de 19 . Et que faute à vous de ce faire, vous serez sujet aux peines et pénalités imposées par les lois.

Vous êtes libre de présenter l'enfant, soit au Vaccinateur de votre paroisse, soit à vos propres frais à un autre médecin ou chirurgien autorisé à exercer sa profession en cette ile.

Si vous avez l'intention de présenter l'enfant au Vaccinateur de votre paroisse, il se trouvera à le 19 , à heures de .

Vous êtes tenu de me remettre, dans les sept jours de la réception, tous et tels certificats qui vous seront livrés par le Vaccinateur auquel vous aurez présenté l'enfant. A défaut de ce faire, vous serez sujet à une pénalité.

Ce jour de 19 .

Signé, A.B., Régistrare.

A. M.

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FORME DE CERTIFICAT (MODÈLE " B ").

Je, soussigné, certifie par ces présentes que (nom de l'enfant), enfant de né le 19 , dans la paroisse de a été vacciné par moi avec succès.

Daté ce jour de 19 .

Signé, A.B., Vaccinateur de la paroisse de ,
ou C.D., Médecin ou Chirurgien.

N.B.—Le Vaccinateur livrera le certificat ci-dessus au parent ou à la personne ayant charge de l'enfant, lesquels sont tenus de le remettre dans les sept jours au Régistrare des Naissances.

FORME DE CERTIFICAT (MODÈLE " C ").

Je, soussigné, certifie par ces présentes que je suis d'avis que (suivent les noms de l'enfant), enfant de , né le dans la paroisse de , n'est pas dans une bonne disposition pour être vacciné avec succès, et je remets par ces présentes la vaccination jusqu'au jour de 19 .*

Daté ce jour de 19 .

Signé, A.B., Vaccinateur de la paroisse de
ou C.D., Médecin ou Chirurgien.

* *Le terme n'excédera pas deux mois.*

N.B.—Le Vaccinateur livrera le certificat ci-dessus au parent ou à la personne ayant charge de l'enfant, lesquels sont tenus de le remettre dans les sept jours au Régistrare des Naissances.

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FORME DE CERTIFICAT (MODÈLE " D ").

Je, soussigné, certifie par ces présentes que j'ai
 fois vacciné sans succès (suivent les
 noms), enfant de , né le ,
 en la paroisse de (ou que enfant
 de né le en la paroisse de
 , a déjà eu la variole) et je suis d'avis que le dit
 enfant n'est pas susceptible à la vaccination.

Daté ce jour de 19 .

Signé, A.B., Vaccinateur de la paroisse de
 ou C.D., Médecin ou Chirurgien.

*N.B.—Le Vaccinateur livrera le certificat ci-dessus
 au parent ou à la personne ayant charge de l'enfant,
 lesquels sont tenus de le remettre dans les sept jours au
 Régistrare des Naissances.*

FORME DE CERTIFICAT (MODÈLE " E ").

Je, soussigné, certifie avoir fois vacciné
 sans succès (noms) enfant de , né le
 jour de 19 , en la paroisse de
 , et avoir signifié à parent ou
 personne ayant charge de l'enfant de me représenter
 le dit enfant le 19 .

Daté ce jour de 19 .

Signé, A.B., Vaccinateur de la paroisse de ,
 ou C.D., Médecin ou Chirurgien.

*N.B.—Le Vaccinateur livrera le certificat ci-dessus
 au parent ou à la personne ayant charge de l'enfant
 lesquels sont tenus de le remettre dans les sept jours au
 Régistrare des Naissances.*

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FORME DE CERTIFICAT (MODÈLE " F ").

Je, soussigné, certifie par ces présentes que (noms de l'enfant) enfant de né le dans la paroisse de est dans un état de santé qui ne permet pas la vaccination, et que le dit enfant est toujours resté dans cet état de santé pendant les deux années depuis sa naissance. Conséquemment la vaccination de l'enfant n'est plus exigée par la Loi.

Daté ce jour de 19 .

Signé, A.B., Vaccinateur de la paroisse de ,
ou C.D., Médecin ou Chirurgien.

N.B.—Le Vaccinateur livrera le certificat ci-dessus au parent ou à la personne ayant charge de l'enfant, lequel est tenu de le remettre dans les sept jours au Régistrare des Naissances.

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GUERNSEY.

Translation of " Law Relating to the Vaccination of Children ", approved by His Majesty in Council the 21st day of February, 1935.

Whereas by virtue of the provisions of the Law relating to the Vaccination of Children sanctioned by an Order of His Majesty in Council on the 14th day of August, 1896, registered on the 26th day of August, 1896, certain functions in the administration of the said Law were attributed to the parochial Deputy Registrars of Births ;

Whereas by virtue of the provisions of the Law relating to the Registration of Births and Deaths, in the Bailiwick of the Island of Guernsey, the system of parochial registration is abolished and the parochial Deputy Registrars are relieved of their duties ;

Whereas it has been found expedient to clarify and to elaborate the provisions of certain of the articles of the said Law relating to the Vaccination of Children and particularly those of Articles 8 and 9 thereof ;

Whereas the imperative value of the considerations which were the justification for the said Law relating to the Vaccination of Children which considerations are expressed in the preamble thereof are still recognised ;

Whereas in order to give effect to the legislative changes hereinbefore indicated, it is considered more appropriate to legislate afresh than to amend the said Law relating to the Vaccination of Children ;

The States have approved the following Bill which, subject to the sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

General Article.—In this Law the term " Parent " Definitions. means any person having the custody of a child ; the term " Vaccinator " includes a Vaccinator appointed by a parish and a doctor or surgeon autho-

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 rised to practise in this Island to whom a child shall be presented for vaccination ; the term " Registrar " means the Registrar or Deputy Registrar of Births and Deaths.
- Appointment of Vaccinators. 1.—Every parish in this Island shall appoint, at the cost of the parish, at least one doctor or surgeon authorised to practise in this Island to perform in the parish the duties of " Vaccinator ". For the purposes of this Law the Islands of Herm and Jethou shall be deemed to form part of the parish of Saint Peter Port.
- Vaccino. 2.—The Vaccinator shall be obliged to vaccinate with " Calf Lymph ", provided by him at his own expense.
- Vaccinations. 3.—The Parochial Sanitary Committee and the Vaccinator shall appoint the place, the day and hour, where and when vaccination and the presentation of children shall take place and the Parochial Committee shall notify the Registrar thereof ; provided always that the Vaccinator shall attend whenever necessary.
- Instructions issued by Registrar. 4.—Upon the registration of the birth of a child the Registrar shall deliver to the parent or to any other person representing the parent of the said child, as the case may be, a printed form containing instructions in conformity with Form " A " contained in the Schedule annexed to this Law, and the said parent shall conform to the same under the penalties hereunder prescribed.
- Duties of parents and Vaccinators. 5.—The parent of a child born in this Island shall within three months after the birth of the child, present it together with the written instructions received by him from the Registrar, either to the Vaccinator of the parish where the child was born, or, at his own expense, to another Vaccinator, to be vaccinated in accordance with the requirements of the present Law. The Vaccinator shall vaccinate the child if it is in a state of health which does not prevent its being vaccinated.

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6.—In the following week and upon the same day of the week as that upon which the operation was performed, the parent shall again present the child to the Vaccinator, so that it may be examined in order to ascertain the result of the operation. If the Vaccinator shall find that the child has been successfully vaccinated, he shall immediately deliver to the parent a certificate to that effect dated and signed by him in conformity with Form “ B ” contained in the said Schedule. The parent shall transmit the said certificate to the Registrar within seven days of the receipt thereof. In the event of the vaccination being unsuccessful, the Vaccinator shall deliver to the parent a certificate in conformity with Form “ E ” contained in the said Schedule which certificate shall be transmitted by the parent to the Registrar within seven days of the receipt thereof. The parent shall again present the child for vaccination within such period as the Vaccinator shall determine.

7.—If the Vaccinator is of opinion that a child already vaccinated unsuccessfully by him on three occasions is insusceptible of successful vaccination, or that the child brought to him for vaccination has already had the smallpox, he shall deliver to the parent a certificate under his hand, dated and signed, in conformity with Form “ D ” contained in the said Schedule, and such parent shall be exempted from presenting the child for re-vaccination. The certificate shall be transmitted by the parent within seven days of its receipt to the Registrar. Permanent exemptions.

8.—(1) If the Vaccinator is of opinion that the child is not in a fit and proper state to be vaccinated he shall forthwith deliver to the parent a certificate dated and signed by him in conformity with Form “ C ” contained in the said Schedule stating that the child is in a state of health which does not allow of vaccination. This certificate shall be valid for two months, and shall be renewable for successive periods of the same duration for so long as, during the two Temporary exemptions.

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years following the birth of the child, he shall continue in a similar state of health. At the end of each successive period during the said two years the parent shall again present the child to the Vaccinator to be vaccinated or for the renewal of the certificate as the case may be.

(2) As soon as, during the said two years, the Vaccinator shall have decided that the state of health of the child is favourable to a successful vaccination, the parent shall have it vaccinated without delay, and a certificate in conformity with Form " B " or Form " E " stating the result shall be delivered to him by the Vaccinator, and shall be by him transmitted within seven days to the Registrar.

(3) If, at the expiration of the said two years, the Vaccinator shall find that the child remains in a state of health unfavourable to a successful vaccination, he shall deliver to the parent a certificate in conformity with Form " F " contained in the said Schedule and the parent shall not be required to again present the child to the Vaccinator.

Fines to
which
parents are
liable.

9.—Every parent who neglects to present a child for vaccination within three months from its birth, or who neglects to present it to the Vaccinator in accordance with the provisions of this Law, and does not tender a reasonable excuse for his neglect shall be liable to a fine not exceeding Ten pounds stg. : and every parent who neglects within seven days from its receipt to transmit to the Registrar a certificate delivered to him by the Vaccinator, shall be liable to a fine not exceeding Five shillings sterling. Any person who may have been prosecuted and punished by virtue of this article shall be liable to repeating proceedings and penalties during such time as he shall continue to infringe the aforesaid provisions of this Law.

Fines to
which
vaccinators
are liable.

10.—Every Vaccinator who shall have vaccinated with vaccine other than " Calf Lymph ", or who shall refuse or neglect to fill up and sign and to deliver

to the parent a certificate stating the result of a vaccination which he may have performed or a certificate of the postponement of or exemption from vaccination as the case may be, shall be liable to a fine not exceeding Twenty shillings stg. Every person who knowingly and wilfully shall sign a false certificate shall be punishable with imprisonment for a term not exceeding six months or by a fine not exceeding Fifty pounds sterling.

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11.—In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary to prove that the accused has received notice from the Registrar of the requirements of the law in this respect.

Proof of notice of requirements of Law unnecessary.

12.—It is hereby declared that the vaccination, or the medical or surgical services incidental to vaccination by a Vaccinator appointed by a parish, shall not be deemed to be public relief.

Vaccination not public relief.

13.—The Registrar shall keep filed the certificates transmitted to him or by him received direct, and shall keep a register of the same; he shall see that the provisions of the present Law are carried out, provided always that the expenses incurred by him for this purpose shall be borne by the States; he shall allow searches to be made in the Register, and upon demand shall give copies of certificates and registrations on payment of six pence stg. for each search, and six pence for each copy. Provided that the above fee shall not be payable by Vaccinators nor by Parochial Officers. For the duties imposed upon him by the present Law, he shall be paid annually by the States of this Island such sum as shall be determined by the States.

Duties of Registrar.

14.—The States shall provide the Registrar and the Vaccinators with the books, certificates and other printed forms required by them under the provisions of this Law, and shall defray the whole cost of the printing and distribution of notices in the several parishes. The States, moreover, shall refund to the

Expenses defrayed by States.

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 Application of fines. parishes the costs incurred by them in relation to the compulsory vaccination of the children of strangers.
 15.—The fines shall be awarded, one half to His Majesty, and one half to the informer.
- 16.—The forms of which specimens are contained in the Schedule annexed to this Law may be drawn up and completed in French or in English.
- Repeals. 17.—The Law relating to the Vaccination of Children sanctioned by an Order of His Majesty in Council on the 14th day of August, 1896, registered on the 26th day of August, 1896, is hereby repealed. Provided that this repeal shall not affect—
- (a) the previous operation of the said law,
 - (b) any obligation or liability incurred by virtue thereof,
 - (c) any penalty, forfeiture or punishment incurred in respect of any contravention thereof,
 - (d) any proceeding or remedy in respect of any such obligation, liability, forfeiture or punishment, and any such proceeding or any such remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this present Law had not been passed.
- Date on which Law comes into force. 18.—This Law shall come into force on such day after the date of the registration on the Records of this Island of the Order of His Majesty in Council sanctioning it as shall be fixed by the Royal Court.

SCHEDULE OF FORMS.

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FORM OF INSTRUCTIONS (MODEL "A").

I, the undersigned, hereby give you notice, that pursuant to the provisions of the Law relating to Vaccination, you are obliged to have the child whose birth is now registered, vaccinated within three months from the date of its birth, viz., before day of 19 . And that in default of your doing so you will be liable to the Penalties imposed by Law.

You are at liberty to take the child, either to the Vaccinator of your Parish, or at your own expense, to any other Physician or Surgeon authorised to practise in this Island.

If you intend to take the child to the Vaccinator of your Parish, he will attend at on the 19 , at o'clock.

You are required by Law to forward to me within seven days from receiving the same, all and every certificates which shall be delivered to you by the Vaccinator to whom you may have taken the child. In default of your doing so, you will be liable to a penalty.

This day of 19 .

Signed, A.B., Registrar.

To M.

FORM OF CERTIFICATE (MODEL "B").

I, the undersigned, hereby certify that child of born the 19 , in the Parish of , has been successfully vaccinated by me.

Dated this day of 19 .

A.B., Vaccinator of the Parish of ,
or C.D., Physician or Surgeon. .

N.B.—The Vaccinator shall hand the above certificate to the parent or person having the custody of the child, who must forward it within seven days to the Registrar of Births.

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FORM OF CERTIFICATE (MODEL " C ").

I, the undersigned, hereby certify that I am of opinion that _____ child of _____ born the _____ 19 _____, in the Parish of _____ is not in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the _____ day of _____ 19 _____.*

Dated this _____ day of _____ 19 _____.

A.B., Vaccinator of the Parish of _____,
or C.D., Physician or Surgeon.

* *This must not exceed two months.*

N.B.—The Vaccinator shall hand the above certificate to the parent or person having the custody of the child, who must forward it within seven days to the Registrar of Births.

FORM OF CERTIFICATE (MODEL " D ").

I, the undersigned, hereby certify that I have _____ times unsuccessfully vaccinated _____ child of _____ born the _____ 19 _____, in the Parish of _____ (or that _____ child of _____ born the _____ 19 _____, in the Parish of _____ has already had smallpox) and I am of opinion that the said child is insusceptible of successful vaccination.

Dated this _____ day of _____ 19 _____.

A.B., Vaccinator of the Parish of _____,
or C.D., Physician or Surgeon.

N.B.—The Vaccinator shall hand the above certificate to the parent or person having the custody of the child, who must forward it within seven days to the Registrar of Births.

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FORM OF CERTIFICATE (MODEL " E ").

I, the undersigned, hereby certify that I have
 times unsuccessfully vaccinated
 child of born the and that I
 have given notice to the parent or the
 person having the custody of the child to bring the
 said child again to me on the 19 .

Dated this day of 19 .

A.B., Vaccinator of the Parish of , or
 C.D., Physician or Surgeon.

*N.B.—The Vaccinator shall hand the above certi-
 ficate to the parent or person having the custody of the
 child, who must forward it within seven days to the
 Registrar of Births.*

FORM OF CERTIFICATE (MODEL " F ").

I, the undersigned, hereby certify that
 (child's full name) the child of born on the
 in the Parish of is in a state
 of health which does not permit of its being vaccin-
 ated, and that the said child has been continually in
 that state of health during the two years following its
 birth. Consequently the vaccination of the child is
 no longer required by the Law.

Dated this day of 19 .

Signed, A.B., Vaccinator of the Parish of
 , or C.D., Physician or Surgeon.

*N.B.—The Vaccinator shall hand the above certi-
 ficate to the parent or person having the custody of the
 child, who must forward it within seven days to the
 Registrar of Births.*

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(Enregistré sur les Records le 16 mars 1935.)

AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of February, 1935.

The "Loi supplémentaire à la Loi relative au Tarif des Droits de Tonnage, 1935" was repealed by the Harbour Dues (St. Peter Port and St. Sampson) Law, 1947.

Loi supplé-
mentaire à la
Loi relative
au Tarif des
Droits de
Tonnage,
1935.

Committee of Council for the Affairs of Guernsey and Jersey, dated the 20th day of February, 1935, in the words following, viz. :—

"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

'1.—That on the 4th day of July, 1934, the States of Deliberation resolved, on the recommendation of the Board of Administration, to modify the Tonnage Dues payable by vessels performing an act of trade in the roadstead, and requested the Royal Court to prepare a Bill or Projet de Loi in order to give effect to their resolution in the matter : 2.—That in conformity with the above resolution, on the 8th day of December, 1934, the Royal Court adopted a Bill or Projet de Loi, prepared by the Law Officers of the Crown, intituled "Loi Supplémentaire à la Loi relative au Tarif des Droits de Tonnage, 1935," and requested the Bailiff to submit the same to the States of Deliberation for their approval : 3.—That on the 28th day of December, 1934, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 4.—That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule hereunto annexed : And

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(Enregistré sur les Records le 16 mars 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 21st day of February, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT,

LORD BRIDGEMAN,

LORD CHAMBERLAIN,

MR. J. C. C. DAVIDSON.

Loi supplé-
mentaire à la
Loi relative
au Tarif des
Droits de
Tonnage,
1935.

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 20th day of February, 1935, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1.—That on the 4th day of July, 1934, the States of Deliberation resolved, on the recommendation of the Board of Administration, to modify the Tonnage Dues payable by vessels performing an act of trade in the roadstead, and requested the Royal Court to prepare a Bill or Projet de Loi in order to give effect to their resolution in the matter : 2.—That in conformity with the above resolution, on the 8th day of December, 1934, the Royal Court adopted a Bill or Projet de Loi, prepared by the Law Officers of the Crown, intituled “Loi Supplémentaire à la Loi relative au Tarif des Droits de Tonnage, 1935,” and requested the Bailiff to submit the same to the States of Deliberation for their approval : 3.—That on the 28th day of December, 1934, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 4.—That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule hereunto annexed : And

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most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi Supplémentaire à la Loi relative au Tarif des Droits de Tonnage, 1935," and to order and direct that the same shall have force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

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PROJET DE LOI referred to in the foregoing Order in Council.

LOI SUPPLÉMENTAIRE À LA LOI RELATIVE
AU TARIF DES DROITS DE TONNAGE, 1935.

Les Etats ont approuvé le Projet de Loi suivant afin que, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, les dispositions d'icelui auront force de Loi en cette Ile, nonobstant les dispositions des Articles 2, 3, 4, 5 et 6 de la Loi relative au Tarif des Droits de Tonnage sanctionnée par l'Ordre de Sa Majesté en Conseil en date du 10 janvier 1910 enregistré sur les Records de cette Ile le 29 janvier 1910 (ci-dessous désignée " la Loi de 1910 ").

1.—L'Article 2 de la Loi de 1910 aura effet comme si l'expression " dans un intervalle qui n'excède pas vingt-huit jours " fut substitué à l'expression " dans un intervalle qui n'excède pas une semaine " là où elle se trouve dans le dit Article.

2.—Tout navire jaugeant au-dessous de cent cinquante tonneaux qui entre dans le Havre de Saint Pierre-Port ou le Havre de Saint Samson dans le cours d'un service de transbordement de passagers ou de marchandises entre l'un ou l'autre des dits Havres et un navire se trouvant en-dedans ou en-dehors de la rade ou à la suite de tel service paiera un penni par tonneau. Pourvu que lorsqu'il fera une seconde entrée sous les dites conditions le même jour il paiera un demi-penni par tonneau et toute entrée subséquente sous les dites conditions le même jour sera franche de droits. Pour les besoins de cet Article les Havres de Saint Pierre-Port et de Saint Samson seront censés n'être qu'un seul havre.

3.—Tout navire, utilisé comme transbordeur et n'étant pas un navire employé ordinairement dans un service régulier de transport de passagers entre cette Ile et ailleurs qui ne fait pas acte de commerce pendant le cours d'une journée quelconque mais qui,

pendant telle journée ou partie d'icelle, fait usage du Havre de Saint Pierre-Port ou du Havre de Saint Samson paiera un quart de penni par tonneau en ce qui concerne chacun des dits Havres dont il a fait usage.

4.—Les dispositions de cette présente Loi seront censées former partie de la Loi de 1910 et les droits de tonnage qui seront perçus en vertu des dispositions de cette Loi tomberont sous l'application des dispositions de l'Article II de l'Ordre de Sa Majesté en Conseil concernant les dits Havres en date du 20 février 1924 enregistré le 8 mars 1924 par lesquelles les droits de tonnage sanctionnés par la Loi de 1910 sont doublés.

(Enregistré sur les Records le 6 avril 1935.)

AMBROSE JAMES SHERWILL, écuyer, Contrôleur du Roi, a été sermenté Procureur du Roi en cette Cour Royale et Ile de Guernesey, comme à telle charge et office appartient, vertu d'une Commission ou Ordre de Sa Majesté en date du vingt mars mil neuf cent trente cinq, de laquelle Commission la teneur suit :—

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, To Our Trusty and Well beloved the Lieutenant-Governor, Our Bailiff or his Lieutenant, and the Jurats and other Officers of the Royal Court of Our Isle of Guernsey, and to all others whom it may concern,

GREETING !

WE, taking into Our Royal Consideration the loyalty and abilities of Our Trusty and Well beloved

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Ambrose James Sherwill, Esquire, Comptroller in the Royal Court of Our Isle of Guernsey, have thought fit to appoint him to be Procureur in the Royal Court of Our said Isle in succession to Herbert Augustus Le Patourel, now deceased :

AND WE do accordingly by these Presents give and grant unto him the said Ambrose James Sherwill the Office or Place of Procureur in the said Royal Court of Guernsey with all Fees Rewards Profits Advantages Rights and Emoluments whatsoever to the same belonging, to have hold and enjoy the said Office or Place unto him the said Ambrose James Sherwill during Our Pleasure :

PROVIDED that he, the said Ambrose James Sherwill shall render such legal services in matters arising in the Bailiwick of Guernsey as may from time to time be required of him by Our Lieutenant-Governor or any Government Department without additional remuneration :

AND WE do hereby will and require you the Lieutenant-Governor and the Bailiff or his Lieutenant of Our said Isle that you admit and receive the said Ambrose James Sherwill to the exercise and execution of the said Place and Office, and administer to him the oaths accustomed in that behalf for the faithful discharge of the same.

GIVEN at Our Court at Saint James's ; the Twentieth day of March, 1935. In the Twenty-fifth Year of Our Reign. By His Majesty's Command.

JOHN GILMOUR.

Enregistré sur les Records le 13 avril 1935.

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AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of March, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,

MR. SECRETARY THOMAS,

LORD MOTTISTONE,

MR. J. A. LYONS,

SIR GEORGE CLAUS RANKIN.

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 6th day of March, 1935, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

Loi relative à l'Instruction Primaire et aux fonctions du Conseil d'Education et des Comités d'Education Paroissiaux, 1935.

1.—That for the reasons set forth in the preamble thereof, the Royal Court on the 3rd day of November, 1934, adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intitled “*Loi relative à l'Instruction Primaire et aux fonctions du Conseil d'Education et des Comités d'Education Paroissiaux, 1935*”, and requested the Bailiff to submit the same to the States of Deliberation for approval. 2.—That on the 28th day of December, 1934, the said Bill or *Projet de Loi* was duly submitted to the States, when a resolution was passed postponing its consideration, in order to give the members of the States further opportunity of studying the said Bill, and requesting the President to reproduce it at a subsequent meeting. 3.—That on the 6th day of February, 1935, the said Bill or *Projet de Loi* was again brought before the States, when a resolution was passed approving the same, with certain modifications, and authorising the President to present a most humble Petition to Your

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Majesty in Council praying for Your Royal Sanction thereto. 4.—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 would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled “Loi relative à l’Instruction Primaire et aux fonctions du Conseil d’Education et des Comités d’Education Paroissiaux, 1935”, and to order and direct that the same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or 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.

M. P. A. HANKEY.

‘PROJET DE LOI’ referred to in the foregoing Order. 1935

LOI RELATIVE À L'INSTRUCTION PRIMAIRE
ET AUX FONCTIONS DU CONSEIL D'ÉDU-
CATION ET DES COMITÉS D'ÉDUCATION
PAROISSIAUX, 1935.

Attendu que les Etats par leur Délibération en date du 6 juin 1934, ont adopté les recommandations y spécifiées du Conseil d'Education relative à la réorganisation des Ecoles Publiques Primaires, à la modification dans le sens des dites recommandations des Lois réglant l'Education présentement en vigueur et à la codification dans la langue anglaise de telles Lois ainsi modifiées :

Les Etats, pour donner effet à leur dite Délibération, ont approuvé le Projet de Loi rédigé en anglais dans les termes qui ensuivent, lequel moyennant la Sanction de Sa Très Excellente Majesté en Conseil, aura force de Loi en cette Ile.

DEFINITIONS.

1.—In this Law unless the context otherwise requires, the following expressions shall have the meanings in this section respectively assigned to them, that is to say :—

“ Royal Court ” means the Royal Court sitting as a Full court.

“ Parent ” shall include the father, mother, legal guardian or other person for the time being having the custody of a child of school age.

“ A child of school age ” means a child who has attained the age of five years and whose age does not exceed fourteen years provided that for the purpose of this law a child shall not be deemed to have attained the age of five years until the first day of the Elementary School term commencing next after the date of the attainment by that child of that age

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and a child attaining the age of fourteen years on a date in any Elementary School half-term shall not be deemed to have attained that age until the close of school on the last day of that half-term, and the expression "school age" shall be construed accordingly.

"Public Elementary School" means any school maintained for the purpose of providing free elementary education wholly at the cost of the States.

"Voluntary School" means any school maintained for the purpose of providing elementary education which the States, whether before or after the commencement of this law, shall have decided to subsidise out of moneys provided by the States.

"Private School" means any school purporting to provide general education to children of school age not maintained wholly at the cost of or subsidised out of moneys provided by the States.

"Elementary School" includes "Public Elementary School" and "Voluntary School".

The masculine includes the feminine and *vice versa*.

EXPENSES OF ELEMENTARY EDUCATION.

2.—(1) On and after the 1st day of January, 1935, such part of the cost of elementary education given in the public Elementary Schools in this Island and of all matters and things incidental or ancillary thereto—including the salaries of the Teaching Staff, the cost of the purchase of sites for the erection of new Public Elementary Schools or for the extension of existing Public Elementary Schools or for the provision or extension of playgrounds or other Public Elementary School amenities and the cost of the erection of new Public Elementary Schools and buildings auxiliary thereto, and of the maintenance, upkeep, repair, renewal and decoration of the Public Elementary Schools from time to time existing and of the buildings auxiliary thereto and the maintenance, upkeep and repair of all lands used in connection

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with any Public Elementary School and of the walls and hedges surrounding or dividing the same and belonging thereto and of the provision of all furniture, furnishings, equipment and educational requisites in the Public Elementary Schools from time to time existing—as shall not be provided by the Parishes in accordance with the provisions of subsection (3) hereof shall be borne out of moneys provided by the States.

(2) On and after the said date the cost of elementary education given in a Voluntary School and of all matters and things incidental or ancillary thereto shall be borne as follows :—

(a) The Managers thereof shall be responsible for providing the whole cost of the provision, maintenance, upkeep, repair, renewal and decoration of the premises in which that Voluntary School is carried on or which are auxiliary thereto.

(b) The States and the Managers of that Voluntary School shall each provide one-half of the cost of the following (herein styled “ Ordinary Expenditure ”) :—

Books, stationery and other educational equipment.

School Furniture.

Light, fuel and water.

Cleaning.

(c) The States shall bear the cost of the following in relation to that Voluntary School :

(i) The Salaries of all teachers :

(ii) The expenses of the States Education Office in relation to that school :

(iii) Examinations and Inspections in accordance with the Syllabus of Instruction approved by the Council :

(iv) The training of Student Teachers :

(v) Bursaries and Scholarships :

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- (vi) The annual payment to the Managers of that Voluntary School of one-half of the annual rental value of the school premises as agreed from time to time between the Council and the Managers of that Voluntary School :
- (vii) Such other matters as may from time to time be approved by the States.

(3) There shall be levied in each of the ten Parishes of this Island in the year 1935 and annually thereafter an Occupier's Rate of Three halfpence in the pound, which rate shall be levied in accordance with the provisions of the laws for the time being governing the levying of Parochial Taxation and the proceeds of which rate in each Parish shall be paid by the Constables of that Parish to the States' Treasurer as the contribution of that Parish towards the cost of Elementary Education in this Island.

(4) The expression " Les Besoins d'Education " in Section (X) of Article 1 of the Law intituled " Loi relative à la Taxation Paroissiale " sanctioned by Order of His Majesty in Council and registered on the Records of this Island on the 27th day of October, 1923, shall henceforth be construed as meaning the annual contribution of a Parish towards the cost of Elementary Education in this Island of such amount as represents the proceeds of the annual levy in that Parish of an Occupier's Rate of Three halfpence in the pound and any cost falling to be borne by a Parish under or by reason of the provisions of this law and that Section shall henceforth be read as though the words which therein follow the expression " Les Besoins d'Education " were omitted.

PREMISES.

3.—No parish premises which shall have been provided for use as or in connection with a Public Elementary School in this Island shall be diverted from

such use, except as may be otherwise provided in this law, without the sanction of the Royal Court sitting as a Full Court being first had and obtained and the Royal Court in granting any such sanction may attach thereto such conditions and limitations as it may deem just and proper in the circumstances.

4.—Before proceeding with the alteration, extension or enlargement of any Public Elementary School premises or any part thereof not belonging to the States the Council shall inform the Parochial Education Committee concerned of its proposals in relation thereto and shall invite such Committee to express its views on the matter to the Council in writing. Should the Council decide not to accept the views expressed by such Committee in relation to the matter the Council shall advise such Committee accordingly and thereupon such Committee may apply to the Royal Court sitting as a Full Court for an order whereby the Council shall be restrained from carrying out its proposals in relation to those premises. No appeal shall lie from the decision of the Royal Court in the matter and the Royal Court shall be entitled to make such order therein and to attach thereto such conditions and limitations as it may deem just and proper.

THE EDUCATION COUNCIL.

5.—(1) The powers and duties hereinafter contained in relation to Education in the Island of Guernsey shall be vested in a Council styled “ The Education Council ”, in this law referred to as “ The Council ”.

(2) The Council shall be composed of fifteen members of whom at least twelve shall be members of the States, elected by the States, and of whom at least six shall be residents of the Parish of Saint Peter Port and at least six shall be residents of other Parishes in this Island.

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(3) A President and a Vice-President of the Council shall be elected by the Council in every calendar year from among those of its members who are members of the States. In the absence of the President and of the Vice-President a meeting of the Council shall be presided over by a member who shall be chosen for the purpose by the members present at the meeting.

(4) For the purposes of a meeting of the Council seven members shall form a quorum.

(5) The presiding member at a meeting shall have a vote as member and also, in the case of an equal division, a casting vote.

(6) At the expiration of every calendar year the three members who are senior in office to the other members shall retire provided that where there are at any time more than three members of equal seniority the Council shall determine which three of them shall retire. Every member retiring under this sub-section shall be eligible for re-election if willing to serve.

(7) A member shall cease to hold office in any of the following events, that is to say, if he shall :

- (a) Become mentally incapable ;
- (b) Be legally declared insolvent ;
- (c) Resign ;
- (d) Absent himself without reasonable excuse from six consecutive meetings of the Council ;
- (e) Absent himself without reasonable excuse from seven meetings of the Council in any series of ten consecutive meetings.

(8) When a member ceases to hold office otherwise than under subsection (6) of this section the States shall elect a new member for the unexpired portion of the term of office of the member to be replaced.

(9) The persons who at the date of the commencement of this law constitute " Le Conseil d'Education " created by the law intituled " Loi relative à

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la Constitution d'un Conseil d'Education " registered on the Records of this Island on the 29th day of July, 1916, if eligible under this law shall constitute the Council as though they had been elected by the States under this law. The seniority in office of such persons on the Council at the commencement of this law shall be in accordance with the seniority in office of such persons on " Le Conseil d'Education " hereinbefore referred to immediately before the commencement of this law.

6.—The functions of the Council shall be as follows :—

(1) To consider, consolidate and present annually to the States the Budgets of—

- (a) Elizabeth College ;
- (b) The Ladies' College ;
- (c) The Intermediate Schools ;
- (d) The Elementary Education Department ;
- (e) The Technical and Art Schools ;
- (f) The Domestic Science Centres ;
- (g) Any other States Educational Department or Service.

(2) To be the medium of all communications between Elizabeth College and the States and the Ladies' College and the States.

(3) To administer by means of Committees :

- (a) The Intermediate Schools ;
- (b) The Elementary Education Department ;
- (c) The Technical and Art Schools ;
- (d) The Domestic Science Centres ;
- (e) Any other States Educational Department or Service.

(4) To ensure the operation and observance of the provisions of this law.

(5) To provide for the training of young teachers of both sexes.

(6) To organise or re-organise upon a proper basis :

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- (a) The medical inspection and treatment of the Elementary School children ;
 - (b) The education of defective children ;
 - (c) Evening classes for the different sections of the community which may be benefited thereby, including science lectures of practical utility to those engaged in Agriculture and Horticulture ;
 - (d) The Technical and Art Schools, in order that they may meet the needs of all sections of the community ;
 - (e) Domestic Science Centres ;
 - (f) Any other educational department or service which may be deemed necessary to enlarge, improve or complete the educational system of this Island.
- (7) To inspect personally, or make arrangements for the inspection of all private schools in this Island, both as regards the scope and standard of education given therein and the condition and suitability of the premises in which the same are conducted and of the equipment used therein.
- (8)—(a) To make arrangements for periodical examinations and inspections for the ascertainment of the educational progress and attainments of children attending the Elementary Schools and the Intermediate Schools, and this in co-operation so far as may be possible with the authorities of Elizabeth College and the Ladies' College with a view to the avoidance of unnecessary expense.
- (b) To constitute a Scholarship Board for the purpose of awarding Scholarships from the Elementary Schools and from Private Schools to the Intermediate Schools, to Elizabeth College and to the Ladies' College, and from the Intermediate Schools to Elizabeth College and the Ladies'

College, and to watch over the interests of the holders of such Scholarships.

For the purposes of this paragraph, but not otherwise, after the thirty-first day of August, 1935, the expression "Private Schools" shall mean Private Schools at which the ordinary tuition fees charged do not exceed fourpence per week in the case of any child attending thereat.

(9) To control the expenses of upkeep and maintenance of the schools under its administration.

(10) To determine periodically as it may deem proper (subject nevertheless to subsisting contractual engagements) the annual salaries payable to the Teaching Staffs of the Intermediate and Elementary Schools and of the other Schools and Training Centres provided by the States.

(11) To report annually to the States on the state of repair of each school under its supervision and the suitability thereof for educational purposes.

(12) To purchase and distribute educational requisites of every description in relation to Compulsory Elementary Education.

(13) To do all such acts and things in relation to the foregoing as may from time to time be proper or expedient.

(14) To carry out such other mandates in relation to education as may be entrusted to it from time to time by the States.

PAROCHIAL EDUCATION COMMITTEES.

7.—(1) There shall be eleven Education Committees (each of which is herein styled "Parochial Education Committee") vested with the powers and entrusted with the duties hereinafter specified in relation to Elementary Education.

(2) There shall be one such Committee in respect of each of the secular Parishes of this Island other than the Parish of the Vale. The powers and duties

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of each of such Committees shall be exercisable in relation to the Public Elementary Schools situate within its parochial territory save that for the purposes of this law the Hautes Capelles Public Elementary Schools shall be deemed to be outside the territory of the Parish of Saint Sampson.

(3) There shall be one such Committee whose powers and duties shall be exercisable in relation to the Public Elementary Schools situated within the territory known as Le Clos du Valle, and there shall be one such Committee whose powers and duties shall be exercisable in relation to the Hautes Capelles Public Elementary Schools.

(4) The Saint Peter-Port Education Committee shall consist of nine members and each of such other Committees shall consist of five members.

(5) The Parochial Education Committees, Clos du Valle Education Committee and Hautes Capelles Education Committee in existence at the date of the commencement of this Law shall continue in office until the expiration of the term for which they were respectively elected and during such period such Committees shall be deemed to be Parochial Education Committees elected under the provisions of this Law.

(6) At the expiration of the respective terms of office of such Committees new Parochial Education Committees shall be elected to replace them.

(7) The Parochial Education Committees shall be elected as follows :—Those in respect of the secular parishes other than the Parish of the Vale, from among and by the ratepayers of those Parishes respectively ; that in respect of the Clos du Valle Schools from among and by the ratepayers resident within or paying parochial rates in respect of real property situate within Le Clos du Valle ; that in respect of the Hautes Capelles Schools from among and by the ratepayers of the Parish of St. Sampson and the Ratepayers resident within or paying parochial rates in respect of real property situate

within La Vingtaine de l'Epine of the Parish of the Vale.

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(8) Each Parochial Education Committee shall elect a President and a Vice-President from amongst its members. In the absence from any meeting of a Parochial Education Committee of the President and the Vice-President, the meeting shall be presided over by a member chosen for the purpose by the members present at the meeting.

(9) In the case of the St. Peter-Port Parochial Education Committee any five members shall form a quorum and in the case of the other Parochial Education Committees any three members shall form a quorum.

(10) Parochial Education Committees shall retire from office at the expiration of three years from the dates on which they are respectively elected. The members of such Committees shall be eligible for re-election if willing to serve.

(11) When a member of a Parochial Education Committee ceases to hold office otherwise than under subsection (10) of this section a new member shall be elected for the unexpired portion of the term of office of the member to be replaced.

(12) Each Parochial Education Committee shall appoint a Treasurer from among its members to whom it shall entrust the receipt and expenditure of moneys receivable by such Committee for educational purposes from the Council. It shall also have power with the consent of the ratepayers concerned to appoint one or more salaried officers to perform such duties in relation to the business of the Committee as the Committee may determine.

(13) The duties of a Parochial Education Committee in relation to the Schools within its jurisdiction shall be as follows :—

- (a) To prepare and present to the Council before such date in each year as the Council shall prescribe, the Annual Budget ;

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- (b) To arrange for the proper maintenance, heating, lighting and cleaning of the Schools ;
 - (c) To inspect at least twice in each year the school premises, furniture, furnishings and equipment ;
 - (d) To bring to the notice of the Council the need for repairs to or re-décoration of any school premises or any matter in relation to the sanitary or domestic offices of any school for which Budget provision has not been made ;
 - (e) To ensure that scholastic discipline is maintained ;
 - (f) To inspect the registers of such schools and to ensure that the proper entries are punctually and regularly made therein ;
 - (g) To report promptly to the Council on any apparent irregularity in relation to the conduct of any school ;
 - (h) To pay the salaries of Masters and Mistresses and the wages of Caretakers with moneys provided by the States through the Council ;
 - (i) To prepare and forward to the Council requisitions for books, maps and other educational requisites as and when the same shall be required ;
 - (j) Such other duties as may, after consultation between a Parochial Education Committee and the Council, be entrusted to the Committee.
- (14) At all such times during which a Parochial Committee shall not exist in respect of any Parish in this Island, the Council or a Committee of at least five members of the Council thereto nominated by the Council, may perform in that Parish the functions to be performed by a Parochial Committee under this law.

(15) In each of the following cases :—

- (a) When a Parochial Committee shall not exist ;
- (b) When a Parochial Committee shall refuse or neglect to act ;

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(c) When a Parochial Committee shall have acted in contravention of the provisions of this law ; the Royal Court sitting as a Full Court may at the request of the Council appoint a provisional Committee to carry out the functions of the Parochial Committee, the powers of the Parochial Committee (if in existence) being henceforth suspended.

(16) Every provisional Committee so appointed shall have the following powers and duties :—

- (a) Each of its acts shall have the same force and validity as if such act had been performed by the Parochial Committee.
- (b) It shall act for such period and in accordance with such conditions as the Royal Court shall prescribe.

HAUTES CAPELLES SCHOOLS.

8.—For the purposes of the Laws for the time being in force governing Parish Meetings and of this Law, a meeting of ratepayers regularly convened and held for the purpose of electing the Hautes Capelles Education Committee or any member thereof or for any matter whatsoever in relation to the Hautes Capelles Schools shall be deemed to be a Parish Meeting and any of such proceedings shall be deemed a secular matter (*Affaire Séculière*) and for such purposes the Parish of St. Sampson's and La Vingtaine de l'Epine of the Parish of the Vale together shall be deemed to form a parish and the Constables of St. Sampson and the Constables or Constable of the Vale who may reside in La Vingtaine de l'Epine shall together be deemed to be the Constables of that parish and the Members of the Douzaine of the Parish of St. Sampson and those Members of the Douzaine of the Parish of the Vale who may reside in La Vingtaine de l'Epine shall together be deemed to be the Douzaine of that parish provided that the Dean of the Douzaine of the Parish of St. Sampson shall be

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deemed to be the Dean of the Douzaine thus constituted and shall be entitled to preside at any meeting deemed by this Section to be a Parish Meeting and the Notice Box of the Church of St. Sampson shall be deemed to be the Notice Box of the Church of such parish.

CLOS DU VALLE SCHOOLS.

9.—(1) For the purposes of the Laws for the time being in force governing Parish Meetings and of this Law a meeting of ratepayers regularly convened and held for the purpose of electing the Clos du Valle Education Committee or any member thereof or for any matter whatsoever in relation to the Clos du Valle Schools shall be deemed to be a Parish Meeting and any of such proceedings shall be deemed a Secular Matter (*Affaire Séculière*) and for such purposes the Clos du Valle shall be deemed to form a separate parish.

(2) Every such meeting shall be convened by the Senior Douzenier of the Parish of the Vale who may reside in Le Clos du Valle. Such Senior Douzenier shall be the President at such meetings but in his absence from or unwillingness to preside at any such meeting the meeting shall be presided over by a President elected by and chosen from among the persons present and entitled to vote at such meeting.

PROCEDURE AT PARISH MEETINGS.

10.—(1) The President of all such Parish Meetings shall prepare a written record of the resolutions adopted thereat and shall read the same to the meeting and sign and date the same before the meeting terminates and such President shall be responsible for ensuring that such record is entered in a Register.

(2) The procedure at such Parish Meetings shall be in accordance with the provisions of the Laws for

the time being in force concerning Parish Meetings and the election of Parochial Officers.

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CONFERENCES.

11.—(1) Sub-committees appointed generally for such conferences or specifically for a particular conference by the Parochial Education Committees shall meet the Elementary Schools Committee of the Council in Conference at such times and places as the Council may deem necessary.

(2) Any such Conference may by a majority resolution resolve that any child of school age then attending or about to attend a school within the jurisdiction of a Parochial Education Committee represented at such Conference shall from such date as the Conference may decide attend any other school within the jurisdiction of that Parochial Education Committee or of another Parochial Education Committee represented at that Conference and thereupon notification in writing of the decision of the Conference in respect of such child shall be sent to the parent of such child and as on and from the date on which the decision of the Conference becomes operative in the case of such child, that child shall attend in accordance with such notification.

(3) For the purposes of this Section, a sub-committee of a Parochial Education Committee shall consist of not more than five members if such Committee is the only Parochial Education Committee represented at the Conference attended by that sub-committee and in every other case a sub-committee of a Parochial Education Committee shall consist of not more than three members.

DISTRICT CONFERENCES.

12.—(1) For the purposes of Education, the Island shall be divided into four Districts as follows:—

No. 1 District shall consist of the Parish of St. Peter-Port.

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No. 2 District shall consist of the Parishes of St. Sampson and the Vale.

No. 3 District shall consist of the Parishes of St. Martin, St. Andrew and the Castel.

No. 4 District shall consist of the Parishes of the Forest, St. Peter-in-the-Wood, St. Saviour and Torteval.

(2) The Parochial Education Committees of any District or sub-committees thereof or any two of them may meet in Conference at any time for the purpose of discussing and making representations to the Council concerning any matter affecting the wellbeing of any child attending a school within that District.

USE OF SCHOOL PREMISES.

13.—(1) Subject to the requirements for educational purposes of the Council in respect of any public elementary school the Parochial Education Committee having jurisdiction in respect of that school shall be entitled to permit use to be made of that school for such other purposes as it may deem proper.

(2) Provided that if by reason of such use damage is occasioned to the school premises or any part thereof or to the equipment, furniture or furnishings thereof or to the educational or other requisites therein then if such damage results otherwise than from reasonable wear and tear, the cost of making good such damage shall be borne by the Parish of which such Committee is the Parochial Education Committee.

(3) Provided also that any parts of such premises so permitted to be used shall be left clean and tidy and in the good order in which the same were previous to such use.

SCHOOLS AND THEIR ORGANISATION.

14.—(1) The Public Elementary Schools shall be those existing at the date of the commencement of

this Law and those which shall be erected hereafter by the States.

(2) The States shall from time to time determine the number of Public Elementary Schools required in this Island and subject to the provisions of this Law shall determine the necessity of adding to or enlarging the then existing schools or of closing any of them as being unsuitable as public elementary schools or as being no longer required for use thereas.

(3) The supervision and direction of the Public Elementary Schools shall be vested as specified in this Law in the following bodies :—

(a) The Council ;

(b) The Parochial Education Committee on which the duty devolves under the provisions of this Law.

(4) Every child being a pupil of an Elementary School shall be eligible to compete under the conditions from time to time laid down by the Council for Scholarships for which examinations shall be held annually.

(5) The following subjects shall be taught in the Elementary Schools :—

Religious Knowledge.

The English and French Languages.

Arithmetic.

Geography.

History.

Writing.

Drawing.

Singing.

Physical Training.

And Girls attending such schools shall be taught:—

Needlework.

Provided that the Council may provide for the teaching of additional subjects.

Religious Knowledge shall mean the reading and explanation of the contents of the Holy Bible and the teaching of the Lord's Prayer and of the Ten Commandments.

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(6) Religious Knowledge shall be imparted by the Teaching Staff of a school under the supervision of the Council.

(7) Save as provided in the next succeeding subsection, no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught or used in the teaching of Religious Knowledge in a Public Elementary School.

(8) In addition to the Religious Knowledge hereinbefore specified the Rector or Curate of the Secular Parish in which the Public Elementary School is situate or, if the parents of a reasonably great number of children attending a Public Elementary School so desire, Ministers of denominations other than the Church of England may apply to the Council for permission to impart knowledge in that school of the religious beliefs of their respective denominations to children whose parents are members of such denominations respectively and the Council shall so far as may be reasonably possible grant such application.

(9) No child attending a Public Elementary School shall be required to receive teaching in Religious Knowledge if the parent of such child shall have sent a request in writing to the Headmaster or Headmistress of the school which that child attends that Religious Knowledge be not taught to that child.

(10) Instruction in Religious Knowledge shall not be given in an Elementary School at times other than those set apart for such instruction in the School Time Table approved by the Inspector appointed by the Council.

(11) The teaching of Religious Knowledge in a Voluntary School shall be under the exclusive control of the Representatives of the Denomination which maintains the school. Nevertheless no child attending a Voluntary School shall be required to receive teaching in Religious Knowledge as taught at that school if the parent of such child shall have forwarded

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a request in writing to the Headmaster or Headmistress of that School that such Religious Knowledge be not taught to the child.

ELEMENTARY AND PRIVATE SCHOOL BUILDINGS.

15.—(1) Every school shall be sufficiently and properly provided with lavatory accommodation and with desks and other furniture and furnishings.

(2) School Rooms shall be healthy, well-aired and properly lighted, heated and cleaned and of a size proportionate to the number of scholars using the same.

(3) The sanitation and furnishings of Public Elementary School buildings shall be under the control of the Council who shall prescribe the necessary requirements.

COMPULSORY ELEMENTARY EDUCATION.

16.—(1) The elementary education of every child of school age residing in the Island of Guernsey is hereby declared to be compulsory. Every child of school age, with the exception of those children who come within the provisions of paragraphs 3 (b) (i) of this Section shall be given an education of a scope and standard at the least equal to the education given in the Public Elementary Schools.

(2) Subject to the provisions of this Law, education may be given either at a school other than an Elementary School or in the home by the child's parent or by a person chosen by such parent. The Council may at any time cause a child of school age who is not being educated at a school to be examined with a view to ascertaining that such child has received and is receiving the education required by this Law.

(3)—(a) The Parochial Education Committee shall have power to excuse from attendance at a Public Elementary School :—

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- (i) Children living at a distance of more than two and a half miles by the nearest road from a Public Elementary School ;
 - (ii) Children under the age of seven years living at a distance of more than one mile by the nearest road from a Public Elementary School.
- (b) The Council shall have power to excuse from attendance at a Public Elementary School:—
- (i) Children whose physical or mental state is such as to render them incapable of receiving or benefiting from education ;
 - (ii) Children in respect of whom application for exemption from attendance at school for any reason other than those specified in this subsection shall have been received by the appropriate parochial Education Committee and referred by that Committee to the Council.

Provided that no exemption shall be granted or, if granted, shall continue in force in respect of any child to whom paragraphs (a) (i) or (a) (ii) of this subsection may apply for whom the Council provides suitable means of conveyance between such distance from its home and a public elementary school as will reduce the distance to be walked by such child on its journey to or from that school by the nearest road to a distance not greater than that specified in whichever of those paragraphs is applicable to such child.

SCHOOL ATTENDANCE.

17.—(1) The Council shall appoint such School Attendance Officers as it may deem necessary to ensure the regular attendance at School of children of school age. Every School Attendance Officer so appointed shall take oath before the Royal Court well and faithfully to perform the duties of School Attendance Officer. He shall perform the duties of that

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office prescribed by this Law in accordance with the requirements of the Council.

(2) It shall be the duty of every School Attendance Officer :—

- (a) To obtain from the Headmaster or Headmistress of every Elementary School and every Private School in this Island the names, addresses and ages of the children of school age inscribed on the registers of each such school and the Headmaster or Headmistress of every such school shall furnish to a School Attendance Officer on request a list of the names and addresses of such children inscribed on the register of that school ;
- (b) To ascertain the name and address of every child of school age not receiving the elementary education required by this Law ;
- (c) To visit the residence of every child of school age residing in this Island who does not regularly attend any school and who does not receive the elementary education required by this Law, to ascertain all the relevant facts, to warn the parent that such child must be sent to school forthwith, and of the penalties for not so sending such child and to transmit to the Council a list of the children whose names appear on the registers of the schools but who do not attend such schools regularly and a list of the children who do not attend any school ;
- (d) To lodge information with the Police Inspector after obtaining the authority of the Council so to do, leading to the prosecution before the Police Court of parents who shall have infringed the provisions of this Law ;
- (e) To attend the meetings of the Council and any Parochial Education Committee when required so to do by the President of the Council or of such Committee respectively.

18.—The Headmaster or Headmistress of each

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Elementary School in this Island shall keep a record of the absences from school of every child of school age whose name appears on the School register and shall forward to the appropriate School Attendance Officer at the end of each week an extract from such record showing the number of absences and the reasons given in respect thereof. Such extract shall be signed by the Headmaster or Headmistress.

19.—Upon representations being made to the States by the Council that the provisions of clause (a) of sub-section 2 of Section 17 or of Section 18 of this Law have not been complied with in any Voluntary School, it shall be lawful for the States to reduce or to discontinue payment of the amount hitherto paid in respect of such school.

20.—Any of the following reasons, if substantiated, shall be a valid excuse for the absence from school of a child of school age :

That the child has been prevented from attending school by reason of illness.

That such absence occurred by reason of the death or funeral of a near relative of the child.

That some person living at the child's home is suffering from an infectious or contagious disease.

That the absence results from the breakdown of a passenger transport service.

Provided that on the written request of a parent the Headmaster or Headmistress of a school shall excuse the attendance at school of a child on any day specially set apart for religious observance by the religious body to which that parent belongs.

21.—The Council shall have power in case of an epidemic and in the event of any other happening of exceptional gravity to close any Intermediate School, Public Elementary School, Voluntary School or Private School or to forbid the attendance thereat of any one or more of the scholars thereof.

ATTENDANCE AT TRAINING CENTRES.

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22.—Every boy of school age attending an Elementary School may be required by the Council during the ordinary hours of tuition in that school to attend lessons in manual training as may be prescribed by the Council at any Centre provided by the States for the purpose and every girl of school age attending an Elementary School may be required by the Council during the ordinary hours of tuition in that school to attend lessons in Domestic Science as may be prescribed by the Council at any Centre provided by the States for the purpose.

Provided that no child of school age shall be required in respect of attendance at an Elementary School and at any such Centre to walk a greater distance than the maximum distance which would be appropriate under this Law in the case of that child in respect of attendance at a Public Elementary School.

PROCEEDINGS FOR NON-ATTENDANCE.

23.—(1) On the institution of proceedings against a parent for an infraction of the provisions of this Law, a written notification of the nature of the alleged infraction and of the date and time of the Police Court proceedings in respect thereof signed by a member of the States Police Force of a rank not lower than that of Sergeant shall be served not later than forty-eight hours before the time of such proceedings by a member of the Police Force at the address of the person to be charged with such infraction. Such person, upon such notification being so served, shall attend the Police Court at the date and time stated in such notification and if he fail so to do it shall be the duty of the Inspector of the States Police Force to ensure the attendance of such person, by force if necessary, at the Police Court at the next sitting thereof or at such other sitting thereof as the Police Court Magistrate may direct.

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(2) Any parent who shall refuse or neglect to send a child of school age under his care to the Public Elementary School, Manual Training Centre or Domestic Science Centre which such child is required to attend or to give such child an education of a scope and standard at least equal to that given in a Public Elementary School shall be liable in respect of a first offence to a fine not exceeding five shillings or in default of payment to two days' imprisonment with or without hard labour and in the case of any subsequent offence, whether in respect of the same or another child, to a fine not exceeding One Pound or in default of payment to eight days' imprisonment with or without hard labour.

*(3) For the purposes of this Section :—

- (a) Any parent who shall have sent a child to school in an unclean state either as regards his person or his clothing or in any state whatsoever which may prevent such child or may justify a Master or Mistress of a school in preventing such child from associating freely with other scholars ;
- (b) Any parent who shall have withdrawn a child from school without reasonable and sufficient cause shall be deemed not to have sent that child to school and shall be liable to the penalties imposed by this Section for not so doing ; and
- (c) Any parent who shall prevent or obstruct the examination referred to in Section 16 (2) of this Law of a child not being educated at a school shall be deemed not to be giving that child the education required by this Law and shall be liable to the penalties imposed by this Section for not so doing.

(4) Every parent or other person who shall knowingly employ during school hours a child of school age whose attendance at school during those school hours has not been excused in accordance with the

*New paragraph substituted by the Education (Amendment) Law (Guernsey), 1938.

provisions of this Law shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding Two pounds or in default of payment thereof to a term of imprisonment with or without hard labour not exceeding fourteen days.

PRIVATE SCHOOLS.

24.—(1) No Private School which was not in existence on the date of the commencement of this Law shall be opened unless previous notice in writing of the proposed opening of such Private School shall have been sent to the Council.

(2) It shall be the duty of the proprietor of every Private School to provide for children attending that school an education of a scope and standard at least equal to that which would be available to such children, having regard to their ages and receptivity, if such children attend a Public Elementary School.

(3) It shall be the duty of the proprietor of every Private School to keep a register in which shall be entered the full name, address and age as on its last birthday of every child of school age attending that school and in cases where the children attending that school are divided into classes, the names, addresses and ages of the children in each class shall be entered in such register separately from those of the children in any other class. Such register shall at all times during school hours be open to inspection by any member of the Council delegated thereto by the Council and by any School Attendance Officer and on the written request of the Council, the proprietor shall forward to the Council an exact extract, signed by such proprietor, of the contents of such register in respect of the particulars aforementioned which are current as on the date of such request.

(4) It shall be the duty of the proprietor of every Private School to keep an attendance register in respect of each class in which shall be entered as they

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occur the absences of each child of school age belonging to that class and to forward to a School Attendance Officer at the end of each week an extract from each of such attendance registers signed by such proprietor showing the number and the dates of the absences of each child and the reasons given to such proprietor in respect of such absences.

(5) (a) No child of school age above the age of eight years shall attend a Private School in which the daily period of tuition is habitually limited to a half-day unless the attendance of such child thereat has been sanctioned by the Council.

(b) No boy of school age above the age of eleven years shall attend a Private School in which female teachers only are employed unless the attendance of such boy thereat has been sanctioned by the Council.

(6) The Council shall have power at its discretion to determine the age range within which children of school age may attend a Private School in which only one teacher is employed and no child whose age is not within the age range so determined shall attend that Private School.

(7) In the event of an infringement of any of the provisions of this Law with regard to Private Schools the proprietor of a Private School shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding £5 and in addition, upon representations being made by the Council to the Royal Court sitting as a Full Court, the Court may order that the school be closed or may make such other order in the matter as it may deem just.

(8) The inspection of any Private School and/or of the premises in which the same is carried on for the purpose of ascertaining the scope and standard of education given therein and/or of ascertaining the suitability and sufficiency for educational purposes of such premises and/or of the equipment used therein and the state of structural decorative and

sanitary repair of such premises and of the domestic offices thereof may be carried out without notice at any reasonable hour by :—

- (a) The Council ;
- (b) A Committee of the Council authorised by the Council to carry out such inspection ;
- (c) Any person or persons bearing a written authorisation to carry out such inspection signed by the President of the Council.

(9) Upon representations being made by the Council to the Royal Court sitting as a Full Court that the scope or standard of education given in any Private School is not at least equal to that given in the Public Elementary Schools, or that the premises in which such Private School is conducted or the equipment used therein are or is unsuitable or insufficient for educational purposes or that the state of structural, decorative or sanitary repair of such premises or of the domestic offices thereof is such as to render it inadvisable that education should be continued in such premises, if the Court finds that the facts alleged are proved, it may order that the school be closed or may make such other order in the matter as it may deem just. Four clear days at the least before the date on which the Council proposes to make representations to the Royal Court concerning a Private School, the Council shall cause an official notification to be served on the proprietor of such Private School setting out the date and time at which such representations will be made, the nature thereof and the reasons actuating the Council in making the same. If the Proprietor of a Private School shall disobey any order made by the Royal Court with regard to that school he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding £5 in respect of each day or part of a day in which such disobedience shall occur or continue.

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MISCELLANEOUS.

25.—Subject to the provisions of this Law the Council shall from time to time determine the syllabus of education to be given in each Elementary School and shall prescribe the books, maps and other educational requirements for use therein. It shall determine the qualifying examinations to be passed by those desirous of forming part of the Elementary Schools Teaching Staff and subject to the consent of the English Board of Education shall provide for the inspection of the Elementary Schools and the children attending the same by one or more of His Majesty's Inspectors of Schools. It shall also make arrangements for periodical inspections with regard to Religious Knowledge and the French language and shall appoint Inspectors to carry out such inspections, provided, however, that Inspections with regard to Religious Knowledge in the Voluntary Schools shall be carried out by Inspectors appointed by the Committee of Management of those Schools and not by the Council.

26.—The post of Student Teacher (Male and Female) is hereby recognised.

BURSARIES (CANDIDATES FOR TEACHING PROFESSION).

27.—The council in its discretion may grant Bursaries to candidates of limited means desirous of qualifying as Teachers.

Provided that the places at which the same are tenable, the period of tenure, the annual value and the total number thereof and the number thereof granted respectively to male and female candidates shall be in conformity with the directions in that behalf from time to time given by the States.

SCHOLARSHIPS.

28.—In exercising its mandate under sub-section

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(8) (b) of Section 6 of this Law the Council in its discretion shall determine the conditions upon which Scholarships shall be awarded and the schools at which and the period for which the same shall be tenable and, if the Council is satisfied that the holder of a scholarship does not attend school regularly, or that he neglects his studies or is guilty of gross misbehaviour, the Council may withdraw the scholarship of such holder.

Provided that in the exercise of such discretion the Council shall be governed by the resolutions of the States with regard to Scholarships for the time being in force which may have been passed before the commencement of this Law or which may be passed thereafter.

APPOINTMENT, TRANSFER AND DISMISSAL OF TEACHERS.

29.—(1) All appointments to the Teaching Staff of an Elementary School shall be made by the Elementary Schools Committee of the Council jointly with the appropriate Parochial Education Committee or if that Elementary School is a Voluntary School by the Elementary Schools Committee of the Council jointly with the Committee of Management of that Voluntary School.

(2) Every appointee to the staff of a Voluntary School shall belong to the religious denomination of that school unless no candidate belonging to that denomination in all respects suitable and having the necessary qualifications shall be available.

(3) A joint meeting of the Elementary Schools Committee of the Council and of the Parochial Education Committees respectively having jurisdiction in respect of the school at which a Teacher is employed and that to which it may be deemed desirable to transfer that Teacher shall have power by a majority vote of those present at that meeting to direct that such Teacher be so transferred.

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(4) Dismissals from the teaching staff of an Elementary School shall be made by the Elementary Schools Committee of the Council jointly with the appropriate Parochial Education Committee or if that Elementary School is a Voluntary School by the Elementary Schools Committee of the Council jointly with the Committee of Management of that Voluntary School.

Provided that for the purposes of any such appointment, transfer or dismissal the Parochial Education Committee or the Voluntary School Committee if its membership exceeds five shall be represented by not more than five of its members.

Provided further that power of dismissal shall be exercisable by the Elementary Schools Committee of the Council alone and without reference to any other Committee in the case of any member of the Teaching Staff of the Elementary Schools who may not have accepted in so far as the same is applicable to himself or herself any fixation of the salaries of the Elementary Schools Teaching Staff made by the Council under the provisions of sub-section 10 of Section 6 of this Law.

FINANCIAL PROVISIONS.

30.—(1) Before the first day of October in each year or such other date as the States may from time to time prescribe, the Council shall proceed to fix jointly with the Committee of Management of each Voluntary School the amount required to provide the States' portion of the ordinary expenditure in relation to that Voluntary School in respect of the calendar year next following.

(2) In the event of disagreement between the Council and the Committee of Management of a Voluntary School as to the amount required in respect of the States' portion of the ordinary expenditure in relation to that Voluntary School in the next calendar year, the matter in dispute shall be referred

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by the Council to the Royal Court, which Court after hearing the parties, shall determine the amount so required. No appeal shall lie from the decision of the Royal Court with reference thereto.

31.—This Law may be cited as the Education Law (Guernsey), 1935.

32.—The enactments specified in the Schedule hereto are hereby repealed. Provided that unless in this Law the contrary appears, the repeal shall not :—

- (a) revive anything not in force or existing at the time at which such repeal takes place : or
- (b) affect the previous operation of any of the enactments so repealed or anything duly done or suffered thereunder : or
- (c) affect any obligation or liability accrued or incurred under any of the enactments so repealed : or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the enactments so repealed : or
- (e) affect any investigation, legal proceedings, or remedy in respect of any such obligation, liability, penalty, forfeiture or punishment as aforesaid :

and any such investigation, legal proceedings, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Law had not been passed.

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SCHEDULE OF ENACTMENTS HEREBY REPEALED.

The Orders in Council respectively sanctioning the " Projets de Loi " hereinafter specified and registered on the Records of the Island of Guernsey on the dates hereinafter mentioned respectively :—

Title.	Date of Registration.
Loi relative à l'Education Primaire Obligatoire ..	13th October, 1900.
Loi sur l'Instruction Publique Primaire	7th March, 1903.
Loi sur l'Instruction Publique Primaire (Amendement)	29th August, 1903.
Loi relative à l'Education Primaire Obligatoire (Amendement)	2nd May, 1904.
Loi relative à l'Instruction Publique Primaire par rapport à l'Abolition de la Capitation	2nd May, 1904.
Loi supplémentaire à la Loi sur l'Instruction Publique Primaire (Séparation du Clos et de la Vingtaine de l'Epine en la Paroisse du Valle)	4th November, 1905.
Loi supplémentaire à la Loi relative à l'Education Primaire Obligatoire ..	15th April, 1912.
Loi supplémentaire à la Loi relative à l'Education Primaire Obligatoire ..	29th July, 1916.
Loi supplémentaire à la Loi sur l'Instruction Publique Primaire	29th July, 1916.

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Title.	Date of Registration.
Loi relative à la Constitution d'un Conseil d'Education.	29th July, 1916.
Loi modifiant la Loi supplémentaire sur l'Instruction Publique Primaire. . .	27th September, 1918.
Loi supplémentaire à la Loi relative à l'Education Primaire Obligatoire. . .	17th April, 1923.
Loi supplémentaire à la Loi relative à la Constitution d'un Conseil d'Education, 1925	20th July, 1925.
Loi supplémentaire à la Loi relative à l'Instruction Publique Primaire, 1925.	20th July, 1925.
Loi supplémentaire à la Loi relative à l'Instruction Publique Primaire, (Amendement), 1934 . .	10th March, 1934.

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(Enregistré sur les Records le 14 mai 1935).

Gertrude
Elizabeth
de la Mare.
Warrant of
Conditional
Pardon.

Monsieur le Lieutenant Baillif ayant ce jour communiqué à la Cour une lettre de Monsieur le Député Lieutenant Gouverneur en date du 14 mai 1935 transmettant une Lettre de Pardon anglicé " Warrant of Conditional Pardon " de Sa Très Gracieuse Majesté le Roi, signée de sa main et scellée de Son Sceau Privé en date du 9 mai courant, laquelle Lettre de Pardon fut contresignée et transmise par le Secrétaire d'Etat pour l'Intérieur, accordant à Gertrude Elizabeth de la Mare son Pardon de la sentence de Mort prononcée contre elle le 16 avril 1935 par la Cour Royale de l'Ile de Guernesey, et ce à condition qu'elle soit gardée en Servitude Pénale pendant sa vie. La Cour, après avoir eu lecture de la dite Lettre de Pardon, ouïes les conclusions des Officiers du Roi a ordonné qu'elle sera enregistrée sur les Records de cette Ile, afin que toute personne concernée en ait pleine connaissance et se gouverne en conformité avec la dite Lettre de Pardon : de laquelle Lettre de Pardon la teneur suit :—

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, KING, Defender of the Faith.
To Our Trusty and Well Beloved Edward Nicholson Broadbent Esquire, Companion of Our Most Honourable Order of the Bath, Companion of Our Most Distinguished Order of St. Michael and St. George, Companion of Our Distinguished Service Order, Major-General of Our Forces, the Lieutenant-Governor of the Island of Guernsey, and all others whom it may concern

GREETING !

WHEREAS Gertrude Elizabeth de la Mare was at a Sessions of the Royal Court holden at Guernsey

in April 1935 convicted of murder and sentenced to death 1935

NOW KNOW YE that we in consideration of some circumstances humbly represented unto Us, are Graciously pleased to extend Our Grace and Mercy unto the said Gertrude Elizabeth de la Mare and to grant unto her Our Pardon in respect of the said conviction on condition that she be kept in Penal Servitude for Life :

Our Will and Pleasure therefore is that you do give the necessary directions accordingly :

And for so doing this shall be a sufficient Warrant.

Given at Our Court at Saint James's the ninth day of May 1935 in the twenty-sixth Year of Our Reign.

BY HIS MAJESTY'S COMMAND.

JOHN GILMOUR.

(Enregistré sur les Records le 18 mai 1935).

Monsieur le Lieutenant Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 4 mai 1935 transmettant des exemplaires de l'Acte de Parlement suivant, savoir :—

Army and
Air Force
Annual Act.

25 George V, Chapter 17 " An Act to provide during Twelve Months, for the Discipline and Regulation of the Army and the Air Force".

La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné :—

1. Que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile.
2. Qu'un des exemplaires du dit Acte de Parlement sera enregistré sur les dits Records par être logé au Greffe.
3. Qu'un extrait des Registres de ce présent Acte avec un exemplaire du dit Acte de Parlement sera expédié par le Greffier du Roi à Monsieur le

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Juge d'Auregny et à Monsieur le Sénéchal de Sercq afin d'être enregistrés sur les Records des dites Iles.

(Enregistré sur les Records le 15 juin 1935).

AT THE COURT AT BUCKINGHAM PALACE,

The 6th day of June, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,

MARQUESS OF LINLITHGOW,

LORD STEWARD,

SECRETARY SIR SAMUEL HOARE,

SIR GEORGE H. MURRAY,

SIR TEJ BAHADUR SAPRU,

MR. ATTLEE,

MR. HORE-BELISHA,

CAPTAIN R. C. BOURNE.

The Contributory Pensions Law, 1935.

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 31st day of May, 1935, in the words following, viz. :—

“YOUR MAJESTY having been pleased by your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—1. That on the 16th day of September, 1931, the States of Deliberation on the joint recommendation of the States' Old Age Pensions Authority and the States' Insurance Authority resolved to authorise a minute investigation on the question of Contributory Pensions for Old Age, Widows and Orphans, and to be furnished with a report thereon, and further voted a credit of £500 for the purpose of carrying out the said investigation. 2. That on the 16th day of February, 1934, the Reports of the above-named Authorities and of the Deputy Government Actuary, together with a supplementary Report by the said Authorities on the inquiry into the possibilities of a comprehensive Contributory Scheme for Accident Insurance,

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Widows', Orphans' and Old Age Pensions, were duly submitted to and carefully considered by the States when a resolution was passed requesting the States' Insurance Authority and the Old Age Pensions Authority to present a shorter and more concise report on the details of the proposed scheme, and to submit the same to the States as soon as possible.

3. That on the 13th day of April, 1934, and in accordance with the aforesaid resolution, a joint supplementary report of the States' Insurance Authority and the Old Age Pensions Authority was duly submitted, when the States decided to resolve themselves into a Committee in order that all amendments thereon should be submitted at a subsequent meeting, in addition to other amendments which might be received by the President of the States before the 5th day of May, 1934. 4. That at an adjourned meeting of the States held on the 15th day of June, 1934, various amendments were submitted for consideration, and after a full debate a resolution was passed adopting, with modifications, the supplementary report of the aforementioned Authorities, and requesting the latter to confer with the Finance Committee of the States to consider and report on the whole question of the most suitable method of meeting the expenses of the scheme. 5. That at a meeting of the States held on the 9th day of November, 1934, and in conformity with the resolution of that body of the 15th day of June, 1934, the joint report of the aforementioned Authorities and Finance Committee was duly considered, when a resolution was passed adopting, with certain modifications, the recommendations contained in the said report, and requesting the Royal Court to prepare a Bill or *Projet de Loi* in order to give effect thereto. 6. That on the 12th day of March, 1935, in accordance with the resolution of the States of the 9th day of November, 1934, a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled "Loi ayant

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rapport aux Pensions Contributives en cas d'Accidents ou de Décès et pour la Vieillesse, 1935", was, with certain amendments, adopted by the Royal Court, and the Bailiff was requested to submit the same to the States for approval. 7. That the said Bill or Projet de Loi was duly considered by the States of Deliberation at an adjourned meeting held on the 28th day of March, 1935, when a resolution was passed approving the same, with modifications, and authorising the President to present a most humble Petition to Your Majesty in Council praying for your Royal Sanction thereto. 8. 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 would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi ayant rapport aux Pensions Contributives en cas d'Accidents ou de Décès et pour la Vieillesse, 1935", and to order and direct that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.'

"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 Islands of Guernsey, Herm and Jethou.

AND HIS 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. 1935

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

—————

“PROJET DE LOI” referred to in the foregoing Order.

LOI AYANT RAPPORT AUX PENSIONS CONTRIBUTIVES EN CAS D'ACCIDENTS OU DE DÉCÈS ET POUR LA VIEILLESSE, 1935.

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais, lesquelles moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile et dans les Iles d'Herm et de Jethou.

Part I.

ARTICLE I.

Definitions.

In this Law unless the contrary intention appears :

“The Administrator” means the Insurance Administrator constituted under this Law :

“Benefits” means the amount payable to a person in accordance with the provisions of this Law as may be appropriate in the case of that person.

“Compulsory Contributor” means a worker who has not attained the age of seventy years and includes every person—

(a) who, being ordinarily a worker, is unemployed :

or

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- (b) who ceases temporarily to work for an employer : or
- (c) who has ceased to be a worker and, being still entitled to become a voluntary contributor, has not become a voluntary contributor.

“ Dependants ” means such members of the insured person’s family as are wholly or in part dependent upon the earnings of the insured person at the time of his death or injury, or would, but for such death or for the incapacity resulting from such injury, have been so dependent, and where the insured person, being the parent or grandparent of an illegitimate child, has or leaves such child so dependent upon his earnings, or being an illegitimate child, has or leaves a parent or grandparent so dependent upon his earnings, shall include such illegitimate child and such parent or grandparent respectively.

The words “ wholly or in part dependent ” mean dependent wholly or partially on contributions for the provision of the ordinary necessities of life suitable to the class and position of the person so dependent.

“ Employer ” includes :—

- (i) Any body of persons corporate or unincorporate and in the case of any body of persons unincorporate each of those persons shall be jointly and severally liable in respect of the duties, obligations and liabilities imposed upon an employer by this Law and in respect of every penalty for an infringement by an employer of the provisions of this Law :
- (ii) The legal personal representatives of a deceased employer :
- (iii) The person or body of persons with whom a worker has entered into a contract of service or apprenticeship and by whom the services of such worker are temporarily lent

or let on hire to another person or body of persons. Such former person or body of persons shall, for the purposes of this Law, be deemed to continue to be the employer of the worker whilst he is working for that other person or body of persons : and

- (iv) The representative or agent in this Island for the purposes of this Law of an employer not residing therein.

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“ Insurance Authority ” means the States Insurance Authority constituted under this Law.

“ Insured person ” includes a compulsory contributor, a voluntary contributor (which expression, for the purposes of this definition, shall include a person of seventy years and over who was a voluntary contributor until he attained the age of seventy) and a worker who has attained the age of seventy. For the purposes of this Law, a person shall be deemed to have attained the age of seventy on the commencement of the day previous to the seventieth anniversary of the date of his birth, and a similar method shall be applied in calculating any other age mentioned in or material as regards this Law.

“ Island of Guernsey ” and “ this Island ” includes the Islands of Herm and Jethou.

“ Medical Practitioner ” means a qualified physician or surgeon and, in relation to this Island, means a qualified physician or surgeon authorised by the Royal Court to practise therein.

“ Medical Certificate ” means a medical certificate completed by a Medical Practitioner in the form prescribed by the Insurance Authority.

“ Member of family ” means wife (widow) or husband (widower), father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, orphan nephew or orphan niece being in the custody of the insured person, and any child the custody of whom

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has been granted to and accepted by the insured person. Provided that no such orphan nephew or orphan niece nor any such child the custody of whom has been granted and accepted as aforesaid shall be included in the expression "member of family" unless the full name and the age of such orphan nephew or niece or of such child and such other particulars concerning him or her as the Insurance Authority may require shall have been declared by the insured person to the Administrator in the form prescribed by the Insurance Authority before the happening giving rise to a claim occurs to the worker.

"The Militia" means The Royal Guernsey Militia or any other local Force substituted therefor, and includes any armed force raised and serving in this Island.

"Pension Day" means the Saturday of each week.

"Provisions of this Law" includes the provisions of any Regulations made and approved thereunder.

"The superseded Insurance Law" means The Worker's Insurance Law, 1930.

"Usual earnings" means the average amount as determined by the Authority of the weekly earnings or prospective weekly earnings, otherwise than by way of bonus and commission and in respect of overtime, during any period of fifty-two consecutive weeks containing the week in which such average amount is so determined, whether paid by the employer or by some other person and whether paid by time or by the piece or partly by time and partly by the piece or otherwise. Board and lodging when reckoned as part of earnings shall be computed at not more than Fifteen shillings per week and board only at not more than Ten shillings per week.

"Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

"Worker" means any person who has attained the age below which he is obliged to attend school and

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whose usual earnings do not exceed £3* per week and who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing. An unpaid apprentice shall be a worker within the meaning of this definition.

Words importing the masculine gender shall include females ; and

Words in the singular shall include the plural and words in the plural shall include the singular.

ARTICLE II.†

States Insurance Authority.

1.—The States Insurance Scheme instituted by this Law shall be controlled and administered by a Committee styled “The States Insurance Authority” and hereinafter referred to as “The Insurance Authority”.

2.—(a) The Insurance Authority shall be composed of fourteen members, namely :—

The President

Twelve Ordinary Members

The Administrator.

For the purposes of a meeting of the Insurance Authority the President and five Ordinary Members or, in the absence of the President, six Ordinary Members shall form a quorum.

The Administrator shall have a voice but shall have no vote at meetings of the Insurance Authority.

(b) The President and the Ordinary Members of the Insurance Authority shall be elected by the States and the President and seven at the least of the Ordinary Members shall be members of the States and shall retire from office on ceasing to be members of the States but shall be eligible for election as non-States’ members of the Insurance Authority. Two of the members of the Insurance Authority shall be

* Increased to £4 by “The Contributory Pensions Law, 1935, Amendment Law, 1945”, and to £6 by “The Contributory Pensions Law, 1935, Amendment Law, 1947”.

† Amended by “The States Committees (Amendment) Law, 1948”.

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compulsory contributors and shall be entitled to compensation by the Insurance Authority in respect of the time occupied by them respectively in the performance of their duties as members of the Insurance Authority.

(c) The Administrator shall be appointed by the Appointments Board at such salary and upon such conditions as shall be determined by Resolution of the States, and the Insurance Authority may confer upon the Administrator such powers in relation to the administration of the provisions of this Law as the Insurance Authority may deem expedient.

(d) The Insurance Authority shall elect a Vice-President from among those of its Ordinary Members who are members of the States.

(e) In the absence of the President and Vice-President, a meeting of the Insurance Authority shall be presided over by an Ordinary Member who shall be chosen for the purpose at that meeting.

(f) The presiding member at a meeting shall have a vote as member and also, in the case of an equal division of votes, a casting vote.

(g) The President shall be elected for a period of five years.

(h) The Ordinary Members elected on the first election shall retire from office in manner following :—

Four members shall retire on the 31st day of January, 1937.

Four other members shall retire on the 31st day of January, 1938.

The remaining four members shall retire on the 31st day of January, 1939.

The order of retirement shall be determined by lot.

(i) Members elected to fill the vacancies thereby created and thereafter shall retire from office at the expiration of three years from the commencement of their period of office.

(j) Subject to the provisions of sub-section (b) of

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this Section, the President and every Ordinary member retiring at the expiration of his term of office shall be eligible for re-election if willing to serve.

(*k*) When a member ceases to hold office otherwise than under the provisions of sub-sections (*h*) and (*i*) of this Section, the States shall elect a new member for the unexpired portion of the term of office of the member to be replaced.

Provided that until the Insurance Authority is constituted in accordance with the provisions of this Law, the States Insurance Scheme instituted by this Law shall be controlled and administered by a Committee composed of the members in office at the date of the commencement of this Law of the Committee called "The States Insurance Authority" and of the Committee called "The States Old Age Pensions Authority" and such Committee so composed and presided over by a President to be elected from amongst its members by that Committee shall continue in such control and administration notwithstanding the repeal or modification hereby effected of any Law under the provisions of which its members were elected to the offices respectively held by them immediately before the commencement of this Law and such Committee while so continuing in such control and administration shall be deemed to be the Insurance Authority.

Provided also that until the Administrator be appointed in accordance with the provisions of this Law, the Official holding the dual office of Administrator of Old Age Pensions and of Secretary to the States Insurance Authority immediately before the commencement of this Law shall carry out the duties of and be deemed to be the Administrator under this Law.

3.—The Insurance Authority shall have power to administer the various portions of the States Insurance Scheme by means of Committees chosen in that behalf from amongst its Members. The Adminis-

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trator shall be an ex-officio member of every such Committee and shall have a voice but shall have no vote at meetings thereof. Each such Committee shall determine its quorum.

ARTICLE III.

Compulsory and Voluntary Insurance.

1.—Subject to the provisions of this Law, all workers shall be, and any persons, not being workers but who possess the qualifications hereinafter in this Article mentioned, may be insured in manner provided by this Law, and there shall be payable in respect of all persons so insured (in this Law referred to as “insured persons”) in the manner provided by, and subject to the conditions contained in, this Law, the benefits conferred by this Law.

2.—The persons not being workers who are entitled to become insured persons (in this Law referred to as “voluntary contributors”) are the following persons, being persons who have not attained the age of seventy, that is to say :—

- (a) All persons who, being voluntary insurers under the superseded Insurance Law up to the date of the commencement of this Law, have been continuously insured under the superseded Insurance Law during the two years next preceding that date and who give notice in the manner prescribed by the Insurance Authority within three calendar months next after that date of their desire to become voluntary contributors under this Law.
- (b) All persons who cease to be compulsory contributors but have been continuously insured under this Law and the superseded Insurance Law or under either of those laws during the two years next preceding the date on which they cease to be compulsory contributors and who give notice in the manner prescribed by

the Insurance Authority within the three calendar months next succeeding the date on which they cease to be compulsory contributors of their desire to become voluntary contributors under this Law.*

ARTICLE IV.

Exemptions.

1.—A worker who proves to the satisfaction of the Insurance Authority :—

- (a) That he is in receipt of unearned income, secured to his dependants in case of his death at a rate not less than the maximum rate of benefits he could obtain under this Law for total permanent disablement or that his dependants could obtain in case of his death ; or
- (b) That, being a stranger, he is subject by the law of his country to compulsory insurance throughout the period of his residence in Guernsey, that such insurance continues in force throughout that period, that such insurance is in respect of the several eventualities for which benefits are payable under this Law and that, as regards each such eventuality, insurance benefits are payable which are not less in amount than the benefits in respect of that eventuality payable under this Law ; or
- (c) That he is working solely for his father or mother or for both and that in the event of his incapacity or death during the lifetime of his employer, his father and mother or one of them can and will make such financial provision for the maintenance of such worker and his dependants until the death of the survivor of his father and mother as is equivalent to the maximum benefits payable under this Law in respect of such incapacity or death if the worker were an insured person and that as from the

* Sub-section (b) amended by "The Contributory Pensions Law, 1935, Amendment Law, 1947".

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death of the survivor of his father and mother there will be secured to such worker and his dependants out of the estates of his father and mother or out of the estate of one or other of them an income at a rate exceeding £75 per annum ;

may obtain from the Insurance Authority an exemption card effective for such period as the Insurance Authority shall determine and inscribe thereon, and during the period of validity of such exemption card shall be exempt from compulsory insurance under this Law.

2.—No benefits shall be payable under this Law in respect of a worker exempted or entitled to be exempted from compulsory insurance under this Law in respect of any happening occurring while that worker is not insured under this Law.

ARTICLE V.

Contributions and Financial Provisions.

1.—For the purpose of making provision towards the cost of benefits payable under this Law and of the Administration of this Law, contributions under this Law shall, until varied in manner hereinafter provided, be payable to the Insurance Authority by or in respect of every person insured under this Law, whether a compulsory contributor or a voluntary contributor or a worker who has ceased by reason of attaining the age of seventy to be a compulsory contributor, at the rates specified in the First Schedule to this Law as being applicable thereto respectively.

2.—(a) Where the contributions are payable in respect of an employed compulsory contributor who has not become entitled to be a voluntary contributor, they shall be payable partly by the employer, partly by the compulsory contributor and partly by the States as provided in Part I of the First Schedule to this Law.

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(b) Where the contributions are payable in respect of a voluntary contributor they shall be paid wholly by the voluntary contributor as provided in Part III of the First Schedule to this Law.

(c) Where the contributions are payable in respect of a worker who has attained the age of seventy they shall be paid wholly by the employer as provided in Part IV of the First Schedule to this Law.

(d) Where the contributions are payable in respect of a compulsory contributor who is unemployed or ceases temporarily to work for an employer or is entitled to become a voluntary contributor, the States' contribution shall continue to be payable by the States as provided in Part II of the First Schedule to this Law but both the employer's contribution and the contributor's contribution shall be payable wholly by the compulsory contributor unless the name, address and usual occupation of that contributor, he being unemployed, appears on the register of unemployed persons kept by the States Committee appointed to provide or obtain employment for unemployed workers, in which case those contributions shall be paid wholly by that Committee as provided in that Part of that Schedule.*

3.—The contributions payable by the States to the Insurance Authority under the foregoing provisions of this Article in respect of each week ending in any calendar month shall be paid by the States to the Insurance Authority at the end of that month.

4.—For the purposes of this Law, there shall be opened in accordance with the directions of the Insurance Authority, two accounts, referred to respectively in this Law as “the Income and Expenditure Account” and “the Insurance Fund Account”.

5.—All sums collected on account of contributions under this Law shall be carried to the Income and Expenditure Account and all benefits payable under or by virtue of this Law and the cost of the administration of this Law shall be met out of that Account.

* See also Article 2 of “The Contributory Pensions Law, 1935, Amendment Law, 1947”.

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6.—The Insurance Authority shall from time to time carry to the Insurance Fund Account from the Income and Expenditure Account such sums standing to the credit of the latter account as, in the opinion of the Insurance Authority, will not, during such period next ensuing as the Insurance Authority may determine, be required to meet expenditure during that period.

7.—The Insurance Authority shall from time to time carry to the Income and Expenditure Account from the Insurance Fund Account such sums standing to the credit of the latter account as, in the opinion of the Insurance Authority, will be required during such period next ensuing, not exceeding six months, as the Insurance Authority may determine, to meet expenditure during that period.

8.—(a) There shall be paid out of moneys provided by the States into the Insurance Fund Account on the twenty-ninth day of September One thousand nine hundred and thirty-five and on every succeeding calendar quarter-day up to and including that occurring on the twenty-fourth day of June One thousand nine hundred and forty-three the sum of Five thousand four hundred and seventy-five pounds and there shall be paid out of moneys so provided into that Account on the twenty-ninth day of September One thousand nine hundred and forty-three and on every succeeding calendar quarter-day up to and including that occurring on the twenty-fourth day of June One thousand nine hundred and eighty-five the sum of Nine thousand nine hundred and seventy-five pounds.*

(b) Notwithstanding the provisions of sub-section (a) of this Section, payment in whole or in part of any sum payable under that sub-section may be made in advance of the date of payment as regards such sum stipulated therein and, in the case of any such payment in advance, the amount so paid in advance, together with the interest earned in connection there-

* See also "The Contributory Pensions (Emergency Provisions) Law (Guernsey) 1939".

with from the date of payment thereof to the date of payment stipulated under the provisions of that sub-section as regards the sum in respect or on account of which the amount so paid in advance was paid, shall be deemed to have been paid in respect or on account of such sum in accordance with the provisions of that sub-section.

9.—There shall also be transferred to the Insurance Authority and carried to the Insurance Fund Account the whole of the assets and liabilities as at the date of the commencement of this Law, of the States Accident Insurance Scheme in operation under the provisions of the superseded Insurance Law.

10.—The Insurance Authority is hereby authorised to receive and carry into the Insurance Fund Account such other sums as the States may determine from time to time to grant to the Insurance Authority for that purpose.

11.—Any sums standing to the credit of the Insurance Fund Account may from time to time be invested in such manner as the Insurance Authority may direct.

12.—The Accounts of the Insurance Authority shall be examined annually by an Auditor appointed in that behalf by the States and shall, together with his report thereon, be published annually as an Appendix to a Billet d'Etat.

13.—The expenditure to be incurred in any financial year shall include :—

- (a) The benefits payable under or by virtue of this Law in that year.
- (b) The expenses incurred in the administration of this Law or otherwise in relation thereto in that year.

ARTICLE VI.

Payment of Contributions.

1.—Contributions shall be payable at weekly intervals or at such other intervals as may be pre-

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scribed in Regulations made under the provisions of this Law.

2.—In the case of an employed compulsory contributor who has not become entitled to be a voluntary contributor, the employer shall in the first instance pay both the contributions payable by himself (in this Law referred to as “the employer’s contributions”) and also on behalf of the contributor the contributions payable by the contributor, and shall be entitled in accordance with and subject to the provisions of this Law to recover from the contributor by deduction from his wages or otherwise the amount of the contributions so paid by him on behalf of the contributor.

3.—Contributions payable by a compulsory contributor or by a voluntary contributor shall cease to be payable on his attaining the age of seventy years.

4.—A weekly contribution shall be payable for each week during the whole or any part of which a worker has been employed.

Provided that—

- (a) Where one weekly contribution has been paid in respect of a worker for any week, no other contribution shall be payable in respect of him for the same week : and
- (b) Where no services have been rendered by a worker during any week and no remuneration is paid in respect of that week, the employer shall not be liable to pay any contributions either on his own behalf or (if the worker be a compulsory contributor) on behalf of the worker in respect of that week.

5.—(1) In cases coming within proviso (b) of the foregoing section of this Article, the worker (if a compulsory contributor) shall be liable to pay both the employer’s contribution and the worker’s contribution in respect of that week unless, being totally incapacitated by reason of sickness or accident from working during the whole of that week—

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- (a) The worker, if such incapacity results from sickness, within seven days after the cessation of such incapacity furnishes at his own cost to the Insurance Authority a certificate in the form prescribed by the Insurance Authority of such incapacity by reason of sickness during the whole of that week signed by a medical practitioner ; or
- (b) If such incapacity results from accident, a claim to Accident Benefits accompanied by the medical certificate required under this Law to accompany such claim has been registered with the Insurance Authority within fourteen days after the occurrence of the accident :

in either of which cases the worker shall be exempt from such liability and for the purposes of this Law the contribution payable in respect of such worker shall be deemed to have been paid.

(2)—A voluntary contributor who is totally incapacitated by reason of accident from working during the whole of any week and in whose case the requirements, as regards a worker so incapacitated, of paragraph (b) of sub-section (1) of this section is complied with by that voluntary contributor shall be exempt from liability to pay any contribution in respect of that week, and for the purposes of this Law the contribution payable by such voluntary contributor in respect of that week shall be deemed to have been paid.

6.—Where the employed compulsory contributor receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid by the employer on behalf of the contributor shall be recoverable by means of deductions from the wages or other remuneration of the contributor and not otherwise :

Provided that no such deduction may be made from any wages or remuneration other than such as are paid in respect of the period or part of the period

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in respect of which the contribution is payable, or in excess of the sum which represents the amount of the contribution or contributions for the period in respect of which the wages or other remuneration are paid.

7.—Where the employed compulsory contributor does not receive any wages or other pecuniary remuneration from the employer but receives such remuneration from some other person, a contribution paid by the employer on behalf of the contributor shall be recoverable as a civil debt if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.

8.—When the employed compulsory contributor does not receive wages or other pecuniary remuneration either from his employer or from any other person the employer shall be liable to pay the contributions payable by himself and by the contributor and shall not be entitled to recover any part thereof from the contributor.

9.—When the employed compulsory contributor is not employed throughout the whole of any week by one employer, the employer who first employs him in that week shall be deemed to be the employer for the purposes of the provisions of this Law relating to the payment of contributions and such employer may recover from the contributor in manner and to the extent permitted by this Law the amount of the contribution paid by the employer on behalf of the contributor and may also recover from the contributor the proportion of the employer's contribution in respect of that part of the week in which he is not the employer of the contributor and the contributor shall be entitled to recover from his other employers of the week the proportion of the employer's contribution due by them respectively. The Insurance Authority shall determine by Regulation the amounts representing the proportions so recoverable from and by the contributor.

10.—Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct from the wages of, or otherwise to recover from the worker the employer's contribution.

11.—Any sum deducted by any employer from wages or other remuneration under this Article shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

ARTICLE VII.

Crown Employees.

For the purposes of this Law, no person whose usual earnings do not exceed £3* per week and who is :—

(a) employed in the Naval, Military or Flying Services of the Crown other than the Militia ;
or

(b) employed by or under the Crown and is paid out of moneys provided by the Parliament of the United Kingdom and is entitled out of moneys so provided to sick pay or superannuation allowance ;

shall be accepted as a compulsory contributor under this Law nor shall benefits be payable under this Law in respect of any such person who has not been accepted as a voluntary contributor under this Law.†

ARTICLE VIII.

Militia.

This Law shall apply during the annual training in peace time of the Militia to all persons serving therein whose remuneration therefrom does not exceed £3* per week and, during such training, the States shall be deemed for the purposes of this Law to be the employers of such persons.

* Increased to £4 by "The Contributory Pensions Law, 1935, Amendment Law, 1945" and to £6 by "The Contributory Pensions Law, 1935, Amendment Law, 1947".

† See also "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law 1947".

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ARTICLE IX.

Limitation of States' Liability in Time of War.

The Insurance Authority shall not be liable to pay any benefits under this Law in respect of injury to or the death of any person insured under this Law if such injury or death result from—

- (a) The action of the King's enemies in time of war ; or
- (b) any happening in time of war occurring in the course of that person's duty while serving in the Militia.*

ARTICLE X.

Fishermen and Seafaring Persons.

1.—This Law shall apply to the same extent and in the same manner as it applies to others to fishermen and other seafaring persons who—

- (a) are Guernsey born or have been and are settled and resident in Guernsey from the time of attaining the age of ten years : and
- (b) work on a vessel which is owned wholly by persons resident in Guernsey or is registered in Guernsey : and
- (c) do not in the course of their work proceed beyond the confines of a circle having a radius of one hundred and fifty miles and having the White Rock Spur of Saint Peter Port Harbour as its centre : and
- (d) work on their own account or are employed by a person who or whose agent is within the jurisdiction of this Island for the purposes of this Law as regards the payment of contributions : and
- (e) are not entitled under the operation of any Statute of the United Kingdom or any enactment of any other country to benefits equivalent or approximately equivalent to those provided by this Law :

* See also "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947".

Provided that in the case of the occasional voyage of a vessel beyond the confines of the circle specified in paragraph (c) of this Article, the Insurance Authority may, on being previously notified of such voyage, by resolution declare that, in the case of persons working on such vessel to whom this Law would otherwise apply, this Law shall extend to apply to those persons notwithstanding the provisions of that paragraph and thereupon this Law shall apply accordingly.

2.—The card of every such fisherman and other seafaring person who in the course of his work proceeds beyond the confines of a circle having a radius of sixty miles and having its centre as aforesaid shall be kept at the office of the Insurance Authority.

ARTICLE XI.

Actuarial Reports.

An actuarial report on the general financial operation of this Law and the sufficiency or otherwise for the purpose of the payment of the benefits thereby provided of the contributions and grants payable thereunder shall be made in the year One Thousand nine hundred and forty-two and in every succeeding tenth year and at shorter intervals if so directed by the States.

Every such report shall be made, at the instance of the Insurance Authority, by the Government Actuary of Great Britain if he be willing or by an actuary nominated by him, or, if the said Government Actuary be unwilling or unable so to act or to nominate, by an actuary appointed by the Royal Court at the instance of the Insurance Authority.

Every actuarial report so made shall be submitted to the States as soon as may be after it is received by the Insurance Authority.

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ARTICLE XII.

Fixing and Revision of Contributions.

Within the twelve calendar months next following the making of any actuarial report to be made under the provisions of this Law, the Insurance Authority shall review and may alter the rates of the contributions payable under this Law. Every such alteration shall be submitted to the States and shall have effect when sanctioned by the States and not otherwise.

ARTICLE XIII.

Reciprocity.

1.—The Insurance Authority may, subject to the sanction of the States, make reciprocal arrangements with the authority administering in Great Britain or in any of the Channel Islands to which this Law does not apply any scheme of insurance substantially corresponding to that provided by virtue of this Law and for which provision is made by legislative enactment whereby periods of insurance, contributions paid, and residence, in one country shall for the purpose of qualification for pensions in the other country, be treated as if they had been periods of insurance, contributions paid, and residence, in that other country, and whereby pensions payable by one country shall be payable to persons whilst resident in the other country.

2.—Provision may be made by regulations under this Law for directing that this Law shall, in relation to or in connection with any persons affected by any arrangements made under this Article, apply, subject to such modifications and adaptations as may be prescribed in the regulations, and may make provision for any necessary financial adjustments.

3.—For the purposes of this Article the expression “country” means the Island of Guernsey on the one hand, and Great Britain or any of the Channel

Islands to which this Law does not apply, on the other hand.

ARTICLE XIV.*

Powers of Investigation.

1.—The Administrator or other person duly authorised thereto by him shall have power to enter during ordinary business hours on private property, other than a private dwelling, where any worker is employed, in order to—

- (a) investigate the causes which led to an accident to a worker ; or
- (b) to demand production of and to inspect wage sheets, pay rolls and other records of wages paid to workers and to make interrogations concerning the same to ensure that this Law is being observed in respect of such workers.

2.—Every employer and every insured person having in his possession any insurance card issued by the Insurance Authority shall, whenever the Administrator or other person duly authorised thereto requires him, either in person or by notice in writing, to produce that card, produce that card or cause the same to be produced to the Administrator or other authorised person and, if so required by the Administrator or other authorised person, shall deliver up such card to the Administrator or other authorised person, who may, if he thinks fit, retain any such card.

Part II.

BENEFITS IN RESPECT OF INJURY OR DEATH FROM ACCIDENT.

ARTICLE XV.

Ordinary Benefits.

1.—Subject to the provisions of this Part of this

* Repealed and new Article substituted by “ The Contributory Pensions (Supplementary Provisions) Law, 1938 ”

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Law, benefits in respect of accidents to insured persons, however and whensoever such accidents may occur, shall be payable as specified in the Second Schedule and in Part I of the Third Schedule to this Law as may be appropriate in respect of such persons respectively.

Provided that as from the expiration of two calendar years after the date of the commencement of this Law, none of the benefits specified in the second schedule to this Law or in paragraph (a) of Part I. of the third schedule to this Law shall be payable, nor shall any medical benefits be provided, in respect of an accident occurring to a person insured under this Law who has attained the age of seventy.

Provided also that if it be proved to the satisfaction of the Insurance Authority that the injury to or death of the insured person was attributable to the gross and wilful misconduct or drunkenness of the insured, any benefits claimed in respect of such injury or death may, at the discretion of the Insurance Authority, be disallowed in whole or in part.

Provided also that benefits under this Part of this Law in respect of the injury or death resulting from an accident to an insured person occurring in any place outside of the Bailiwick of the Island of Guernsey may, at the discretion of the Insurance Authority, be disallowed in whole or in part unless—

- (a) the card of that insured person fully prepaid for the period of absence from this Island of that insured person was deposited in this Island with the employer of that insured person or with the Insurance Authority or with a person authorised by the Insurance Authority to receive such card before the departure from this Island of that insured person ; and
- (b) such accident occurred during the temporary absence from this Island of that insured person and within the thirty days next succeeding the date on which such temporary absence com-

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menced or within such greater period next succeeding that date as shall have been notified by that insured person to and approved by the Insurance Authority.

2.—Benefits shall commence to accrue on the day on which the insured person is first attended by a medical practitioner after the accident.

3.—Every claim in respect of injury shall be accompanied by a certificate from a medical practitioner in the form prescribed by the Insurance Authority stating the nature of the injury and that the injury is such as to prevent the insured person wholly or partially from working at his occupation and the probable duration of the incapacity. If the duration of the incapacity exceeds the period stated in any certificate of a medical practitioner as the period of the probable duration thereof, the payment of benefits for the excess period shall be conditional upon the production to the Insurance Authority of a medical certificate justifying such further payment of benefits.

4.—Where it appears to the medical practitioner having under his care an insured person in respect of whom benefits are being paid under this Part of this Law that his patient is sufficiently recovered to be capable of again undertaking work whether wholly or partially, it shall be his duty to forward to the Insurance Authority a certificate to that effect upon the form prescribed by the Insurance Authority.

5.—When an insured person in respect of whom benefits are payable under this Part of this Law has been attended by a medical practitioner, the fee for the first attendance by such practitioner (if such attendance has taken place within fourteen days of the occurrence of the accident) shall be paid by the Insurance Authority.

6.—It shall be the duty of every medical practitioner who, being consulted by an insured person who applies to such medical practitioner for a medical

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certificate for presentation to the Insurance Authority with regard to an injury alleged to have been sustained as the result of an accident, finds after examination of such person that no evidence exists of any such injury, to forward forthwith to the Insurance Authority a certificate to that effect upon the form prescribed by the Insurance Authority and the Insurance Authority shall pay to that medical practitioner in respect of that certificate, if it be received by the Insurance Authority within the forty-eight hours following the hour at which the medical practitioner was so consulted, such sum as may be prescribed by the Insurance Authority.

ARTICLE XVI.

Medical Benefits (Accidents).

1.—The Insurance Authority is empowered to pay for medical attendance to insured persons sustaining injury as the result of an accident at its discretion.

2.—Where there is reason to believe that perfect or partial recovery of capability to work by an insured person can only be obtained by special measures, the Insurance Authority may direct that he be sent to hospital, and may provide apparatus and means and defray the expenses necessary for the treatment of the case.

3.—An insured person who is living with his wife or family may only be sent to a hospital by his own consent, unless the injury is of such a nature that the necessary treatment would make home-nursing impossible or very difficult.

4.—Where an insured person refuses, without sufficient reason, to submit to the treatment recommended by the Medical attendant, the Insurance Authority may, at its discretion, withhold the whole or part of the benefits granted, provided :—

(a) that he be warned of the result of his refusal ;

(b) that it be explained to him that his capability

to work may be adversely affected by his refusal.

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5.—While an insured person is in hospital at the expense of the Insurance Authority, accident benefit shall not be payable to him, but there shall be payable to his dependants up to an amount not exceeding Twenty-seven shillings* per week the benefits which would have been payable to them had such insured person died as the result of the accident which occasioned his injury.

ARTICLE XVII.

Medical Examinations (Accidents).

1.—Where an insured person has given notice of an accident he shall, if so required by the Insurance Authority, submit himself for examination by a Medical Practitioner provided and paid by the Insurance Authority, and, if he refuses to submit himself to such examination, or in any way obstructs or delays the same his right to benefits shall be suspended until such examination has taken place, and if his incapacity to work is increased or prolonged by reason of such refusal, obstruction or delay, the benefits may be reduced accordingly.

2.—Any insured person receiving benefits under this Part of this Law shall, if so required by the Insurance Authority, from time to time submit himself for examination by a Medical Practitioner provided and paid by the Insurance Authority. If the insured person refuses to submit himself to such examination, or in any way obstructs the same, his rights to such benefits shall be suspended until such examination has taken place.

3.—Where an insured person has submitted himself for examination by a Medical Practitioner in accordance with the provisions of Section 1 or Section 2 of this Article, and is not satisfied with the report of such Medical Practitioner, he may, on payment of

* Increased to 47s. 3d. by "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947."

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such fee not exceeding twenty-one shillings as may be prescribed by the Insurance Authority, require his case to be referred to a Medical Referee.

4.—The Medical Referee to whom a case is so referred shall give a certificate in the form prescribed by the Insurance Authority as to the condition of the insured person and his fitness or otherwise for employment, specifying the kind of employment (if any) for which he is fit, and that certificate shall be conclusive evidence as to the matter so certified.

5.—Where a case has been referred to a Medical Referee in accordance with the provisions of Section 3 of this Article, and the report of such Medical Referee upholds the contention of the insured person, the fee paid by the insured person in respect of such reference shall be refunded to the insured person by the Insurance Authority.

6.—Where under this Article a right to benefits is suspended, no benefits shall be payable in respect of the period of suspension.

ARTICLE XVIII.

Medical Practitioners and Referees (Accidents).

1.—The Insurance Authority shall appoint such Medical Practitioners to be Medical Referees for the purposes of this Law as it may determine.

2.—Where a Medical Referee has been engaged as a Medical Practitioner by or on behalf of an injured insured person, he shall not act as Medical Referee in the case of that insured person.

3.—The scale of fees payable by the Insurance Authority to the Medical Practitioners and Medical Referees performing services under this Law shall be determined by agreement between them and the Insurance Authority.

Part III.

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**BENEFITS TO WIDOWS AND DEPENDANTS.
(DEATH FROM NATURAL CAUSES.)****ARTICLE XIX.***Benefits and Statutory Condition.*

1.—Subject to the provisions of this Law, benefits in respect of the death occurring after the expiration of one hundred and four weeks from the date of the commencement of this Law, otherwise than as the result of an accident, of insured persons shall, if the condition mentioned in Section 2 of this Article (in this Law referred to as the statutory condition) is complied with, be payable as specified in Part II of the Third Schedule to this Law as may be appropriate in respect of such persons respectively.

2.—The statutory condition to be complied with in the case of every such insured person is that at least one hundred contributions have been paid or are deemed under the provisions of this Law to have been paid by or in respect of such person during the one hundred and four weeks which immediately preceded the week in which the death of such person occurred or, if that person died after attaining the age of seventy, during the one hundred and four weeks which immediately preceded the week in which that person attained that age.

Part IV.**OLD AGE PENSIONS.****ARTICLE XX.***Amount of Pension and Statutory Condition.*

1.—Subject to the provisions of this Law, if the condition mentioned in Section 2 of this Article (in this Law referred to as the statutory condition) is complied with, benefits by way of a pension the

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weekly amount of which shall be determined in accordance with the Scale of Old Age Pensions contained in the Fourth Schedule to this Law, shall be payable to an insured person who attains the age of seventy after the expiration of one hundred and four weeks from the date of the commencement of this Law as from the attainment by that insured person of the age of seventy and benefits by way of a pension of a similar weekly amount shall be payable to the wife of that insured person as from the attainment of the age of seventy by whichever of that insured person and his wife last attains that age.*

2.—The statutory condition required to be complied with in the case of an insured person in order to entitle that insured person or that insured person and his wife in manner aforesaid, as the case may be, to a pension at one of the weekly rates of pension specified in the second column of the Fourth Schedule is that there shall have been paid or be deemed under the provisions of this Law to have been paid by or in respect of that insured person before he attains the age of seventy and since the date on which he attained the age of fifty or since the date of the commencement of this Law, whichever is the later of those two dates, such a number of contributions as, on being averaged over the period elapsing between whichever of the aforesaid dates is applicable in the case of that insured person and the date of attainment by that insured person of the age of seventy, shows an average number of contributions per annum not less than the only or smaller number in the first column of that Schedule set against that weekly rate of pension.

Part V.

MISCELLANEOUS.

ARTICLE XXI.

Regulations.

1.—The Insurance Authority may at any time and

* Amended by "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947".

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from time to time prepare regulations generally for carrying this Law into effect and, subject to the provisions of this Law, provision may be made by regulations—

(a) for any matters incidental to the payment and collection of contributions payable under this Law, and in particular for—

- (i) payment of contributions by means of adhesive or other stamps affixed to or impressed upon cards or otherwise and whether prepaid or otherwise, and regulating the manner, times and conditions in, at and under which such stamps are to be affixed or impressed or payments are otherwise to be made:
- (ii) the issue, renewal, custody, production and delivery up of cards, the particulars to be inscribed thereon, the replacement of cards which have been lost, destroyed or defaced and providing against cards being obtained under false names and by false pretences and other matters of the like nature:

(b) for enabling a person to be appointed to exercise on behalf of any claimant or person entitled to or in receipt of benefits under this Law or entitled to or in receipt of a pension under the Law intituled “ Loi ayant rapport aux Pensions pour la Vieillesse et la Cécité, 1931 ” (herein called “ the modified Law ”) who is, by reason of any mental or other incapacity, unable to act, any right to which that claimant or person may be entitled under this Law or the modified Law, and to authorise any person so appointed to receive on behalf and for the benefit of the claimant or person so entitled any benefits payable under this Law or the modified Law.

(c) for prescribing the manner in which claims to benefits are to be made and the procedure to be followed on the consideration and determination of claims and questions to be considered and determined

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by the Insurance Authority or by any Committee thereof and the mode in which any question may be raised as to the continuance, in the case of a person who is or has been receiving benefits under this Law, of the right of that person to receive benefits thereunder and as to the disqualification of a person who is or has been in receipt of benefits thereunder.

(d) for requiring such returns to be made and such information to be supplied to the Insurance Authority by employers and contributors as the Insurance Authority may from time to time deem necessary for the purposes of this Law.

(e) for providing that, subject to the regulations—

(i) in the case of the death of a person who was in receipt of benefits, payment may be made of any sum which becomes payable within three months before the date of his death on account of benefits, but has not been paid ; and

(ii) in the case of the death of a person who being entitled to benefits had made a claim thereto, payment may be made of any sum which, if his claim had been allowed immediately before his death, would have become payable on account of benefits up to the date of his death ; and

(iii) in the case of the death of any person who was entitled to benefits but had made no claim thereto, payment may be made of any sum which, if a claim had been made immediately before his death, would have become payable on account of benefits up to the date of his death ; and

(f) for providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as is mentioned in the last preceding paragraph, and that any such sum may be paid or distributed to or among the

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persons appearing in manner provided by the regulations to be entitled to receive the said sum or any part thereof, either as being persons beneficially entitled thereto under any testamentary instrument or as next of kin, or as being creditors of the deceased person, or to or among any one or more of such persons exclusive of the others, or, in the case of any illegitimacy of the deceased person or any child of his, to or among such person or persons as may be directed by the regulations.

(g) for prescribing anything which under this Law is to be prescribed and for providing for and determining anything which under this Law is to be provided for or determined.

2.—The regulations shall provide for enabling claimants for benefits to make their claims and obtain information as respects benefits under this Law and for provisionally allowing claims to Old Age Pensions before the date on which the claimant will become actually entitled to the pension, for notice being given by the Registrar of Births, Marriages and Deaths to the Insurance Authority of the death of every person over the age of fourteen years registered by him, the whole in such manner and subject to such conditions as may be prescribed in the Regulations, and for enabling the Administrator to search the Registers of Births, Marriages and Deaths and to take notes of any entry therein, without payment of fee, and for making the procedure for considering and determining on any claim for or question with respect to benefits under this Law as simple as possible.

3.—Regulations so prepared shall have no effect until they have been submitted to and have received the approval of the Royal Court sitting as a Court of Chief Pleas and upon such regulations being so submitted, the Royal Court may modify or amend the same before giving its approval thereto. The Royal Court may by Ordinance modify and repeal any regulations previously approved.

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4.—Upon the Royal Court approving of any such regulations, the Royal Court shall pass an Ordinance embodying such regulations and may prescribe penalties for their infringement.

5.—The passing of an Ordinance embodying any such regulations shall be conclusive evidence that the Ordinance and the regulations embodied therein are within the powers conferred by this Article.

6.—Stamps required for the purposes of this Law shall be prepared and issued in such manner as the Insurance Authority may direct.

ARTICLE XXII.

Provision against Double Benefits.

The receipt of benefits claimable under any part of this Law by any person shall disentitle that person whilst in receipt of such benefits to receive benefits under any other part of this Law or awarded under the Worker's Insurance Law, 1930, or claimable under the Law intituled "Loi ayant rapport aux Pensions pour la Vieillesse et la Cécité, 1931" and the receipt of benefit under either of the last mentioned Laws by any person shall disentitle that person whilst in receipt of such benefits to receive benefits under this Law.

Provided that where a person is entitled to claim benefits under more than one Part of this Law or under more than one of the three Laws mentioned in this Article, that person shall be entitled to receive benefits at the greatest rate applicable in the case of that person under any of the Parts of this Law or under any of the said Laws, as the case may be.

ARTICLE XXIII.

Disqualification for Benefits.

1.—A person shall be disqualified from receiving

or continuing to receive benefits in respect of himself or herself :—

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- (a) while he is an inmate of any workhouse or other poor law institution.

Provided that, notwithstanding such disqualification, benefits which would be payable to that person in respect of himself if he were not such an inmate shall, if he is an inmate of a workhouse or poor-law institution situate in this Island, be paid by the Insurance Authority to the Poor Law Authority in control of that workhouse or poor-law institution to be applied towards the cost of maintaining that person therein, save that, as regards any such inmate who has entered a workhouse or poor-law institution, for the purpose of receiving surgical or medical attention and is expected not to continue permanently as an inmate thereof, the Insurance Authority may in its discretion, during a period of not more than thirteen consecutive weeks, retain out of the amount so payable to the Poor Law Authority such sum in respect of rent or other outgoing as appears necessary to the Insurance Authority for the purpose of maintaining in being the home of that person and the Insurance Authority shall apply any sums so retained in settlement of that rent or other outgoing.

- (b) while he is being detained in any lunatic asylum or mental hospital or is being maintained in any place as a pauper or criminal lunatic.

Provided that, notwithstanding such disqualification, benefits which would be payable to a person in respect of himself if he were not so detained shall, if he is detained or maintained as aforesaid in the said Island otherwise than as a criminal lunatic, be payable to the Authorities in control of such lunatic asylum, mental

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hospital or other place, to be applied towards the cost of maintenance of that person.

- (c) as regards benefits payable to that person by reason of the fact that she is the widow of an insured person,—while such widow and some other person are cohabiting as man and wife.
- (d) as regards benefits payable in respect of the temporary incapacity resulting from accident of an insured person,—while that insured person during such incapacity is absent from this Island unless such absence has been notified by that insured person to and approved by the Insurance Authority.

2.—Where a person has been, whether before or after the commencement of this Law, convicted of any offence and ordered to be imprisoned without the option of a fine or to suffer any greater punishment, he shall be disqualified from receiving or continuing to receive benefits while he is detained in prison in consequence of the order.

3.—During any period in which a person is disqualified for receiving or continuing to receive benefits, that person shall (unless the disqualification arises out of paragraph (c) of Section 1 of this Article, in which case the Insurance Authority in its discretion may refrain from enforcing the further disqualification next referred to herein) be disqualified for receiving or continuing to receive benefits in respect or on behalf of any other person and benefits which, but for such disqualification, would be payable to that person in respect or on behalf of any other person shall (unless the disqualification arises out of paragraph (d) of Section 1 of this Article, in which case such benefits shall not be paid) be paid for the benefit of that other person to such person as the Insurance Authority may appoint to receive the same.

ARTICLE XXIV.

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Posthumous Children.

In the event of a posthumous child being born, any benefits which would have been payable in respect of that child had he been living at the date of his father's death shall be payable in respect of that child as from the date of birth.

ARTICLE XXV.

Method and Limitation of Payment.

1.—Benefits shall accrue in weekly instalments and each such instalment shall accrue due on the Pension Day of the week in respect of which or part of which it is payable. A weekly instalment of benefits shall be payable on any weekday which precedes the Saturday next following the Pension Day on which it accrued due. Subject to the Provisions of this Article the Administrator may determine the days and the hours on those days during which benefits shall be paid to persons entitled thereto and the places at which the same shall be payable and may appoint different days, hours and places of payment as regards such persons as may in the opinion of the Administrator be convenient having regard to the places in which those persons reside.

Provided that benefits payable to any person who is absent from or not resident in this Island shall be payable quarterly in arrear if that person furnishes to the Insurance Authority proof, in such manner and at such intervals as may be prescribed by the Insurance Authority, of his identity and of the continuance of his right to receive such benefits and, if such proof is not so furnished, benefits shall cease to accrue or be payable to that person until such proof is so furnished.*

2.—A sum shall not be paid on account of benefits if payment of the sum is not obtained within three

* Proviso repealed by "The Contributory Pensions Law, 1935, Amendment Law, 1945".

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ARTICLE XXVI.

Appeals.

1.—If any person is dissatisfied by the award or decision of the Insurance Authority in respect of any claim for benefits under this Law, that person may appeal from such award or decision to the Royal Court sitting as an Ordinary Court and the decision of the Ordinary Court in the matter shall be final and conclusive.

2.—Provision may be made in the Regulations for limiting the time within which an appeal to the Ordinary Court may be brought, for requiring notice of any such appeal to be given to the Administrator, for prescribing the procedure to be followed in the bringing and hearing of any such appeal, and the costs which may be awarded in regard thereto and for requiring notice of the decision in any such appeal to be communicated to the Insurance Authority.

3.—A copy of any award or decision of the Insurance Authority, if authenticated by the signature of the President, Vice-President or Acting President of the Insurance Authority and by the signature of the Administrator or acting Administrator shall be received as evidence of that award or decision.

ARTICLE XXVII.

General.

1.—Notwithstanding anything in this Law contained, benefits may at the discretion of the Insurance Authority be withheld in whole or in part in cases where the contributions payable under this Law in respect of an insured person have not been fully paid up to the time of the happening giving rise to a claim for benefits in respect of that insured

* Amended by "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947".

person or where contributions have been paid by or on behalf of an insured person at a rate which is less than the appropriate rate as regards that insured person.

2.—The Insurance Authority may at any time give such directions as to the mode of payment of benefits as in their opinion will ensure the proper expenditure of the same and the right to receive such benefits shall be satisfied by the payment of such benefits in accordance with such directions.

3.—The Insurance Authority is hereby authorised in cases in which in its discretion it may deem it advisable so to do, to permit the commutation of ordinary benefits awarded under Part II of this Law.

4.—Where an insured person in respect of whom benefits are payable under Part II or Part III of this Law has or leaves both total and partial dependants the Insurance Authority in its discretion may allot benefits partly to the total dependants and partly to the partial dependants.

5.—Benefits awarded in the form of weekly payments under Part II or Part III of this Law may be reviewed at the instance of the Insurance Authority or of a person to or in respect of whom such benefits are payable and on such review such benefits may, subject to the appropriate provisions of this Law as regards the payment of benefits, be withdrawn, diminished or increased.

Provided that, where the insured person to or in respect of whom benefits are so payable was at the time of the happening giving rise to the payment of benefits under twenty-one years of age and the review takes place more than twelve months after such happening, the amount of the weekly payment may be increased to any amount not exceeding the amount of the weekly wages which the insured person might be expected to have been earning at the date of such review if he had remained uninjured or not exceeding the amount representing the maximum

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benefits payable to or in respect of that insured person, whichever shall be the lesser of those two amounts.

6.—No benefits shall be payable under this Law in respect of any person by reason of the payment of any contribution by or in respect of that person unless at the time of the payment of such contribution that person was an insured person.

ARTICLE XXVIII.

Extension and Limitation of Benefits.

1.—Subject to the provisions of Section 2 of this Article, benefits may at the discretion of the Insurance Authority be paid under Part II or Part III of this Law in respect of the children over fifteen years of age of an insured person who were dependent upon that insured person and who were and are in a state of mental or physical incapacity and continue in a state of dependency by reason thereof.

2.—Notwithstanding anything in this Law contained save as provided in Part I of the Second Schedule to this Law and in sub-paragraphs (iii) and (iv) of paragraph (b) of Part I of the Third Schedule to this Law and in Part II of the latter Schedule (by reference to paragraph (b) of Part I of that Schedule), the total benefits payable in respect of any insured person shall not exceed twenty-five shillings per week.*

ARTICLE XXIX.

Benefits not Assignable.

Benefits awarded to any person under this Law shall not be capable of being assigned, charged or attached and shall not pass to any other person by operation of law nor shall any claim be set-off against the same.

* Section 2 deleted by "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947".

ARTICLE XXX.

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Limitation of Pensions to Widows.

The widow of an insured person, if the insured person had attained the age of sixty-five at the date of the marriage, shall not, if the marriage takes place after the first day of January, Nineteen hundred and thirty-five, be entitled to a widow's pension unless either—

- (a) at the date of the death of her husband three years or more have elapsed since the date of the marriage ; or
- (b) she was immediately before the marriage in receipt of a widow's pension under this Law.

ARTICLE XXXI.

Employers.—Limitation of Liability.

No claim in respect of the injury to or death of a worker or voluntary contributor alleged to have resulted from or to be attributable to any happening in connection with the employment of that worker which, but for the provisions of this Article, would be maintainable by that worker or voluntary contributor or by his legal personal representatives or by any of his dependants or by the Insurance Authority against the employer of that worker or voluntary contributor shall, in the absence of a contract in writing to the contrary effect entered into between that worker or voluntary contributor or his dependants and the employer of that worker or voluntary contributor whether before or after the happening of such injury or death, be maintainable against such employer, except upon proof that such injury or death resulted from or was attributable to the personal negligence of such employer, if it be shown by such employer :

- (a) that, being the employer of that worker, he had, on the occasion next preceding that hap-

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pening on which he was required by this Law or any Regulation made thereunder to comply with the provisions of Section 2 of Article 6 of this Law as regards that worker, complied with those provisions : or

- (b) that, being the employer of that voluntary contributor, he had, before that happening occurred and in respect of the period of employment by him of that contributor in the week preceding the week in which that happening occurred, contributed (in addition to wages or other remuneration payable to that contributor) towards the contribution payable by that contributor an amount not being less than the amount which would have represented the employer's contribution in respect of that contributor, or the portion thereof not recoverable under this Law from that contributor, had that contributor been a worker.

ARTICLE XXXII.

Assignment to Insurance Authority of Rights against Third Parties.

1.—Where injury to or the death of an insured person occurs in or arises out of circumstances creating a legal liability, otherwise than by virtue of contract, in any person to pay damages in respect of such injury or death, the right of such insured person or of his legal personal representatives or dependants to claim and recover damages from such person in respect thereof shall vest forthwith in the Insurance Authority and the Insurance Authority shall be deemed, and may be described in any legal proceedings for the enforcement of such right, as the legal assignee thereof from such insured person, his legal personal representatives or dependants, as the case may be.

2.—Such right of recovery so vested in the Insur-

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ance Authority shall be deemed to include the right to recover from any such person so liable all sums disbursed and to be disbursed by the Insurance Authority under the provisions of this Law in respect of the insured person and his dependants by reason of the injury to or death of such insured person, as though the same had been or would be disbursed by such insured person or his dependants by reason of that injury or death and were recoverable by him or them.

3.—Any amount recovered by the Insurance Authority by virtue of the provisions of this Article shall be received and held by the Insurance Authority as Trustee for the following uses so far as such amount shall suffice :

- (1) To pay therefrom all non-recoverable costs and expenses incurred by the Insurance Authority in the prosecution and recovery of the claim for damages.
- (2) To recover therefrom all benefits paid by reason of such injury or death and, as and when the same are paid, all future benefits payable by reason thereof.
- (3) On the cessation of payment of benefits, to pay the balance, if any, to the insured person or to his legal personal representatives.

Provided that where in the opinion of the Insurance Authority the amount of damages so recovered is in excess of the total benefits payable, the Insurance Authority may at its discretion make grants from time to time therefrom to the insured person or his dependants during the time that the benefits under this Law are being paid.

4.—The provisions of this Article shall not affect the right, if any, of an insured person or his legal personal representative to claim and recover damages otherwise than in respect of injury to or the death of the insured person and for the purpose of

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recovering the same the insured person or his legal personal representatives may join in any proceedings brought by the Insurance Authority or may bring separate proceedings in respect thereof, as may be agreed between the Insurance Authority and the insured person or his legal personal representatives, but the Insurance Authority shall only permit the insured person or his legal personal representatives to join in proceedings brought by the Insurance Authority upon being indemnified against all costs and expenses arising or which might arise by reason of such joinder.

ARTICLE XXXIII.

Repayment of Contributions in Certain Cases.

If an insured person who has attained the age of sixty-eight before the date of the commencement of this Law dies before attaining the age of seventy or, living to attain that age does not within one year thereafter become entitled to a non-contributory Old Age Pension or being entitled thereto does not within that period apply for the same, the Insurance Authority may pay to that person or to the widow of that person, such amount as shall represent the sum of the employer's contributions and of the contributor's contributions paid in respect of that person since the date of the commencement of this Law.

ARTICLE XXXIV.

Recovery of Penalty for non-payment of Contributions.

Where benefits have been awarded under this Law and it is found that no card has been applied for by or in respect of the insured person as regards whom such benefits have been awarded for the period current at the time of the happening giving rise to the payment of benefits or that the contributions payable under this Law in respect of such insured

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person have not been fully paid up to the time of such happening, the Insurance Authority may take proceedings against any person responsible under this Law for the payment of any contribution which has not been paid in respect of that insured person or against the legal personal representative of that person and shall be entitled to recover twenty-five shillings in respect of every week in which payment of a contribution in respect of that insured person was omitted and any costs incurred in relation to such recovery.

ARTICLE XXXV.

Notice of Claims.

Notice of a claim for benefits under this Law shall be given as soon as practicable and not later than fourteen days after the happening giving rise to the claim. Provided that the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such claim if it is found in the proceedings for settling the claim that the Insurance Authority is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the Island or other reasonable cause.

Claims for benefits under this Law shall be made on forms of notice to be provided free of cost by the Insurance Authority and shall contain such information as the Insurance Authority may think necessary for the proper verification of claims. A receipt shall be given to the person registering the claim.

OFFENCES, LEGAL PROCEEDINGS, ETC.

ARTICLE XXXVI.

Every person who does, or causes or procures to

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be done, or knowingly aids, abets, or assists in doing, any of the acts following, that is to say :—

- (1) forges a die used or to be used in the preparation of stamps to be issued for the purposes of this Law or under any Regulation made thereunder ;
- (2) prints or makes an impression upon any material with a die which to his knowledge is a forgery of a die so used or to be used ;
- (3) forges a stamp so issued or to be issued ;
- (4) fraudulently prints or makes an impression upon any material from a genuine die so used or to be used ;
- (5) fraudulently cuts, tears, or in any way removes from any material any stamp so issued, with intent that any use should be made of such stamp or any part thereof ;
- (6) fraudulently mutilates any stamp so issued, with intent that any use should be made of any part of such stamp ;
- (7) fraudulently fixes or places upon any material or upon any stamp so issued, any stamp so issued or part thereof 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 such stamp ;
- (8) fraudulently erases or otherwise either really or apparently removes from any material stamped with a stamp so issued any name, sum, date, or other matter or thing whatsoever thereon written, with the intent that any use should be made of the stamp upon such material ;
- (9) knowingly sells or exposes for sale or utters or uses any stamp which is a forgery of a stamp so issued or to be issued or any stamp which has been fraudulently printed from a genuine die so used or to be used ;
- (10) knowingly, and without lawful excuse (the

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proof whereof shall lie on the person accused) has in his possession any die which is a forgery of a die so used or to be used or stamp which is a forgery of a stamp so issued or to be issued or any stamp which has been fraudulently printed or impressed from a genuine die so used or to be used or any stamp so issued or to be issued or part thereof which has been fraudulently torn, cut or otherwise removed from any material, or any such stamp which has been fraudulently mutilated, or any material stamped with such stamp out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise either really or apparently removed,

shall be guilty of felony, and shall on conviction be liable to be kept in penal servitude for any term not exceeding fourteen years, or to be imprisoned with or without hard labour for any term not exceeding two years.

ARTICLE XXXVII.

1.—Every person who, for the purpose of obtaining or continuing benefits, either for himself or for any other person, or for the purpose of obtaining or continuing benefits for himself or for any other person at a higher rate than that appropriate to the case, knowingly makes any false statement or false representation, and every person who knowingly obtains payment of, or continues to receive, benefits which he is disqualified from receiving, shall be liable on summary conviction in the Police Court to imprisonment for a term not exceeding six months, with or without hard labour.

2.—If it is found at any time that a person has been in receipt of benefits during any period during which he was not entitled thereto, or has been in receipt of benefits at a higher rate than that appro-

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priate to the case, then, he or, in the case of his death, his personal representative, shall be liable to repay to the Insurance Authority, at the discretion of the Insurance Authority, any sums paid to him in respect of the benefits during the period aforesaid, or, as the case may be, a sum representing the difference between benefits at the rate actually paid and benefits at the rate appropriate to the case.

3.—Any sum due to the Insurance Authority under this Article may be recovered by the Insurance Authority as a civil debt and proceedings for the recovery thereof may be brought at any time within twelve months from the time when the matter complained of arose, or, where the complaint is in respect of a consecutive series of payments on account of benefits, within twelve months from the date on which the last payment on account of pension was received.

4.—Where a person is liable under this Article to repay to the Insurance Authority any sum received by way of benefits, that sum may be recovered without prejudice to any other remedy, by means of deductions from any benefits to which that person may thereafter be entitled.

5.—The provisions of this Article shall apply with the necessary modifications in the case of a person to whom benefits are paid for the benefit of any person.

ARTICLE XXXVIII.

1.—If—

- (a) any employer or compulsory contributor fails to pay any contributions which under this Law he is liable to pay ; or
- (b) any employer deducts or attempts to deduct from the wages or other remuneration of a worker the whole or any part of the employer's contribution ; or

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- (c) any employer deducts or attempts to deduct from the wages or other remuneration of a worker who has ceased to be a compulsory contributor any sum purporting to be or form part of a contribution payable by that worker under this Law ; or
- (d) any person obstructs or resists the Administrator or other authorised person in the execution of his powers or wilfully suppresses or withholds information or makes false statements when lawfully interrogated concerning any particulars which it is the duty of the Administrator or other person duly authorised thereto by him to ascertain, or refuses or neglects when so requested to produce or cause to be produced any card or refuses or neglects on being required so to do to deliver up to the Administrator or other authorised person any card which it is within his power to deliver up ; or
- (e) any employer, insured person or other person is guilty of any other contravention of or non-compliance with any of the requirements of this Law or the regulations made thereunder in respect of which no special penalty is provided ; he shall, for each offence, be liable on summary conviction in the Police Court to a fine not exceeding Ten pounds, and where the offence is failure or neglect on the part of the employer or compulsory contributor to pay any contributions, to pay to the Insurance Authority a sum equal to the amount of the contributions which he has failed or neglected to pay, which sum when paid shall be treated as a payment in satisfaction of such contributions.

2.—If any person buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn, any insurance card, insurance book or used insurance stamp, he shall be liable on summary conviction in the Police Court to a fine not exceeding Twenty

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pounds, and in any proceedings under this section with respect to used insurance stamps, an insurance stamp shall be deemed to have been used if it has been cancelled or defaced in any way whatever, and whether it has been actually used for the purpose of payment of a contribution or not.

3.—Where an employer has been convicted under this Law of the offence of failing or neglecting to pay any contribution in respect of a person, then if notice of the intention so to do is served with the summons, evidence may be given of failure or neglect on the part of that employer to pay other contributions in respect of that person, and on proof of such failure or neglect the employer shall be liable to pay to the Insurance Authority a sum equal to the total amount of all the contributions which he is so proved to have failed or neglected to pay.

ARTICLE XXXIX.

Repeal of The Workers' Insurance Law, 1930.

The Workers' Insurance Law, 1930, sanctioned by an Order of His Majesty in Council registered on the Records of this Island on the 2nd day of August, 1930 (hereinafter called "The Superseded Law") is hereby repealed.

Provided that such repeal shall not affect :

- (a) any right to continue to receive in accordance with the provisions of the superseded Law benefits awarded by "The States Insurance Authority" constituted under the superseded Law but such right shall be exercisable henceforth against the Insurance Authority constituted under this Law.
- (b) any right to claim and receive benefits in respect of an accident which occurred before the date of the commencement of this Law and as regards which benefits would have been payable under the superseded Law but such benefits

shall be claimable from and payable by the Insurance Authority constituted under this Law in accordance with the provisions of this Law.

- (c) any claim, question or appeal pending at the commencement of this Law.
- (d) any fine or punishment incurred in respect of a breach of any of the provisions of the superseded Law.
- (e) any legal proceedings in respect of any such fine or punishment.

and any such legal proceedings may be instituted, continued or enforced and any such fine or punishment may be imposed as if the superseded Law had not been repealed.

ARTICLE XL.

Modification of the Old Age and Blind Persons Pension Law, 1931.

The modifications specified in the second column of the Fifth Schedule to this Law, being modifications of the Law intituled "Loi ayant rapport aux Pensions pour la Vieillesse et la Cécité, 1931" sanctioned by an Order of His Majesty in Council registered on the Records of this Island on the 7th day of November, 1931, shall be made in the provisions of that Law herein called "the modified Law" and as from the commencement of this Law, the modified Law shall have effect accordingly.

ARTICLE XLI.

Fines.

The amount of all fines recovered under the provisions of this Law shall be applicable half to His Majesty and half to the States Insurance Authority.

PART II.

Rates of Contributions in respect of Compulsory Contributors during periods of unemployment or non-employment or whilst entitled to become Voluntary Contributors.

	Rate of Contribution per week.	PAYABLE		
		By the Compulsory Contributor.	By the States.	By the States Unemployment Committee.
Contributions in case of males (not registered as unemployed)	1/5	9d.	8d.	—
Contributions in case of males (registered as unemployed)	1/5	—	8d.	9d.
Contributions in case of females (not registered as unemployed)	8½d.	4½d.	4d.	—
Contributions in case of females (registered as unemployed)	8½d.	—	4d.	4½d.

PART III.

Rates of Contributions in respect of Voluntary Contributors.

	Rate of Contribution per week.	PAYABLE		
		By the Employer:	By the Voluntary Contributor.	By the States.
Contributions in case of males	1/5	—	1/5	—
„ „ females	8½d.	—	8½d.	—

PART IV.

Rates of Contributions in respect of Workers aged 70 years and over.

	Rate of Con- tribution per week.	PAYABLE		
		By the Employer.	By the Worker.	By the States.
Contributions in case of males	4d.	4d.	—	—
„ „ females	2d.	2d.	—	—

ARTICLE XV.

Second Schedule.*

ACCIDENT BENEFITS.

PART I.

Where Total Disablement results from an Accident.

The insured person shall be entitled by way of Benefits to receive Fourteen shillings per week during such disablement.

There shall also be paid by way of benefits to the insured person such further sum not exceeding Sixteen shillings per week at the rate of four shillings per week in respect of each of the following: the wife of such insured person, the husband of such insured person wholly dependent by reason of total permanent mental or physical incapacity upon the earnings of such insured person and each of the children under fifteen years of age of such insured person so dependent.

Provided that benefits may be continued in respect of any such child for such further period not exceeding twelve months after that child attains the

* Benefits increased by "The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, and the Contributory Pensions Law, 1935, (Increase of Pensions and Benefits) Amendment Law, 1943" and new Schedule substituted by The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947".

age of fifteen years as the Insurance Authority may determine where, in the opinion of the Insurance Authority, it is expedient in the interest of such child so to do.

PART II.

Where Partial Disablement results from an Accident.

The insured person shall be entitled to receive by way of benefits a weekly sum not exceeding the difference between the amount of the average weekly earnings of the insured person before the accident and the usual weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but such weekly sum shall bear such relation to the amount of that difference as in the circumstances of the case may appear proper to the Insurance Authority.

Provided, however, that the benefits awarded shall not exceed the benefits which would have been awarded if the disablement had been total.

PART III.

Other Dependants.

Where the weekly benefits granted to the insured person and his dependants or to his dependants alone under the preceding provisions of this Schedule do not amount to twenty-five shillings per week benefits may be granted at the discretion of the Insurance Authority to other dependants according to the degree of their dependence, provided that the total weekly benefits payable in respect of that insured person do not exceed the sum of Twenty-five shillings.

Third Schedule.***BENEFITS IN CASE OF DEATH.****PART I.**

Where Death results from an Accident.

- (a) Reasonable Funeral expenses not exceeding Ten Pounds.
- (b) Surviving dependants of the insured person shall be entitled to receive by way of benefits the sums provided in this paragraph:—
 - (i) *If Widow* : A pension of Ten Shillings per week until death or re-marriage.
 - (ii) *If Widower* wholly dependant by reason of total permanent mental or physical incapacity upon the earnings of an insured person who has not attained the age of seventy : A pension of Ten shillings per week during the continuance of such incapacity.
 - (iii) *If Widow or Widower entitled to benefits and Child or Children under Fifteen Years of Age survive* : In addition to the sum provided in whichever of sub-paragraphs (i) or (ii) of this paragraph is applicable, such further sum not exceeding Twenty-two shillings per week, calculated as follows : seven shillings per week in respect of the eldest or only such child and five shillings per week in respect of each other such child.

Provided that benefits may be continued in respect of any such child for such

* Benefits increased by "The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, and the Contributory Pensions Law, 1935, (Increase of Pensions and Benefits) Amendment Law, 1943" and new Schedule substituted by "The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947".

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further period not exceeding twelve months after that child attains the age of fifteen years as the Insurance Authority may determine where, in the opinion of the Insurance Authority, it is expedient in the interest of such child so to do.

Provided also that in the event of the death of such widow or widower as the case may be whilst there is a child living under fifteen years of age, sub-paragraph (b) (iv) next following shall apply from the date of such death instead of this sub-paragraph.

- (iv) *If no Widow or Widower entitled to benefits survives*: In respect of surviving child or children under fifteen years of age there shall be paid such maximum sum per week not exceeding thirty-two shillings, calculated as follows: ten shillings per week in respect of the eldest or only such child, seven shillings per week in respect of the second child and five shillings per week in respect of each other child.

Provided that benefits may be continued in respect of any such child for such further period not exceeding twelve months after that child attains the age of fifteen years as the Insurance Authority may determine where, in the opinion of the Insurance Authority, it is expedient in the interest of such child so to do.

- (v) *If no Widow, Widower or Child entitled to benefits survives*: Benefits may be granted at the discretion of the Insurance Authority to other dependants according to the degree of their dependence, provided that the total weekly benefits payable in respect of that contributor do not exceed the sum of Twenty-five shillings.

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- (vi) *On Re-Marriage*, the widow, until then in receipt of a pension, of an insured person shall be entitled to receive the lump sum specified in the Table of Lump Sums payable on Re-marriage contained in Part III of this Schedule which is appropriate having regard to the age on re-marriage of such widow.

ARTICLE XIX.

PART II.

Where Death results otherwise than from an Accident.

The benefits which would be payable in respect of the insured person under paragraph (b) of Part I of this Schedule had the Death of such insured person resulted from an accident.

PART III.

Table of Lump Sums payable on the Re-Marriage of a Widow.

<i>Age on Re-Marriage.</i>	<i>Lump Sum payable.</i>
Below 31.....	£52 0 0
„ 32.....	£50 10 0
„ 33.....	£49 0 0
„ 34.....	£47 10 0
„ 35.....	£46 0 0
„ 36.....	£44 10 0
„ 37.....	£43 0 0
„ 38.....	£41 10 0
„ 39.....	£40 0 0
„ 40.....	£38 10 0
„ 41.....	£37 0 0
„ 42.....	£35 10 0
„ 43.....	£34 0 0
„ 44.....	£32 10 0
„ 45.....	£31 0 0
„ 46.....	£29 10 0

<i>Age on Re-Marriage.</i>	<i>Lump Sum payable.</i>	<u>1935</u>
Below 47.....	£28 0 0	
„ 48.....	£26 10 0	
„ 49.....	£25 0 0	
„ 50.....	£23 10 0	
„ 51.....	£22 0 0	
„ 52.....	£20 10 0	
„ 53.....	£19 0 0	
„ 54.....	£17 10 0	
„ 55.....	£16 0 0	
„ 56.....	£14 10 0	
„ 57.....	£13 0 0	
„ 58.....	£11 10 0	
„ 59.....	£10 0 0	
„ 60.....	£8 10 0	
„ 61.....	£7 0 0	
Age 61 or over.....	Nil.	

ARTICLE XX.

Fourth Schedule.**Scale of Old Age Pensions.*

Average number per annum of Contributions paid or deemed to have been paid by or in respect of the insured person before he attains the age of seventy since the date on which he attained the age of fifty or since the date of the commencement of this law, whichever is the later of those two dates.	Weekly amount of Pension.
50 and over	10/-

* Benefits increased by " The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, and the Contributory Pensions Law, 1935, (Increase of Pensions and Benefits) Amendment Law, 1943" and new Schedule substituted by The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947".

1935	45 and under 50	9/-
	40 „ „ 45	8/-
	35 „ „ 40	7/-
	30 „ „ 35	6/-
	25 „ „ 30	5/-
	20 „ „ 25	4/-
	15 „ „ 20	3/-
	10 „ „ 15	2/-
	Under 10	Nil.

ARTICLE XL.

Fifth Schedule.

*Enactment to
be modified.*

La Loi ayant
rapport aux
Pensions pour la
Vieillesse et la
Cécité, 1931.
Article I.

Modification

For paragraphs (2) and (3) there shall be substituted the following paragraphs :

“(2) ‘Pensions Authority’ means the States Insurance Authority constituted under the Contributory Pensions Law, 1935.”

“(3) ‘The Administrator’ means the Insurance Administrator constituted under the Contributory Pensions Law, 1935.”

After paragraph (5) there shall be inserted the following paragraph :

“(6) ‘Pension Day’ means the Saturday of each week.”

Article III.

For paragraph (1) of Part II of Article III there shall be substituted the following paragraph :
“(1) The person must have attained the age of seventy years before the commencement of the last of the one hundred and five weeks which next succeed the date of the commencement of the Contributory Pensions Law, 1935. For the purposes of this Law, a person shall be deemed to have attained the age of seventy years on the commencement of the day previous to the seventieth anniversary of the date of his birth, and a similar method shall be applied in calculating any other age under the provisions of this Law.”

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Article VII.

In Section 1, for the words “ a permanent Committee to be called ‘ The States Old Age Pensions Authority ’ ” there shall be substituted the words “ The States Insurance Authority ”.

Sections 2, 3 and 4 are hereby repealed.

Article VIII.

In Section 1, for the words “ in advance ” substitute the words “ in arrear.”

For Section 2 the following Section shall be substituted :

“2.—Payment of weekly instalments of pensions shall be made at such places and during such hours on such weekdays preceding the Saturday next following the Pension Day on which such instalments accrued due as

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may be determined by the Administrator."

Section 3 is hereby repealed.

In Section 5 the words "appropriate to the parish in which the pensioner resides" and "for the given parish" (where the latter words first occur) and the words "or, if the later of those two dates is the pension day for the given parish, then on that day" shall be omitted.

THE CONTRIBUTORY PENSIONS LAW, 1935.

ARRANGEMENT OF ARTICLES.

PART I.

Article.

- I Definitions.
- II Composition of States Insurance Authority
- III Compulsory and Voluntary Insurance.
- IV Exemptions.
- V Contributions and Financial Provisions.
- VI Payment of Contributions.
- VII Crown Employees.
- VIII Militia.
- IX Limitation of States' Liability in time of War.
- X Fishermen and Seafaring Persons.
- XI Actuarial Reports.
- XII Fixing and Revision of Contributions.
- XIII Reciprocity.
- XIV Powers of Investigation.

PART II.

Benefits in respect of Injury or Death from Accident.

- XV Ordinary Benefits.
- XVI Medical Benefits.
- XVII Medical Examinations.
- XVIII Medical Practitioners and Referees.

PART III.

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Benefits in respect of Death from Natural Causes.

XIX Benefits and Statutory Condition.

PART IV.

Old Age Pensions

XX Amount of Pension and Statutory Condition.

PART V.

Miscellaneous.

- XXI Regulations.
- XXII Provision against Double Benefits.
- XXIII Disqualification for Benefits.
- XXIV Posthumous Children.
- XXV Method and Limitation of Payment.
- XXVI Appeals.
- XXVII General.
- XXVIII Extension and Limitation of Benefits.
- XXIX Benefits not assignable.
- XXX Limitation of Pensions to Widows.
- XXXI Employers—Limitation of Liability.
- XXXII Assignment to Insurance Authority of Rights against Third Parties.
- XXXIII Repayment of Contributions in certain cases.
- XXXIV Recovery of Penalty for non-payment of Contributions.
- XXXV Notice of Claims.
- XXXVI, XXXVII & XXXVIII.—Offences, Legal Proceedings, etc.
- XXXIX Repeal of The Workers' Insurance Law, 1930.
- XL Modification of The Old Age and Blind Persons Pension Law, 1931.
- XLI Fines
- XLII Power to pass Ordinances.
- XLIII Short Title and Commencement.

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SCHEDULES :

First Schedule. Rates of Contributions.

- | | | |
|-----------|---|---|
| Part I. | „ | in respect of employed
Compulsory Contributors. |
| Part II. | „ | in respect of Compulsory Contributors during periods of unemployment or non-employment or whilst entitled to become Voluntary Contributors. |
| Part III. | „ | in respect of Voluntary Contributors. |
| Part IV. | „ | in respect of Workers aged 70 years and over. |

Second Schedule. Accident Benefits.

- | | |
|-----------|---|
| Part I. | Where Total Disablement results from an Accident. |
| Part II. | Where Partial Disablement results from an Accident. |
| Part III. | Benefits to Dependants other than Wife, Husband and Children. |

Third Schedule. Benefits in case of Death.

- | | |
|-----------|---|
| Part I. | Death from Accident. |
| Part II. | Death from Natural Causes. |
| Part III. | Table of Lump Sums payable on the re-marriage of a Widow. |

Fourth Schedule. Scale of Old Age Pensions.*Fifth Schedule.* Modification of The Old Age and Blind Persons Pension Law, 1931.

(Enregistré sur les Records le 20 juin 1935.)

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AT THE COURT AT BUCKINGHAM PALACE.

The 6th day of June, 1935,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT.	SIR GEORGE H. MURRAY.
MARQUESS OF LINLITHGOW.	SIR TEJ BAHADUR SAPRU.
LORD STEWARD.	MR. ATTLEE.
SECRETARY SIR SAMUEL HOARE.	MR. HORE-BELISHA.
CAPTAIN R. C. BOURNE.	

WHEREAS a Convention for the unification of Carriage by certain rules relating to international carriage by Air (Guernsey) Order, 1935. air was, on the twelfth day of October, nineteen hundred and twenty-nine, signed at Warsaw on behalf of His Majesty :

AND WHEREAS, by virtue of section one of the Carriage by Air Act, 1932 (a) and by virtue of an Order in Council made thereunder and dated the sixteenth day of March, nineteen hundred and thirty-three, the provisions of the said Convention as set out in the First Schedule to that Act have, subject to the provisions of the said section, the force of law in the United Kingdom in relation to any carriage by air to which the said Convention applies, irrespective of the nationality of the aircraft performing that carriage :

AND WHEREAS it is further provided by section one of the said Act that the provisions set out in the Second Schedule to that Act shall have effect with respect to the enforcement of the liability imposed by Article 17 of the said First Schedule on a carrier in respect of the death of a passenger :

AND WHEREAS by section three of the said Act, it is provided that His Majesty may by Order in Council direct that the provisions of sections one and two of that Act shall extend, subject, however, to such exceptions, adaptations and modifications, if any,

(a) 22 & 23 Geo. 5 c. 9.

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as may be specified in the Order, to any of the Channel Islands :

AND WHEREAS it is expedient that the said provisions should extend to the Bailiwick of Guernsey :

NOW, THEREFORE, His Majesty, in pursuance of the powers conferred upon Him by the said section three, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. As from the sixth day of June, nineteen hundred and thirty-five, the provisions of sections one and two of the Carriage by Air Act, 1932, shall extend to the Bailiwick of Guernsey and, in relation to the said Bailiwick, shall have effect—

(a) as if, throughout the said sections and the Schedules therein referred to, the words “ the Bailiwick of Guernsey ” were substituted for the words “ the United Kingdom ”, except where the last-mentioned words first occur in the said section one, and

(b) as if in paragraph 1 of the Second Schedule to the said Act the words “ and any adopted person ” and the words “ or, as the case may be, of his adopters ” were omitted.

2. This Order, and the Carriage by Air Act, 1932, shall be registered in the Royal Court of the Island of Guernsey and in the Court of Alderney.

3. This Order may be cited as the Carriage by Air (Guernsey) Order, 1935.

M. P. A. HANKEY.

CARRIAGE BY AIR ACT, 1932.

[23 & 24 GEO. 5. CH. 36.]

CHAPTER 36.

An Act to give effect to a Convention for the unification of certain rules relating to international carriage by air, to make provision for applying the rules contained in the said Convention, subject to exceptions, adaptations and modifications, to carriage by air which is not international carriage within the meaning of the Convention, and for purposes connected with the purposes aforesaid.

[12th July, 1932.]

WHEREAS a Convention for the unification of Carriage by certain rules relating to international carriage by Air Act, air was on the twelfth day of October, nineteen hundred and twenty-nine, signed at Warsaw on behalf of His Majesty :

And whereas it is expedient that provision should be made for giving effect to the said Convention :

And whereas it is also expedient to make provision for applying the rules contained in the said Convention, subject to exceptions, adaptations and modifications, to carriage by air which is not international carriage within the meaning of the Convention :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) As from such day as His Majesty may by Order in Council certify to be the day on which the Convention comes into force as regards the United Kingdom, the provisions thereof as set out in the First Schedule to this Act shall, so far as they relate to the rights and liabilities of carriers, passengers,

Provisions of Convention to have force of Law.

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consignors, consignees, and other persons and subject to the provisions of this section, have the force of law in the United Kingdom in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage.

(2) His Majesty may by Order in Council from time to time certify who are the High Contracting Parties to the Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the Additional Protocol to the Convention, and any such Order shall, except in so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

(3) Any reference in the said First Schedule to the territory of any High Contracting Party to the Convention shall be construed as a reference to the territories subject to his sovereignty, suzerainty, mandate or authority, in respect of which he is a party.

(4) Any liability imposed by Article seventeen of the said First Schedule on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger either under any statute or at common law, and the provisions set out in the Second Schedule to this Act shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced.

(5) Any sum in francs mentioned in Article twenty-two of the said First Schedule shall, for the purposes of any action against a carrier, be converted into sterling at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court.

2. Every High Contracting Party to the Convention who has not availed himself of the provisions of the additional Protocol thereto shall, for the purposes of any action brought in a court in the United Kingdom in accordance with the provisions of Article twenty-eight of the said First Schedule to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this section shall authorise the issue of execution against the property of any High Contracting Party.

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Provisions as to actions against High Contracting Parties who undertake carriage by air.

3. His Majesty may by Order in Council direct that the foregoing provisions of this Act shall extend, subject however to such exceptions, adaptations and modifications, if any, as may be specified in the Order, to all or any of the following territories, that is to say, the Isle of Man, any of the Channel Islands, any colony and any territory which is under His Majesty's protection, or in respect of which a mandate from the League of Nations is being exercised by His Majesty's Government in the United Kingdom.

Application of this Act to colonies, protectorates, etc.

4. His Majesty may by Order in Council apply the provisions of the First Schedule to this Act and any provision of section one of this Act to such carriage by air, not being international carriage by air as defined in the said First Schedule, as may be specified in the Order, subject however to such exceptions, adaptations and modifications, if any, as may be so specified.

Provision for applying Act to carriage by air which is not international.

Any such order may extend to the United Kingdom, and to all or any of the territories mentioned in the last preceding section.

5. (1) An Order in Council made under either of the two last preceding sections may contain such consequential provisions as His Majesty in Council thinks fit, and may be varied or revoked by a subsequent Order in Council.

Provisions as to Orders in Council.

- 1935 (2) Every such Order in Council shall be laid before Parliament so soon as may be after it is made.
- Short title. 6. This Act may be cited as the Carriage by Air Act, 1932.

SCHEDULES.

FIRST SCHEDULE.

CONVENTION

FOR THE UNIFICATION OF CERTAIN RULES RELATING
TO INTERNATIONAL CARRIAGE BY AIR.

CHAPTER I.

SCOPE.—DEFINITIONS.

ARTICLE 1.

First
Schedule.

(1) This Convention applies to all international carriage of persons, luggage or goods performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

(2) For the purposes of this Convention the expression "international carriage" means any carriage in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. A carriage without such an agreed stopping place between territories subject to the sovereignty,

suzerainty, mandate or authority of the same High Contracting Party is not deemed to be international for the purposes of this Convention. 1935

(3) A carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

ARTICLE 2.

(1) This Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

(2) This Convention does not apply to carriage performed under the terms of any international postal Convention.

CHAPTER II.

DOCUMENTS OF CARRIAGE.

SECTION 1.—PASSENGER TICKET.

ARTICLE 3.

(1) For the carriage of passengers the carrier must deliver a passenger ticket which shall contain the following particulars :—

- (a) the place and date of issue ;
- (b) the place of departure and of destination ;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if

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he exercises that right, the alteration shall not have the effect of depriving the carriage of its international character ;

- (d) the name and address of the carrier or carriers ;
- (e) a statement that the carriage is subject to the rules relating to liability established by this Convention.

(2) The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Convention which exclude or limit his liability.

SECTION 2.—LUGGAGE TICKET.

ARTICLE 4.

(1) For the carriage of luggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a luggage ticket.

(2) The luggage ticket shall be made out in duplicate, one part for the passenger and the other part for the carrier.

(3) The luggage ticket shall contain the following particulars :—

- (a) the place and date of issue ;
- (b) the place of departure and of destination ;
- (c) the name and address of the carrier or carriers ;
- (d) the number of the passenger ticket ;
- (e) a statement that delivery of the luggage will be made to the bearer of the luggage ticket ;
- (f) the number and weight of the packages ;
- (g) the amount of the value declared in accordance with Article 22 (2) ;

- (h) a statement that the carriage is subject to the rules relating to liability established by this Convention. 1935

(4) The absence, irregularity or loss of the luggage ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts luggage without a luggage ticket having been delivered, or if the luggage ticket does not contain the particulars set out at (d), (f) and (h) above, the carrier shall not be entitled to avail himself of those provisions of the Convention which exclude or limit his liability.

SECTION 3.—AIR CONSIGNMENT NOTE.

ARTICLE 5.

(1) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an "air consignment note"; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity or loss of this document does not affect the existence or the validity of the contract of carriage which shall, subject to the provisions of Article 9, be none the less governed by the rules of this Convention.

ARTICLE 6.

(1) The air consignment note shall be made out by the consignor in three original parts and be handed over with the goods.

(2) The first part shall be marked "for the carrier", and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed

1935 by him to the consignor after the goods have been accepted.

(3) The carrier shall sign on acceptance of the goods.

(4) The signature of the carrier may be stamped ; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air consignment note, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

ARTICLE 7.

The carrier of goods has the right to require the consignor to make out separate consignment notes when there is more than one package.

ARTICLE 8.

The air consignment note shall contain the following particulars :—

- (a) the place and date of its execution ;
- (b) the place of departure and of destination ;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the carriage of its international character ;
- (d) the name and address of the consignor ;
- (e) the name and address of the first carrier ;
- (f) the name and address of the consignee, if the case so requires ;
- (g) the nature of the goods ;
- (h) the number of the packages, the method of packing and the particular marks or numbers upon them ;
- (i) the weight, the quantity and the volume or dimensions of the goods ;

- (*j*) the apparent condition of the goods and of the packing ;
- (*k*) the freight, if it has been agreed upon, the date and place of payment, and the person who is to pay it ;
- (*l*) if the goods are sent for payment on delivery, the price of the goods, and, if the case so requires, the amount of the expenses incurred ;
- (*m*) the amount of the value declared in accordance with Article 22 (2) ;
- (*n*) the number of parts of the air consignment note ;
- (*o*) the documents handed to the carrier to accompany the air consignment note ;
- (*p*) the time fixed for the completion of the carriage and a brief note of the route to be followed, if these matters have been agreed upon ;
- (*q*) a statement that the carriage is subject to the rules relating to liability established by this Convention.

ARTICLE 9.

If the carrier accepts goods without an air consignment note having been made out, or if the air consignment note does not contain all the particulars set out in Article 8 (*a*) to (*i*) inclusive and (*q*), the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability.

ARTICLE 10.

(1) The consignor is responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air consignment note.

(2) The consignor will be liable for all damage suffered by the carrier or any other person by reason of the irregularity, incorrectness or incompleteness of the said particulars and statements.

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ARTICLE 11.

(1) The air consignment note is *prima facie* evidence of the conclusion of the contract, of the receipt of the goods and of the conditions of carriage.

(2) The statements in the air consignment note relating to the weight, dimensions and packing of the goods, as well as those relating to the number of packages, are *prima facie* evidence of the facts stated ; those relating to the quantity, volume and condition of the goods do not constitute evidence against the carrier except so far as they both have been, and are stated in the air consignment note to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the goods.

ARTICLE 12.

(1) Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the goods by withdrawing them at the aerodrome of departure or destination, or by stopping them in the course of the journey on any landing, or by calling for them to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air consignment note, or by requiring them to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the production of the part of the air consignment note delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any

person who is lawfully in possession of that part of 1935
the air consignment note.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the consignment note or the goods, or if he cannot be communicated with, the consignor resumes his right of disposition.

ARTICLE 13.

(1) Except in the circumstances set out in the preceding Article, the consignee is entitled, on arrival of the goods at the place of destination, to require the carrier to hand over to him the air consignment note and to deliver the goods to him, on payment of the charges due and on complying with the conditions of carriage set out in the air consignment note.

(2) Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the goods arrive.

(3) If the carrier admits the loss of the goods, or if the goods have not arrived at the expiration of seven days after the date on which they ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

ARTICLE 14.

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

ARTICLE 15.

(1) Articles 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose

1935 rights are derived either from the consignor or from the consignee.

(2) The provisions of Articles 12, 13 and 14 can only be varied by express provision in the air consignment note.

ARTICLE 16.

(1) The consignor must furnish such information and attach to the air consignment note such documents as are necessary to meet the formalities of customs, octroi or police before the goods can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(2) The carrier is under no obligation to inquire into the correctness or sufficiency of such information or documents.

CHAPTER III.

LIABILITY OF THE CARRIER.

ARTICLE 17.

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

ARTICLE 18.

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered luggage or any goods, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the

preceding paragraph comprises the period during which the luggage or goods are in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or trans-shipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

ARTICLE 19.

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, luggage or goods.

ARTICLE 20.

(1) The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

ARTICLE 21.

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

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ARTICLE 22.

(1) In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125,000 francs. Where, in accordance with the law of the Court seized of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 125,000 francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2) In the carriage of registered luggage and of goods, the liability of the carrier is limited to a sum of 250 francs per kilogram, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5,000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of $65\frac{1}{2}$ milligrams gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

ARTICLE 23.

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Convention.

ARTICLE 24.

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

ARTICLE 25.

(1) The carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the Court seised of the case, is considered to be equivalent to wilful misconduct.

(2) Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused as aforesaid by any agent of the carrier acting within the scope of his employment.

ARTICLE 26.

(1) Receipt by the person entitled to delivery of luggage or goods without complaint is *prima facie* evidence that the same have been delivered in good condition and in accordance with the document of carriage.

(2) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of luggage and seven days from the date of receipt in the case of goods. In the case of delay the complaint must be made at the latest within

1935 fourteen days from the date on which the luggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

ARTICLE 27.

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Convention against those legally representing his estate.

ARTICLE 28.

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the Court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made or before the Court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the Court seized of the case.

ARTICLE 29.

(1) The right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the Court seized of the case.

ARTICLE 30.

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(1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier who accepts passengers, luggage or goods is subjected to the rules set out in this Convention, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards luggage or goods, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

CHAPTER IV.

PROVISIONS RELATING TO COMBINED CARRIAGE.

ARTICLE 31.

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of this Convention apply only to the carriage by air, provided that the carriage by air falls within the terms of Article 1.

(2) Nothing in this Convention shall prevent the

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parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of this Convention are observed as regards the carriage by air.

CHAPTER V.

GENERAL AND FINAL PROVISIONS.

ARTICLE 32.

Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the carriage of goods arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

ARTICLE 33.

Nothing contained in this Convention shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this Convention.

ARTICLE 34.

This Convention does not apply to international carriage by air performed by way of experimental trial by air navigation undertakings with the view to the establishment of a regular line of air navigation, nor does it apply to carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

ARTICLE 35.

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The expression "days" when used in this Convention means current days not working days.

ARTICLE 36.

The Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

ARTICLE 37.

(1) This Convention shall be ratified. The instruments of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland, which will notify the deposit to the Government of each of the High Contracting Parties.

(2) As soon as this Convention shall have been ratified by five of the High Contracting Parties it shall come into force as between them on the ninetieth day after the deposit of the fifth ratification. Thereafter it shall come into force between the High Contracting Parties who shall have ratified and the High Contracting Party who deposits his instrument of ratification on the ninetieth day after the deposit.

(3) It shall be the duty of the Government of the Republic of Poland to notify to the Government of each of the High Contracting Parties the date on which this Convention comes into force as well as the date of the deposit of each ratification.

ARTICLE 38.

(1) This Convention shall, after it has come into force, remain open for accession by any State.

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(2) The accession shall be effected by a notification addressed to the Government of the Republic of Poland, which will inform the Government of each of the High Contracting Parties thereof.

(3) The accession shall take effect as from the ninetieth day after the notification made to the Government of the Republic of Poland.

ARTICLE 39.

(1) Any one of the High Contracting Parties may denounce this Convention by a notification addressed to the Government of the Republic of Poland, which will at once inform the Government of each of the High Contracting Parties.

(2) Denunciation shall take effect six months after the notification of denunciation, and shall operate only as regards the Party who shall have proceeded to denunciation.

ARTICLE 40.

(1) Any High Contracting Party may, at the time of signature or of deposit of ratification or of accession declare that the acceptance which he gives to this Convention does not apply to all or any of his colonies, protectorates, territories under mandate, or any other territory subject to his sovereignty or his authority, or any territory under his suzerainty.

(2) Accordingly any High Contracting Party may subsequently accede separately in the name of all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority or any territory under his suzerainty which has been thus excluded by his original declaration.

(3) Any High Contracting Party may denounce this Convention, in accordance with its provisions, separately or for all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority, or any other territory under his suzerainty.

ARTICLE 41.

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Any High Contracting Party shall be entitled not earlier than two years after the coming into force of this Convention to call for the assembling of a new international Conference in order to consider any improvements which may be made in this Convention. To this end he will communicate with the Government of the French Republic which will take the necessary measures to make preparations for such Conference.

This Convention done at Warsaw on the 12th October, 1929, shall remain open for signature until the 31st January, 1930.

[Here follow the signatures on behalf of the following countries :—

Germany, Austria, Belgium, Brazil, Denmark, Spain, France, Great Britain and Northern Ireland, the Commonwealth of Australia, the Union of South Africa, Greece, Italy, Japan, Latvia, Luxembourg, Norway, the Netherlands, Poland, Roumania, Switzerland, Czecho-Slovakia, the Union of Soviet Socialist Republics, and Yugoslavia.]

ADDITIONAL PROTOCOL.

(With reference to Article 2.)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that the first paragraph of Article 2 of this Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

[This additional Protocol was signed on behalf of the same countries as those above mentioned].

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SECOND SCHEDULE.

PROVISIONS AS TO LIABILITY OF CARRIER IN THE
EVENT OF THE DEATH OF A PASSENGER.Second
Schedule.

1. The liability shall be enforceable for the benefit of such of the members of the passenger's family as sustained damage by reason of his death.

In this paragraph the expression "member of a family" means wife or husband, parent, step-parent, grand-parent, brother, sister, half-brother, half-sister, child, step-child, grandchild :

Provided that, in deducing any such relationship as aforesaid, any illegitimate person and any adopted person shall be treated as being, or as having been, the legitimate child of his mother and reputed father or, as the case may be, of his adopters.

2. An action to enforce the liability may be brought by the personal representative of the passenger or by any person for whose benefit the liability is under the last preceding paragraph enforceable, but only one action shall be brought in the United Kingdom in respect of the death of any one passenger, and every such action by whomsoever brought shall be for the benefit of all such persons so entitled as aforesaid as either are domiciled in the United Kingdom or, not being domiciled there, express a desire to take the benefit of the action.

3. Subject to the provisions of the next succeeding paragraph, the amount recovered in any such action, after deducting any costs not recovered from the defendant, shall be divided between the persons entitled in such proportions as the Court (or, where the action is tried with a jury, the jury) direct.

4. The Court before which any such action is brought may at any stage of the proceedings make any such order as appears to the Court to be just and equitable in view of the provisions of the First Schedule to this Act limiting the liability of a carrier

and of any proceedings which have been, or are likely to be, commenced outside the United Kingdom in respect of the death of the passenger in question. 1935

(Enregistré sur les Records le 6 juillet 1935.)

Monsieur le Juge Délégué ayant ce jour communiqué à la Cour une copie imprimée d'un Ordre de Sa Majesté en Conseil en date du 6 juin 1925 intitulé "The Austria (Extradition) Order in Council, 1935." The Austria (Extradition) Order in Council, 1935.

La Cour, ouïes les conclusions des Officiers du Roi, a ordonné que la dite copie du dit Ordre en Conseil sera enregistrée sur les Records de cette Ile par être logée au Greffe.

(Enregistré sur les Records le 6 juillet 1935.)

Monsieur le Juge Délégué ayant ce jour communiqué à la Cour une copie imprimée d'un Ordre de Sa Majesté en Conseil en date du 6 juin 1935 intitulé "United States of America (Extradition) Order in Council, 1935." United States of America (Extradition) Order in Council, 1935.

La Cour, ouïes les conclusions des Officiers du Roi, a ordonné que la dite copie du dit Ordre en Conseil sera enregistrée sur les Records de cette Ile par être logée au Greffe.

(Enregistré sur les Records le 6 juillet 1935.)

Monsieur le Juge-Délégué ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant-Gouverneur en date du 5 juillet courant transmettant une copie imprimée de deux Ordres de Sa Majesté en Conseil en vertu des pouvoirs à lui conférés par la Sous-Section (1) de la Section 36 de l'Acte du Parlement dit "The Merchant Shipping Convention (Guernsey) No. 1 and No. 2 Orders, 1935." The Merchant Shipping Convention (Guernsey) No. 1 and No. 2 Orders, 1935.

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(Safety and Load Line Conventions) Act, 1932” les dits Ordres désignés respectivement “ The Merchant Shipping Safety Convention (Guernsey) No. 1 Order, 1935 ” et “ The Merchant Shipping Safety Convention (Guernsey) No. 2 Order, 1935 ”—La Cour, après avoir eu lecture de la dite lettre et des dits Ordres, ouïes les conclusions des Officiers du Roi, a ordonné que la dite lettre et les dits Ordres seront enregistrés sur les Records de cette Ile par être logés au Greffe et qu’un extrait des Registres de ce présent Acte avec copie de la dite lettre et des dits Ordres seront expédiés par le Greffier du Roi à Monsieur le Juge d’Auregny et à Monsieur le Sénéchal de Sercq afin d’être enregistrés sur les Records des dites Iles, de laquelle lettre et desquels Ordres la teneur suit :—

Government Office, Guernsey, 5th July, 1935.

SIR,

With reference to your letter of the 3rd October on the subject of Part I. of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, I have the honour to forward herewith for your information the accompanying copies of two Orders made under Section 36 of that Act, relating to Guernsey.

In accordance with the request contained in your letter of the 31st July, 1934, the Secretary of State has declared that it is acknowledged that the Royal Court and the States of Guernsey retain the right to enact local legislation for the purpose of implementing the Safety and Load Line Conventions.

I have the honour to be, Sir,
Your obedient Servant,

E. N. BROADBENT,
Major-General,
Lieutenant Governor.

The Judge-Delegate,
The Royal Court, Guernsey.

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STATUTORY RULES AND ORDERS.

1935 No. 562.

MERCHANT SHIPPING.

THE MERCHANT SHIPPING SAFETY CONVENTION
(GUERNSEY) No. 1 ORDER, 1935.AT THE COURT AT BUCKINGHAM PALACE,
The 6th day of June, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.	SIR GEORGE H. MURRAY.
MARQUESS OF LINLITHGOW.	SIR TEJ BAHADUR SAPRU.
LORD STEWARD.	MR. ATTLEE.
SECRETARY SIR SAMUEL HOARE.	MR. HORE-BELISHA.
CAPTAIN R. C. BOURNE.	

Whereas by Subsection (1) of Section 36 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, (a) (hereinafter referred to as "the Act") it is provided that His Majesty may by Order in Council direct that the provisions of Part I of the Act (so far as may appear to His Majesty to be expedient for the purpose of giving effect to the provisions of Part I. of the Act) the provisions of any other Act relating to Merchant Shipping, including any enactments for the time being in force amending or substituted for the provisions of Part I. of the Act or of any other such Act, shall extend, with such exceptions, adaptations or modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands and any Colony :

The Mer-
chant Ship-
ping Safety
Convention
(Guernsey)
No. 1 Order,
1935.

And whereas, by virtue of an Order in Council dated the tenth day of November, nineteen hundred and thirty-two, (b) made in pursuance of Section 39 of the Act, Part I. of the Act came into operation in

(a) 22 & 23 Geo. 5. c. 9.

(b) S.R. & O. 1932 (No. 917) p. 929.

1935 the United Kingdom on the first day of January, nineteen hundred and thirty-three :

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the said subsection (1) of Section 36, is pleased, by and with the advice of His Privy Council, to direct and it is hereby directed, as follows :—

1. The provisions of Part I. of the Act set out in the First Schedule hereto as adapted and modified therein shall extend to the Bailiwick of Guernsey.

2. The provisions of Section 9 of the Merchant Shipping Act, 1906, (c) set out in the Second Schedule hereto as adapted and modified therein, and of the Merchant Shipping (Wireless Telegraphy) Act, 1919, (a) set out in the Third Schedule hereto as adapted and modified therein, shall extend to the Bailiwick of Guernsey.

3. This Order shall come into operation on the first day of July, nineteen hundred and thirty-five.

4. This Order may be cited as the Merchant Shipping Safety Convention (Guernsey), No. 1 Order 1935.

M. P. A. HANKEY.

THE FIRST SCHEDULE TO THE ORDER.

PART I. OF THE MERCHANT SHIPPING (SAFETY AND LOAD LINE CONVENTIONS) ACT, 1932.

Construction and Surveys.

Amendments
as to declara-
tions of
survey.

2.—(1) A declaration of survey made by a ship surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (d) of subsection (3) of section six of the Act of 1915, state the voyages or class of voyages on

(c) 6 Ed. 7. c. 48.

(a) 9 & 10 Geo. 5. c. 38.

which, as regards construction and equipment, the steamer is in the surveyor's judgment fit to ply. 1935

(2) A declaration of survey made by an engineer surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (e) of subsection (4) of the said section six of the Act of 1915, state the voyages or class of voyages on which, as regards machinery, the steamer is in the surveyor's judgment fit to ply.

(3) If in the judgment of any such surveyor a passenger steamer is fit to ply on international voyages while engaged in a special passenger trade only, his declaration of survey shall state that fact.

3.—(1) The owner or master of a passenger steamer to which this section applies shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery which affects the efficiency thereof or the seaworthiness of the steamer, give written notice to the Supervisor containing full particulars of the alteration, and, if notice is not so given, the owner or master of the steamer shall for each offence be liable to a fine not exceeding fifty pounds.

Alteration of
ships and
additional
surveys.

(2) If the Supervisor has reason to believe that since the making of the last declaration of survey in respect of a passenger steamer to which this section applies—

- (a) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steamer; or
- (b) the hull, equipments or machinery of the steamer have sustained any injury or are otherwise insufficient;

the Supervisor may, without prejudice to his powers under section thirteen of the Act of 1915, require the steamer to be again surveyed to such extent as he thinks fit, and, if such requirement is not complied with, may cancel any certificate

1935 issued in respect of the steamer under section eight of the Act of 1915 or under this Part of this Act.

(3) This section applies to every passenger steamer registered in the Bailiwick, in respect of which any such certificate as aforesaid has been issued by the Supervisor and is for the time being in force, and for the purpose of this section the expression "alteration" in relation to the hull, equipments or machinery of a steamer includes the renewal of any part thereof.

Life-Saving Appliances.

Amendments
of Act of
1915 as to
Life-Saving
Appliances.

5.—(2) Subsection (1) of section twenty-four of the Act of 1915 (which imposes penalties for failure to comply with the rules for life-saving appliances) shall be amended by inserting after paragraph (d) thereof the following paragraph:—

"(e) if any provision of the rules for life-saving appliances applicable to the ship is contravened or not complied with."

(3) The following section shall be substituted for section twenty-five of the Act of 1915:—

"25.—(1) A surveyor of ships may inspect any ship for the purpose of seeing that the rules for life-saving appliances have been complied with in her case, and for the purpose of any such inspection shall have all the powers of a Board of Trade Inspector under this Act.

(2) If the surveyor finds that the rules for life-saving appliances have not been complied with, he shall give written notice to the owner or master stating in what respect the said rules have not been complied with, and what, in his opinion, is required to rectify the matter.

(3) Every notice so given shall be communicated in manner directed by the Supervisor to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and a clearance or transire shall not be granted to the

ship and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the matter has been rectified.”

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(4) Subsection (4) of section six of the Act of 1915 (which relates to the statements to be made in the declaration of survey made by an engineer surveyor) shall be amended by substituting in paragraph (c) thereof the words “appliances for the prevention, detection and extinction of fire” for the words “fire hose”, and subsection (2) of section eighteen of the Act of 1915 shall cease to have effect.

Wireless Telegraphy.

8. A person appointed by the Board of Trade under section sixty-one of the Act of 1915 to be a surveyor of ships may be appointed as a wireless telegraphy surveyor. Appointment of wireless telegraphy surveyors.

9.—(1) The surveys of a passenger steamer required by the Act of 1915 shall, in the case of every survey made after the commencement of this Part of this Act in respect of a sea-going steamer which is not exempt under the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick, from the obligations imposed by those provisions, include a survey by a wireless telegraphy surveyor, and accordingly subsection (1) of section six of the Act of 1915 shall be amended by inserting after the words “engineer surveyor of ships” the words “and, in the case of a sea-going passenger steamer required to be provided with a wireless telegraph installation, by a wireless telegraphy surveyor.” Survey of passenger steamers by wireless telegraphy surveyors.

(2) The following subsection shall be inserted at the end of the said section six of the Act of 1915:—

“(5) The declaration of the wireless telegraphy surveyor shall contain statements of the following particulars, namely:—

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- (a) the voyages or class of voyages on which, as regards wireless telegraphy, the steamer is fit to ply ;
- (b) that, having regard to the tonnage of the steamer and the voyages or class of voyages on which she is declared to be fit to ply, the wireless telegraph installation complies with the wireless telegraphy rules ;
- (c) that the certificates of the wireless telegraphy operators and watchers are such as are required by those rules."

(3) Section nine of the Act of 1915 (which provides for appeals to a court of survey by persons aggrieved by the declaration of survey of a ship or engineer surveyor) shall be amended by inserting the words "or wireless telegraphy surveyor" after the words "engineer surveyor" in both places where they occur.

Survey of ships other than passenger steamers by wireless telegraphy surveyors.

10. The owner of every British ship of sixteen hundred tons gross tonnage or upwards registered in the Bailiwick, not being a passenger steamer or a ship exempt under the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick, from the obligations imposed by those provisions, shall, before the ship first proceeds to sea on an international voyage from a port in the Bailiwick after the expiration of twelve months from the commencement of this Part of this Act and once in each year thereafter, cause the ship to be surveyed by a wireless telegraphy surveyor in the same manner as if she were a passenger steamer required to be provided with a wireless telegraph installation, and the provisions of sections six, seven and nine of the Act of 1915 shall apply accordingly.

Issue of safety certificates and passenger steamers' exemption certificates.

Certificates.

11.—(1) If the Supervisor, on receipt of declarations of survey in respect of a passenger steamer, is

satisfied that the steamer complies with all the construction regulations, rules for life-saving appliances and wireless telegraphy rules applicable to passenger steamers plying on international voyages the Supervisor shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention, and any certificate issued under this subsection is hereafter in this part of this Act referred to as "a general safety certificate."

(2) If, on receipt of declarations of survey in respect of a passenger steamer plying on short international voyages, the Supervisor is satisfied that the steamer complies with the construction regulations and the rules for life-saving appliances applicable to such steamers and also complies with the wireless telegraphy rules applicable to steamers plying on international voyages, the Supervisor shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention applicable to a short international voyage, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a short voyage safety certificate."

(3) If the Supervisor, on receipt of declarations of survey in respect of a passenger steamer, is satisfied that the steamer—

- (a) complies with all the construction regulations and rules for life-saving appliances applicable to passenger steamers plying on international voyages or with such of those regulations and rules as are applicable to steamers plying on short international voyages, and also is exempt under the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick, from the obligations imposed by those provisions ;

1935 the Supervisor shall, on the application of the owner of the steamer, issue in respect of the steamer—

- (i) a safety certificate stating in what respects the steamer complies with the requirements of the Safety Convention ; and
- (ii) an exemption certificate stating that so long as the steamer plies on the voyages, and is engaged in the trades, and complies with the conditions (if any) specified in the certificate, the steamer is exempt in other respects from the requirements of the said Convention ;

and any safety certificate and exemption certificate issued under this subsection are hereafter in this Part of this Act respectively referred to as “ a qualified safety certificate ” and “ a passenger steamer’s exemption certificate.”

(4) For the purposes of this section the Supervisor may treat—

- (a) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one (not being a steamer converted to passenger service on or after that date) as complying with the construction regulations applicable in the circumstances ; and
- (b) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, as complying with the rules for life-saving appliances applicable in the circumstances ;

if the Surveyor is satisfied that such steps (if any) as are reasonable and practicable have been taken to make the steamer comply with those regulations or rules, as the case may be.

(5) The provisions of this section shall, subject to the provisions hereafter contained in this Part of this Act, apply only to British passenger steamers registered in the Bailiwick.

12.—(1) If, on any international voyage, a British passenger steamer registered in the Bailiwick in respect of which a safety certificate is in force has on

Modification
of safety
certificates
as respects
Life-saving
appliances.

board a total number of persons less than the number stated in that certificate to be the number for which the life-saving appliances on the steamer provide, the Supervisor, or any person authorised by him for the purpose, may, at the request of the master of the steamer, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.

(2) Every such memorandum shall be returned to the Supervisor at the end of the voyage to which it relates, and, if it is not so returned, the master of the steamer shall be liable to a fine not exceeding twenty pounds.

13.—(1) On receipt of a declaration of survey by a wireless telegraphy surveyor in respect of a British ship registered in the Bailiwick not being a passenger steamer, the Supervisor shall, if satisfied that the ship complies with the wireless telegraphy rules applicable to ships (other than passenger steamers) plying on international voyages, issue a certificate stating that the ship complies with the requirements of the Safety Convention relating to wireless telegraphy, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as “a wireless telegraphy certificate.”

Issue of wireless telegraphy certificates and wireless telegraphy exemption certificates.

(2) Where any such ship is exempted under the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick from the obligations imposed by those provisions, the Supervisor on the application of the owner of the ship, shall issue an exemption certificate stating that the ship is exempted from the requirements of the Safety Convention relating to wireless telegraphy and specifying the voyages on which, and conditions (if any) on which the ship is so exempted, and any certificate

1935 issued under this subsection is hereafter in this Part of this Act referred to as "a wireless telegraphy exemption certificate."

Prohibition
on proceed-
ing to sea
without
certificate.

14.—(1) No ship to which this section applies shall proceed to sea on an international voyage from a port in the Bailiwick after the expiration of twelve months from the commencement of this Part of this Act, unless there is in force in respect of the ship—

(a) In the case of a ship being a passenger steamer, either—

- (i) a general safety certificate ; or
- (ii) a short voyage safety certificate ; or
- (iii) a qualified safety certificate and passenger steamer's exemption certificate ;

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged ;

(b) in the case of a ship not being a passenger steamer, either—

- (i) such certificate or certificates as would be required in her case by the foregoing provisions of this section if she were a passenger steamer ; or
- (ii) a wireless telegraphy certificate ; or
- (iii) a wireless telegraphy exemption certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed.

(2) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section—

(a) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, or under the Act of 1915, be liable for each offence to a fine not exceeding ten pounds for every

passenger carried on board the steamer, and the master or owner of any tender by means of which passengers are taken on board the steamer shall for each offence be liable to a like penalty for every passenger so taken on board ; and

- (b) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(3) The master of every ship to which this section applies shall produce to the officer of customs from whom a clearance for the ship is demanded for an international voyage, the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.

(4) Where a passenger steamer's exemption certificate or wireless telegraphy exemption certificate issued in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(5) This section applies to British ships registered in the Bailiwick, being passenger steamers or being ships of sixteen hundred tons gross tonnage or upwards.

15.—(1) A safety certificate, wireless telegraphy certificate, or exemption certificate issued by the Supervisor shall not be in force for more than one year from the date of its issue, nor after notice is given by the Supervisor to the owner, agent, or master of the ship in respect of which it has been issued, that the Supervisor has cancelled the certificate.

Miscellaneous provisions as to certificates.

- (2) If a British ship registered in the Bailiwick in

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respect of which any such certificate has been issued, is absent from the Bailiwick at the date when the certificate expires, the Supervisor, or any person authorised by him for the purpose may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to return to the Bailiwick, but no such extension shall have effect for a period exceeding five months from the said date.

(3) Every such certificate shall be issued in such form as is prescribed by Rules made by the Board of Trade under the Merchant Shipping Acts for that purpose and a safety certificate may be combined in one document with a passenger steamer's certificate.

(4) Any such certificate and any passenger steamer's certificate combined in one document with a safety certificate, may be signed on behalf of the Supervisor by any person authorised by the Supervisor for the purpose, and a certificate purporting to be so signed shall be admissible in evidence.

(5) The following provisions of the Act of 1915 shall apply to and in relation to every such certificate issued by the Supervisor in the same manner as they apply to and in relation to a passenger steamer's certificate, namely, section ten (which relates to the transmission of the certificate to the owner of the steamer), section eleven (which relates to the fees to be paid for the certificate), section thirteen (which relates to the cancellation of the certificate), section fourteen (which relates to the delivery up of the certificate) and section fifteen (which relates to the posting up of the certificate on the ship).

Provisions as to Safety Convention Ships not registered in the United Kingdom.

Certificates of Convention ships not registered in United Kingdom.

16.—(2) For the purpose of the provisions hereafter contained in this Part of this Act relating to Safety Convention ships not registered in the United Kingdom, the expression " a valid Safety Convention

certificate” means a certificate or certificates complying with such of those regulations made by the Board of Trade under the Merchant Shipping Acts with respect to the validity of certificates purporting to have been issued in accordance with the Safety Convention as are applicable in the circumstances.

(3) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer, not registered in the United Kingdom and there is attached to the certificate a memorandum which—

- (a) has been issued by or under the authority of the Government of the country to which the steamer belongs ; and
- (b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances ;

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

17.—(1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

- (a) the provisions of the Act of 1915 and of this Act as to the survey of passenger steamers by engineer and wireless telegraphy surveyors shall be deemed to have been complied with in the case of the steamer ;
- (b) the survey by the ship surveyor shall be limited to ascertaining the number of passengers which the steamer is fit to carry, and it shall not be necessary for the declaration of survey made by that surveyor to contain a statement of any further particulars than those set out in paragraph (e) of subsection (3) of section six of the

Modifica-
tions as to
survey of
passenger
steamers
holding Con-
vention cer-
tificate.

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Act of 1915 (which relates to the said number of passengers) ;

- (c) on receipt of such a declaration, the Supervisor shall issue a certificate under section eight of the Act of 1915 containing only a statement of the particulars set out in paragraph (b) of that section (which relates to the said number of passengers), and a certificate so issued shall have effect as a passenger steamer's certificate.

(2) Where there is produced in respect of any such passenger steamer a valid Safety Convention certificate, and also a certificate issued by or under the authority of the Government of the country to which the steamer belongs showing the number of passengers which the steamer is fit to carry, and the Supervisor is satisfied that that number has been determined substantially in the same manner as in the case of a British steamer registered in the United Kingdom, the Supervisor may, if he thinks fit, dispense with the survey of the steamer mentioned in the last foregoing subsection and direct that the last-mentioned certificate shall have effect as a passenger steamer's certificate.

18.—Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom :

- (a) the steamer shall be exempt from the provisions of Sections twenty-two to twenty-five of the Act of 1915 ; and
- (b) the steamer shall not be deemed to be unsafe for the purposes of sections forty-two or forty-five of the Act of 1915 by reason of the defective condition of her hull, equipment or machinery, unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the steamer does not correspond

Miscellaneous privileges of passenger steamers holding Convention certificate.

substantially with the particulars stated in the certificate. 1935

19.—(1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, then—

Wireless telegraphy provisions applicable to ships holding Convention certificate.

(a) if the certificate shows that the ship is wholly exempt from the provisions of the Safety Convention relating to wireless telegraphy, the ship shall be exempt from the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919, in force in the Bailiwick.

(b) if the certificate shows that the ship is not wholly exempt from the said provisions of the Safety Convention, the following provisions of this section shall apply to the ship in lieu of the provisions of the said Act.

(2) A surveyor of ships may inspect the ship for the purpose of seeing that the wireless telegraph installation and the number of certified operators and watchers carried on the ship correspond substantially with the particulars stated in the certificate.

(3) If it appears to the surveyor that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the wireless telegraph installation or the number of operators or watchers does not correspond substantially with the said particulars, the surveyor shall give to the master notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.

(4) Every notice so given shall be communicated in manner directed by the Supervisor to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire and to the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time

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being, and a clearance or transire shall not be granted to the ship, and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the deficiency has been remedied.

Duty to produce Convention certificate.

20.—The Master of every Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, shall produce a valid Safety Convention certificate to the officer of customs, from whom a clearance for the ship is demanded in respect of an international voyage from a port in the Bailiwick after the expiration of twelve months from the commencement of this Part of this Act, and a clearance shall not be granted, and the ship may be detained until such a certificate is so produced.

Modification of existing provisions for exemption of foreign ships.

21.—(1) The proviso to section twenty-six of the Act of 1915 (which provides for the exemption, in certain circumstances, of foreign ships from the provisions of the principal Act relating to life-saving appliances) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.

Miscellaneous Provisions for furthering Safety of Life at Sea.

Duties as to watertight doors and other contrivances.

22.—The rules set out in the Third Schedule to this Act with respect to watertight doors and other contrivances shall be complied with in every British passenger steamer registered in the Bailiwick, and if any of the said rules is contravened in the case of any such steamer, the master thereof shall for each offence be liable to a fine not exceeding one hundred pounds.

Submersion of subdivision load lines.

23.—(1) Where—

(a) a British passenger steamer registered in the Bailiwick has been marked with subdivision load lines, that is to say, load lines indicating

the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers ; and

- (b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under the provisions of Part II. of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, in force in the Bailiwick to be loaded ;

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

(2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine not exceeding one hundred pounds and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one hundred pounds for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

(4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.

(5) The foregoing provisions of this section shall apply to passenger steamers not registered in the Bailiwick, while they are within any port in the

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Bailiwick, as they apply to British passenger steamers registered in the Bailiwick.

Report of
dangers to
navigation.

24.—(1) The master of any British ship registered in the Bailiwick, on meeting with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with the rules made by the Board of Trade under the Merchant Shipping Acts with respect to navigational warnings, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.

(3) If the master of a ship fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(4) Every person in charge of a wireless telegraph station which is under the control of the Postmaster-General, or which is established or installed under licence of the Postmaster-General shall, on receiving the signal prescribed by the said rules for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message and, if so required by the Board of Trade, shall transmit the message in such manner as may be required by the Board, and compliance with this subsection shall be deemed to be a condition of every licence granted by the Postmaster-General under the Wireless Telegraphy Act, 1904 ;

Provided that nothing in this subsection shall interfere with the transmission by wireless telegraphy of any signal of distress or urgency prescribed by His Majesty in Council under the Merchant Shipping Acts, as a signal of distress or urgency.

(5) For the purposes of this section, the expression "tropical storm" means a hurricane, typhoon, cyclone, or other storm of a similar nature, and the master of a ship shall be deemed to have met with a

tropical storm if he has reason to believe that there is such a storm in his vicinity. 1935

25.—(3) If the master of a ship uses or displays or causes or permits any person under his authority to use or display— Provisions
as to signals.

(a) any signal prescribed by His Majesty in Council under the Merchant Shipping Acts, as a signal of distress or urgency except in the circumstances and for the purposes prescribed by the rules made by the Board of Trade under the Merchant Shipping Acts with respect to distress signals ; or

(b) any private signal, whether registered or not, which is liable to be mistaken for any signal so prescribed by Order in Council ;

he shall for each offence be liable to a fine not exceeding fifty pounds and shall further be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

26.—(1) The master of a British ship registered in the Bailiwick, on receiving on his ship a signal of distress by wireless telegraphy from any other ship, shall proceed with all speed to the assistance of the persons in distress, unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the provisions of subsection (3) or subsection (4) of this section. Obligation
to render
assistance
on receiving
wireless dis-
tress call.

(2) The master of any ship in distress may, after consultation so far as possible with the masters of the ships which answer his signals of distress, requisition such one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master of any British ship registered in the Bailiwick, which is so requisitioned, to comply with

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the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A master shall be released from the obligation imposed by subsection (1) of this section as soon as he is informed by the master of the ship requisitioned or where more ships than one are requisitioned, all the masters of the ships requisitioned, that he or they are complying with the requisition.

(4) A master shall be released from the obligation imposed by subsection (1) of this section and, if his ship has been requisitioned, from the obligation imposed by subsection (2) of this section, if he receives information that assistance is no longer required.

(5) If the master of a British ship registered in the Bailiwick fails to comply with the foregoing provisions of this section, he shall be guilty of a misdemeanour.

(6) If the master of a British ship registered in the Bailiwick, on receiving on his ship a signal of distress by wireless telegraphy from another ship is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of that other ship accordingly, and enter in the official log-book his reasons for not going to the assistance of those persons, and if he fails to do so he shall be liable to a fine not exceeding one hundred pounds.

(7) Nothing in this section shall affect the provisions of section six of the Maritime Conventions Act, 1911, and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

Signalling
Lamps.

27.—No British ship registered in the Bailiwick, being a ship of over one hundred and fifty tons gross tonnage, shall proceed to sea on an international voyage, unless the ship is provided with a signalling lamp of a type approved by the Board of Trade, and

if any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine not exceeding twenty pounds. 1935

28.—(2) If any of the rules with respect to the carriage of goods on passenger steamers plying on international voyages made by the Board of Trade under the Merchant Shipping Acts is contravened in the case of any British passenger steamer registered in the Bailiwick, the master or owner of the steamer shall for each offence be liable to a fine not exceeding three hundred pounds, and the steamer shall be deemed for the purposes of section forty-two of the Act of 1915 to be unsafe by reason of improper loading. Carriage of dangerous goods.

(4) The provisions of this section shall be deemed to be in addition to, and not in substitution for, or in restraint of, any other enactment for the like object, so however that nothing in this section shall be deemed to authorise any person to be sued or prosecuted twice in the same matter.

(5) The foregoing provisions of this section and the rules made thereunder shall apply to passenger steamers not registered in the Bailiwick, while they are within any port in the Bailiwick, as they apply to British passenger steamers registered in the Bailiwick.

30.—(1) The master of a British ship registered in the Bailiwick, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and of the area of danger. Careful navigation near ice.

(2) If the master of any such ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds.

Supplemental.

33.—For the purposes of Part II of the Act of 1915 the expression "passenger" shall not include Amendment of s.4 of the Act of 1915.

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any person who is on board a ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled, and accordingly section four of the Act of 1915 shall be amended by inserting after the words " family and servants " the words " and persons on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled ".

General.

38.—(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Act of 1915 " means the Law entitled " Loi relative à la Marine Marchande dans le Bailliage de l'Île de Guernesey " registered on the records of the Island of Guernsey on the sixth day of June, nineteen hundred and sixteen ;

" Board of Trade " means the Lords of the Committee for the time being of H.M. Privy Council appointed for the consideration of matters relating to trade and foreign plantations ;

" Construction regulations " means such of the regulations made under section seven hundred and twenty-four of the principal Act as prescribe the matters with respect to which a surveyor of ships must be satisfied before he states in a declaration of survey that a passenger steamer is fit to ply on any particular voyages or class of voyages specified in the regulations ;

" Contravention " includes, in relation to any provision, failure to comply with that provision, and the expression " contravenes " shall be construed accordingly ;

“Country to which the Safety Convention applies” means— 1935

- (a) a country the Government of which has been declared by His Majesty in Council to have ratified, or acceded to, the Safety Convention and has not been so declared to have denounced that Convention ;
- (b) a country to which it has been so declared that the Safety Convention has been applied under the provisions of Article sixty-two thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article ;

“Declaration of survey” means a declaration made under section six of the Act of 1915 ;

“International voyage” means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies, “short international voyage” means an international voyage in the course of which a ship does not go more than two hundred miles from land, and “international coasting voyage” means an international voyage in the course of which a ship does not go more than twenty miles from land, so however that for the purpose of this provision—

- (a) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled ; and
- (b) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country ;

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“ Merchant Shipping Acts ” means the Merchant Shipping Acts, 1894 to 1928, and this Act ;

“ Misdemeanour ” shall have the meaning assigned to it in the Act of 1915 ;

“ Passenger ” has the same meaning as it has for the purpose of Part II of the Act of 1915 ;

“ Passenger steamer ” means a steamer carrying more than twelve passengers ;

“ Principal Act ” means the Merchant Shipping Act, 1894 ;

“ Rules for life-saving appliances ” means the rules made under section four hundred and twenty-seven of the principal Act ;

“ Safety Convention ” means the Convention signed on behalf of the Government of the United Kingdom in London on the thirty-first day of May nineteen hundred and twenty-nine for promoting Safety of Life at Sea by establishing in common agreement uniform principles and rules directed thereto ;

“ Safety Convention ship ” means a ship belonging to a country to which the Safety Convention applies, and the expression “ Safety Convention passenger steamer ” shall be construed accordingly ;

“ Supervisor ” means the States Supervisor of the Island of Guernsey.

“ Wireless telegraphy rules ” means the rules made under subsection (2) of section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919.

(2) Where any foreign ship is detained under this Act and where any proceedings are taken under this Act against the master or owner of any such ship notice shall forthwith be served on the Consular Officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on

which the ship has been detained or the proceedings have been taken. 1935

(3) Where a ship is detained in pursuance of any provision of this Act which provides for the detention of a ship until a certain event occurs, subsection (2) of section forty-three of the Act of 1915 (which makes provision as to the costs of the Supervisor of and incidental to the detention and survey of the ship) shall apply as if the ship had been finally detained within the meaning of that subsection.

(4) The provisions of section sixteen of the Act of 1915 (which imposes penalties for the forgery of passenger steamers' certificates) shall apply with respect to any certificate required for the purposes of this Act as they apply with respect to a passenger steamer's certificate.

(5) In this Act reference to a ship constructed before or after any date shall be construed as reference to a ship the keel of which has been laid before or after that date, as the case may be.

(6) Any references in this Act to any provision of the Merchant Shipping Acts, 1894 to 1928, which has been amended by any subsequent Act, including this Act, shall be construed as a reference to that provision as so amended.

39. The enactments set out in the Fourth Schedule Repeal. to this Act shall be repealed, to the extent specified in the second column of that Schedule, as from the commencement of this Part of this Act.

THIRD SCHEDULE TO THE MERCHANT SHIPPING (SAFETY AND LOAD LINE CONVENTIONS) ACT, 1932.

RULES WITH RESPECT TO WATERTIGHT DOORS AND OTHER CONTRIVANCES.

1. The following contrivances shall be securely closed so as to be watertight before the steamer

X.—P

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proceeds to sea, and shall always be kept closed while the steamer is at sea, that is to say :—

- (a) hinged watertight doors below the margin line which are fitted in main transverse bulkheads dividing cargo between deck spaces ;
- (b) side-scuttles in any between deck space, wherein the sill of any side-scuttle which can be opened is below a line drawn on the side of the steamer parallel to the bulkhead deck and having its lowest point four and a half feet, in addition to two and a half per centum of the breadth of the steamer, above the water at the time when the steamer proceeds to sea ;
- (c) side-scuttles below the margin line which will not be accessible while the steamer is at sea, together with their dead-lights ;
- (d) gangway, cargo and coaling ports below the margin line.

Provided that in fair weather in tropical waters sub-paragraph (b) of this paragraph shall have effect as if “ three and a half feet ” were substituted for “ four and a half feet.”

For the purpose of this paragraph, a contrivance shall be deemed to be below the margin line if the sill thereof is below that line, and a side-scuttle mentioned in sub-paragraph (b) of this paragraph shall not be deemed to be closed unless it is locked.

2. Every watertight door fitted in a main transverse bulkhead, not being a door mentioned in sub-paragraph (a) of the last foregoing paragraph shall be kept closed while the steamer is at sea except so far as it is necessary to open it for the working of the steamer, and when open shall be kept ready to be closed forthwith.

3. Every portable plate closing an opening in a bulkhead, being an opening which is wholly or partly below the margin line, shall be in place before the steamer proceeds to sea, and no such plate shall be removed at sea except in case of urgent necessity, and

in replacing any such plate all reasonable precautions shall be taken to ensure that the joints are watertight.

4. The cover and valve of every ash-shoot, rubbish-shoot or other similar contrivance, having its inboard opening below the margin line, shall be kept securely closed when the contrivance is not in use.

5. The opening and closing of all such watertight doors and other contrivances as are mentioned in sub-paragraphs (a), (b) and (c) of paragraph 1 and paragraphs 2 and 4 of this Schedule, and of the closing mechanism of all scuppers having their inboard opening below the margin line, shall be practised once a week and also before the steamer proceeds to sea on any voyage which is likely to last more than a week :

Provided that while the steamer is at sea—

(a) the opening and closing of all such watertight doors, which are in use and are hinged or operated by power, shall be practised daily ;

(b) nothing in this paragraph shall be taken to authorise the opening of any watertight door or other contrivance which is required by paragraph 1 of this Schedule to be kept closed.

6. Every valve, the closing of which is necessary to make any compartment watertight, and every watertight door in a main transverse bulkhead and the mechanism and indicators connected therewith, shall be inspected at least once a week.

7. A record shall be entered in the official log-book—

(a) of the time of opening and closing every watertight door operated by power which is fitted between bunkers in the between decks below the bulkhead deck, every such portable plate as is mentioned in paragraph 3 of this Schedule and every such watertight door, and other contrivance as is mentioned in paragraph 1 of this Schedule ; and

(b) of every occasion on which the opening and

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closing of watertight doors and other contrivances is practised on board the ship in pursuance of this Schedule ; and

(c) of every occasion on which watertight doors and other contrivances have been inspected in pursuance of this Schedule.

8. In this Schedule the expressions " bulkhead deck " and " margin line " have the same meaning as in the construction regulations.

FOURTH SCHEDULE TO THE MERCHANT SHIPPING (SAFETY AND LOAD LINE CONVENTIONS) ACT, 1932.

ENACTMENTS REPEALED.

Short Title.	Extent of Repeal.
Act of 1915 ..	In section six, paragraph (d) of sub-section (3) and paragraph (e) of sub-section (4); sub-section (2) of section eighteen.

THE SECOND SCHEDULE TO THE ORDER.

SECTION 9 OF THE MERCHANT SHIPPING ACT, 1906

Records of Boat-drill, etc.

(1) The master of every British ship registered in the Bailiwick of Guernsey shall enter or cause to be entered in the official log-book, a statement, or if there is no official log-book cause a record to be kept of every occasion on which boat-drill is practised on

board the ship, and on which the life-saving appliances on board the ship have been examined for the purpose of seeing that those appliances are fit and ready for use, and if, in the case of a passenger steamer, boat drill is not practised on board the ship in any week, the master shall enter a statement of the reasons why boat drill was not practised in that week.

(2) The master shall, if and when required by any officer authorised by the Supervisor, produce for inspection any record kept by him for the purposes of this section.

(3) If the master of a ship fails to comply with any requirement of this section, he shall be liable on conviction for each offence to a fine not exceeding ten pounds.

THE THIRD SCHEDULE TO THE ORDER.

THE MERCHANT SHIPPING (WIRELESS TELEGRAPHY) ACT, 1919.

1.—(1) Every seagoing British ship registered in the Bailiwick being a passenger steamer or a ship of sixteen hundred tons gross tonnage or upwards shall be provided with a wireless telegraph installation, and shall maintain a wireless telegraph service which shall be at least sufficient to comply with the Wireless Telegraphy Rules, and shall be provided with one or more certified operators and watchers, at least, in accordance with those rules :

Provided that the Supervisor may exempt from the obligations imposed by this Act any ships or classes of ships if the Board of Trade are of the opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, the provision of a wireless

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telegraph apparatus is unnecessary or unreasonable ; provided that the Supervisor shall not exempt any ship plying on International voyages from the said obligations unless the exemption of the ship appears to the Board of Trade to be authorised by paragraph 2 of Article 27, or by Article 28, of the Safety Convention.

(3) If this section is not complied with in the case of any ship, the master or owner of the ship shall be liable in respect of each offence to a fine not exceeding one hundred pounds.

(4) A surveyor of ships or a wireless telegraphy inspector may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Act, and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under the Act of 1915.

If the said surveyor or inspector finds that the ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency and also pointing out what in his opinion is requisite to remedy the same.

Every notice so given shall be communicated in the manner directed by the Supervisor to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and the ship shall be detained until a certificate under the hand of any such surveyor or inspector is produced to the effect that the ship is properly provided with wireless telegraph installation and certified operators and watchers in conformity with this Act.

3. If the Master of a British ship registered in the Bailiwick fails to comply with any requirement of the Wireless Telegraphy Rules requiring him to make entries in the official log-book, or if any operator or watcher on any such ship contravenes the said Rules, he shall for each offence be liable to a fine not exceeding ten pounds.

“ Wireless Telegraphy Rules ” means the Rules in respect of wireless telegraphy made by the Board of Trade under the Merchant Shipping Acts. 1935

“ Safety Convention ” means the Convention signed on behalf of the Government of the United Kingdom in London on the thirty-first day of May, nineteen hundred and twenty-nine, for promoting Safety of Life at Sea by establishing in common agreement uniform principles and rules directed thereto.

“ Act of 1915 ” means the Law entitled “ Loi relative à la Marine Marchande dans le Bailliage de l’Ile de Guernesey ” registered on the records of the Island of Guernesey on the sixth day of June, nineteen hundred and sixteen.

STATUTORY RULES AND ORDERS.

1935 No. 563.

MERCHANT SHIPPING.

THE MERCHANT SHIPPING SAFETY CONVENTION
(GUERNSEY) No. 2 ORDER, 1935.

At the Court at Buckingham Palace, the 6th day of
June, 1935.

PRESENT,

The King’s Most Excellent Majesty.

LORD PRESIDENT.	SIR GEORGE H. MURRAY.
MARQUESS OF LINLITHGOW.	SIR TEJ BAHADUR SAFRU.
LORD STEWARD.	MR. ATTLEE.
SECRETARY SIR SAMUEL HOARE.	MR. HORE-BELISHA.
CAPTAIN R. C. BOURNE.	

Whereas by Subsection (3) of Section 36 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, (a) (hereinafter referred to as “ the Act ”) it is provided that His Majesty may by Order in Council direct that any provision of Part I of the The Merchant Shipping Safety Convention, (Guernsey) No. 2. Order, 1935.

(a) 22 & 23 Geo. 5 c. 9,

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Act, which is expressed to apply only to British ships or passenger steamers registered in the United Kingdom, shall apply to British ships or passenger steamers, as the case may be, registered in any country or part of His Majesty's dominions to which the provisions of Part I of the Act can be extended by virtue of the provisions of the said Section 36 :

And whereas, by virtue of an Order in Council dated the tenth day of November, nineteen hundred and thirty-two, (b) made in pursuance of Section 39 of the Act, Part I of the Act came into operation in the United Kingdom on the first day of January, nineteen hundred and thirty-three :

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the said Subsection (3) of the said Section 36, is pleased, by and with the advice of His Privy Council, to direct, and it is hereby directed, as follows :—

1. The provisions of Part I of the Act set out in the Schedule hereto which are expressed to apply only to British ships registered in the United Kingdom shall apply to British ships registered in the Bailiwick of Guernsey.

2. This Order shall come into operation on the first day of July, nineteen hundred and thirty-five.

3. This Order may be cited as the Merchant Shipping Safety Convention (Guernsey) No. 2 Order, 1935.

M. P. A. HANKEY.

THE SCHEDULE.

Section 14.

Section 22.

Section 24.

Section 26.

Section 27.

Section 29.

Section 30.

(Enregistré sur les Records le 20 juillet 1935.)

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VICTOR GOSSELIN CAREY, écuyer, ayant ce jour produit une Patente Royale scellée du Grand Sceau de la Grande Bretagne et d'Irlande du don et octroi à lui fait par Sa Majesté de la charge de Baillif de cette Ile devenue vacante par le décès de Arthur William Bell, écuyer, et après lecture d'icelle et l'enregistrement ordonné, a le dit Victor Gosselin Carey été sermenté à la dite charge de Baillif de cette Ile selon la forme accoutumée, de laquelle Patente la teneur suit mot à mot :—

GEORGE THE FIFTH BY THE GRACE OF GOD OF GREAT BRITAIN IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS KING DEFENDER OF THE FAITH.

To all to whom these Presents shall come GREETING.

Know Ye that We for divers good causes and considerations Us hereunto moving of Our especial grace certain knowledge and mere motion Have given and granted and by these Presents Do give and grant unto Our trusty and well beloved VICTOR GOSSELIN CAREY Esquire, Our Receiver General in of and for Our Island of Guernsey and Advocate of the Royal Court of Our said Island the Office or Place of BAILIFF of Our said ISLAND OF GUERNSEY And him the said Victor Gosselin Carey, Bailiff of Our said Island of Guernsey We do make ordain and constitute by these Presents To have hold exercise and enjoy the said Office or place by himself or his sufficient Deputy or Deputies for and during Our pleasure together with all wages fees profits and advantages thereunto belonging in as full and ample manner as Arthur William Bell Esquire or any other former Bailiff or Bailiffs there had or enjoyed or of right ought to have had or enjoyed Provided always that the said Office of Bailiff of Our said Island of Guernsey shall be held by the said Victor

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Gosselin Carey subject to any such alterations with respect to any of the duties or privileges now performed discharged or enjoyed or hereafter to be performed discharged or enjoyed by the said Victor Gosselin Carey in respect of the said office as to which We reserve to Ourselves full power to regulate the present duties and privileges or to assign other and new duties or privileges as We may from time to time be advised subject also to any alterations with respect to the wages fees profits and advantages of the said office which We may from time to time be advised to make Provided likewise and Our will and pleasure is and We do hereby direct and appoint that the said Victor Gosselin Carey do and shall reside upon Our said Island and not be absent from thence without Our licence in that behalf first had and obtained And further We do by these Presents require and charge the Governor of Our said Island for the time being and also the Jurats and all other Officers and Inhabitants of the same and all others whom it may concern that they and every of them respectively do not only permit and suffer the said Victor Gosselin Carey or his deputy or deputies for the time being quietly to possess execute and enjoy the said office or place of Bailiff aforesaid but be aiding and assisting to him or them in the execution thereof according to Our express will and pleasure hereinbefore declared In witness whereof We have caused these Our Letters to be made Patent Witness Ourself at Westminster the twelfth day of July in the twenty-sixth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN
MANUAL.



SCHUSTER.

(Enregistré sur les Records le 27 juillet 1935.)

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AT THE COURT AT BUCKINGHAM PALACE,
The 15th day of July, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MR. ORMSBY-GORE.

LORD RUSHCLIFFE.

MAJOR TRYON.

WHEREAS there was this day read at the Board New 20 ton
Crane at St.
Peter Port
Harbour.
a Report from the Right Honourable the Lords of
the Committee of Council for the Affairs of Guern-
sey and Jersey, dated the 17th day of June, 1935,
in the words following, viz :—

“YOUR MAJESTY having been pleased, by
Your General Order of Reference of the 10th day
of May, 1910, to refer unto this Committee the
humble Petition of the States of the Island of
Guernsey, setting forth :—

‘ 1. That on the 9th day of April, 1935, the
President of the States’ Board of Administra-
tion addressed a letter to the Bailiff and Pre-
sident of the States, drawing attention to the
lack of facility for lifting heavy weights at St.
Peter Port Harbour, and strongly recommend-
ing to the States the provision of a portable
electric fixed jib crane of a lifting capacity of
20 tons at a radius of 35 feet, in order to
obviate the great cost to the importer of heavy
lifts which prevails at the present time in con-
sequence of the aforesaid lack of facility, the
cost of such a crane being estimated at £3,620,
including the expenses in connection with the
erection of the same. 2. That on the 24th day
of May, 1935, the matter was duly considered
by the States of Deliberation, when a resolution
was passed adopting the same and authorizing
the President to present a most humble Petition
to Your Majesty in Council, praying for Your
Royal Sanction to the said sum of £3620 being,

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taken from the revenue of the Harbours of St. Peter Port and St. Sampson. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the sum of £3,620 being taken from the revenue of the Harbours of St. Peter Port and St. Sampson for the purpose of providing for the Harbour of St. Peter Port a portable electric fixed jib crane of a lifting capacity of 20 tons at a radius of 35 feet, including the expenses in connection with the erection of the same.'

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition 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.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve thereof, and to order, as it is hereby ordered, that the sum of £3,620 be taken from the revenue of the said Harbours of St. Peter Port and St. Sampson for the purpose of providing for the Harbour of St. Peter Port a portable electric fixed jib crane of a lifting capacity of 20 tons at a radius of 35 feet, including the expenses in connection with the erection of the same.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

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(Enregistré sur les Records le 27 juillet 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 15th day of July, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MR. ORMSBY-GORE.

LORD RUSHCLIFFE.

MAJOR TRYON.

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 17th day of June, 1935, in the words following, viz. :—

Additional
accommoda-
tion, etc. at
No. 4 Berth,
Harbour of
St. Peter
Port.

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘That on the 16th day of April, 1935, the President of the States’ Board of Administration addressed a letter to the Bailiff and President of the States, drawing attention to the inadequacy of the accommodation and equipment at No. 4 berth, Harbour of St. Peter Port, both in quay space and in warehousing owing to the greatly increased volume of traffic at that berth during the past eight years, and recommending extensive alterations, which include the provision of a new five ton crane, in order to bring them up to modern and present day requirements, at a total estimated cost of £9,750. 2. That on the 24th day of May, 1935, the proposals of the Board of Administration were duly considered by the States of Deliberation when a resolution was passed approving the same and authorising the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to the said sum of £9,750 being taken from the revenue of the Harbours of St. Peter Port and St. Sampson

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for the purposes mentioned. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the sum of £9,750 being taken from the revenue of the Harbours of St. Peter Port and St. Sampson for the purpose of providing additional accommodation and equipment at No. 4 berth, Harbour of St. Peter Port, including the provision of a new five ton crane.'

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition 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.”

HIS MAJESTY having taken the said report into consideration is pleased, by and with the advice of His Privy Council, to approve thereof, and to order, as it is hereby ordered, that the sum of £9,750 be taken from the revenue of the Harbours of St. Peter Port and St. Sampson for the purpose of providing additional accommodation and equipment at No. 4 berth, Harbour of St. Peter Port, including the provision of a new five ton crane.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

(En enregistré sur les Records le 27 juillet 1935.)

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Monsieur le Baillif ayant ce jour communiqué à la Cour une copie imprimée d'un Ordre de Sa Majesté en Conseil en date du 15 juillet 1935 intitulé "The Switzerland (Extradition) Order in Council 1935".

The Switzerland (Extradition) Order in Council 1935.

La Cour ouïes les conclusions des Officiers du Roi a ordonné que la dite copie du dit Ordre en Conseil sera enregistrée sur les Records de cette Ile par être logée au Greffe.

(Enregistré sur les Records le 31 août 1935.)

GEORGE JOHN PROCTOR RIDGWAY, écuyer, a été sermenté Contrôleur du Roi en cette Cour Royale et Ile de Guernesey comme à telle charge et office appartient, vertu d'une Commission ou Ordre de Sa Majesté en date du seize Août mil neuf cent trente cinq, de laquelle Commission la teneur suit :—

Contrôle du Roi sermenté.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, KING, Defender of the Faith, To Our Trusty and Well beloved the Lieutenant-Governor, to Our Trusty and Well beloved the Bailiff or his Lieutenant, and to the Jurats and other Officers of Our Royal Court of Our Isle of Guernsey, and to all others whom it may concern,

GREETING!

WE taking into Our Royal Consideration the loyalty and abilities of Our Trusty and Well beloved George John Proctor Ridgway, Esquire, have thought fit to appoint him to be Comptroller in Our Royal Court of Our Isle of Guernsey :

AND WE do accordingly by the Presents give and grant unto him the said George John Proctor Ridgway the Office or Place of Comptroller in Our said

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Royal Court of Guernsey with all Fees Rewards Profits Advantages Rights and Emoluments whatsoever to the same belonging To have hold and enjoy the said Office or Place unto him the said George John Proctor Ridgway during Our Pleasure.

AND WE do hereby Will and require you the Lieutenant-Governor and the Bailiff of Our said Isle or his Lieutenant that you admit and receive the said George John Proctor Ridgway to the exercise and execution of the said Place and Office and administer to him the accustomed oaths in that behalf for the faithful discharge of the same.

GIVEN at Our Court at Sandringham the sixteenth day of August, 1935 : In the Twenty-sixth Year of Our Reign.

By His Majesty's Command.

JOHN SIMON.

(Enregistré sur les Records le 2 octobre 1935.)

Receveur-
Général
du Roi
sermenté.

SIDNEY BECKWITH MAINGUY, écuyer, a été sermenté Receveur-Général du Roi en cette Ile de Guernesey et Bailliage d'icelle, comme à telle charge et office appartient suivant à un anglicé " Warrant " de Sa Majesté en date du premier Octobre mil neuf cent trente-cinq, duquel la teneur suit :—

GEORGE R.I.

WHEREAS it is Our Will and Pleasure to nominate constitute and appoint, and We do hereby nominate constitute and appoint you Sidney Beckwith Mainguy to be Our Receiver General during Our Pleasure, in, of and for the Island of Guernsey and Bailiwick thereof authorising you the said Sidney Beckwith Mainguy to act for Us and in Our

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name, and for Our use and behoof, to ask, demand and receive of all and every person or persons whom it doth or may concern All rents, chief rents, quit rents, and all roture rents or free socage now due or that may become due to Us either in money or in kind as also all fermes, tithes, camparts, escheats, treiziemes, anchorage, custom duties, wrecks or gravages and casualties and generally all other Revenues and dues, either annual, fixed or casual, and all penalties, fines, forfeitures, and amercements, that may be now due, or become due unto Us in the said Island and its Dependencies, hereby authorizing you the said Sidney Beckwith Mainguy to let all such houses, mills, lands, tenements, poulages, tithes and camparts belonging or that may at any other time hereafter belong unto Us and to demand and receive all the rents and profits thereof And further to pay all rents as may be due on any property that may now or at any time hereafter belong to Us in the said Island ; And, under the directions of the Right Honourable the Lords of our Treasury, to enter into any negotiations for, and to carry out and effect, the sale, exchange, commutation or alienation in any manner of any rents, tithes, camparts, rights or dues and of any houses, mills, buildings, lands, tenements and hereditaments belonging or which shall or may belong to Us in the said Island And, under such directions as aforesaid to redeem, purchase and acquire any Rents, lands and real estate whatsoever for Us and in Our Name in the said Island for Our benefit and service ;

And generally to do and to act in the premises and execute such receipts and things as shall by you be deemed needful and requisite for the due execution of the Office of Our Receiver General in the said Island and the Bailiwick thereof, and all judicial proceedings and matters of law now commenced or to be commenced hereafter, the same to be prosecuted, sued for and defended by you the said Receiver General

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and in case of sickness or absence from the said Island to be invested with the power and authority of nominating and appointing a person to act in your stead and collect and take care of Our Revenue as above during such sickness or absence from the said Island.

And for so doing, this shall be your Warrant.

JAMES BLINDELL.

WALTER J. WOMERSLEY.

Given at Our Court at St. James' this 1st day of October One thousand nine hundred and thirty-five.

(Enregistré sur les Records le 19 octobre 1935)

The Copy-right (Rome Convention) (Vatican City) Order, 1935.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 3 octobre 1935, transmettant des exemplaires de l'Ordre en Conseil suivant, savoir :—

“ Order in Council of the 3rd October, 1935, entitled ‘ The Copyright (Rome Convention) (Vatican City) Order, 1935 ’.”

La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions du Procureur du Roi, a ordonné :—

1. Que le dit Ordre en Conseil communiqué sera enregistré sur les Records de cette Ile.
2. Que le dit Ordre en Conseil transmis sera enregistré sur les Records de cette Ile par être logé au Greffe.
3. Qu'un extrait des Registres de ce présent Acte avec un exemplaire du dit Ordre en Conseil communiqué et du dit Ordre en Conseil transmis sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq afin d'être enregistrés sur les Records des dites Iles.

(Enregistré sur les Records le 19 octobre 1935.)

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Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 3 octobre 1935, transmettant des exemplaires de l'Acte du Parlement suivant, savoir :—

The Post Office (Amendment) Act, 1935.

25 George V, Chapter 15 " An Act to amend the Post Office Act, 1908, and other enactments relating to the Post Office ".

La Cour, après avoir eu lecture du dit Ordre en Conseil, ouïes les conclusions du Procureur du Roi, a ordonné :—

1. Que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile.
2. Qu'un des exemplaires du dit Acte du Parlement sera enregistré sur les dits Records de cette Ile par être logé au Greffe.
3. Qu'un extrait des Registres de ce présent Acte avec un exemplaire du dit Acte du Parlement sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq afin d'être enregistrés sur les Records des dites Iles.

(Enregistré sur les Records le 19 Octobre 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 3rd day of October, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

ARCHBISHOP OF CANTERBURY.

PRIME MINISTER.

LORD CHANCELLOR.

LORD PRESIDENT.

SECRETARY SIR JOHN SIMON.

Auregny.

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 1st day of October, 1935, in the words following, viz. :—

Loi ayant rapport à la Conservation des Falaises et des Beautés Naturelles de cette Ile.

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“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney setting forth :— ‘ That the Court of Alderney was of opinion that steps should be taken to protect the natural beauties of this Island, and to prevent indiscriminate building being carried out in certain parts of this Island and authorised the Crown Officers to prepare a *Projet de Loi* giving effect to their recommendations to be presented to the States for consideration. That at a Meeting of the States of Alderney holden before the Petitioner on the 5th day of June, 1935, the States took into consideration the *Projet de Loi* intituled “ *Projet de Loi ayant rapport à la conservation des falaises et des beautés naturelles de cette Ile* ”, and were of opinion to approve and adopt the same, and to authorise the Petitioner to present in the name of the States a most humble Petition to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant Your Royal Sanction thereto. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said *Projet*, and to order the same to have force of law in Your Majesty’s said Island of Alderney.’

“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition, and the *Projet de Loi* annexed thereto, 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 Alderney. 1935

AND HIS 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order.

LOI AYANT RAPPORT À LA CONSERVATION
DES FALAISES ET DES BEAUTÉS NATU-
RELLES DE CETTE ILE.

ARTICLE I.

Un Comité (ci-après désigné le Comité) sera nommé par les Etats pour porter à exécution les devoirs imposés par cette Loi qui sont ci-après prescrits.

ARTICLE II.

Il est défendu sans la permission par écrit du Comité :—de bâtir ou d'ériger édifices ou bâtiments sur les terres ci-devant Communes en cette Ile situées en dedans la zone commençant à la Valette au Fleaume à l'Est et en allant vers le sud et terminant à la Roque Tourgis ; d'ériger aucune barrière sur les falaises de cette Ile en dedans de la dite zone de manière à empêcher accès raisonable aux piétons.

Défense de
batir, etc.
sans permis-
sion.

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ARTICLE III.

Refus d'oc-
toyer per-
mission.

1. Dans le cas où le Comité aurait refusé d'octroyer permission de bâtir sur la terre au dedans de la dite zone, le propriétaire de la terre pourra en appeler à la Cour pourvu que les procédures en appel soient intentées dans les six mois qui suivront le reçu de la notification contenant tel refus.

2. La notification du refus d'accorder permission de bâtir sera envoyée par le Comité au propriétaire de la terre dans les huit jours qui suivront la date de l'assemblée du Comité à laquelle la décision par rapport à tel refus aura été prise.

3. Si nul appel n'est interjeté contre la décision du Comité ou si la décision du Comité est confirmée par la Cour, le propriétaire de la terre pourra dans les six mois qui suivront le reçu de la dite notification ou la date confirmant la décision du Comité, selon le cas, faire une demande aux Etats d'acheter la terre en question.

La dite demande sera accompagnée d'une déclaration signée du propriétaire faisant preuve qu'il possède la terre à juste titre et que les travaux de construction auraient été commencés dans les trois mois de reçu de la dite notification si le Comité ne lui avait pas refusé permission de bâtir.

A défaut d'accord sur le prix, la terre sera alors évaluée, en égard à toutes les circonstances qui pourront affecter sa valeur, par deux arbitres dont l'un sera nommé par le propriétaire de la terre et l'autre par le Comité.

Les arbitres, avant de procéder à la dite évaluation, nommeront un sur-arbitre et la décision des arbitres ou du sur-arbitre, selon le cas, sera finale entre les parties.

Les frais de l'évaluation seront payés moitié par le propriétaire de la terre et moitié par les Etats.

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ARTICLE IV.

Les maisons, bâtiments ou barrières érigés en contravention à cette Loi seront sujets à être démolis par ordre et à la discrétion de la Cour siégeant en corps.

Bâtiments, etc. érigés en contravention à cette Loi.

ARTICLE V.

Cette Loi ne s'appliquera pas aux édifices appartenant au Gouvernement de Sa Majesté ou aux États de cette Ile qui seront par après érigés dans la dite zone.

Edifices appartenant au Gouvernement ou aux États.

ARTICLE VI.

La Cour est autorisée à passer toutes ordonnances nécessaires pour régler la procédure à suivre lorsque demande sera faite au Comité pour permission de bâtir sous les dispositions de cette Loi et généralement pour la mise à exécution des dispositions de cette Loi.

Ordonnances.

ARTICLE VII.

Cette Loi viendra en force à partir de l'enregistrement de l'Ordre de Sa Majesté en Conseil y accordant Sa Sanction Royale.

Commencement.

ALDERNEY.

Translation of " Law relating to the Preservation of the Cliffs and Natural Beauties of the Island," approved by His Majesty in Council, the 3rd day of October, 1935.

ARTICLE 1.

A committee (hereinafter described as the Committee) shall be appointed by the States to carry out the duties prescribed by this Law.

Committee.

ARTICLE 2.

It is forbidden without having obtained permission in writing from the Committee :—to build or erect

Prohibition of erection without permission.

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any edifice or building on the lands formerly Common in this Island situate within the zone commencing at the Vallette au Fleaume proceeding towards the South and ending at the Roque Tourgis ; to erect any barrier on the cliffs of this Island within the said zone in such a way as to prevent reasonable access to pedestrians.

ARTICLE 3.

Refusal of permission to build.

1. In the event of a refusal being given by the Committee to build within the said zone, the proprietor of the land may appeal to the Court providing such appeal is made within six months from the date of the receipt of the notice of such refusal.

2. The notification of a refusal of permission to build shall be sent by the Committee to the owner of the property within eight days of the date of the meeting of the Committee when such resolution was passed.

3. If no appeal is made against the resolution of the Committee or if the resolution is confirmed by the Court, the owner of the property may within six months after the date of the receipt of such notification or the date confirming the decision of the Committee, according to the circumstances, ask the States to purchase the said property.

The said request shall be accompanied by a declaration in writing signed by the owner to the effect that he has a good title to the property and that the work of construction would have been commenced within three months of the date of the receipt of such notification if the Committee had not refused permission to build.

In the event of disagreement as to the price, the land shall be valued, taking into account all the circumstances which might affect its value, by two arbitrators, one of whom shall be appointed by the owner of the land and one by the Committee.

The arbitrators, before proceeding to the said valuation, shall appoint an umpire and the decision of the arbitrators or of the umpire according to the case shall be binding upon the parties. 1935

The cost of the valuation shall be met one half by the owner of the property and one half by the States.

ARTICLE 4.

Any house, building or barrier set up in contravention of this Law shall be liable to be demolished by order and at the discretion of the Court sitting as a full Court. Buildings, etc. erected in contravention of this Law.

ARTICLE 5.

This Law shall not apply to any buildings belonging to His Majesty's Government or to the States of this Island which may hereafter be erected in the said zone. Buildings belonging to H.M. Government or to the States.

ARTICLE 6.

The Court is authorised to pass such Ordinances as may be necessary to regulate the procedure to be followed when a request is made to the Committee for permission to build in accordance with the provisions of this Law and generally for putting the said Law into operation. Ordinances.

ARTICLE 7.

This Law shall come into force from the date of the registration of His Majesty's Order in Council ratifying the same. Commencement.

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(Enregistré sur les Records le 23 novembre 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 9th day of November, 1935.

PRESENT :

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRIVY SEAL.	SECRETARY SIR SAMUEL HOARE.
LORD SOUTHBOROUGH.	SIR GEORGE RANKIN.

Additional
accommoda-
tion at No. 4
Berth, Har-
bour of St.
Peter Port.

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 31st day of October, 1935, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1.—That by an Order of Your Majesty in Council of the 15th day of July, 1935, registered on the Records of the Island the 27th day of July, 1935, Your Majesty was graciously pleased to approve and order that the sum of £9,750 be taken from the revenue of the Harbours of St. Peter Port and St. Sampson for the purpose of providing additional accommodation and equipment at No. 4 Berth, Harbour of St. Peter Port, including the provision of a new five-ton crane. 2.—That on the 20th day of September, 1935, the President of the States Board of Administration addressed a letter to the Bailiff pointing out that the amount of the lowest tender received for the above works was £1,200 in excess of the original estimate, and requesting that the States be asked to vote this additional sum. 3.—That the matter was duly considered by the States at a sitting held on the 4th day of October, 1935, when a resolution was passed approving the same and authorizing the Bailiff to present a most humble Petition to Your

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Majesty in Council praying for Your Royal Sanction to the said sum of £1,200 being taken from the revenue of the Harbours of St. Peter Port and St. Sampson. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the additional sum of £1,200 being taken from the revenue of the Harbours of St. Peter Port and St. Sampson in order to enable the work of providing additional accommodation and equipment at No. 4 Berth, Harbour of St. Peter Port, to be carried out.'

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition 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.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve thereof, and to order, as it is hereby ordered, that the additional sum of £1,200 be taken from the revenue of the Harbours of St. Peter Port and St. Sampson in order to enable the work of providing additional accommodation and equipment at No. 4 Berth, Harbour of St. Peter Port, to be carried out.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

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(Enregistré sur les Records le 23 novembre 1935).

AT THE COURT AT BUCKINGHAM PALACE,
The 9th day of November, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRIVY SEAL.

SECRETARY SIR SAMUEL HOARE.

LORD SOUTHBOROUGH.

SIR GEORGE RANKIN.

Démission de
Sidney
Beckwith
Mainguy,
écr., de la
charge de
Juré-Jus-
ticier.

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 5th day of November, 1935, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

‘ 1. That Sidney Beckwith Mainguy, Esquire, after having at a meeting of the States of Election of Your Majesty’s Island of Guernsey held on the 10th day of April, 1929, been duly elected “ Juré-Justicier ” or Jurat of the Royal Court of the said Island, was, on the 13th day of April, 1929, sworn into office before the said Court. 2. That on the 2nd day of October, 1935, the said Sidney Beckwith Mainguy having been appointed to the office of Your Majesty’s Receiver-General to replace Victor Gosselin Carey, Esquire, appointed Bailiff of the said Island, was, before the Royal Court, sworn into the said office of Receiver-General. 3. That in consequence of the aforesaid appointment, the said Sidney Beckwith Mainguy duly addressed a letter to the Bailiff requesting that the States would consent to his discharge from the office of “ Juré-Justicier ” or Jurat of the Royal Court. 4. That at a meeting of the States of Deliberation held on the 30th day of October, 1935, a Resolution was passed whereby the States, in

acceding to the request of the said Sidney Beckwith Mainguy, authorized the Bailiff to present a most humble Petition to Your Majesty in Council praying that Your Majesty might be graciously pleased to confirm the said resolution, allowing the said Sidney Beckwith Mainguy nevertheless to enjoy during the remainder of his life the honours and privileges appertaining to the said office, and to authorize the States to proceed to a new election. And most humbly praying that Your Majesty would be graciously pleased to grant unto Sidney Beckwith Mainguy, Esquire, his discharge from the office of "Juré-Justicier" or Jurat of the Royal Court, allowing him nevertheless to enjoy during the remainder of his life the honours and privileges appertaining to the said office, and to authorize the States to proceed to a new election in order to fill the office thus rendered vacant.'

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"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition 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."

HIS MAJESTY having taken the said report into consideration is pleased, by and with the advice of His Privy Council, to approve thereof and His Majesty doth hereby and accordingly grant unto the said Sidney Beckwith Mainguy, Esquire, his discharge from the Office of "Juré-Justicier" or Jurat of the Royal Court of the Island of Guernsey, allowing him nevertheless to enjoy during the remainder of his life the honours and privileges appertaining to the said Office.

AND HIS MAJESTY doth hereby further authorize and order the States of the said Island of Guernsey to proceed to a new election according to

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the laws and constitution of the said Island in order to fill the said Office thus rendered vacant.

Whereof the Bailiff and Jurats of the Royal Court of the said Island of Guernsey, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

(Enregistré sur les Records le 23 novembre, 1935.)

AT THE COURT AT BUCKINGHAM PALACE,

The 9th day of November, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRIVY SEAL.

SECRETARY SIR SAMUEL HOARE.

LORD SOUTHBOROUGH.

SIR GEORGE RANKIN.

The Mer-
chant Ship-
ping (Helm
Orders)
Order, 1935.

IT is this day ordered by His Majesty, by and with the advice of His Privy Council, that printed copies of the following Order in Council, made under the Merchant Shipping (Safety and Load Line Conventions) Act, 1932 (22 George V, cap. 9), be transmitted to the Royal Court of the Island of Guernsey, viz. :—

Order in Council of the 13th August, 1935, entitled "The Merchant Shipping (Helm Orders) Order, 1935."

And it is hereby further ordered that the said Order in Council be registered and published in the Bailiwick of Guernsey, not as being essential to its operation therein, but that His Majesty's subjects in the said Bailiwick may have notice of the said Order in Council having passed, and that they are bound thereby.

And the Lieutenant-Governor or Commander-in-Chief for the time being of the Island of Guernsey, and its Dependencies, and all other persons whom it may concern, are to take notice of His Majesty's pleasure hereby signified, and govern themselves accordingly.

M. P. A. HANKEY.

STATUTORY RULES AND ORDERS.
1935 No. 837.

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MERCHANT SHIPPING.

THE MERCHANT SHIPPING (HELM ORDERS) ORDER,
1935.

At the Court at Buckingham Palace, the 13th day
of August, 1935.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by subsection (1) of Section 36 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932(a) (hereinafter referred to as "the Act") it is enacted amongst other things that His Majesty may by Order in Council direct that the provisions of Part I of the Act shall extend to the Isle of Man, any of the Channel Islands and any colony :

And whereas by Section 5 of the Foreign Jurisdiction Act, 1890(b) it is enacted amongst other things that His Majesty may by Order in Council direct that all or any of the enactments described in the First Schedule to that Act shall extend to any foreign country in which for the time being His Majesty has jurisdiction :

And whereas by subsection (2) of Section 36 of the Act it is enacted that the Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of Part I of the Act were included amongst such last mentioned enactments :

And whereas by paragraph (a) of subsection (3) of Section 36 of the Act it is enacted that His Majesty may by Order in Council direct that any provision

(a) 22 & 23 Geo. 5. c. 9. (b) 53 & 54 Vict. c. 37-

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of Part I of the Act which is expressed to apply only to British ships registered in the United Kingdom shall apply to British ships registered in any country or part of His Majesty's dominions to which the provisions of Part I of the Act can be extended by virtue of the foregoing provisions of the said Section :

Now, therefore, His Majesty, in pursuance of the powers vested in Him by the hereinbefore recited Acts and of all other powers enabling Him in that behalf, and by and with the advice of His Privy Council, is pleased to direct, and doth hereby direct, as follows :—

1. The provisions of Section 29 of the Act shall extend to the Isle of Man and the Channel Islands, to the colonies, and to foreign countries in which for the time being His Majesty exercises jurisdiction, and shall apply to British ships registered in any of such territories.

2. This Order may be cited as the Merchant Shipping (Helm Orders) Order, 1935.

E. C. E. LEADBITTER.

Section 29 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, referred to in the above Order in Council.

29. METHOD OF GIVING HELM ORDERS.—

(1) No person on any British ship registered in the United Kingdom shall when the ship is going ahead give a helm or steering order containing the word "starboard" or "right" or any equivalent of "starboard" or "right", unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word "port" or "left", or any equivalent of "port" or "left", unless he intends that the head of the ship shall move to the left.

(2) Any person who contravenes the provisions of this section shall for each offence be liable to a fine not exceeding fifty pounds. 1935

(Enregistré sur les Records le 23 novembre, 1935.)

AT THE COURT AT BUCKINGHAM PALACE,
The 19th day of November, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD RUSHCLIFFE.

LORD EUSTACE PERCY.

SIR PHILIP SASSOON.

WHEREAS by the Treaty of Peace Act, 1919, it is provided that His Majesty may make such Orders in Council and do such things as appear to him to be necessary for carrying out the Treaty of Peace signed at Versailles on the twenty-eighth day of June, nineteen hundred and nineteen, and for giving effect to any of the provisions of the said Treaty :

The Treaty of Peace (Covenant of the League of Nations) (Guernsey) Order, 1935.

And whereas His Majesty in Council was pleased to make the Treaty of Peace (Covenant of the League of Nations) Order, 1935 (hereinafter referred to as "the principal Order"), and the Treaty of Peace (Covenant of the League of Nations) (No. 2) Order, 1935 (hereinafter referred to as "the second Order") and the Treaty of Peace (Covenant of the League of Nations) (No. 3) Order, 1935 (hereinafter referred to as "the third Order") for the purpose of carrying out the said Treaty and giving effect to the Covenant of the League of Nations contained in Part I thereof :

And whereas, by virtue of Article 5 of the principal Order as applied by Article 1 of the second Order, the principal Order and the said Article 1 extend to the Channel Islands :

And whereas Articles 2 and 3 of the second Order are expressed to apply to the Channel Islands and the third Order applies to those Islands :

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And whereas it is expedient that the principal Order and Article 1 of the second Order should cease to extend to the bailiwick of the Island of Guernsey, and that Article 2 of the second Order should cease to apply to that bailiwick, and that in lieu thereof such other provision should be made as is contained in this Order :

And whereas it is expedient that Article 3 of the second Order as amended by the third Order should be varied in its application to the bailiwick of the Island of Guernsey :

Now, therefore, His Majesty by and with the advice of His Privy Council is pleased to order, and it is hereby ordered, as follows :—

Substitution
of provisions
of this Order
for provisions
of previous
Orders.

1.—As from the date of the making of this Order, the principal Order and Article 1 of the second Order shall cease to extend to the bailiwick of the Island of Guernsey and Article 2 of the second Order shall cease to apply to that bailiwick, and in lieu thereof the provisions of Articles 2, 3 and 4 of this Order shall have effect as respects that bailiwick :

Provided that nothing in this Article shall affect the previous operation of the principal Order or the said Articles of the second Order, or any right, obligation or liability previously accrued or incurred thereunder, or the taking of any steps or the institution or carrying on of any proceedings to enforce any such right, obligation or liability.

Prohibition
of certain
exports to
Italy.

2.—(1) On and after the date of the making of this Order, no goods of any of the descriptions set out in Parts I and II of the First Schedule to this Order shall be exported to Italian territory from a port or place in the bailiwick of the Island of Guernsey :

Provided that, subject to such conditions as the Commissioners may impose for securing that the provisions of this paragraph are not evaded, this paragraph shall not apply to goods of any of the descriptions set out in Part II of the said Schedule which are exported by way of transshipment.

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(2) No goods which are for the time being prohibited to be exported as aforesaid shall, at any port or place in the bailiwick of the Island of Guernsey, be shipped or delivered as stores on a vessel or aircraft proceeding to Italian territory, unless the Commissioners are satisfied that the goods are required for use or consumption on that vessel or aircraft.

(3) Section one hundred and thirty-nine of the Customs Consolidation Act, 1876, shall have effect as if the reference therein to goods intended for exportation included a reference to goods intended for shipment or delivery as stores, and if any person who is required by any order of the Commissioners under that section to make entry and obtain clearance of any goods before shipment, ships or attempts to ship any goods in contravention of the order, he shall be guilty of an offence and shall be liable, on conviction by the Royal Court of the Island of Guernsey, to a fine of one hundred pounds, without prejudice to the operation of any other provisions of that section or any other provisions contained in that Act.

(4) The export of any goods which, at the time of the exportation thereof, were prohibited by this Article to be exported to Italian territory, shall, if required by the Commissioners, produce evidence to their satisfaction that the goods have not reached Italian territory, and, if the exporter fails to do so, he shall be liable to a customs penalty of treble the value of the goods or one hundred pounds at the election of the Commissioners, unless he proves that he did not consent to or connive at the goods reaching such territory and took all reasonable steps to secure that the final destination of the goods was that specified in the customs documents relating to the shipment thereof.

(5) If the Commissioners have reason to suspect that any declaration made in the course of making entry before shipment by a person about to export goods of any description set out in the First Schedule

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to this Order is untrue in any material particular, the goods may be detained until the Commissioners are satisfied as to the truth of the declaration and, failing such satisfaction, the goods shall be forfeited.

Prohibition
of Italian
Imports.

3.—(1) On and after the date of the making of this Order, no goods consigned from, or grown, produced or manufactured in, Italian territory shall be imported into the bailiwick of the Island of Guernsey, except goods of the descriptions set out in the Second Schedule to this Order :

Provided that—

(a) subject to such conditions as the Board may impose for securing that the provisions of this paragraph are not evaded, this paragraph shall not apply—

(i) to goods which had before the eighteenth day of November, nineteen hundred and thirty-five, left the place from which they were last consigned ; or

(ii) to goods imported for exportation by way of transshipment ; and

(b) the Board may, by licence issued by the President or Vice-President or Acting President of the Board, authorise the importation of any goods which are prohibited to be imported by this paragraph, if they are satisfied that the price of the goods was wholly paid on or before the nineteenth day of October, nineteen hundred and thirty-five.

(2) If any goods are imported or brought into the bailiwick of the Island of Guernsey contrary to the prohibition contained in this Article, the goods shall be forfeited and may be destroyed or otherwise disposed of as the Board may direct.

(3) If at any time a question arises under this Article whether any goods alleged to have been consigned from any country other than Italian territory were so consigned or were not grown, produced or manufactured in Italian territory, it shall be lawful

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for the Board to require the importer to furnish to them in such form as they may direct proof in respect of the country from which the goods were consigned, and in which the goods were grown, produced or manufactured, and unless proof is furnished to the satisfaction of the Board that the goods were consigned from, and grown, produced or manufactured in, some country other than Italian territory, the goods shall be deemed to be goods consigned from, or grown, produced or manufactured in, Italian territory.

(4) For the purpose of this Article—

- (a) goods which have been grown or produced in Italian territory and have been subjected to some process in some other country shall be deemed to be goods grown or produced, as the case may be, in Italian territory, unless it is proved to the satisfaction of the Board that twenty-five per cent. or more of the value of the goods at the time when they left the place from which they were last consigned is attributable to a process undergone since the goods last left Italian territory; and
- (b) goods which have been manufactured partly in Italian territory and partly in some other country shall be deemed to be manufactured in Italian territory, unless it is proved to the satisfaction of the Board that twenty-five per cent. or more of the value of the goods at the time aforesaid is attributable to processes of manufacture undergone since the goods last left Italian territory.

4.—(1) On and after the date of the making of this Order, no person shall in the bailiwick of the Island of Guernsey—

Prohibition
of credit to
Italy.

- (a) make, contribute to, participate in, or assist in the making or issue of any loan (wherever the loan is made or issued or to be made or issued) to or for the benefit of—

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- (i) the government of any Italian territory ;
or
- (ii) any person (not being a body corporate) of
whatever nationality resident in any such
territory ; or
- (iii) any person (wherever resident), being a
body corporate incorporated under the
law of any such territory ; or
- (b) offer for subscription, underwrite or otherwise
assist in the issue of, or subscribe for, any
shares (wherever issued or to be issued) in
any such body corporate.

(2) Without prejudice to the generality of the
foregoing provisions of this Article, any person who
either—

- (a) by giving a guarantee or becoming a party to
a bill of exchange, assumes any liability for the
payment of money and thereby enables an-
other person to raise money ; or
- (b) buys a bill of exchange, not being a bill payable
on demand, from another person ; or
- (c) in connection with a sale of goods, gives credit
in any form to or for the benefit of another
person ;

shall be deemed for the purpose of this Article to
make a loan to or for the benefit of that other person.

(3) For the purposes of this Article the delivery
of goods, the price whereof has been paid on or before
delivery in manner provided by Article 4 of the agree-
ment regarding trade and payments embodied in an
Exchange of Notes dated the twenty-seventh day of
April, nineteen hundred and thirty-five, between His
Majesty's Government in the United Kingdom and
the Italian Government, shall be deemed to be the
making of a loan unless—

- (a) the price was wholly paid before the eighteenth
day of November, nineteen hundred and
thirty-five ; or

(b) the goods were in course of transit on the said 1935 eighteenth day of November.

(4) Nothing in this Article shall be taken to prohibit the performance of any contract made before the twenty-fifth day of October, nineteen hundred and thirty-five, with any Government or person other than such a Government or person as is mentioned in sub-paragraph (a) of paragraph (1) of this Article, but save as aforesaid the provisions of this Article shall have effect notwithstanding anything in any contract.

(5) Nothing in this Article shall apply to any loan to or for the benefit of an institution which is certified by the Royal Court of the Island of Guernsey to have a humanitarian or religious object.

(6) If any person contravenes the provisions of this Article he shall be liable, on conviction by the Royal Court of the Island of Guernsey, to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and fine.

(7) Where a contravention of this Article by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

5.—(1) Article 3 of the second Order, as amended by the third Order, shall have effect in its application to the bailiwick of the Island of Guernsey subject to the following modifications. Modification
of Article 3
of second
Order

(2) The following paragraph shall be substituted for paragraph (7) of the said Article—

“ (7) If any person—

(a) pays any debt to which this Article applies in

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contravention of paragraph (1) of this Article ; or

- (b) fails to furnish any information or documents which he is required under the last foregoing paragraph to furnish and able to furnish ; or
- (c) furnishes under the last foregoing paragraph any information or documents which he knows to be false ;

he shall be guilty of an offence and liable on conviction by the Royal Court of the Island of Guernsey to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and fine, and where any such offence by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.”

(3) Paragraph (10) of the said Article shall have effect as if there were inserted at the end thereof the words “ in writing under his hand.”

Registration
of Orders and
Act.

6.—This Order and Article 3 of the Treaty of Peace (Covenant of the League of Nations) (No. 2) Order, 1935, and the Treaty of Peace (Covenant of the League of Nations) (No. 3) Order, 1935, shall be registered in the Royal Court of the Island of Guernsey together with the Treaty of Peace Act, 1919.

Short title
and interpre-
tation.

7.—(1) This Order may be cited as the Treaty of Peace (Covenant of the League of Nations) (Guernsey) Order, 1935.

(2) In this Order the expression “ Italian territory ” means the Kingdom of Italy and the colonies

and dependencies thereof and any territory in the effective military occupation thereof. 1935

(3) Articles 2 and 3 of this Order shall be deemed to be an Act relating to the Customs within the meaning of the Customs Consolidation Act, 1876, and shall be construed as one with that Act and the enactments registered in the bailiwick of the Island of Guernsey amending that Act, and in those Articles the expression "the Commissioners" means the Commissioners of Customs and Excise, and the expression "the Board" means the States Board of Administration of the Island of Guernsey.

(4) The Interpretation Act, 1889, as amended by any subsequent enactment registered in the bailiwick of the Island of Guernsey, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

M. P. A. HANKEY.

FIRST SCHEDULE.

GOODS PROHIBITED TO BE EXPORTED TO ITALIAN TERRITORY.

PART I.

Goods prohibited to be exported.

1. Rifles and carbines and their barrels.
2. Machine-guns, automatic rifles, and machine pistols of all calibres, and their barrels.
3. Guns, howitzers and mortars of all calibres, their mountings, barrels and recoil mechanisms.
4. Ammunition for the arms specified in paragraphs 1 and 2 of this Part of this Schedule; filled and unfilled projectiles and prepared propellant charges for the arms specified in paragraph 3 of this Part of this Schedule.
5. Grenades, bombs, torpedoes and mines, filled or unfilled, and apparatus for their use or discharge.
6. Tanks, armoured vehicles and armoured trains, and armour plate of all kinds.

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7. Vessels of war of all kinds, including aircraft carriers and submarines.

8. Aircraft, assembled or dismantled, both heavier and lighter than air, and their propellers or air screws, fuselages, aerial gun mounts and frames, hulls, tail units and under-carriage units.

9. Aircraft engines.

10. Revolvers and automatic pistols of a weight in excess of 1lb. 6oz., and ammunition therefor.

11. Flame-throwers and all other projectors and machines (including smoke producing apparatus) used for chemical or incendiary warfare.

12. Mustard gas, Lewisite, Ethyldichlorarsine, Methylchlorarsine, Ethyl-iodoacetate, Chloroacetophenone, Chlorosulphonic Acid, Diphenylaminochlorarsine, Bromobenzylcyanide, Diphenylchlorarsine, Diphenylcyanoarsine, Phosgene, Chlorpicrin and all other noxious substances whatsoever intended for offensive or defensive purposes in warfare.

13. Explosives of every description.

PART II.

Goods prohibited to be exported otherwise than by way of transshipment.

1. Iron ore and concentrates, ground, unground or briquetted.

2. Iron and steel scrap and waste.

3. Metals, unwrought, of the following descriptions, namely—

(a) Aluminium ;

(b) Chromium ;

(c) Manganese ;

(d) Nickel ;

(e) Tin ;

(f) Titanium ;

(g) Tungsten ;

(h) Vanadium ;

4. Alloys, unwrought, containing any metal specified in paragraph 3 of this Part of this Schedule, including ferro-alloys but excluding steel and alloy steel; ores, concentrates and residues, ground, unground or briquetted, and matte containing any such metal: and scrap and waste of the said metals.

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5. Aluminium oxide (but not including abrasives).

6. Ferro-molybdenum.

7. Ferro-silicon.

8. Rubber (raw), including crepe; rubber latex.

9. Waste, scrap and reclaimed rubber.

10. Horses, mules, donkeys, camels, and all other transport animals.

SECOND SCHEDULE.

ITALIAN IMPORTS EXEMPT FROM PROHIBITION.

Gold or silver bullion and coin.

Newspapers, periodicals, printed books and printed music. Maps and hydrographic charts.

[9 & 10 Geo. 5.] *Treaty of Peace Act, 1919.* [CH. 33.]

CHAPTER 33.

An Act for carrying into effect the Treaty of Peace between His Majesty and certain other Powers.

[31st July, 1919.]

Whereas, at Versailles, on the twenty-eighth day of June, nineteen hundred and nineteen, a Treaty of Peace (including a protocol annexed thereto), a copy of which has been laid before each House of Parliament, was signed on behalf of His Majesty, and it is expedient that His Majesty should have power to do all such things as may be proper and expedient for giving effect to the said Treaty :

*Treaty of
Peace Act,
1919.*

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Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power of His Majesty to give effect to Peace Treaty.

1.—(1) His Majesty may make such appointments, establish such offices, make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said Treaty, and for giving effect to any of the provisions of the said Treaty.

(2) Any Order in Council made under this Act may provide for the imposition, by summary process or otherwise, of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act, but may be varied or revoked by a subsequent Order in Council and shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893 :

Provided that, if an Address is presented to His Majesty by either House of Parliament within the next twenty-one days on which that House has sat after any Order in Council made under this Act has been laid before it praying that the Order or any part thereof may be annulled, His Majesty in Council may annul the Order or such part thereof, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(3) Any expenses incurred in carrying out the said Treaty shall be defrayed out of moneys provided by Parliament.

Short title.

2.—This Act may be cited as the Treaty of Peace Act, 1919.

STATUTORY RULES AND ORDERS.
1935 No. 1090.

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PEACE TREATIES.
Treaty of Versailles.

THE TREATY OF PEACE (COVENANT OF THE LEAGUE
OF NATIONS) (No. 2) ORDER, 1935.

At the Court at Buckingham Palace, the 9th day of
November, 1935.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Treaty of Peace Act, 1919, it is provided that His Majesty may make such Orders in Council and do such things as appear to him to be necessary for carrying out the Treaty of Peace signed at Versailles on the twenty-eighth day of June, nineteen hundred and nineteen, and for giving effect to any of the provisions of the said Treaty :

The Treaty
of Peace
(Covenant of
the League
of Nations)
(No. 2)
Order, 1935.

And whereas it is also provided by the said Act that any Order in Council made thereunder may provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof :

And whereas His Majesty in Council was pleased to make the Treaty of Peace (Covenant of the League of Nations) Order, 1935 (a) (hereinafter referred to as "the principal Order") for the purpose of carrying out the said Treaty and giving effect to the Covenant of the League of Nations contained in Part I thereof :

And whereas for the purpose aforesaid it is expedient to vary the principal Order and to make such further provision as is hereinafter contained :

(a) S.R. & O. 1935 No. 1038.

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And whereas by treaty, grant, usage, sufferance or other lawful means His Majesty has power and jurisdiction in British protectorates and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is pleased by virtue and in exercise of the powers vested in him by the Foreign Jurisdiction Act, 1890, or otherwise to extend the provisions of Article one of this Order to all such protectorates and to territories in respect of which such a mandate as aforesaid is being exercised by His Majesty's Government in the United Kingdom :

Now, therefore, His Majesty by and with the advice of his Privy Council is pleased to order, and it is hereby ordered as follows :—

Settlement
of certain
Anglo-
Italian debts.

3.—(1) The Treasury shall appoint a Controller of Anglo-Italian debts (hereinafter referred to as “ the Controller ”), and no debts to which this Article applies shall be paid otherwise than to the Controller in manner hereinafter provided.

(2) The debts to which this Article applies are all debts due before and owing on the eighteenth day of November, nineteen hundred and thirty-five, or due on or after that date, from persons ordinarily resident or ordinarily carrying on business in the United Kingdom to persons ordinarily resident or ordinarily carrying on business in the Kingdom of Italy in respect of—

- (a) the sale of goods grown, produced or manufactured in the Kingdom of Italy (other than goods of any of the descriptions set out in the Schedule to this Order which are imported into the United Kingdom on or after the said eighteenth day of November) ; or
- (b) the carriage of any goods whatsoever from or to the United Kingdom to or from the Kingdom of Italy in ships registered under the law of the Kingdom of Italy.

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(3) The following provisions shall have effect as respects the payment of debts to which this Article applies—

- (a) debts due on or before the said eighteenth day of November shall be paid to the Controller on that date ;
- (b) debts due after the said eighteenth day of November shall be paid to the Controller on the date on which they become due ;
- (c) payments shall be made to the Bank of England for the account of the Controller ;
- (d) debts due in Italian lire shall be paid in sterling at such rate of exchange as may be certified by the Controller to be the rate obtaining for the date of payment ;
- (e) debts due in any currency other than sterling or Italian lire shall, unless the Controller otherwise directs, be paid in that currency ;
- (f) on the payment of any sum to the Controller, he or the Bank of England on his behalf shall give a receipt therefor, and the receipt shall, so far as regards that sum, be a good discharge to the person paying it.

(4) Any assignment of a debt to which this Article would apply but for that assignment shall be void if the assignment is made after the date of the making of this Order.

(5) All sums received by the Controller under this Article shall be applied by him for the purpose of paying, in whole or in part and in such order and at such times as he thinks fit, debts in respect of which Italian lire have been deposited in manner provided by Article 4 of the Agreement regarding trade and payments embodied in an exchange of notes dated the twenty-seventh day of April, nineteen hundred and thirty-five, between His Majesty's Government in the United Kingdom and the Italian Government :

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Provided that the Controller may pay such sums as the Treasury may from time to time approve into the special account mentioned in Article 5 of the said agreement.

(6) The Controller may require any person who appears to him to be liable under this Article to pay any sum to him to furnish him with such information and documents as he may from time to time require.

(7) If any person—

- (a) pays any debt to which this Article applies in contravention of paragraph (1) of this Article ;
or
- (b) fails to furnish any information or documents which he is required under the last foregoing paragraph to furnish and able to furnish ; or
- (c) furnishes under the last foregoing paragraph any information or documents which he knows to be false ;

he shall be guilty of an offence and liable—

- (i) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both such imprisonment and fine ;
or
- (ii) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine ;

and where any such offence by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(8) On or before the first day of October in the year nineteen hundred and thirty-six and each succeeding year an account shall be prepared by the Controller, in such form and in such manner as the Treasury may direct, of the sums received and paid by him under this Article during the last preceding financial year, and the account shall be audited by the Comptroller and Auditor-General in such manner as the Treasury may direct.

(9) The Controller may sue in the name of the Controller of Anglo-Italian Debts.

(10) Anything required or authorised under this Order to be done by or to the Controller may be done by or to any person duly authorised by him in that behalf.

(11) This Article shall apply to the Isle of Man and the Channel Islands as if they were part of the United Kingdom.

4.—(1) This Order may be cited as the Treaty of Peace (Covenant of the League of Nations) (No. 2) Order, 1935. Short title and interpretation.

(2) The Interpretation Act, 1889, as amended by any subsequent enactment, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

M. P. A. HANKEY.

Schedule.

GOODS TO WHICH ARTICLE 2 (1) OF THE PRINCIPAL ORDER DOES NOT APPLY.

Newspapers, periodicals, printed books and printed music.

Maps and hydrographic charts.

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STATUTORY RULES AND ORDERS
1935 No. 1120.

PEACE TREATIES.

Treaty of Versailles.

THE TREATY OF PEACE (COVENANT OF THE LEAGUE
OF NATIONS) (NO. 3) ORDER, 1935.

At the Court at Buckingham Palace, the 19th day of
November, 1935.

PRESENT,

The King's Most Excellent Majesty in Council.

The Treaty
of Peace
(Covenant of
the League
of Nations)
(No. 3) Order,
1935.

Whereas by the Treaty of Peace Act, 1919, it is provided that His Majesty may make such Orders in Council and do such things as appear to him to be necessary for carrying out the Treaty of Peace signed at Versailles on the twenty-eighth day of June, nineteen hundred and nineteen, and for giving effect to any of the provisions of the said Treaty :

And whereas it is also provided by the said Act that any Order in Council made thereunder may be varied by a subsequent Order in Council :

And whereas His Majesty in Council was pleased to make the Treaty of Peace (Covenant of the League of Nations) (No. 2) Order, 1935, (a) for the purpose of carrying out the said Treaty and giving effect to the Covenant of the League of Nations contained in Part I thereof :

And whereas for the purpose aforesaid it is expedient to vary the said Order :

(a) S. R. & O. 1935, No. 1090.

Now, therefore, His Majesty by and with the advice of His Privy Council is pleased to order, and it is hereby ordered as follows :—

1. Article 3 of the Treaty of Peace (Covenant of the League of Nations) (No. 2) Order shall have effect, and shall be deemed always to have had effect, as if the following paragraph were substituted for paragraph (2) thereof :—

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Amendment
of Article 3
of second
Order.

“(2) The debts to which this Article applies are all debts due before and owing on the eighteenth day of November, nineteen hundred and thirty-five, or due on or after that date, from persons ordinarily resident or ordinarily carrying on business in the United Kingdom to persons ordinarily resident or ordinarily carrying on business in the Kingdom of Italy in respect of—

- (a) the price of goods grown, produced or manufactured in the Kingdom of Italy and imported into the United Kingdom (other than goods of any of the descriptions set out in the Schedule to this Order which are so imported on or after the said eighteenth day of November); or
- (b) any bill of exchange given by way of payment (whether absolute or conditional of a debt in respect of any such price as aforesaid :

Provided that, where any such bill of exchange has been accepted on or before the fourteenth day of November, nineteen hundred and thirty-five, or where any such bill of exchange, being a cheque, has been drawn and delivered on or before the seventeenth day of November, nineteen hundred and thirty-five, this Article shall not apply to any debt in respect of the bill, or, if the bill was given by way of conditional payment, to the debt by way of payment of which the bill was given.

For the purposes of this paragraph any liability for damages in respect of the dishonour of a bill of

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exchange shall be deemed to be a debt due in respect of that bill.”

Short title
and interpretation.

2.—(1) This Order may be cited as the Treaty of Peace (Covenant of the League of Nations) (No. 3) Order, 1935.

(2) The Interpretation Act, 1889, as amended by any subsequent enactment, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

M. P. A. HANKEY.

(Enregistré sur les Records le 4 janvier 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 20th day of December, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

SIR LANCELOT SANDERSON.

LORD COLEBROOKE.

SIR KINGSLEY WOOD.

Loi instituant une
Taxe dite
"Corporation Tax".

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 6th day of December, 1935, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That on the 24th day of April, 1935, the States of Deliberation, on the recommendation of their Finance Committee, decided to levy a Corporation Tax of £50 per annum, irrespective of the capital of the Company, on all Companies which are registered in Guernsey but which, by reason of their being controlled from a place outside Guernsey do not and are not liable to pay local Income Tax ; and the Royal Court was requested

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to prepare a Bill or Projet de Loi in order to give effect to the decision of the States in the matter.

2. That in accordance with the aforesaid decision of the States, the Royal Court on the 24th day of August 1935 adopted a Bill or Projet de Loi intituled "Loi instituant une Taxe dite 'Corporation Tax'", and requested the Bailiff to submit the same to the States for approval. 3. That at an adjourned sitting of the States held on the 4th day of October, 1935, the said Bill or Projet de Loi was duly considered, when a resolution was passed approving the same with certain modifications and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 4. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule annexed to the Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi instituant une Taxe dite 'Corporation Tax'", and to order and direct that the same shall have force of Law within 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.

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AND HIS 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 or 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.

M. P. A. HANKEY.

Loi referred to in the foregoing Order.

LOI INSTITUANT UNE TAXE DITE
"CORPORATION TAX".

Les Etats ont approuvé les dispositions suivantes rédigées en anglais, lesquelles moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

Institution
of Tax.

1.—There is hereby instituted a States Tax hereinafter called "Corporation Tax."

Liability to
pay.

2.—Subject to the provisions of Section 4 of this Law, on and after the first day of January One thousand nine hundred and thirty-six every limited liability company ("Société anonyme ou à responsabilité limitée") registered in the Island of Guernsey whether before or after the date of the commencement of this Law shall be liable to pay Corporation Tax.

Amount of
Tax.

3.—(a) The amount of Corporation Tax leviable in any calendar year in the case of a Company incorporated before the commencement of that year shall be the sum of Fifty Pounds to be paid by the 31st day of January of that year by means of a States of Guernsey Revenue stamp impressed upon the Annual Return ("Liste Annuelle") required by

Article LXV of the Law entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" sanctioned by Order of His Majesty in Council registered on the Records of this Island on the 21st day of March 1908 and hereinafter called "The Guernsey Companies Law, 1908" or under any Law amending or superseding the same to be forwarded to His Majesty's Greffier (hereinafter referred to as "the Greffier") during the month of January of each year.

(b) The amount of Corporation Tax leviable in any calendar year in the case of a Company incorporated during that year shall be the product of the multiplication of one twelfth part of the sum of Fifty Pounds by the number of calendar months occurring in that year after the last day of the calendar month immediately preceding the calendar month in which that Company is incorporated and that amount shall be paid by means of a States of Guernsey Revenue Stamp impressed upon the Memorandum of Association of the Company before the registration thereof.

4.—The following Companies shall be exempt ^{Exemptions.} from liability to pay Corporation Tax in a particular calendar year :—

(a) Every Company incorporated before the commencement of that Calendar year which delivers to the Greffier by the 31st day of January of that year a declaration in duplicate under the seal of the Company to the effect that throughout the existence of that Company in that calendar year control of that Company and of the whole of its affairs will be exercised within the Island of Guernsey :

(b) Every Company incorporated after the commencement of that calendar year which delivers to the Greffier before registration of its Memorandum of Association a declaration in duplicate signed by three at the least of the

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founder members who have signed the Memorandum of Association to the effect that throughout the existence of that Company during the then unexpired portion of that calendar year control of the Company and of the whole of its affairs will be exercised within the Island of Guernsey.

Declara-
tions.

5.—The Greffier shall file one copy of every such declaration and shall forthwith transmit the other copy thereof to the Administrator of States Income Tax. The contents of every such declaration shall constitute irrefutable proof as between the Company by or on behalf of which the same is made and the Administrator of States Income Tax that, during the calendar year or part thereof to which such declaration has reference, control of the Company by or on behalf of which such declaration is made and of the whole of the affairs thereof will be or has been exercised within the Island of Guernsey.

Non-com-
pliance.

6.—It shall be the duty of the Greffier before the 1st day of March in each calendar year to forward to the States Supervisor a list containing the name of every Company which has not complied in that year with the provisions of Section 4 (a) of this Law and has failed to pay the amount of Corporation Tax leviable during that year in the case of that Company, together with the address of the registered office of that Company.

Recovery on
unpaid Tax.

7.—Proceedings for the recovery of Corporation Tax unpaid by any Company liable to pay the same may be instituted and prosecuted by the States Supervisor and for the purposes of any such proceedings and of the provisions of the Guernsey Companies Law, 1908, the States Supervisor shall be deemed to be the creditor of the Company as regards the amount of Corporation Tax so remaining unpaid and that amount shall be deemed to be a debt owing by the Company to the States Supervisor.

8.—For the purpose of removing doubts, it is 1935 hereby declared that the meaning of the expression “une somme excédant cinquante livres sterling” contained in paragraph (a) of Section 4 of Article LXXII of The Guernsey Companies Law, 1908 is “a sum exceeding Fifty Pounds sterling in the money legally current in Guernsey at the time of the commencement of that Law and exceeding £47 12s. 6d. in the money legally current therein at the date of the commencement of this Law”.

Meaning of
“une somme
excédant
cinquante
livres ster-
ling”.

9.—Upon the production to the States Super-visor by the 31st day of March next occurring after the end of any calendar year in respect of which Corporation Tax has been paid by any Company of a certificate signed by the Administrator of States Income Tax to the effect that the Company has paid States Income Tax on the whole of its profits from every source as assessed whether provisionally or otherwise in that calendar year by the Administrator of Income Tax (who shall assess the same at the request of any Company upon production to his satisfaction of the accounts of the Company requisite in that behalf), or to the effect that the Administrator of Income Tax is satisfied that the Company made no profits assessable in that calendar year, the Company shall be entitled to have reimbursed to it the amount of Corporation Tax paid by the Company in respect of that calendar year.

Reimburse-
ment of Tax.

Section 9 repealed and new Section substituted by the Loi supplémentaire à la Loi instituant une taxe dite “Corporation Tax”, registered on the 20th February, 1937.

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(Enregistré sur les Records le 17 janvier 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 20th day of December, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.	SIR LANCELOT SANDERSON.
LORD COLEBROOKE.	SIR KINGSLEY WOOD.

Loi portant
amendement
à la Loi
relative au
Scrutin
Secret
(Auregny).

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 16th day of December, 1935, in the words following, viz :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney setting forth :—‘ That on the 27th day of December, 1899, the Queen’s Most Excellent Majesty was pleased to ratify the Projet de Loi intituled “Projet de Loi relative au Scrutin Secret ” and to order the same to have force of law within the Island of Alderney. That at a Meeting of the States of Alderney holden before the Petitioner on the 11th day of December, 1933, the States were of opinion to receive a report from their Committee which recommended certain modifications being made to the said Law and authorised the Court to prepare a Projet de Loi giving effect thereto for their consideration. That at a Meeting of the States of Alderney holden before the Petitioner on the 23rd day of September, 1935, the States took into consideration the Projet de Loi intituled “Projet de Loi portant amendement à la Loi relative au Scrutin Secret (Auregny) ” and were of opinion to approve of and adopt the same, and to authorise the Petitioner to present in the name of the States a most humble Petition

to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said Projet de Loi and to order the same to have force of law within Your Majesty's said Island of Alderney.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the Projet de Loi annexed thereto, 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 Alderney.

AND HIS 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 or Commander-in-chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

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PROJET DE LOI referred to in the foregoing Order.

LOI PORTANT AMENDEMENT À LA LOI
RELATIVE AU SCRUTIN SECRET (AUREGNY).

Les Etats ont approuvé le Projet de Loi qui suit tendant à modifier et amplifier certaines des dispositions de la Loi intitulée " Loi relative au Scrutin Secret " (ci-après qualifiée " la loi de 1900 ") enregistrée sur les Records de cette Ile d'Auregny le 10 Février 1900, lequel Projet de Loi, moyennant la Sanction de Sa Majesté en Conseil, aura force de Loi en cette Ile à partir du jour de son enregistrement.

A.—Les articles 1, 2 et 4 de la Loi de 1900 sont et demeurent rappelés et seront les Articles 1, 2 et 4 qui ensuivent y substitués et censés former partie de la Loi de 1900.

Elections se
feront par le
moyen du
scrutin
secret.

1.—A l'avenir les élections de Juré-Justicier, de Douzeniers, de Députés de la Douzaine, de Députés du Peuple et d'Officiers Paroissiaux se feront par le moyen de scrutin secret et ce dans la forme et aux conditions suivantes :

Assemblées
des électeurs.

2.—Les assemblées des électeurs pour les élections susdites seront convoquées suivant loi et coûtume et tenues dans les lieux ordinaires, aux heures indiquées dans les publications officielles qui seront de onze heures du matin à une heure de l'après-midi et de six à huit heures du soir.

Nominations

4.—(a) Tout électeur qui proposera un candidat à la charge de Juré-Justicier ou de Douzenier sera tenu de le faire par écrit et de présenter en même temps à l'appui de sa proposition un soussigné d'un autre électeur. Les nominations devront être livrées au Président des Etats au moins trois jours avant le jour fixé pour l'élection.

(b) Le Président des Etats donnera connaissance aux électeurs de chaque nomination à la charge de Juré-Justicier, de Douzenier ou de Député du

Peuple et ce aussitôt que telle nomination lui a été livrée et ce par le moyen d'une annonce dans les cadres officiels de cette Ile. Et restera affichée telle annonce jusqu'à huit heures du soir du jour de l'élection dont il s'agit.

B.—La première phrase de l'Article 6 de la Loi de 1900 est et demeure rappelée et sera la phrase suivante y substituée et censée former partie du dit Article :—

Lorsqu'une élection à la charge d'Officier
Paroissial doit avoir lieu, le Vicaire en donnera avis Election
Officier
Paroissial
aux électeurs de la manière ordinaire.

C.—L'alinéa (e) qui suit sera ajouté à la Section 2 de l'article 7 de la Loi de 1900 immédiatement après l'alinéa (d) qui s'y trouve et sera censé former partie de la dite section :—

7.—(e) Si, dans une élection pour remplir
plusieurs vacances dans la charge de Député de la
Douzaine, ils ne contiennent autant de suffrages Bulletins
nuls.
qu'il existe de vacances.

D.—La Loi de 1900 et cette Loi seront interprétées Titre.
ensemble et une référence tant à la Loi de 1900 qu'à
cette Loi sera entendue par l'expression " Lois
relatives au Scrutin Secret (Auregny), 1900 à 1935 ".

ALDERNEY.

Translation of " Law amending the Law relating to the Secret Ballot (Alderney)", approved by His Majesty in Council, the 20th day of December, 1935.

The States have approved the following *Projet de Loi* which modifies and amplifies certain of the dispositions of the law intituled " *Loi relative au Scrutin Secret* " (hereinafter called " *the Law of 1900* ") registered on the Records of the Island of Alderney the 10th February, 1900, the which *Projet de Loi*,

1935 after being sanctioned by His Majesty in Council, shall have the force of Law in this Island from the date of registration thereof.

A.—Articles 1-2 and 4 of the Law of 1900 are and remain repealed and the following articles 1-2 and 4 are substituted therefor and shall form part of the Law of 1900.

Elections by means of secret ballot.

1.—The elections of Jurats, Douzeniers, Deputies of the Douzaine, People's Deputies and Parish Officers shall be by means of the secret ballot and shall be in the manner and under the following conditions :

Meetings of electors.

2.—Meetings of the electors for the aforesaid elections shall be convened in conformity with the law and custom and shall be held in the usual places, and at the time specified in the official notices which shall be from eleven in the morning till one o'clock in the afternoon and from six till eight o'clock in the evening.

Nominations.

4.—(a) An elector who shall propose a candidate for the office of Jurat or of Douzenier shall do so in writing and shall at the same time produce in support of his proposition the signature of another elector. Nominations shall be delivered to the President of the States at least three days before the date of the election.

(b) The President of the States shall inform the electors of each nomination for the office of Jurat, Douzenier or People's Deputy immediately on receipt of such nomination by means of a notice placed in the official notice boxes in this Island. The said notice shall remain posted up until eight o'clock in the evening of the day of the elections to which it refers.

B.—The first sentence of Article 6 of the Law of 1900 is and remains repealed and the following sentence shall be substituted therefor and shall form part of the said Article :—

When the election of a Parish Officer is to take place the Vicar shall give notice thereof to the electors in the usual way.

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Election of
Parish
Officers.

C.—The following paragraph (e) shall be added to Section 2 of Article 7 of the Law of 1900 immediately after paragraph (d) and shall form part of the said Section :—

7.—(e) If, in an election for several Deputies of the Douzaine, they do not contain a vote for each vacancy.

Spoilt
Papers.

D.—The Law of 1900 and this Law shall be interpreted together and a reference to the Law of 1900 and this law shall be understood by the expression “Lois relatives au Scrutin Secret (Auregny) 1900 à 1935.”

Short Title.

Enregistré sur les Records le 17 janvier 1936.)

AT THE COURT AT BUCKINGHAM PALACE.
The 20th day of December, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

SIR LANCELOT SANDERSON.

LORD COLEBROOKE.

SIR KINGSLEY WOOD.

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 9th day of December, 1935, in the words following, viz :—

Impôts
Auregny.

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney, setting forth :—

‘That at a Meeting of the States of Alderney holden before the Petitioner on the twenty-fifth day of November, 1935, the States were of opinion to renew

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the duties sanctioned by Your Majesty for the period ending on the 31st day of December, 1935 (which duties and the rates thereof and the commodities whereon the same are leviable are contained in the Schedule to this Petition) for a further period commencing on the 1st day of January, 1936, and ending on the 31st day of December, 1936, the said duties to be levied on the said commodities respectively which are consumed in the Island, such levy to be made at the time of the importation therein of such thereof as are imported, and the proceeds thereof to be applied to the purposes and under the conditions already sanctioned by Your Majesty. That at the said Meeting the Petitioner was authorised to present in the name of the States a most humble Petition to Your Majesty in Council praying Your Majesty to be graciously pleased to grant the States power to levy the said duties for the said further period. And most humbly praying that Your Majesty would be graciously pleased to grant the States of Alderney power to levy the said duties during the said further period for and under the aforesaid purposes and conditions.

‘SCHEDULE OF DUTIES REFERRED TO IN THE
ABOVE PETITION.

	‘Per gallon <i>s. d.</i>
‘Spirituous Liquors and Liqueurs ..	8 0
‘Wines :—	
Port and Sherry	3 0
Claret	1 0
Champagne and Sparkling Wines ..	5 0
‘Cordials	3 0
‘Beer	7
	‘Per lb.
‘Cigars	1 3
‘Cigarettes	1 10
‘Other Tobacco	6
‘Tea	2’

“THE LORDS OF THE COMMITTEE, in 1935 obedience to Your Majesty’s said Order of Reference, have taken the said Petition 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.”

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve thereof and to order, as it is hereby ordered, that the States of the Island of Alderney be authorised to levy the duties specified in the Schedule to the said Petition during the period commencing on the 1st day of January, 1936, and ending on the 31st day of December, 1936, for and under the purposes and conditions referred to in the said Petition.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Registers of the Islands of Guernsey and Alderney and observed accordingly.

AND the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty’s Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

1935

(Enregistré sur les Records le 17 janvier 1936).

AT THE COURT AT BUCKINGHAM PALACE,
The 20th day of December, 1935.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.	SIR LANCELÔT SANDERSON.
LORD COLEBROOKE.	SIR KINGSLEY WOOD.

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 9th day of December, 1935, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of Robert W. Hathaway, Seigneur, Frederick de Carteret, Senechal, and Alfred Baker, Prevôt of the Island of Sark, setting forth :—

‘ 1. That on the 2nd October, 1935, the Tenants and Deputies of the Chief Pleas considered the Estimate of Expenditure and Taxation of the Island for the year ending 30th September, 1936, as prepared by the Treasurer. 2. That the Budget Estimate of Expenditure for the year ending 30th September, 1936, as approved by His Excellency the Lieutenant-Governor under Order in Council of the 20th June, 1922, has been submitted to His Majesty's Principal Secretary of State. 3. That the tax of 1s. per head on passengers (other than the inhabitants of Sark) landing in the Island was authorised to be levied until the 31st December, 1935, by Order in Council dated 21st February, 1935. And most humbly praying that Your Majesty would be graciously pleased to declare and order that the levy of

Taxe sur les
passagers
débarquant
à Sercq.

1s. per head on passengers (other than the inhabitants of Sark) landing in the Island be continued during the year 1936.' 1935

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition 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 thereof.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve thereof and to order, as it is hereby ordered, that the levy of One shilling per head on passengers (other than the inhabitants of Sark) landing in the Island be continued during the year 1936.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Registers of the Islands of Guernsey and Sark and be observed accordingly.

AND the Lieutenant-Governor or Commander-in-Chief of the Bailiwick of Guernsey, the Bailiff and Jurats, and all other His Majesty’s Officers, for the time being, of the said Bailiwick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

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*(Enregistré sur les Records le 23 janvier 1936.)*Proclamation
du Roi
Edward VIII.

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre en date du 23 janvier 1936 de Son Excellence le Lieutenant Gouverneur transmettant copie d'une Proclamation des Seigneurs du Conseil Privé en date du 22 janvier 1936 publiant et proclamant que le Très Haut et Puissant Prince Edward Albert Christian George Andrew Patrick David est présentement, par le décès de Notre Naguère Souverain le Roi George V d'heureuse mémoire, devenu notre seul véritable et légitime Souverain EDWARD VIII par le Grace de Dieu Roi de la Grande Bretagne et d'Irlande et de toutes les possessions britanniques au delà des Mers, Défenseur de la Foi, Empereur des Indes, LA COUR, après que la dite Proclamation a été publiée aux lieux accoutumés, a, ouies les conclusions des Officiers du Roi, ordonné que la dite Proclamation sera enregistrée sur les Records de cette Ile.

*(Enregistré sur les Records le 15 février 1936.)*The Expiring
Laws
Continuance
Act, 1935.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du trente-et-un janvier mil neuf cent trente-six, transmettant des exemplaires de l'Acte du Parlement suivant :—

“ 26 George V, Chapter 4, “ The Expiring Laws Continuance Act, 1935 ”

LA COUR, après avoir eu lecture du dit Ordre, ouies les conclusions des Officiers du Roi, a ordonné :—

1. Que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile.

2. Qu'un des exemplaires du dit Acte du Parlement sera enregistré par être logé au Greffe.

3. Qu'un extrait des Registres de ce présent Acte avec un exemplaire du dit Acte du Parlement sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq afin d'être enregistrés sur les Records des dites Iles.

1936

(Enregistré sur les Records le 21 mars 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 3rd day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MARQUESS OF ZETLAND.

MASTER OF THE HORSE.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

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 6th day of February, 1936, in the words following, viz.:—

Salary of
H.M.
Sergeant
(Alderney).

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney, setting forth:—

‘That on the 23rd day of September, 1935, the States of Alderney at a Meeting holden before the said Robert Walter Mellish were of opinion to receive a petition from His Majesty’s Sergeant of the Court of Alderney shewing that the work connected with his office had in recent years considerably increased and praying that in consequence thereof the States grant a salary to be attached to the said Office. That the States were of opinion to grant the prayer of the said Petitioner, and to refer the matter of the amount of such salary to the States Finance Committee for consideration. That at a Meeting of the States of Alderney holden before the said Robert Walter Mellish on the 25th day of November, 1935, the said Committee presented a report thereon and recommended that the amount of the said salary be at the rate of Fifteen Pounds sterling per annum.

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That the States were of opinion to adopt the said recommendation and to authorise the said Robert Walter Mellish to present in the name of the States a most humble Petition to His late Majesty in Council praying that the said Fifteen Pounds per annum be a charge on the revenues of the Impôt. And most humbly praying that His said late Majesty would be graciously pleased to order that the sum of Fifteen Pounds sterling per annum salary of His Majesty's Sergeant be a charge on the revenues derived from the Impôt.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition 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."

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve thereof, and to order, as it is hereby ordered, that the sum of Fifteen Pounds sterling per annum, the salary of His Majesty's Sergeant, shall be a charge on the revenues derived from the Impôt.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Registers of the Islands of Guernsey and Alderney and observed accordingly.

AND the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

(Enregistré sur les Records le 21 mars 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 3rd day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MARQUESS OF ZETLAND.

MASTER OF THE HORSE.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

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 20th day of February, 1936, in the words following, viz.:—

Loi relative
aux Frais
Curiaux,
1936.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That by an Order of His late Majesty in Council dated the 29th day of June, 1931, registered on the Records of this Island the 29th day of July, 1931, His Majesty was graciously pleased to ratify and confirm a Bill or Projet de Loi of the States of Guernsey intituled “Loi relative aux Frais Curiaux et aux Honoraires de la Cour Royale, 1931.” 2. That on the 30th day of November, 1935, the Royal Court adopted a Bill or Projet de Loi prepared by the Law Officers of the Crown intituled “Loi relative aux Frais Curiaux, 1936” by which a new Article 17 is substituted for Article 17 of the aforementioned Law of 1931; and the Bailiff was duly requested to submit the same to the States of Deliberation for their approval. 3. That the said Bill or Projet de Loi was considered by the States at a sitting held on the 5th day of February, 1936, when a resolution was passed approving the same and authorizing the Bailiff to present a most humble Petition

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to Your Majesty in Council praying for Your Royal Sanction thereto. 4. 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 would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi relative aux Frais Curiaux, 1936," and to order and direct that the same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor or 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.

M. P. A. HANKEY.

Loi referred to in the foregoing Order.
[with translation].

PROJET DE LOI

INTITULÉ

LOI RELATIVE AUX FRAIS CURIAUX, 1936.

Les Etats ont approuvé les dispositions suivantes afin que, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, telles dispositions aient force de loi en cette Ile.

L'Article 17 de la Première Cédule à la Loi relative aux Frais Curiaux et aux Honoraires de la Cour Royale, 1931, sera rappelé et l'Article 17 qui ensuit y sera substitué et sera censé désormais former partie de la dite Cédule.

17. Transcription de copie de dépositions, copies imprimées et collation:—

Greffier, par page de la première copie, 3s., en outre frais d'imprimerie.

TRANSLATION.

LAW RELATING TO TAXED COSTS, 1936.

The States have approved the following provisions in order that, subject to the Sanction of His Most Excellent Majesty in Council, such provisions may have force of law in this Island.

Article 17 of the First Schedule to the Law relating to Taxed Costs and Royal Court Fees, 1931, shall be repealed and the following Article 17 shall be substituted therefor and shall henceforth be deemed to form part of the said Schedule.

17.—Transcription of copy of depositions, printed copies and collating:—

Greffier, per page of first copy, Three Shillings, in addition to cost of printing.

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(Enregistré sur les Records le 21 mars 1936.)

AT THE COURT AT BUCKINGHAM PALACE,
The 3rd day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MARQUESS OF ZETLAND.

MASTER OF THE HORSE.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

Loi supplé-
mentaire
à la
Loi relative
aux Sociétés
Anonymes
ou à
Responsa-
bilité
Limitée.

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 12th day of February, 1936, in the words following, viz:—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That by an Order in Council dated the 29th day of February, 1908, registered on the Records of the Island on the 21st day of March, 1908, His late Majesty King Edward VII was graciously pleased to grant His Royal Sanction to a Bill or Projet de Loi intituled “Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée.” 2. That by the said Law of 1908 the earlier Law relating to Companies which was sanctioned by an Order in Council dated the 6th day of November, 1883, was repealed; the said Law of 1908 was expressed to be applicable to Companies registered previously “except in the cases therein mentioned,” but the exceptions included the provisions of the said Law of 1908 conferring a coporate existence on Companies, and the corporate state of pre-existing companies was not preserved. 3. That representations were made to the Royal Court by the Registrar of Companies (His Majesty’s Greffier), through the Law Officers of

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the Crown, to the effect that a number of Companies listed in the Registers under his care had made no Returns for many years and were obviously obsolete, and that none of such Companies was believed to have any assets in this Island beyond the sum of Five Pounds,—the amount of a deposit paid on incorporation as security against possible fines, penalties and costs. 4. That on the 19th day of October, 1935, the Royal Court, on the recommendation of His Majesty's Procureur, considering it desirable that the unbroken continuity of their corporate state should be definitely established with retrospective effect in favour of Companies which had been registered under the said Law of 1883 and which still existed at the date on which the said Law of 1908 came into operation, and considering also that the existing Law required amplification to provide abbreviated and inexpensive procedure for the removal of obsolete Companies from the Registers, adopted an amended Bill or *Projet de Loi* intituled "*Loi supplémentaire à la Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée,*" and requested the Bailiff to submit the same to the States of Deliberation for approval. 5. That on the 29th day of November, 1935, the said amended Bill or *Projet de Loi* was duly submitted to and considered by the States of Deliberation, when a resolution was passed approving the same with slight modifications and authorizing the Bailiff to present a most humble Petition to His Majesty in Council praying for His Royal Sanction thereto. 6. 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 His Majesty would be graciously pleased to grant His Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled "*Loi supplémentaire à la Loi relative aux Sociétés*

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Anonymes ou à Responsabilité Limitée," and to order and direct that the same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or 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.

M. P. A. HANKEY.

Loi referred to in the foregoing Order.

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PROJET DE LOI

INTITULÉ

LOI SUPPLÉMENTAIRE À LA LOI RELATIVE AUX SOCIÉTÉS ANONYMES OU À RESPONSABILITÉ LIMITÉE.

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais, lesquelles moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

1.—Notwithstanding the repeal contained in the Law intituled “Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée” sanctioned by Order of His Majesty in Council dated the 29th day of February, 1908, and registered on the Records of this Island on the 21st day of March, 1908, (hereinafter referred to as “The Guernsey Companies Law, 1908”) of the Law intituled “Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée” sanctioned by Order of His Majesty in Council dated the 6th day of November, 1883, registered on the Records of this Island on the 1st day of December, 1883, (hereinafter referred to as “the Guernsey Companies Law, 1883”) it is hereby declared that such repeal shall be deemed not to have affected the incorporation of any company registered under The Guernsey Companies Law, 1883.

2.—Notwithstanding the provisions of the Guernsey Companies Law, 1908, as from the commencement of this Law the provisions of Articles VIII, IX, X, XI, XII, XIII, XXVI and XXVIII of that Law shall apply to companies registered under the Guernsey Companies Law, 1883, and subsisting after the commencement of this Law.

3.—(1) Where His Majesty's Greffier (in this section referred to as “the Greffier”) has reasonable cause to believe that a company is not carrying on business

Incorporation of Companies registered under 1883 Law not affected by its repeal.

Certain Articles of 1908 Law to apply to companies registered under 1883 Law.

Company not carrying on business or in operation.

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or in operation, he may send to the Company by post a letter inquiring whether the company is carrying on business or in operation.

(2) If the Greffier does not within one month of sending the letter receive any answer thereto, he shall within fourteen days after the expiration of the month send to the company by post a registered letter referring to the first letter, and stating that no answer thereto has been received, and that if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the Guernsey newspapers or newspaper authorised for the publication of official announcements (in this section referred to as "the *Gazette*") with a view to striking the name of the company off the register.

(3) If the Greffier either receives an answer to the effect that the company is not carrying on business or in operation, or does not within one month after sending the second letter receive any answer, he may publish in the *Gazette*, and send to the company by post, a notice that at the expiration of three months from the date of that notice the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.

(4) If, in any case where a company is being wound up, the Greffier has reasonable cause to believe either that no liquidator is acting, or that the affairs of the company are fully wound up, the Greffier shall publish in the *Gazette* and send to the company or the liquidator, if any, a like notice as is provided in the last preceding subsection.

(5) At the expiration of the time mentioned in the notice the Greffier may, unless cause to the contrary is previously shown by the company, strike its name off the register, and shall publish notice thereof in the *Gazette*, and on the publication in the *Gazette* of this notice the company shall be dissolved ;

Provided that—

- (a) the liability, if any, of every director, managing officer, and member of the company shall continue and may be enforced as if the company had not been dissolved ; and
- (b) nothing in this subsection shall affect the power of the Court to wind up a company the name of which has been struck off the register.

(6) If a company or any member or creditor thereof feels aggrieved by the company having been struck off the register, the Court on an application made by the company or member or creditor before the expiration of twenty years from the publication in the *Gazette* of the notice aforesaid may, if satisfied that the company was at the time of the striking off carrying on business or in operation, or otherwise that it is just that the company be restored to the register, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if its name had not been struck off ; and the Court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) A notice to be sent under this section to a liquidator may be addressed to the liquidator at his last known place of business, and a letter or notice to be sent under this section to a company may be addressed to the company at its registered office, or, if no office has been registered, to the care of some director or officer of the company, or, if there is no director or officer of the company whose name and address are known to the Greffier, may be sent to each of the persons who subscribed the memorandum addressed to him at the address mentioned in the memorandum.

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 Property
 and rights
 of dissolved
 company.

4.—Where a company is dissolved, all property and rights whatsoever vested in or held on trust for the company immediately before its dissolution (excluding property held by the company on trust for any other person) shall, subject and without prejudice to any order which may at any time be made by the Court under the last foregoing section of this Law, be deemed to be *bona vacantia* and shall accordingly belong to the Crown and shall vest and may be dealt with in the same manner as other *bona vacantia* accruing to the Crown.

(Enregistré sur les Records le 21 mars 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 3rd day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
 MARQUESS OF ZETLAND.
 MASTER OF THE HORSE.
 MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

Loi par
 rapport
 à la
 Publication
 des
 Annonces
 Officielles
 (1936).

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 6th day of February, 1936, in the words following, viz.:—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That for the reasons set forth in the preamble thereto, the Royal Court on the 7th day of December, 1935, adopted a Bill or “Projet de Loi,” prepared by the Law Officers of the Crown, intituled “Loi par rapport à la publication des Annonces Officielles (1936),” and requested the

Bailiff to submit the same to the States of Deliberation for approval. 2. That on the 20th day of December, 1935, the said Bill or "Projet de Loi" was duly considered by the States, when a resolution was passed approving the same with certain modifications and authorizing the Bailiff to present a most humble Petition to His late Majesty in Council praying for His Royal Sanction thereto. 3. 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 His said late Majesty would be graciously pleased to grant His Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey intituled "Loi par rapport à la publication des Annonces Officielles (1936)," and to order and direct that the same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats,

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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.

M. P. A. HANKEY.

Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI PAR RAPPORT À LA PUBLICATION DES ANNONCES OFFICIELLES (1936).

VU les représentations faites à la Cour Royale par la Société propriétaire du journal officiel hebdomadaire dit " La Gazette de Guernesey " qu'il ne sera plus possible à l'avenir de publier tel journal :

Vu aussi qu'il est désirable d'accorder aux annonces officielles la plus grande publicité possible :

LES ETATS ont approuvé les règlements suivants rédigés en anglais afin que moyennant la Sanction de Sa Très Excellente Majesté en Conseil tels règlements aient force de Loi en cette Ile.

Publication
of Notices.

1.—This Law shall come into operation on such date as the Royal Court shall appoint (hereinafter called " the appointed date ") and thenceforth every notice hitherto required by Law, Ordinance or Custom to be published in " La Gazette de Guernesey ", or to be published therein and in one or more of the local daily newspapers, or to be published in " La Gazette de Guernesey " and in the " Cadre " of one or more of the Parish Churches or to be published in one or more of the foregoing manners and also in the " Cadre " in the Vestibule of the Royal Court or to be published only in the " Cadre " of one or more of the Parish Churches, shall be published in each of two daily newspapers published in the English language in this Island or, if at any time hereafter only one such newspaper shall be so published therein, then in that

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newspaper, and the publication in those newspapers or that newspaper, as the case may be, of any such notice in the manner and on the day and on the number of occasions specified in that behalf by Ordinance of the Royal Court together with the publication in manner required by Law, Ordinance or Custom in the "Cadre" in the Vestibule of the Royal Court (in the case only of notices so required to be published therein) shall be deemed for all purposes to be sufficient publication of that notice, any Law, Ordinance or Custom to the contrary notwithstanding. Provided that as regards notices convening Parish Meetings in any parish such notices in addition to being published as hereinbefore provided shall, if a meeting of the "Chefs de Famille" of that parish shall so decide, be published in the "Cadre" of the Church of that parish and as regards that parish such additional method of publication of such notices shall be compulsory until such time as a decision of a meeting of the "Chefs de Famille" of that parish to the contrary shall become operative.

2.—On and after the appointed date, the publication of the notices referred to in the foregoing Section may be made in French or in English or partly in the one language and partly in the other at the discretion of the authority or person charged with the duty of publishing the same. Language
of Notices.

3.—The Royal Court is hereby authorised to make Regulations by Ordinance with regard to the publication after the appointed date of notices required by Law, Ordinance or Custom to be published. Ordinances.

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(Enregistré sur les Records le 21 mars 1936.)

AT THE COURT AT BUCKINGHAM PALACE,
The 3rd day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MARQUESS OF ZETLAND.

MASTER OF THE HORSE.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

Loi sur les
Empêche-
ments au
Mariage à
cause de
Parenté,
et sur
l'Etablis-
sement de la
Juridiction
Civile
dans les
Causes
Matri-
moniales.

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 27th day of February, 1936, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

1. That for the reasons set forth in the preamble thereof, the Royal Court on the 12th day of October, 1935, adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled, “*Loi sur les Empêchements au Mariage à cause de Parenté, et sur l'Etablissement de la Juridiction Civile dans les Causes Matrimoniales, 1936,*” and requested the Bailiff to submit the same to the States of Deliberation for approval.
2. That on the 29th day of November, 1935, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorizing the President to present a most humble Petition to His late Majesty King George the Fifth in Council praying for His Royal Sanction thereto.
3. That at an adjourned sitting of the States of Deliberation held on the 5th day of February, 1936, an amendment to Article 11 of the said Bill or *Projet de Loi* was duly considered and approved.
4. That the States of the Island of Alderney have duly approved of

the terms of the aforesaid *Projet de Loi* being made applicable to that Island. 5. 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 would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled "*Loi sur les Empêchements au Mariage à cause de Parenté, et sur l'Etablissement de la Jurisdiction Civile dans les Causes Matrimoniales, 1936,*" and to order and direct that the same shall have the force of Law within the Bailiwick of 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 Bailiwick of Guernsey.

AND HIS 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 or 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.

M. P. A. HANKEY.

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Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI SUR LES EMPÊCHEMENTS AU MARIAGE
 À CAUSE DE PARENTÉ ET SUR
 L'ÉTABLISSEMENT DE LA JURIDICTION
 CIVILE DANS LES CAUSES MATRIMONIALES.
 1936.

ATTENDU qu'il est expédient de statuer par législation civile (1) sur les cas où la parenté par sang ou par affinité entre des personnes constitue empêchement à leur mariage, et (2) sur la validité sous le droit civil de certains mariages ci-devant empêchés sous le droit canon à cause d'affinité, et (3) sur le transfert de la Cour Ecclésiastique à la Cour Royale de la juridiction dans les causes matrimoniales.

ATTENDU que les dispositions de la Loi relative au Mariage avec la Sœur d'une femme décédée sanctionnée par l'Ordre de Sa Majesté en Conseil enregistré le 3 août 1909 sont en effet comprises dans cette présente Loi.

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais lesquelles moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi dans le Bailliage de l'Île de Guernesey.

Repeal.

1.—The law relating to marriage with a deceased wife's sister ratified by an Order of His Majesty in Council, registered on the 3rd day of August, 1909, is by this present Law repealed, provided that, in so far as this present law relates to marriage between a man and his deceased wife's sister, it shall be deemed to have commenced at the date of the commencement of the said Law hereby repealed.

Marriage
 Prohibitions
 (Affinity).

2.—Every marriage is forbidden and shall be void and of none effect between a man and any one of the following persons, that is to say:—

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His mother or his ancestress,
 The widow or divorced wife of his father or of
 his ancestor,
 The sister of his father, of his mother, or of his
 ancestor or ancestress,
 His sister,
 His daughter or other descendant,
 The daughter or other descendant of his brother
 or of his sister,
 The mother or ancestress of his deceased or
 divorced wife.
 The daughter or other descendant of his deceased
 or divorced wife, or
 The widow or divorced wife of his son or of any
 other of his descendants.

3.—Subject to the provisions of Section 4 of this Marriage Prohibitions (Divorce).
 Law, every marriage is forbidden and shall be void and of none effect between a man and any one of the following persons, that is to say:—

His divorced wife's sister,
 His brother's divorced wife,
 His divorced wife's brother's daughter,
 His divorced wife's sister's daughter,
 His father's brother's divorced wife,
 His mother's brother's divorced wife,
 His divorced wife's father's sister,
 His divorced wife's mother's sister,
 His brother's son's divorced wife,
 His sister's son's divorced wife.

4.—No marriage already contracted or hereafter Marriage Prohibitions (Decease).
 contracted between a man and any one of the following persons, that is to say:—

- (1) His deceased wife's or deceased former wife's sister,
- (2) His deceased brother's widow or former wife,
- (3) His deceased wife's or deceased former wife's brother's daughter,
- (4) His deceased wife's or deceased former wife's sister's daughter,

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- (5) His father's deceased brother's widow or former wife,
- (6) His mother's deceased brother's widow or former wife,
- (7) His deceased wife's or deceased former wife's father's sister,
- (8) His deceased wife's or deceased former wife's mother's sister,
- (9) His brother's deceased son's widow or former wife,
- (10) His sister's deceased son's widow or former wife,

whether in the Bailiwick of this Island of Guernsey or elsewhere, shall be deemed to have been or to be void or voidable as a civil contract by reason only of such affinity ;

Provided that in respect of any marriage referred to in this Section or of a marriage for which provision is made in Section 5 of this Law—

- (a) no priest of the Church of England shall be subject to any proceedings, penalty or censure whether civil or ecclesiastical by reason of anything done or omitted to be done by him in the functions and duties of his office to which proceedings, penalty or censure he would not have been subject if this present law had not been enacted ;
- (b) where, before the commencement of this present law, any of such marriages shall have been annulled, or one of the parties to such marriage (after the marriage and during the lifetime of the other party), shall have legally married another person, such marriage shall be deemed to have become void on the day of its annulment, or on the day on which one of the parties legally married another person as aforesaid.

Re-marriage
of divorced
persons.

5.—Where a final decree of divorce has been granted by a competent court in the jurisdiction of the domicile of the divorced parties, the pre-existent marriage

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between the divorced parties shall henceforth be deemed in the Bailiwick of the Island of Guernsey to have been dissolved upon the grant of such final decree and a marriage contracted by either of such parties after the divorce so decreed, whether before or after the commencement of this law, shall not be deemed to have been or to be void or voidable as a civil contract by reason of the pre-existent marriage so dissolved by such divorce.

6.—This Law shall not have effect to exempt a priest of the Church of England from any ecclesiastical censure to which he may become subject by contracting a marriage which is authorised by this Law.

Non-exemption from ecclesiastical censure.

7.—(1) No right, title, estate or interest, whether in possession or expectancy, and whether vested or contingent at the time of the commencement of this Law, existing in, to, or in respect of, any dignity, title of honour, or property, and no act or thing lawfully done or omitted before the commencement of this Law shall be prejudicially affected nor shall any will be deemed to have been revoked by reason of any marriage heretofore contracted as aforesaid being made valid by this Law.

Dignity, title of honour, property, duties, etc.

(2) No claim by the Crown for duties leviable on or with reference to death, and before the commencement of this Law due and payable, and no payment, commutation, composition, discharge or settlement of account in respect of any duties leviable on or with reference to death before the commencement of this Law duly made or given shall be prejudicially affected by anything herein contained.

(3) Nothing in this Law shall affect the devolution or distribution of the real or personal estate of any intestate, not being a party to the marriage, who at the time of the commencement of this Law shall be, and shall until his death continue to be, a lunatic, so found by declaration of the Royal Court.

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Interpretation.
- 8.—In this Law the expression “brother” and “sister” include respectively half-brother and half-sister by the same father or by the same mother.
- Jurisdiction in matrimonial causes transferred to Royal Court.
- 9.—Upon this Law coming into force by the registration of the Order of His Majesty in Council ratifying the same all jurisdiction then exercisable by the Ecclesiastical Court in respect of suits for annulment of marriages and other matrimonial causes shall cease excepting only the rights and powers of granting Marriage Licenses which rights and powers shall continue as if this Law had not been enacted, and the said jurisdiction in respect of suits for annulment of marriages and other matrimonial causes excepting the granting of Marriage Licenses, shall be transferred to and thenceforth exercised by the Royal Court sitting as the Full Court and the said Court shall have jurisdiction in respect of such suits and causes and the same shall be deemed to be civil cases and from a judgement rendered therein an appeal shall lie to His Majesty and the Right Honourable the Lords of His Privy Council.
- Matrimonial causes pending.
- 10.—Every matrimonial cause which may be pending before the Ecclesiastical Court at the time of this Law coming into force shall be transferred to the Royal Court and shall be judged by the Royal Court in the same manner as if it had originally been brought before the Royal Court.
- Separation.
- 11.—The jurisdiction of the Royal Court of first instance, of the Court of Alderney and of the Guernsey Police Court in matters of separation of married persons is not affected by this Law.

(Enregistré sur les Records le 21 mars 1936.)

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AT THE COURT AT BUCKINGHAM PALACE,
The 3rd day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MARQUESS OF ZETLAND.

MASTER OF THE HORSE.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

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 6th day of February, 1936, in the words following, viz.:—

Loi supplé-
mentaire
à la Loi
ayant
rapport à
l'Adminis-
tration des
Pauvres
de l'Île.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘ 1. That for the reasons set forth in the preamble thereof, the Royal Court on the 2nd day of November, 1935, adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled “*Loi supplémentaire à la Loi ayant rapport à l'Administration des Pauvres de l'Île*,” and requested the Bailiff to submit the same to the States of Deliberation for approval. 2. That on the 29th day of November, 1935, the said Bill or *Projet de Loi* was duly submitted to the States, when a resolution was passed approving the same, with slight amendments and authorizing the President to present a most humble Petition to His late Majesty in Council praying for His Royal Sanction thereto. 3. 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 His said late Majesty would be graciously pleased to grant His Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey, in-

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titled "Loi supplémentaire à la Loi ayant rapport à l'Administration des Pauvres de l'Ile," and to order and direct that the same shall the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

LOI referred to in the foregoing Order.

[with translation].

PROJET DE LOI

INTITULÉ

*LOI SUPPLÉMENTAIRE À LA LOI AYANT RAPPORT À L'ADMINISTRATION DES PAUVRES DE L'ILE.

Vu la délibération des Etats en date du 4 Octobre 1935 à l'effet qu'il y a lieu de faire certains amendements à la Loi ayant rapport à l'Administration des Pauvres de l'Ile sanctionnée par un Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 13 août 1925 :

Vu aussi que l'expérience a démontré qu'il est désirable d'amender et de clarifier certaines des dispositions de la dite Loi par rapport à la période de gestion des Procureurs des Pauvres et des Surveillants des Pauvres de la Paroisse de Saint Pierre-Port :

Les Etats ont approuvé les dispositions suivantes afin que, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, elles auront force de Loi en cette Ile de Guernesey à compter du jour de l'enregistrement de l'Ordre de Sa Majesté en Conseil les sanctionnant si le jour de tel enregistrement tombe après le 7 janvier 1936 mais si le jour de tel enregistrement précède le 8 janvier 1936 elles auront force de Loi à compter du 7 janvier 1936.

A. L'alinéa (c) de la Section (1) de l'Article 3 de l'Ordre de Sa Majesté en Conseil intitulé "Loi ayant rapport à l'Administration des Pauvres de l'Ile" sanctionnée par un Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 13 août 1925 (ci-après désignée "la Loi de 1925") sera rappelé et y sera substitué l'alinéa 3 (1) (c) ci-après contenu.

* *The whole Law repealed by the Public Assistance Law, 1937.*

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B. L'alinéa (3) de l'Article 4 de la Loi de 1925 sera rappelé et y sera substitué l'alinéa 4 (3) ci-après contenu.

C. L'Article 7 de la Loi de 1925 sera rappelé et y sera substitué l'Article 7 ci-après contenu.

D. L'Article 9 de la Loi de 1925 sera rappelé et y sera substitué l'Article 9 ci-après contenu.

E. L'Article 11 de la Loi de 1925 sera rappelé et y sera substitué l'Article 11 ci-après contenu.

F. Les alinéas et les Articles substitués par cette présente Loi aux alinéas et aux Articles de la Loi de 1925 présentement rappelés seront censés dorénavant former partie de la Loi de 1925 et la Loi de 1925 et cette présente Loi pourront être citées ensemble en la langue française comme " Les Lois ayant rapport à l'Administration des Pauvres (Guernesey) 1925 à 1935 " et en la langue anglaise comme " The Guernsey Public Assistance Laws, 1925 to 1935 ".

ARTICLE 3.

LA CONSTITUTION DU CONSEIL CENTRAL.

- (1) (c) Le Procureur des Pauvres le plus ancien en charge en ce qui concerne le terme courant de gestion des Procureurs des Pauvres de chacune des paroisses de Saint Samson, du Valle, du Castel et de Saint Martin et le Procureur des Pauvres de chacune des autres paroisses de la Campagne 9

ARTICLE 4.

LES POUVOIRS ET DEVOIRS DU CONSEIL CENTRAL.

- (3) De faire des règlements qui pourront être désirables pour le fonctionnement de l'Administration des Pauvres en cette Ile et celui des Conseils qui en sont chargés ;

ARTICLE 7.

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CONSEILS DES PAUVRES DES PAROISSES DE
LA CAMPAGNE.*Constitution des Conseils.*

(1) Les Conseils des pauvres des paroisses de la Campagne seront composés des deux Connétables de la paroisse, des membres représentant la paroisse élus par les Etats au Conseil Central, du Procureur des Pauvres, ou des Procureurs des Pauvres là où il en existe deux, et de certains membres additionnels élus par les Chefs de Famille de la paroisse, le tout comme est ci-dessous détaillé, savoir :—

Paroisse.	Conné- tables.	Membres élus par la Paroisse.	Membres sur le Conseil Central.	Procureur des Pauvres.	Total.
Saint Samson	2	2	3	2	9
Valle	2	2	3	2	9
Castel	2	2	2	2	8
Saint Sauveur	2	2	1	1	6
Saint Pierre-du-Bois.	2	2	1	1	6
Torteval	2	2	1	1	6
La Forêt	2	2	1	1	6
Saint Martin	2	2	2	2	8
Saint André	2	2	1	1	6

(2) Les membres élus par les Chefs de Famille de la paroisse resteront en charge pendant le terme de trois ans.

(3) Dans les assemblées des Conseils des paroisses de Saint Samson, du Valle, du Castel et de Saint Martin, cinq membres formeront un quorum et dans les assemblées des Conseils des autres paroisses, quatre membres formeront un quorum.

(4) Les trois membres élus par les Chefs de Famille des Conseils des Pauvres des Paroisses de Saint Samson, du Valle et du Castel qui seront en gestion à la date du commencement de cette Loi sortiront de charge trente jours après telle date et, entretemps, dans chacune des dites Paroisses les Connétables feront assembler les Chefs de Famille de leurs paroisses respectives

1936 pour procéder à l'élection d'entre les trois membres sortant de charge de deux membres du Conseil des Pauvres de telle paroisse. Les membres ainsi élus resteront en charge jusqu'à la date de l'expiration du terme pour lequel ils étaient élus à l'élection qui aura précédé la date du commencement de cette Loi.

ARTICLE 9.

CONSEIL DE L'HÔPITAL DE LA CAMPAGNE.

Constitution du Conseil.

(1) Le Conseil de l'Hôpital de la Campagne sera composé de trente-neuf membres, savoir, des membres représentant les paroisses de la Campagne élus par les Etats au Conseil Central, des Procureurs des Pauvres les plus anciens en charge en ce qui concerne le terme courant de leurs gestions respectives des paroisses de Saint Samson, du Valle, du Castel et de Saint Martin et des Procureurs des Pauvres de chacune des autres Paroisses de la Campagne et de membres additionnels élus par les Chefs de Famille de la paroisse, le tout comme est ci-dessous détaillé, savoir : —

Paroisse.	Membres sur Membres			Total.
	Procureurs des Pauvres.	le Conseil Central.	élus par la Paroisse.	
Saint Samson	1	3	3	7
Valle	1	3	3	7
Castel	1	2	2	5
Saint Sauveur	1	1	1	3
Saint Pierre-du-Bois ...	1	1	1	3
Torteval	1	1	1	3
La Forêt	1	1	1	3
Saint Martin	1	2	2	5
Saint André	1	1	1	3

(2) Les membres élus par les Chefs de Famille seront élus pour le terme de trois ans pourvu qu'un membre élu par les Chefs de Famille de Saint Samson et un membre élu par ceux du Valle sortiront de charge à la fin de la première et de la seconde année selon qu'il sera déterminé par le sort.

(3) Dans les assemblées du Conseil de l'Hôpital de la Campagne treize membres formeront un quorum. 1936

ARTICLE 11.

RÈGLEMENTS GÉNÉRAUX.

(1) Dans chacune des paroisses de Saint Samson, du Valle, du Castel et de Saint Martin, il y aura deux Procureurs des Pauvres ; dans chacune des autres paroisses de cette Ile, il y aura seulement un Procureur des Pauvres. Tout Procureur des Pauvres d'une des paroisses de cette Ile autre que celles de Saint Samson, du Valle, du Castel et de Saint Martin actuellement en gestion à la date du commencement de cette Loi continuera à gérer sa charge en conformité aux dispositions de la Loi de 1925.

(2) Tout Procureur des Pauvres d'une des dites paroisses de Saint Samson, du Valle, du Castel et de Saint Martin actuellement en gestion à la date du commencement de cette présente Loi continuera à gérer sa charge en conformité aux dispositions de la Loi de 1925 ainsi que variées par cette présente Loi mais ceux dont le terme de gestion expirerait après le 31 décembre 1936 sortiront de charge le 31 décembre 1936 ; et ceux dont le terme de gestion expirera avant le 31 décembre 1936 sortiront de charge à la date de l'expiration de leur terme de gestion.

(3) Dans la Paroisse de Saint Pierre-Port, il y aura dix officiers paroissiaux qui seront appelés "Surveillants des Pauvres" qui seront élus par les Chefs de Famille de la dite Paroisse et dont les devoirs et fonctions en ce qui regarde la visite et le soulagement des pauvres à domicile seront pareils à ceux qui ont été jusqu'ici remplis par les dix Surveillants des Pauvres de la dite paroisse fonctionnant sous l'empire de la Loi de 1925 sujet toutefois de temps à autre à toute et telle variation en ce qui concerne tels devoirs et fonctions qui sera prescrite par Règlement du Conseil Central.

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(4) Tout Procureur des Pauvres et tout Surveillant des Pauvres élu après le commencement de cette Loi, autrement que pour compléter le terme non-expiré d'un Procureur des Pauvres ou d'un Surveillant des Pauvres qui serait décédé ou qui aurait changé de paroisse ou dont la décharge à cause de maladie ou autre circonstance aurait été accordée pour la Cour Ordinaire, ou pour remplacer un Procureur des Pauvres dont le terme de gestion expirera avant le 31 décembre 1936, restera en charge pendant les deux années calendrières qui expireront après le commencement de sa gestion.

(5) Tout Procureur des Pauvres et tout Surveillant des Pauvres élu dans le cas d'une vacance à cause de décès, de changement de paroisse, ou de décharge pour le terme non-expiré seulement du terme de gestion de son prédécesseur et tout Procureur des Pauvres élu pour remplacer un Procureur des Pauvres dont le terme de gestion expirera pendant mais avant l'expiration de l'année calendrière mil neuf cent trente-six sortira de charge le 31 décembre 1936.

(6) Nul qui a déjà géré la charge de Procureur des Pauvres en cette Ile ne sera élu Procureur des Pauvres, à moins qu'il n'y consente, soit dans la paroisse où il a déjà servi soit dans une autre paroisse et nul qui a déjà géré la charge de Surveillant des Pauvres de la Paroisse de Saint Pierre-Port ne sera élu Surveillant des Pauvres de la dite Paroisse, à moins qu'il n'y consente,—

- (a) si dans les dix années, qui auront précédé la date de l'élection il aura géré telle charge pour une période qui, ajoutée à la période pour laquelle le candidat élu à telle élection sera contraint suivant les dispositions de cette Loi de servir, excéderait trois années :
- (b) si depuis qu'il est sorti de charge il a servi en cette Ile dans un office paroissial supérieur à celui de Procureur des Pauvres ou de Surveillant des Pauvres, selon le cas.

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(7) Les Procureurs des Pauvres des paroisses de cette Ile seront élus par les Chefs de Famille de leurs paroisses respectives.

(8) Les Connétables de chacune des paroisses de Saint Samson, du Valle, du Castel et de Saint Martin feront assembler les Chefs de Famille de leurs paroisses respectives dans les trente jours qui suivront la date du commencement de cette présente Loi pour procéder à l'élection d'un deuxième Procureur des Pauvres pour rester en charge jusqu'au trente-et-un décembre mil neuf cent trente-sept.

(9) Tout Procureur des Pauvres et tout Surveillant des Pauvres sortant de charge sera ré-éligible.

(10) Les devoirs des Procureurs des Pauvres dans leurs paroisses respectives continueront comme dans le passé mais, en ce qui concerne toute paroisse dans laquelle il y aura à l'avenir deux Procureurs des Pauvres, il sera loisible au Conseil Central de faire des règlements par rapport à la répartition entre les deux Procureurs des Pauvres des devoirs ci-devant attribués à un Procureur des Pauvres unique.

(11) Les dix Surveillants des Pauvres de la Paroisse de Saint Pierre-Port actuellement en gestion à la date du commencement de cette présente Loi continueront à gérer leurs charges jusqu'à l'expiration de leurs termes respectifs de gestion.

(12) Les Procureurs des Pauvres des paroisses et les Surveillants des Pauvres de la paroisse de Saint Pierre-Port seront assermentés devant la Cour Royale.

(13) Les qualités requises pour pouvoir gérer les charges de Procureur des Pauvres des paroisses et de Surveillant des Pauvres de la Paroisse de Saint Pierre-Port seront les mêmes que celles prescrites pour la charge de Connétable de paroisse par les lois qui sont ou qui seront de temps à autre en vigueur.

(14) Tout membre sortant de charge d'aucun des Conseils établis par cette loi sera ré-éligible. En cas que la charge de membre devienne vacante autrement

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que par l'expiration du terme de service de celui qui la gère, le remplaçant ne sera élu que pour le terme non-expiré de la gestion de celui qu'il remplace.

(15) Les Jurés-Justiciers seront inéligibles aux Conseils établis par cette Loi.

(16) Les biens meubles et immeubles appartenant aux pauvres de la paroisse seront administrés par le Conseil Central ; et seront tous argents reçus pour le compte des pauvres versés dans la caisse du Conseil Central. Le revenu provenant de donations charitables continuera à être reçu et administré par ceux désignés dans les contrats de donations et autre pièces y ayant rapport.

(17) Sauf les cas prévus par cette loi, celui qui a été déjà élu à une charge en vertu de cette Loi ne sera éligible à remplir aucune autre charge sous la dite loi cumulativement avec la dite charge à laquelle il a été déjà élu.

(18) Les Surveillants des Pauvres de la Paroisse de Saint Pierre-Port et les Procureurs des Pauvres des paroisses de la Campagne auront le pouvoir d'accorder soulagement immédiat en cas d'urgence sans l'autorisation préalable du Conseil Paroissial.

(19) Les Conseils des Pauvres de St. Pierre-Port et des paroisses de la Campagne auront le pouvoir d'accorder soulagement au-delà du maximum dans les cas urgents, sans l'autorisation préalable du Conseil Central, et ce jusqu'à la prochaine assemblée du Conseil Central.

(20) La Cour Royale est autorisée à passer telles Ordonnances qui seront nécessaires pour donner plein effect aux dispositions de la Loi de 1925 et de cette présente Loi.

TRANSLATION.

1936

PROJET DE LOI

intituled :

"SUPPLEMENTARY LAW TO THE LAW
RELATING TO THE POOR LAW ADMINIS-
TRATION OF THE ISLAND".

In view of the deliberation of the States of the 4th October, 1935, to the effect that it is necessary to make certain amendments to the Law relating to the Poor Law Administration of the Island sanctioned by an Order of His Majesty in Council registered on the Records of this Island the 13th August 1925 ;

Seeing also that experience has shewn that it is desirable to amend and clarify certain provisions of the said Law regarding the term of office of Procureurs of the Poor and Overseers of the Poor of the Parish of St. Peter-Port ;

The States have approved the following provisions in order that, subject to the Sanction of His Most Excellent Majesty in Council, they shall have force of law in this Island of Guernsey as from the date of the registration of the Order of His Majesty in Council sanctioning the same if the date of such registration falls after the 7th January, 1936, but if the date of such registration precedes the 8th January, 1936, the said provisions shall have force of Law as from the 7th January, 1936.

A. Paragraph (c) of Section (1) of Article 3 of the Order of His Majesty in Council intituled "Law relating to the Poor Law Administration of the Island" sanctioned by an Order of His Majesty in Council registered on the Records of this Island the 13th August, 1925 (hereinafter designated "The Law of 1925") shall be repealed and there shall be substituted therefor paragraph 3 (1) (c) hereinafter contained.

B. Paragraph (3) of Article 4 of the Law of 1925

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shall be repealed and there shall be substituted therefor paragraph 4 (3) hereinafter contained.

C. Article 7 of the Law of 1925 shall be repealed and there shall be substituted therefor Article 7 hereinafter contained.

D. Article 9 of the Law of 1925 shall be repealed and there shall be substituted therefor Article 9 hereinafter contained.

E. Article 11 of the Law of 1925 shall be repealed and there shall be substituted therefor Article 11 hereinafter contained.

F. The paragraphs and Articles substituted by this present law for the paragraphs and Articles of the Law of 1925 hereby repealed shall be deemed henceforward to form part of the Law of 1925 and the Law of 1925 and this present Law may be cited together in French as "Les Lois ayant rapport à l'Administration des Pauvres (Guernesey) 1925 à 1935" and in English as "The Guernsey Public Assistance Laws 1925 to 1935".

ARTICLE 3.

CONSTITUTION OF THE CENTRAL BOARD.

- (1) (c) The Procureur of the Poor who is senior in office as regards the current term of office of the Procureurs of the Poor of each of the parishes of St. Sampson, the Vale, the Castel and St. Martin, and the Procureur of the Poor of each of the other country parishes 9

ARTICLE 4.

POWERS AND DUTIES OF THE CENTRAL BOARD.

- (3) To make such regulations as may be desirable for the functioning of Poor Law Administration in this Island and that of the Boards which are charged therewith.

ARTICLE 7.

POOR LAW BOARDS OF THE COUNTRY PARISHES.

Constitution of the Boards.

(1) The Poor Law Boards of the Country parishes shall consist of the two Constables of the Parish, members representing the parish elected by the States to the Central Board, the Procureur of the Poor, or Procureurs of the Poor where two exist, and of certain additional members elected by the Ratepayers of the parish, as detailed hereunder, viz. :—

PARISH.	Constables.	Members elected by the Parish.	Members on the Central Board.	Procureurs of the Poor.	Total.
St. Sampson's.	2	2	3	2	9
Vale	2	2	3	2	9
Castel	2	2	2	2	8
St. Saviour's...	2	2	1	1	6
St. Peter's.....	2	2	1	1	6
Torteval	2	2	1	1	6
Forest	2	2	1	1	6
St. Martin's ...	2	2	2	2	8
St. Andrew's...	2	2	1	1	6

(2) The members elected by the ratepayers of the parish shall remain in office for the term of three years.

(3) In the meetings of the Boards of the parishes of St. Sampson, the Vale, Castel and St. Martin, five members shall form a quorum, and in meetings of the Boards of the other parishes, four members shall form a quorum.

(4) The three members elected by the ratepayers to the Poor Law Boards of the parishes of St. Sampson, the Vale and the Castel, who shall be in office at the date of the commencement of this Law shall vacate office thirty days after such date and, in the interval, in each of the said parishes the Constables shall convene the ratepayers of their respective parishes to proceed to the election from amongst the three members

1936 vacating office of two members of the Poor Law Board of such parish. The members thus elected shall remain in office until the date of the expiration of the term for which they were elected at the election which preceded the date of the commencement of this Law.

ARTICLE 9.

COUNTRY HOSPITAL BOARD.

Constitution of the Board.

(1) The Country Hospital Board shall consist of thirty-nine members, namely, members representing the Country Parishes elected by the States to the Central Board, the Procureurs of the Poor senior in office as regards the current term of their respective offices of the parishes of St. Sampson, the Vale, Castel and St. Martin and the Procureurs of the Poor of each of the other Country Parishes and additional members elected by the ratepayers of the parish, as detailed hereunder, namely:—

PARISH.	Procureurs of the Poor.	Members on the Central Board.	Members elected by Parish.	Total.
St. Sampson's	1	3	3	7
Vale	1	3	3	7
Castel	1	2	2	5
St. Saviour's	1	1	1	3
St. Peter's	1	1	1	3
Torteval	1	1	1	3
Forest	1	1	1	3
St. Martin's	1	2	2	5
St. Andrew's	1	1	1	3

(2) The members elected by the ratepayers shall be elected for the term of three years provided that a member elected by the ratepayers of St. Sampson's and a member elected by those of the Vale shall vacate office at the end of the first and second year as may be determined by lot.

(3) In meetings of the Country Hospital Board thirteen members shall form a quorum.

ARTICLE II.

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GENERAL REGULATIONS.

(1) In each of the parishes of St. Sampson, the Vale, the Castel and St. Martin, there shall be two Procureurs of the Poor ; in each of the other parishes of this Island there shall be one Procureur of the Poor only. The Procureur of the Poor of each of the parishes of this Island other than those of St. Sampson's, the Vale, the Castel and St. Martin's actually in office at the date of the commencement of this Law shall continue to carry out his office in conformity with the provisions of the law of 1925.

(2) The Procureur of the Poor of each of the said parishes of St. Sampson, the Vale, the Castel and St. Martin actually in office at the date of the commencement of this present Law shall continue to carry out his office in conformity with the provisions of the Law of 1925 as altered by this present Law, but those whose term of office would expire after the 31st December, 1936, shall vacate office on the 31st December, 1936 ; and those whose term of office will expire before the 31st December, 1936, shall vacate office at the time of the expiration of their term of office.

(3) In the parish of St. Peter-Port, there shall be ten parochial officers who shall be called " Overseers of the Poor " and who shall be elected by the rate-payers of the said parish and whose duties and function regarding the " outdoor " visiting and relief of the poor shall be similar to those which have hitherto been exercised by the ten Overseers of the Poor of the said parish working under the Law of 1925, subject at any time to every and such alteration regarding such duties and functions as shall be prescribed by regulation of the Central Board.

(4) Every Procureur of the Poor and Overseer of the Poor elected after the commencement of this Law, otherwise than for the completion of the unexpired term of a Procureur or Overseer who may have died or who may have changed parish or whose discharge

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on account of illness or other circumstances may have been granted by the Ordinary Court, or to replace a Procureur of the Poor whose term of office shall expire before the 31st December, 1936, shall remain in office during the two calendar years which shall expire after the commencement of his term of office.

(5) Every Procureur of the Poor and Overseer of the Poor elected in the case of a vacancy on account of death, change of parish, or discharge granted by the Ordinary Court shall remain in office for the unexpired portion only of the term of office of his predecessor, and every Procureur of the Poor elected to replace a Procureur of the Poor whose term of office shall expire during but before the expiration of the calendar year Nineteen hundred and thirty-six shall vacate office on the 31st December, 1936.

(6) No person who has already exercised the office of Procureur of the Poor in this Island shall be elected Procureur of the Poor unless he consents to the same, either in the parish where he has already served or in another parish, and no person who has already exercised the office of Overseer of the Poor of the Parish of St. Peter-Port shall be elected Overseer of the Poor of the said Parish unless he consents to the same:—

- (a) if within the ten years preceding the date of the election he shall have exercised such office for a period which, added to the period for which the candidate elected at such election will be compelled according to the provisions of this Law to serve, would exceed three years:
- (b) if since he vacated office he has served in this Island in a parochial office superior to that of Procureur of the Poor or Overseer of the Poor, as the case may be.

(7) The Procureurs of the Poor of the parishes of this Island shall be elected by the ratepayers of their respective parishes.

(8) The Constables of each of the parishes of St. Sampson, the Vale, the Castel and St. Martin's shall

convene the Ratepayers of their respective parishes within thirty days following the date of the commencement of this present Law to proceed to the election of a second Procureur of the Poor to remain in office until the 31st December, 1937.

(9) Every Procureur of the Poor and Overseer of the Poor vacating office shall be eligible for re-election.

(10) The duties of Procureurs of the Poor in their respective parishes shall continue as in the past but, as regards every parish in which in the future there shall be two Procureurs of the Poor, it shall be lawful for the Central Board to make regulations with regard to the allocation between the two Procureurs of the Poor of the duties heretofore assigned to a single Procureur of the Poor.

(11) The ten Overseers of the Poor of the Parish of St. Peter-Port actually in office at the time of the commencement of this present Law shall continue in office until the expiration of their respective terms of office.

(12) The Procureurs of the Poor of the parishes and the Overseers of the Poor of the parish of St. Peter-Port shall be sworn before the Royal Court.

(13) The qualifications required for carrying out the offices of Procureur of the Poor of the parishes and of Overseer of the Poor of the Parish of St. Peter-Port shall be the same as those prescribed for the office of Parish Constable by the laws which are or which shall from time to time be in force.

(14) Every member vacating office from any of the Boards established by this law shall be eligible for re-election. Where the office of member falls vacant otherwise than by the expiration of the term of office of the person occupying that office, the person replacing him shall be elected to complete the unexpired portion only of the term of the person replaced.

(15) The Jurats shall not be eligible to serve on the Boards established by this Law.

(16) The personalty and realty belonging to the

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poor of the parish shall be administered by the Central Board ; and all monies received on behalf of the poor shall be paid into the account of the Central Board. Income derived from charitable donations shall continue to be received and administered by those designated in the deeds of gifts and other documents relating thereto.

(17) Except in cases provided for by this law, any person who has already been elected to an office by virtue of this Law shall not be eligible to discharge any other office under the said law cumulatively with the said office to which he has already been elected.

(18) The Overseers of the Poor of the Parish of St. Peter-Port and the Procureurs of the Poor of the Country Parishes shall have the power to grant immediate relief in urgent cases without the previous authority of the Parochial Board.

(19) The Poor Law Boards of St. Peter-Port and of the Country Parishes shall have the power to grant relief above the maximum in urgent cases, without the previous authority of the Central Board, until the next subsequent meeting of the Central Board.

(20) The Royal Court is authorized to pass such Ordinances as shall be necessary to give effect to the provisions of the Law of 1925 and of this present Law.

(Enregistré sur les Records le 4 avril 1936.)

AT THE COURT AT BUCKINGHAM PALACE,
The 24th day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD STEWARD.

MR. SECRETARY MALCOLM MACDONALD.

MR. EARLE PAGE.

The Air
Navigation
(Amend-
ment)
(Guernsey)
Order, 1936.

WHEREAS by the Air Navigation Act, 1920 (in this Order referred to as "the Act"), power was conferred upon His Majesty to make such Orders as are therein mentioned; and it was provided that any such

Order made may be applicable to any aircraft in or over the British Islands or the territorial waters adjacent thereto and to British aircraft wherever they may be: 1936

AND WHEREAS the Act has been registered in the Royal Court of Guernsey :

AND WHEREAS by the Air Navigation (Guernsey) Order, 1926 (hereinafter called "the Principal Order"), His late Majesty King George the Fifth was pleased by and with the advice of His Privy Council to order that the Air Navigation (Consolidation) Order, 1923, as amended by the Air Navigation (Amendment) Order, 1925, should apply to Guernsey as set out and modified in the Appendix to such Order :

AND WHEREAS by the Air Navigation (Amendment) (Guernsey) Order, 1929, His said late Majesty was pleased to amend the Principal Order as therein appears :

AND WHEREAS it is expedient that the Principal Order as so amended should be further amended as hereinafter appears :

NOW, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. The following amendments shall be made in Schedule IV to the Appendix to the Principal Order :—

- (1) In the proviso to paragraph 7 the word "report" shall be substituted for the word "reports" ;
- (2) From sub-paragraph (a) of paragraph 8 the words "to the Officer of His Majesty's Customs and Excise in Guernsey and" and the word "respectively" shall be omitted ;
- (3) In sub-paragraph (d) of paragraph 8 the word "report" shall be substituted for the word "reports" ;

Amend-
ment of
the Air
Navigation
(Guernsey)
Order, 1926.

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(4) For sub-paragraph (1) of paragraph 9 the following sub-paragraph shall be substituted:—

“(1) The pilot of every aircraft about to proceed direct to any place outside Guernsey shall deliver to a States Customs Officer—

(a) A notice of departure with a list containing the names of passengers and also, if the aircraft carries goods, a manifest and declaration in the form prescribed by the Board in which shall be truly stated the particulars required by such form, which form when signed by such Officer shall be the clearance and authority for the aircraft to proceed to its intended destination, and

(b) the journey log-book belonging to the aircraft”;

(5) In paragraph 11 the word “report” shall be substituted for the word “reports” and the word “has” shall be substituted for the word “have”.

Registration
in Guernsey
and
Alderney.

2. This Order shall be registered in the Royal Court of the Island of Guernsey, and this Order, the Principal Order, and the Air Navigation (Amendment) (Guernsey) Order, 1929, shall be registered in the Court of Alderney together with the Air Navigation Act, 1920.

Short Title.

3. This Order may be cited as the Air Navigation (Amendment) (Guernsey) Order, 1936.

M. P. A. HANKEY.

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(Enregistré sur les Records le 20 avril 1936.)

Monsieur le Baillif ayant présenté à la Cour une copie imprimée d'un Ordre de Sa Majesté en Conseil en date du vingt-quatre mars mil neuf cent trente-six dit "The Industrial Property Convention (Morocco (Tangier Zone)) Order, 1936"—LA COUR, ouïes les conclusions du Contrôle du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile par être logé au Greffe.

The Industrial Property Convention (Morocco (Tangier Zone)) Order, 1936.

(Enregistré sur les Records le 2 mai 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD STEWARD.

MR. SECRETARY MALCOLM MACDONALD.

MR. EARLE PAGE.

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 20th day of March, 1936, in the words following, viz.:—

Duty on Empire Wines.

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

' 1. That on the 25th day of July, 1921, His late Majesty King George the Fifth was graciously pleased to grant His Royal Sanction, *inter alia*, to an increase in the Impôt or Duty

- (a) on all wines in cask, other than clarets and Burgundies, from 1s. 6d. to 3s. per Imperial gallon, and on all wines in bottle by an additional Duty to that mentioned above of 1s. per Imperial gallon on still wines and

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2s. 6d. per Imperial gallon on sparkling wines.

' 2. That on the 15th day of November, 1935, the President of the States' Board of Administration addressed a letter to the Bailiff recommending that, with a view to encouraging the importation into this Island of wines manufactured in the British Empire, the preferential rates of duty payable on such wines shall be 50 per cent. of the ordinary rates of the Impôt on wines imported from time to time in force, and further that such new rates of Impôt shall be applicable to stocks of such wines in the hands of local traders at the date of the registration of the Order in Council authorizing such rates of Impôt. 3. That on the 29th day of November, 1935, the matter was duly considered by the States of Deliberation, when a resolution was passed approving the recommendation of the Board of Administration and authorizing the Bailiff to present a most humble Petition to His Majesty in Council praying for His Royal Sanction thereto. And most humbly praying that His Majesty would be graciously pleased to grant His Royal Sanction to the following resolution of the States of Guernsey of the 29th day of November, 1935, namely:—"That as regards wines imported into this Island which are proved to the satisfaction of the States' Supervisor to have been manufactured in any part of the British Empire, the rates of duty payable on such wines shall be 50 per cent. of the ordinary rates of the Impôt on wines imported from time to time in force, and further that such new rates of Impôt shall be applicable to stocks of such wines in the hands of local traders at the date of the registration of the Order of His Majesty in Council authorizing such rates of Impôt;" and to order and direct that the said resolution shall have the force of Law within the Island of Guernsey.'

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AND WHEREAS it is proposed that the said resolution should be subject to the reservation hereinafter mentioned.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition 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, subject to the reservation that the said resolution shall apply only to rates of duty on wines imported into the Island which are shown to the satisfaction of the States’ Supervisor to have been manufactured in and consigned from any part of the British Empire.”

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve thereof, and to order, as it is hereby ordered, that as regards wines imported into the Island of Guernsey which are proved to the satisfaction of the States’ Supervisor to have been manufactured in and consigned from any part of the British Empire, the rates of duty payable on such wines shall be 50 per cent. of the ordinary rates of the Impôt on wines imported from time to time in force, and further that such new rates of Impôt shall be applicable to stocks of such wines in the hands of local traders at the date of the registration of this Order.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

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(Enregistré sur les Records le 9 mai 1936.)

AT THE COURT AT BUCKINGHAM PALACE,
The 24th day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD STEWARD.

MR. SECRETARY MALCOLM MACDONALD.

MR. EARLE PAGE.

Loi relative
à la
Fourniture
de la
Lumière
Electrique
(Alderney).

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 20th day of March, 1936, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney setting forth :—

‘ That on the 30th day of May, 1934, the States of Alderney were of opinion to grant to Mathew Peter Davidson Marshall of Charmouth in the county of Dorset, England, a concession to supply Electricity in the Island of Alderney subject to the ratification by Your Most Gracious Majesty in Council of the *Projet de Loi* regulating the rights and duties of the said Marshall in relation thereto. That at a Meeting of the States of Alderney holden before Your Petitioner on the 14th day of November, 1934, the States took into consideration and were of opinion to adopt the *Projet de Loi* intituled “*Projet de Loi relatif à la fourniture de la lumière électrique dans l’Ile d’Auregny.*” That the said *Projet* was submitted to the Electricity Commissioners for consideration, who advised that certain amendments should be made thereto. That at a Meeting of the States of Alderney holden before Your Petitioner on the 5th day of June, 1935, the States were of opinion to annul

the said Projet and to substitute therefor the Projet de Loi intituled "Projet de Loi relatif à la fourniture de la lumière électrique" and to approve of and adopt the said Projet. That at a Meeting of the States of Alderney holden before Your Petitioner on the 23rd day of September, 1935, the States took into consideration, certain amendments and additions to the said Projet and were of opinion to approve thereof and to order they form part of the said Projet, and Your Petitioner was authorised to present in the name of the States a most humble Petition to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said Projet de Loi, and to order the same to have the force of Law in Your Majesty's said Island of Alderney.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the Projet de Loi annexed thereto, 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 Alderney.

AND HIS 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.

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AND the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

Loi referred to in the foregoing Order.

PROJET DE LOI RELATIF À LA FOURNITURE
DE LA LUMIÈRE ÉLECTRIQUE.

WHEREAS on the 30th day of May, 1934, the States of Alderney decided to grant to Mathew Peter Davidson Marshall, of Charmouth, Dorset, England, power and authority to the exclusion of all others to supply Electricity in the Island of Alderney subject to the preparation of a Projet de Loi regulating the rights and duties of the said Marshall in relation thereto and to the ratification by His Majesty the King in Council of such Projet de Loi.

The States have adopted the following provisions which subject to the sanction of His Majesty in Council, shall have force of Law in this Island:—

Concession.

1.—THE said Mathew Peter Davidson Marshall, his heirs, executors, administrators and permitted assigns (hereinafter referred to as "the Grantee") are hereby granted power and authority to the exclusion of all other persons and bodies corporate or unincorporate to supply electric light and power for use in the Island of Alderney, and are authorised subject as hereinafter provided to construct and maintain on any land purchased, leased or otherwise lawfully occupied by them, all such buildings, plant, machinery, fixtures and fittings as may be necessary for the generation and distribution of electricity in the said Island. Before the

commencement of any work in relation to a generating or distributing station the site and the general lay-out thereof shall be approved by a Committee appointed by the States. The said work and the installation of all cables, wires and other electrical apparatus shall be carried out by the Grantee to the satisfaction of the said Committee and in conformity with all regulations made from time to time by the Court of Alderney in the interest of the public and in accordance with the rules and regulations of the Institution of Electrical Engineers, and after having obtained permission from the Court in the cases regulated by the Ordinance relating to Roads and Streets of the twelfth day of February, One thousand eight hundred and fifty-eight.

2.—THE Grantee may under the supervision of the said Committee and subject to such conditions as may be prescribed by the States, or by the States Roads Committee or by the Douzaine, as the case may be :—

Permitted works.

1.—Raise the paving and open trenches in any road, street or byway in this Island for the purpose of placing conductors or fixing posts, and for repairing, changing, or removing such cables, conductors and/or posts.

2.—Erect posts wherever required for the suspension of electric cables.

3.—Construct in the roads, streets and byways such chambers as may be required for the control, inspection and testing and measurement of the electric current passing through the said cables.

3.—THE Grantee in carrying out the said work shall before commencing the same obtain permission from the Roads Committee or the Douzaine as the case may be.

Permission of Roads Committee or Douzaine required.

4.—BEFORE commencing any of the work mentioned in Article 2, the Grantee shall give notice in writing to those in charge of or who have the superintendence of the road, street or byway where the work

Notice to be given.

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is to be carried out at least one week before commencing the said work, excepting in cases of urgency owing to a defect or leakage in any conductor or wire, and in this case the Grantee shall give notice to whom it may concern as soon as possible.

Carrying
out and
completion
of work.

5.—WHEN the Grantee shall have opened up any roadway or lifted the paving of any street he shall carry out and complete the work as quickly as possible and shall leave the same in a good state and condition and shall remove any and all rubbish.

Whilst any work is in progress in any street, road or byway the Grantee shall put up a barricade and shall keep a light thereon during the night so as to give warning thereof.

After having repaired any road or replaced any paving in any street the Grantee shall be responsible for maintaining the portion so repaired or replaced in a good state of repair for three months thereafter or for a term not exceeding one year as may be required by reason of the work done, the whole subject to the approval of the States Roads Committee or the Douzaine as the case may be.

Penalties
for delay,
negligence,
etc.

6.—IN the event of the Grantee opening up any road or street without having given notice thereof to the competent authority as required by this Law or having carried out any work other than in the manner approved of by the competent authority, or not having carried out the work required for the protection of the public during the progress of such work, or delaying the completion of the said work or causing delay in the repairing or restoring of the said road or street or paving or failing to remove all rubbish or by neglecting to enclose the said works in a satisfactory manner, or failing to keep a light thereon at night, or failing to keep the said road in a good state of repair during the required period he shall be liable to a fine which shall not exceed Five Pounds sterling and to a penalty which shall not exceed One Pound sterling per day whilst such delay or negligence shall continue.

7.—THE Grantee shall be bound to commence the work authorised by this concession within one year from the date of the registration of the Order-in-Council sanctioning this Law and to complete the installation of the electric current in at least thirty houses within two years of the said date, after which latter period if the said works are not completed, all wires, conductors and accessories which may have been laid or suspended in and over the roads, streets and byways in this Island shall become and shall remain the property of the States.

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Commencement of work and supply.

8.—(1) At any time after the expiration of two years from the date of the registration of the Order-in-Council sanctioning this Law any six or more owners or occupiers of the premises in any street or part of a street may serve upon the Grantee a requisition in writing signed by the said owners or occupiers requiring the Grantee to provide a distribution main or mains for the purpose of affording a supply of electricity for domestic purposes to ordinary consumers in that street or part of a street.

Extension of supply.

(2) Subject to the necessary permission being obtained from the Roads Committee or the Douzaine and to the provisions hereinafter contained the Grantee shall comply with such requisition within a reasonable time by providing the necessary distribution main or mains.

(3) Where any such requisition is made by any such owners or occupiers as aforesaid the Grantee may if he thinks fit within twenty-eight days after the service of the requisition upon him serve a notice on all the persons by whom the requisition is signed stating that he declines to be bound by the requisition unless those persons or some of them will bind themselves by written agreement to take or will guarantee that there shall be taken a supply of electricity for a period of three years at the least of such amount in the aggregate as may be specified by the Grantee in the notice as will at the rates of charge for the

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time being charged by the Grantee for the supply of electricity for domestic purposes to ordinary consumers produce annually such a reasonable sum as is specified by the Grantee in the notice not exceeding twenty per cent upon the expense of providing and laying down the required distribution mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting those distribution mains to the nearest available source of supply.

(4) Where such a notice is served by the Grantee the requisition shall not be binding on him unless within twenty-eight days after the service of the notice by the Grantee on the persons signing the requisition has been effected or in the case of difference within fourteen days after a decision of the Court of Alderney with reference thereto, there be tendered to the Grantee an agreement severally executed by those persons or some of them binding them to take or guarantee that there shall be taken a supply of electricity for a period of three years at the least of such amount as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice, nor unless sufficient security for the payment to the Grantee of all moneys which may become due to him from those persons under the agreement is offered to the Grantee (if required by him by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

(5) If any difference arises between the Grantee and any person signing any such requisition as to any such notice or agreement that difference shall be determined by the Court of Alderney whose decision shall be final.

9.—(1) The Grantee shall subject to the provisions hereof upon being required so to do by the owner or occupier of any premises situate within fifty yards from any distribution main of the Grantee give and continue

to give a supply of electricity for domestic purposes to ordinary consumers for those premises and the Grantee shall provide and fix any necessary electric lines subject to the conditions following that is to say:—

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The cost of so much of any electric line for the supply of electricity to any owner or occupier as may be laid upon the property of that owner or in the possession of that occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distribution main of the Grantee although not on that property, shall, if the Grantee so requires, be defrayed by that owner or occupier.

From the time when the Grantee commences to supply energy through any distributing main, he shall maintain a supply of energy sufficient for the use of all consumers for the time being entitled to be supplied from that distributing main, and that supply shall be constantly maintained without change of polarity in the case of direct current and without change of the neutral conductor in the case of alternating current.

Provided that for the purposes of testing or for any other purposes connected with the efficient working of the undertaking, the supply of energy may be discontinued by the Grantee for such period as may be necessary subject (except in cases of emergency) to not less than 24 hours' notice being given by the Grantee to all consumers likely to be affected by such discontinuance; and in the event of any such consumer objecting, the supply of energy shall not be discontinued (other than in cases of emergency) except with the consent of the said Committee appointed by the States and subject to such conditions as they may impose. Provided also that the polarity in the case of direct current and the neutral conductor in the case of alternating current may be changed with the like consent.

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(2) Every owner or occupier of premises requiring a supply of electricity as aforesaid shall:—

(a) Serve a Notice upon the Grantee specifying the premises in respect of which the supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of the notice) upon which the supply is required to commence; and

(b) If required by the Grantee enter into a written contract with him to continue to receive and pay for a supply of electricity for a period of at least two years of such an amount that the payment to be made for the supply, at the rate of charge for the time being charged by the Grantee for a supply of electricity to ordinary consumers shall not be less than twenty per centum per annum on the outlay incurred by the Grantee in providing any electric lines required under this section to be provided by him for the purpose of the supply, and if required by the Grantee give to him security for the payment to him of all moneys which may become due to him by the owner or occupier in respect of any electric lines to be furnished by the Grantee and in respect of electricity to be supplied by him.

(3) Provided always that the Grantee may, after he has given a supply of energy in respect of any premises, by notice in writing, require the owner or occupier of those premises within seven days after the date of the service of the notice, to give to him security for the payment of all moneys which may become due to him in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of the notice, the Grantee may, if he thinks fit, discontinue to supply electricity for the premises so long as the failure continues.

10.—THE Grantee may place any electric line below ground across any land and above ground across any land other than land covered by buildings or used as a garden or pleasure ground, and where any line has been so placed across any land the Grantee or his Agent may enter on the land for the purpose of repairing or altering the line after giving seven days' notice thereof, excepting that in the case of entry for the purpose of restoring interrupted service, emergency repairs, or inspection when defects are suspected or reported only such notice shall be given as may be possible without incurring undue delay.

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Lines may
be placed
across land.

Provided that before placing any such line across any land, the Grantee shall serve on the owner and occupier of the land notice of his intention together with a description of the nature and position of the lines proposed to be placed and if, within twenty-one days after the service of the notice, the owner or occupier fail to give their consent, or attach to their consent any terms or conditions or stipulations to which the Grantee objects, it shall not be lawful to place the line across that land without the permission of the Court of Alderney sitting with final jurisdiction: and the said Court may, after all the parties have had an opportunity of being heard, give their permission either unconditionally or subject to such terms, conditions and stipulations as they think just; and in deciding whether to give or to withhold their permission or to impose any terms, conditions or stipulations (including the carrying of any portion of the line underground) the Court shall, among other considerations, have regard to the effect, if any, on the amenities or value of the land of the placing of the line in the manner proposed.

Provided also that where any such line has been placed across any land whether by consent of the owner or occupier of the land, or by permission of the Court, the owner or occupier may at any time after the expiration of twelve calendar months from the

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date when such consent or permission was given, or after the expiration of any term for which such consent or such permission was given as the case may be, serve a notice on the Grantee requiring the Grantee to remove such line from the land or to alter its position, and the reason for such requisition shall be stated in the notice. And if, within sixty days after the service of such notice the requisition has not been complied with, the person who caused the notice to be served may apply to the said Court for an order confirming the notice, and the Court may, after all the parties have had an opportunity of being heard, make such order either unconditionally or subject to such terms, conditions and stipulations as it thinks just.

Pressure
of supply.

11.—THE normal pressure of supply for domestic purposes shall be Two hundred and twenty volts and such pressure shall be maintained within three per centum of that pressure.

Wiring, etc.,
to be in
good state.

12.—THE Grantee shall not be bound to supply electric current to any property unless he is satisfied that the conductors, wiring and apparatus therein and thereon are in a good state and condition and not likely to interfere with the current supplied to any other premises. All meters used shall be of some construction and pattern approved under the British Electricity (Supply) Acts.

Unauthorised
use of
current, etc.

13.—ANY person who shall without authority use or deflect any current from the wires or conductors belonging to the Grantee shall be liable to a fine payable to the Grantee which shall not exceed Five Pounds sterling, and any person who shall knowingly or through neglect break or damage any wire or any accessory belonging to the Grantee, or who knowingly or wilfully shall commit any act which may cause a waste of electric current, shall be liable to a fine payable to the Grantee which shall not exceed Five Pounds sterling.

Charges
for
current.

14.—THE Grantee may charge for current used, in the absence of a special agreement, as indicated by meter.

15.—A meter shall be fixed in every property supplied with electric current which shall correctly register in Board of Trade Units the amount of energy supplied. The maximum price charged by the Grantee shall not exceed Eleven pence per Board of Trade Unit unless and until otherwise fixed as hereinafter provided.

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Maximum price and revision thereof.

The States may six months before the expiration of Five years from the date of registration of this present Law, or six months before the expiration of each subsequent period of Five years give notice to the Grantee that they are of opinion that in the interest of the public a revision of the said tariff should be made in order that a reduction thereof may be made. Similarly it shall be lawful for the Grantee, six months before the expiration of Five years from the date of registration of this present Law or six months before the expiration of each subsequent period of Five years to give notice to the Treasurer of the States that the maximum tariff set forth above is not sufficiently high. In case of dispute such revision shall be referred to Arbitration as hereinafter provided.

16.—ALL sums due to the Grantee for the supply of electric current shall be paid by and shall be recoverable from any person who may have received or made use of electric current supplied by the Grantee.

Payment of charges.

17.—A Committee shall be appointed by the States to superintend the work undertaken by the Grantee and the said Committee shall be authorised to engage the services of a competent Engineer at the expense of the States for this purpose. The Grantee shall not be permitted to commence supplying electric current to the public before having received permission from the Court so to do. Such permission shall not be granted unless the said Committee shall have reported that the work has been carried out in accordance with the requirements of this Law and with due regard to the safety of the employees of the Grantee and of the Public.

Committee to superintend work.

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Inspections
and repairs.

18.—AN inspection of the works, electric wires and apparatus belonging to the Grantee shall be made annually at the expense of the Grantee or more often if the States consider it necessary by a competent person appointed by the Committee who shall present a report in writing on any question submitted by the Committee, and the Grantee shall be bound to make such alterations and such repairs as may be found necessary by the said Committee and any neglect on the part of the Grantee to carry out such work in a reasonable time shall render him liable to a fine at the discretion of the Court which shall not exceed Ten Pounds sterling, and the States Committee may cause such alterations and repairs to be carried out at the expense of the Grantee. Provided always that should the cost of such inspection or inspections exceed the sum of Five Guineas sterling in any one year, the expenses in excess of such sum shall be borne in equal portions by the States and the Grantee.

Entry into
premises.

19.—EVERY person acting under the authority of the Grantee may, at all reasonable times, enter into and upon all Houses and premises supplied with electricity, in order to examine the wires, mains, meters, instruments and other apparatus belonging to the said Grantee, and for the purpose of ascertaining the quantity of current supplied or consumed, and for the purpose of removing any wires, mains, meters, instruments and other apparatus belonging to the Grantee where a supply of electricity is no longer required for the said premises or where the Grantee is authorised to cut off the supply of electricity from such Houses or premises. If any impediment is made to such examination the Grantee may cut off the supply of current to such Houses or premises. Any person acting as above under the authority of the Grantee shall be obliged to wear some distinguishing badge or uniform in order that such person may be easily recognised as acting under the authority of the Grantee. The Grantee shall be bound to repair any damage done to

the said Houses and premises by the removal of the said wires, mains, meters, instruments and other apparatus. 1936

For the purposes of this Article the following shall be deemed to belong to the Grantee:—

(a) The wires, mains, meters, instruments and other apparatus let on hire to the consumers.

(b) The wires, mains, meters, instruments and other apparatus sold by the Grantee on terms of payment by instalments until such time as all the instalments have been paid.

20.—AT any time not less than twelve months before the expiration of twenty-one years from the date of the registration of this present Law on the Records of this Island or not less than twelve months before the expiration of a further period or of further periods of Seven years each as from the expiration of twenty-one years from the said date of registration of this present Law, the States shall be at liberty to give notice to the Grantee that the States require to purchase his concession, and at the expiration of the said term of Twenty-one years or of such further terms or term of seven years as aforesaid the Grantee shall be bound to cede and relinquish to the States the electrical undertaking provided by the Grantee under the concession hereby granted including any real and personal property comprised therein (except monies and securities for money). The price shall be the fair value of the said real and personal property (monies and securities for money excepted) on the day when the said Twenty-one years or such further term or terms of seven years as aforesaid expire plus an additional fifteen per cent. of such value and on that day the concession of the Grantee shall cease and determine. The said price shall be paid to the Grantee within three months of the expiration of the said twenty-one years or such further term or terms of seven years as aforesaid. In case of dispute as to the valuation of the said Personal Purchase of
concession
by States.

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and real property then the same shall be referred to arbitration as hereinafter provided.

No compensation shall be payable for goodwill nor for any work undertaken after the said notice has been given unless such new work has been sanctioned in writing by the Committee.

Grantee
may sell
Concession.

21.—WHEN permission has been obtained from the Court to supply electricity in accordance with Article 17 of this Law then subject as herein provided the Grantee shall have the right at any time to sell and convey the concession hereby granted and the electrical undertaking provided by the Grantee thereunder to any person who is a subject of His Majesty the King, to any Company incorporated in Alderney or in any of His Majesty's other possessions or (subject to the approval of the Court) to any other person or body corporate who or which shall have the right to hold, use, enjoy and exercise all rights, immunities and privileges conferred on the Grantee by this Law and shall be subject to the obligations imposed thereby. No sale or conveyance of the said concession and electrical undertaking or of any part thereof shall be made save under the following conditions:—Notice thereof shall be given in writing to the States. The said Notice shall state the consideration for such sale or conveyance and the States shall then have a period of three months in which to decide whether or not they will themselves purchase the said concession and undertaking for the same consideration. If the States exercise this option to purchase they shall complete the purchase and pay over the consideration within six months of the date of the aforesaid Notice. If the States decide not to exercise such option or having decided to exercise the same fail to complete as aforesaid then the Grantee shall be at liberty to dispose of the said concession and undertaking and of all personalty and realty belonging thereto to any person or Company as aforesaid at any time within twelve months

of the date of the said Notice provided that the consideration shall not be less than that stated in the said Notice. 1936

22.—THE Grantee shall within one month from the date of registration of His Majesty's Order in Council ratifying this Law on the Records of this Island deposit with the Treasurer of the States of Alderney the sum of One Hundred Pounds sterling, which said sum shall be repaid to the Grantee when the Committee appointed under Article 17 of this Law shall have certified to the States that current has been furnished to thirty Houses in this Island. The States shall pay interest at the rate of Two and one-half per cent per annum on the said sum to reckon from the date of deposit up to the date of repayment. The sum so deposited shall be forfeited to the States if the above recited works are not commenced within one year from the date of registration of the Order in Council ratifying this Law. Grantee to
make deposit.

23.—FAILURE to deposit the said sum of One Hundred Pounds as required by Article 22, or failure to commence work or to complete the installation in the time set out in Article 7 of this Law or failure to comply with the provisions of Article 26 of this Law shall render this concession liable to cancellation. Should this concession be cancelled by reason of any such failure on the part of the Grantee, then unless under the provisions of this Law the wires, conductors, and accessories of the Grantee laid or suspended in or over the roads, streets and byways in this Island shall become the property of the States the Grantee at his expense shall remove and take away if required by the States so to do from all roads and other public places all cables, poles, wires, and other accessories placed there by the Grantee. Cancellation
of
Concession.

24.—THE States Committee shall satisfy itself from time to time that the buildings belonging to the Grantee are well built and kept in good condition and that Buildings.

1936 the works constructed are of a good and permanent character where necessary, and capable of extension if necessary.

Saving of
Court's
power to
make
Regulations.

25.—THE Articles of this Law shall in no way derogate from the powers of the Court to pass from time to time such regulations as may be necessary for the safety of the Public and to give effect in this Island of Alderney to the regulations of the British Electricity Commissioners.

Insurance

26.—DURING the currency of the Concession hereby granted the Grantee shall insure and remain insured in an Insurance Company approved by the States Committee in an amount and on terms and conditions approved by the said Committee in respect of any liability which may be incurred by the Grantee arising out of damage to persons or property caused by the wires, current or works belonging to the Grantee or by any act or thing done or omitted by the Grantee in relation to the supply of electricity in the Island of Alderney.

Arbitration.

27.—SHOULD any matter be referred to Arbitration as hereinbefore provided then each party to the dispute shall appoint one Arbitrator and should such Arbitrators fail to agree then immediately an umpire shall be appointed by the President for the time being of the Institution of Electrical Engineers in London or should he be unwilling to make such an appointment then by the President of the Electricity Board of the States of the Island of Guernsey. The decision of such arbitrators or umpire as the case may be both as to the matter in dispute and as to the costs of the arbitration shall be final and binding.

Rights of
His Majesty's
Government.

28.—THE present Law shall be deemed to be without prejudice to the rights of His Majesty's Government with regard to Posts and Telegraphs.

(Enregistré sur les Records le 16 mai 1936.)

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Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du trente avril mil neuf cent trente-six transmettant un Ordre de Sa Majesté en Conseil en date du trente avril mil neuf cent trente-six portant amendement aux Règlements dits "The Judicial Committee Rules, 1925", LA COUR, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné que le dit Ordre communiqué sera enregistré sur les Records de cette Ile par être logé au Greffe.

The Judicial Committee Rules, 1925. (Amendment).

(Enregistré sur les Records le 23 mai 1936.)

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant-Gouverneur en date du 19 mai 1936 transmettant un exemplaire d'un Ordre de Sa Majesté en Conseil en date du 30 avril 1936, fait sous l'autorité des Actes du Parlement dits "Extradition Acts, 1870 to 1935" et ce par rapport au Traité fait avec le Royaume du Danemark. LA COUR, ouïes les conclusions des Officiers du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile par être logé au Greffe.

Extradition Acts (Denmark).

(Enregistré sur les Records le 23 mai 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 30th day of April, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

DUKE OF NORFOLK.
MARQUESS OF ZETLAND.
SECRETARY SIR JOHN SIMON.
SIR PHILIP SASSOON.
SIR GEORGE EDWARD RICH.

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

Loi précisant les pouvoirs de la Cour des Chefs-Plaids de

1936
 décerner la
 peine
 d'emprisonnement
 et d'autoriser
 la Visite
 de Prémisses.

Jersey, dated the 24th day of April, 1936, in the words following viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—1. That for reasons set forth in the preamble thereto, the Royal Court on the 15th day of February, 1936, adopted a Bill or Projet de Loi, prepared by the Law Officers of the Crown, intituled “Loi précisant les pouvoirs de la Cour des Chefs-Plaids de décerner la peine d'emprisonnement et d'autoriser la Visite de Prémisses,” and requested the Bailiff to submit the same to the States of Deliberation for approval. 2. That on the 18th day of March, 1936, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same, with certain modifications, and requesting the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. 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 would be graciously pleased to grant Your Royal Sanction to a Bill or Projet de Loi of the States of Guernsey intituled “Loi précisant les pouvoirs de la Cour des Chefs-Plaids de décerner la peine d'emprisonnement et d'autoriser la Visite de Prémisses,” and to order and direct that the same shall have the force of Law within 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.”

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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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or 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.

M. P. A. HANKEY.

Projet de Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI PRÉCISANT LES POUVOIRS DE LA COUR DES CHEFS-PLAIDS DE DÉCERNER LA PEINE D'EMPRISONNEMENT ET D'AUTORISER LA VISITE DE PRÉMISSSES.

Attendu que l'étendue actuelle du pouvoir de la Cour Royale siégeant en Chefs Plaids par voie d'Ordonnance—

- (a) de décerner l'emprisonnement comme pénalité pour une contravention des dispositions d'une Ordonnance de la Cour Royale—
- (b) d'autoriser la visite de prémisses particulières afin d'assurer la pleine mise en opération des dispositions d'une Loi ou Ordonnance quelconque—

n'est pas susceptible d'être précisée.

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Attendu qu'il est désirable que la Cour Royale siégeant en Chefs Plaidis par voie d'Ordonnance ait—

- (a) le pouvoir de décerner l'emprisonnement comme pénalité pour une telle contravention dans les cas où l'infliction d'une amende pécuniaire ne constituerait pas une pénalité suffisante eu égard à la gravité de telle contravention :
- (b) le pouvoir d'autoriser la visite de prémisses quelconques si telle visite est désirable dans le but d'assurer la pleine mise en opération d'une Loi ou Ordonnance quelconque :

Les Etats ont adopté le Projet de Loi ensuivant afin que, moyennant la sanction de Sa Très Excellente Majesté en Conseil, tel Projet ait force de Loi en cette Ile.

1.—La Cour Royale siégeant en Chefs Plaidis aura pouvoir—

- (a) de décerner par Ordonnance que pour toute contravention d'une disposition quelconque de toute Ordonnance de la Cour Royale passée soit avant soit après le commencement de cette Loi (ci-après désignée " offense ") le délinquant sera passible soit d'une amende n'excédant pas un montant spécifié, soit d'un terme d'emprisonnement avec ou sans travail forcé n'excédant pas une année, soit de telle amende et d'un tel terme d'emprisonnement cumulativement :
- *(b) de déclarer, en ce qui concerne toute offense à l'égard de laquelle le délinquant est passible d'une amende n'excédant pas Cent livres sterling ou d'un terme d'emprisonnement avec ou sans travail forcé n'excédant pas six mois ou d'une telle amende et d'un tel term d'emprisonnement cumulativement, que telle offense sera susceptible d'être jugée par le Magistrat siégeant en Cour de Police Correctionnelle (ci-après désigné " Magistrat ").

* See note at foot of page 359.

Pouvoir à la Cour de décerner la peine d'emprisonnement, etc.

*2.—Sera de la compétence du Magistrat toute offense 1936
visée par l'alinéa (b) de la section précédente que la Offenses
Cour Royale siégeant en Chefs Plaids aura déclaré de la
être susceptible d'être jugée par le Magistrat à moins compétence
que, à l'égard seulement d'une offense portant punition du
par amende excédant dix livres sterling ou par em- Magistrat.
prisonnement avec ou sans travail forcé excédant un
terme de deux mois ou par telle amende et tel terme
d'emprisonnement cumulativement, la personne
contre laquelle la poursuite est dirigée ne demande,
avant l'appel d'aucun témoin de la poursuite, d'être
jugée par la Cour Royale siégeant en Corps.

*3.—Il sera du devoir du Magistrat, le cas échéant,
de donner avis à la personne poursuivie de son droit
d'être jugée par la Cour Royale. Droit d'une
personne
d'être
jugée par la
Cour Royale.

4.—Les dispositions de toute Ordonnance passée
avant le commencement de cette Loi décernant un Ordonnances
déjà passées.
terme d'emprisonnement dont le maximum est en de-
dans de la limite prescrite dans la Première Section
comme punition pour une offense ou autorisant la
visite de prémisses particulières pour les besoins de la
mise en opération des dispositions d'une Loi ou Ordon- Visite de
prémisses.
nance sont et seront aussi valables que les dispositions
d'une Ordonnance passée après ce jour sous l'empire
de cette Loi.

5.—Lorsqu'il paraîtra expédient ou nécessaire pour
assurer la pleine mise en opération des dispositions
d'une Loi sanctionnée par un Ordre de Sa Majesté en
Conseil soit avant soit après le commencement de cette
Loi ou des dispositions d'une Ordonnance de la Cour
Royale passée avant ou après le commencement de
cette Loi, qu'un ou des fonctionnaires soient autorisés
à pénétrer dans des prémisses quelconques, étant des
prémisses dans lesquelles le public n'a pas droit de
pénétrer, alors et dans tels cas la Cour Royale siégeant
en Chefs Plaids pourra statuer par Ordonnance que

* *Sub-section (b) of Section 1 and Sections 2 and 3 repealed by the "Loi étendant la Jurisdiction du Magistrat en Police Correctionnelle et pour le Recouvrement de Menues Dettes (1946)" registered on the 31st August, 1946.*

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tel fonctionnaire ou tels fonctionnaires qui seront désignés dans telle Ordonnance auront droit, en produisant telle autorisation par écrit qui sera stipulée dans telle Ordonnance et en se conformant aux dispositions quant aux heures auxquelles les visites de fonctionnaires pourront être entreprises qui y seront contenues, de pénétrer dans les prémisses de la catégorie ou des catégories énoncées dans telle Ordonnance pour y faire tout examen ou inspection visé dans une Loi ou Ordonnance, pour en emporter tous objets ou effets s'y trouvant en contravention d'une Loi ou Ordonnance quelconque ou ayant été faits, fabriqués, mélangés ou installés en contravention d'une Loi ou Ordonnance quelconque ou pour porter à exécution les dispositions d'une Loi ou Ordonnance quelconque y relatives.

Procédures
hors de
terme.

6.—Toutes procédures pour infraction d'Ordonnance pourront être intentées et poursuivies hors de terme.

Autres Loïs
non
affectées.

7.—Cette loi ne dérogera en rien aux dispositions de toute Loi sanctionnée par Ordre de Sa Majesté en Conseil soit avant soit après le commencement de cette Loi accordant à la Cour Royale pouvoir de légiférer par Ordonnance par rapport aux matières spécifiés dans cette Loi ou quelqu'une ou quelques-unes d'elles pour la mise en opération de telle Loi.

Rappel.

8.—Sont et demeurent rappelés les Articles 3 et 4 de la Loi par rapport aux Procédures en Crime sanctionnée par Ordre de Sa Majesté en Conseil en date du 13 août 1877 enregistré sur les Records de cette Ile le 30 août 1877 et la Loi supplémentaire à la Loi par rapport aux Procédures en Crime sanctionnée par Ordre de Sa Majesté en Conseil en date du 26 juin 1901 enregistré sur les Records de cette Ile le 13 juillet 1901.

(Enregistré sur les Records le 13 juin 1936.)

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Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 28 mai 1936 transmettant des exemplaires de l'Acte de Parlement suivant, savoir:—

Army and
Air Force
Act, 1936.

26 George V and 1 Edward VIII. Chapter 14 "An Act to provide during Twelve Months for the Discipline and Regulation of the Army and the Air Force."

LA COUR, après avoir eu lecture du dit Ordre ouïes les conclusions des Officiers du Roi, a ordonné:—

1. Que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile.

2. Qu'un des exemplaires du dit Acte de Parlement sera enregistré sur les dits Records par être logé au Greffe.

3. Qu'un extrait des Registres de ce présent Acte avec un exemplaire du dit Ordre en Conseil et du dit Acte de Parlement sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq afin d'être enregistrés sur les Records des dites Iles.

(Enregistré sur les Records le 22 juillet 1936.)

AT THE COURT AT BUCKINGHAM PALACE,
The 3rd day of July, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
EARL MARSHALL.
MARQUESS OF ZETLAND.
EARL DE LA WARR.
SECRETARY SIR JOHN SIMON.
SIR ERIC GEDDES.
LIEUTENANT-COLONEL J. COLVILLE.

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 20th day of June, 1936, in the words following, viz.:—

Foundation
for new
20-ton crane
at St. Peter
Port
Harbour.

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“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—1. That on the 15th day of July, 1935, His late Majesty was graciously pleased to grant His Royal Sanction to the humble Petition of the States of the Island of Guernsey praying that the sum of £3,620 be taken from the revenue of the Harbours of St. Peter Port and St. Sampson for the purposes of providing for the Harbour of St. Peter Port an electric fixed jib crane of a lifting capacity of 20 tons at a radius of 35 feet. 2. That the original site chosen for the crane having proved unsafe, a new site was selected. 3. That special foundations being necessary for the crane on this new site, a further credit of £800 was required for the construction of a concrete raft. 4. That on the 5th day of June, 1936, the matter was duly considered by the States of Deliberation, when a resolution was passed approving the same and authorising the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to the said sum of £800 being taken from the revenue of the Harbours of St. Peter Port and St. Sampson. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the sum of £800 being taken from the revenue of the Harbours of St. Peter Port and St. Sampson for the purpose of constructing a concrete raft as foundation for the new 20-ton crane at St. Peter Port Harbour.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition 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.”

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

Privy Council, to approve thereof, and to order, as it is hereby ordered, that the sum of £800 be taken from the revenue of the said Harbours of St. Peter Port and St. Sampson for the purpose of constructing a concrete raft as foundation for the new 20-ton crane at St. Peter Port Harbour.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

(Enregistré sur les Records le 22 juillet 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 3rd day of July, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL MARSHALL.

MARQUESS OF ZETLAND.

EARL DE LA WARR.

SECRETARY SIR JOHN SIMON.

SIR ERIC GEDDES.

LIEUTENANT-COLONEL J. COLVILLE.

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 30th day of June, 1936, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—” 1. That for the reasons set forth in the preamble thereto, the Royal Court on the 2nd day of May,

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Loi accordant un Acte d'Incorporation à l'Association des Souscripteurs aux Fonds de l'Hôpital dit "Victoria Hospital" situé dans l'île de Guernesey.

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1936, adopted a Bill or *Projet de Loi* intituled "Loi accordant un Acte d'Incorporation à l'Association des Souscripteurs aux Fonds de l'Hôpital dit 'Victoria Hospital', situé dans l'Île de Guernesey," and requested the Bailiff to submit the same to the States of Deliberation for their approval. 2. That on the 5th day of June, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule annexed to the Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernesey intituled "Loi accordant un Acte d'Incorporation à l'Association des Souscripteurs aux Fonds de l'Hôpital dit 'Victoria Hospital' situé dans l'Île de Guernesey," and to order and direct that the same shall have the force of law within the Island of Guernesey.'

"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 Guernesey.

AND HIS 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. 1936

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

Projet de Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI ACCORDANT UN ACTE D'INCORPORATION À L'ASSOCIATION DES SOUSCRIPTEURS AUX FONDS DE L'HÔPITAL DIT " VICTORIA HOSPITAL " SITUÉ DANS L'ILE DE GUERNESEY.

Vu l'accueil fait par les Etats le 18 mars 1936 à la Requête signée de A. N. Symons, écuyer, Président du Conseil Administratif de l'Hôpital dit " Victoria Hospital " situé en cette Ile et d'autres Membres des Etats en date du 11 janvier 1936 priant les Etats d'approuver à ce qu'un Projet de Loi soit préparé au moyen duquel, et moyennant la Sanction de Sa Très Excellente Majesté en Conseil, l'association des souscripteurs aux fonds du dit Hôpital soit incorporée :

Les Etats ont approuvé les dispositions suivantes afin que, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, telles dispositions aient force de Loi en cette Ile.

1.—As from the date of the Registration of the Order in Council sanctioning this Law, the Association of Subscribers to the funds of the Victoria Hospital, Guernsey, shall have a corporate existence independent of the subscribers from time to time belonging ^{Incorporation.}

1936 thereto under the style or title of "Victoria Hospital", the said Association so incorporated being hereinafter referred to as "the Corporation".

Powers of Corporation.

2.—The Corporation is hereby empowered to do all such things as may be necessary or expedient for or incidental to the provision by the Corporation in the Island of Guernsey whether in a hospital or hospitals belonging to or in the occupation of the Corporation or otherwise of nursing attendance for patients requiring medical or surgical treatment and for facilitating the medical and surgical treatment of such patients in any such hospital or hospitals and for that purpose the Corporation is hereby empowered to take, accept, acquire, hold and possess all such realty and personalty as may be necessary or expedient in that behalf.

Realty and personalty.

3.—The whole of the realty and personalty hitherto held in trust for the Association hereby incorporated by the Trustees appointed thereby shall, as from the date of the registration of the Order in Council sanctioning this Law, vest in and be held and possessed by the Corporation in succession to the Trustees aforesaid upon and subject to the various trusts and conditions upon and subject to which the same were held by such Trustees as fully and effectually as if such realty and personalty were conveyed and transferred to the Corporation by such Trustees on that date.

Regulations.

4.—(a) The Corporation is hereby empowered from time to time at a general meeting of its members to make all such regulations as may be necessary or expedient as regards the conduct and management of its affairs and of any and every hospital belonging to or carried on by it, including, but without prejudice to the generality of the foregoing, qualification for membership of the Corporation, the conduct of and proceedings at general meetings of its members, the calling of ordinary and extraordinary general meetings, the setting up of a board or committee of management and of such other committees as may from time to time

be deemed necessary or expedient and the appointment of officers, the proceedings, powers and duties of such boards, committees and officers, the books of account to be kept in connection with the activities of the Corporation, the passing of its accounts and the method of amending, modifying and replacing regulations so made.

(b) A copy of all such regulations and of all amendments thereto and modifications thereof shall be deposited at the Greffe for filing withing the twenty-eight days next following the date on which the same were made.

5.—The Corporation shall be entitled to have and shall procure a Common Seal whereon shall be engraved the title of the Corporation and such Common Seal shall be affixed to all instruments to which the Corporation shall be a party and which it is customary for a corporation to seal in accordance with the provisions contained in the regulations of the Corporation concerning the use of its Common Seal.

6.—A general meeting of members of the Corporation shall be held once in every calendar year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place in the Island of Guernsey as may be prescribed by the board or committee of management. The first general meeting of members of the Corporation shall be held within the six months next following the date of registration of this Law.

7.—The Corporation is hereby empowered from time to time to lease, hypothecate, sell, alienate and convey all such of the realty and personalty belonging to it as a general meeting of the members of the Corporation may decide to lease, hypothecate, sell, alienate, or convey but subject, as regards any such lease, sale, hypothecation, alienation or conveyance, the whole of the proceeds of which are not intended to be devoted by the Corporation to or in connection with the purposes set forth in Section 2 of this Law,

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to the sanction of the Royal Court of Guernsey sitting as a Full Court.

Corporation
capable of
suing, etc.

8.—The Corporation shall be capable of suing and of being sued.

Registered
office.

9.—(a) The Corporation shall have a registered office in the Island of Guernsey whereat the service of all citations directed against the Corporation shall constitute good and sufficient service.

(b) The address of the registered office of the Corporation shall be communicated to H.M. Greffier within the fifteen days next following the date of the registration of this Law and every change of address as regards the registered office of the Corporation shall be communicated to H.M. Greffier within the like period after it occurs.

Present
Regulations
to continue.

10.—Until such time as the Corporation in general meeting of its members shall have made Regulations for the conduct and management of its affairs, the rules and regulations existing at the date of the registration of this Law of the Association hereby incorporated shall, in so far as they are not repugnant to the provisions of this Law, be deemed to be the Regulations of the Corporation and the affairs of the Corporation shall be conducted and managed in accordance therewith.

Present
boards, etc.,
to continue.

11.—Until such time as the Corporation in general meeting of its members shall have appointed such boards, committees and officers as may be deemed necessary or expedient for the conduct and management of its affairs, the boards, committees and officers of the Association hereby incorporated in office at the date of the registration of this Law shall be deemed to be the boards, committees and officers of the Corporation and the same are hereby empowered to conduct and manage the affairs of the Corporation until such time as the same are replaced by boards, committees and officers duly appointed or elected by a general meeting of the members of the Corporation in accordance with the regulations to be made by the Corporation.

(Enregistré sur les Records le 22 juillet 1936.)

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Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du dix juillet mil neuf cent trente-six transmettant des exemplaires de l'Ordre en Conseil suivant, savoir :—

The Treaty of Peace (Covenant of the League of Nations) Order, 1936.

“ Order in Council of the 10th July, 1936, entitled ‘ The Treaty of Peace (Covenant of the League of Nations) Order, 1936 ’ ”.

LA COUR, après avoir eu lecture du dit Ordre, ouies les conclusions des Officiers du Roi, a ordonné :—

1. Que le dit Ordre en Conseil communiqué sera enregistré sur les Records de cette Ile.

2. Que le dit Ordre en Conseil transmis sera enregistré sur les Records de cette Ile par être logé au Greffe.

3. Qu'un extrait des Registres de ce présent Acte avec une copie du dit Ordre en Conseil communiqué et une copie du dit Ordre en Conseil transmis sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq afin d'être enregistrés sur les Records des dites Iles.

(Enregistré sur les Records le 15 août 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of July, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

PRIME MINISTER.

LORD PRESIDENT.

LORD CHAMBERLAIN.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

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 22nd day of July, 1936, in the words following, viz. :—

Loi relative au Contrôle de la Construction de Serres.

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January,

1936 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

(1) That on the 2nd day of October, 1935, upon a Petition signed by various members of the States of Deliberation being submitted to that body, regarding the control of glasshouse-building in this Island, a resolution was passed requesting the States Committee for Horticulture, augmented by two further members elected at the said meeting of the States, to study the whole question and to report thereon to the States. 2. That on the 29th day of April, 1936, the report of the said Augmented Committee for Horticulture was submitted to the States, when a resolution was passed adopting the recommendations set forth in the said report and praying the Royal Court to prepare the legislation necessary to give effect to their resolution. 3. That on the 13th day of June, 1936, the Royal Court adopted a Bill or Projet de Loi, prepared by the Law Officers of the Crown intituled “Loi relative au contrôle de la construction de Serres” and requested the Bailiff to submit the same to the States for their approval. 4. That on the 8th day of July, 1936, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same with certain modifications and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 5. 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 would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled “Loi relative au contrôle de la construction de Serres,” and to order and direct that the same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

Projet de Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI RELATIVE AU CONTRÔLE DE LA CONSTRUCTION DE SERRES.

Vu la délibération des Etats en date du 29 avril
1936:

Les Etats ont approuvé les dispositions suivantes lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

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DEFINITION.

1.—“Glasshouse” shall not include any conservatory the area of which does not exceed one thousand square feet and which adjoins and is intended for use and is used otherwise than for profit in connection with a dwelling-house.

COMPOSITION, POWERS AND DUTIES OF COMMITTEE.

*2.—(1) A Committee, to be styled “The States Glasshouse Control Committee” (in this Law referred to as “The Committee”) consisting of six members shall be elected by the States from among members of the States.

The Committee shall appoint two of its members to serve as President and Vice-President respectively of the Committee.

Two members of the Committee shall retire from office on the 31st day of January, 1938, and thereafter two members of the Committee shall retire from office on the 31st day of January of each calendar year.

The two members so to retire shall be the members with the longest period of service on the Committee since they were last elected thereto provided that in the case of equality of length of service of more than two members, retirement shall be determined by lot.

Every retiring member shall be eligible for re-election if willing to serve.

(2) The functions of the Committee shall be as follows:—

- (a) to receive and consider all applications made to the Committee for permission to erect glasshouses in this Island:
- (b) To issue permits for the erection of glasshouses in this Island:

* Paragraph (1) repealed by the States Committees (Amendment) Law, 1948, and the functions of the Committee transferred to the States Committee for Horticulture.

- (c) To keep records of all such applications and permits and of the area of glasshouses erected in this Island in each calendar year from and after the date of the commencement of this Law :
- (d) To collect information concerning the expansion or diminution of the glasshouse industry elsewhere than in this Island in so far as such expansion or diminution may or might affect the interests of the Guernsey glasshouse industry :
- (e) To report annually to the States concerning the foregoing :
- (f) To submit to the States as and when the Committee shall deem necessary or expedient such suggestions for the withdrawal, modification or alteration of any or every limitation on the erection of glasshouses imposed by virtue of this Law as, in the opinion of the Committee, should, in the interests of the Guernsey glasshouse industry, be made :
- (g) To carry out such other mandates having relation to its functions as may be entrusted to it from time to time by the States.

ERECTION LIMITATION.

3.—(1) It shall be unlawful for any person or body of persons, in any period of twelve consecutive calendar months ending on the thirtieth day of April in any year, to erect in this Island on land in his or their ownership or occupation or otherwise in his or their control a glasshouse or glasshouses of an area exceeding the area which shall from time to time be prescribed in that behalf (hereinafter referred to as “ the prescribed maximum area ”).

Provided that the completion during any such period of twelve months of the erection of glasshouses as regards which a permit was issued and work was commenced during the next previous such period of twelve months and as regards which a renewal of the

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permit is granted by the Committee, shall not be taken into account in deciding whether or not in the first mentioned such period of twelve months the area of glasshouses erected will or does exceed the prescribed maximum area.

(2) For the purposes of the last foregoing subsection—

(a) a person and any body of persons unincorporate of whom that person is one shall together be deemed to constitute one person.

(b) a person, corporate or unincorporate, together with any person corporate in which the first mentioned person has a preponderating financial interest, shall together be deemed to constitute one person.

(3) Until such time as the prescribed maximum area for the time being in force shall be declared by Ordinance, the prescribed maximum area shall be the area specified in the Schedule to this Law.

(4) The Royal Court, sitting as a Court of Chief Pleas, is hereby authorized from time to time and at any time by way of Ordinance to declare the prescribed maximum area for the time being to be in force as from the coming into operation of the Ordinance declaring the same.

Provided that the prescribed maximum area so declared by Ordinance to be for the time being in force shall be the area specified in that behalf in a resolution of the States communicated to the Royal Court.

PERMIT REQUIRED FOR ERECTION.

4.—It shall be unlawful to erect any glasshouse unless before the commencement of the erection thereof the occupier of the land whereon such glasshouse is to be erected shall have received from the Committee a permit authorizing the erection thereof. The expression “to erect any glasshouse” in this Law shall include the extension of a glasshouse previously existing and the work of completion of an uncompleted glasshouse.

ERECTION TO REPLACE DEMOLISHED
GLASSHOUSES.

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5.—(1) Notwithstanding the prescribed maximum area from time to time in force, nothing in this Law shall operate to prohibit the erection, by any applicant who has received a permit from the Committee in that behalf, of glasshouses of which the area exceeds the prescribed maximum area, if such glasshouses are erected in replacement of glasshouses of similar or greater area belonging to that applicant demolished or to be demolished either during the twelve months next preceding the completion of the erection of the glasshouses to replace the same or within such period thereafter as shall be specified by the Committee in the permit issued to such applicant.

(2) The Committee, upon being satisfied, on any application made to it for permission to erect glasshouses in replacement of glasshouses demolished or to be demolished (hereinafter referred to as a "replacement application"), that an area of glasshouses belonging to the applicant, such area being similar to or greater than the area of the glasshouses for the erection whereof a permit is sought by that applicant, has been or will be demolished during the twelve months next preceding the completion of the erection of the glasshouses to which the replacement application relates or during such period thereafter as shall be specified by the Committee and that no previous application to erect glasshouses in replacement of those which have been or are to be demolished has already been granted by the Committee, shall grant such application.

(3) When granting a permit in relation to any replacement application (such permit being hereinafter referred to as "a replacement permit"), the Committee may specify therein a time limit within which the demolition of the glasshouses to be demolished shall be completed to the satisfaction of the Committee and may require that after the date of the completion

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of the glasshouses to be erected, no tomato plants shall be grown in the glasshouses to be demolished.

(4) In considering any application, not being a replacement application, the Committee shall not take into account any permit granted by it in relation to any other application, being a replacement application, made by the same applicant and in considering any application, being a replacement application, the Committee shall not take into account any permit granted by it in relation to any other application, not being a replacement application, made by the same applicant.

VALIDITY OF PERMITS.

6.—(1) Every permit (other than a replacement permit) shall cease to be valid if the erection of the glasshouses to which it relates has not been commenced before the expiration of the one hundred and eighty days next succeeding the date of issue of the permit, which date shall be legibly inscribed on the permit.

(2) Every permit (other than a replacement permit) shall cease to be valid after the thirtieth day of April next succeeding the date of issue of the permit but the Committee, upon application being made to it and upon being satisfied that the erection of the glasshouses to which the permit related has been commenced but was delayed on account of circumstances not within the control of the person to whom the permit was granted, may renew the permit. A renewal permit shall cease to be valid in the same manner as an original permit would cease to be valid.

(3) If it shall appear to the Committee upon any such application as is mentioned in the last foregoing subsection that the delay in completing the erection of the glasshouses to which such application relates arose from circumstances within the control of the applicant, the Committee may refuse to renew the permit granted to that applicant and may treat the application as an original application for permission to erect the area of glasshouses as is uncompleted and in that

event a permit issued by the Committee authorizing the completion of such uncompleted area shall be taken into account by the Committee when granting any other permit (other than a replacement permit) to the same applicant in the period of twelve months ending on the thirtieth day of April during which the permit to complete such uncompleted area was granted and the area sanctioned under such other permit shall be reduced accordingly.

(4) The erection of a glasshouse shall not be deemed to have been commenced until the wall plates have been fixed in position and the erection of a glasshouse shall not be deemed to have been completed until the glasshouse has been completely glazed.

(5) A permit issued to any person or body of persons shall not entitle any other person or body of persons to erect (otherwise than as a builder working for or on behalf of the first mentioned person or body of persons) any part of any glasshouse to which the permit relates.

APPLICATIONS.

7.—Every application for a permit to erect any glasshouse shall be made in writing and the applicant shall supply the Committee with such written particulars concerning the applicant and the application as the Committee may deem necessary for the proper consideration of the application.¹

RETURNS.

8.—Every applicant to whom a permit to erect glasshouses is issued shall, within the fifteen days next following the completion of the erection thereof and at any other time on the written request of the Committee, deliver to the Committee in the form prescribed by the Committee a return containing such particulars concerning the area of glasshouses erected under that permit as the Committee may require.

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APPEALS.

9.—(1) An appeal shall lie to the Royal Court sitting as a Full Court from the refusal of the Committee to grant or renew a permit as regards the erection or completion of the area of glasshouses contained in any application and against any condition or requirement incorporated in any permit granted by the Committee.

(2) Such appeal shall be brought by way of petition and shall be commenced within the three months next following the date of the refusal of the Committee to grant or renew a permit.

(3) In every case in which the Committee may refuse to grant or renew a permit, the Committee shall forthwith send to the applicant written notification of such refusal and of the Committee's reasons for such refusal.

INSPECTION.

10.—(1) It shall be lawful at any time during the hours of daylight on any weekday for the Committee or any member thereof thereunto authorized by the Committee or any States' employee thereunto authorized by the Committee to enter on land whereon any glasshouse is being or has been erected or demolished or on which is situate any glasshouse which is the subject of any condition as to demolition or other requirement contained in a permit issued by the Committee for the purpose of making such inspection for the purposes of this Law as the Committee may require to make or to be made.

(2) Every person, not being a member of the Committee, authorized to enter upon land in order to make any inspection for the purposes of this Law shall be provided with written authority in that behalf signed by the President or Acting President of the Committee or by the States Supervisor on behalf of the Committee, and such person shall, on request, produce his authority to the owner or occupier of any land on which an inspection is carried out.

(3) If any person shall obstruct or impede any person authorized to carry out any inspection for the purposes of this Law, he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding £25.

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PENALTIES.

11.—(1) If any person, either alone or jointly with any other person or persons,

(a) without having received a permit from the Committee to erect a glasshouse or glasshouses, shall erect any glasshouse: or

(b) having received a permit from the Committee to erect a glasshouse or glasshouses, shall—

(i) erect a glasshouse or glasshouses of an area greater than the area specified in the permit: or

(ii) erect a glasshouse or glasshouses elsewhere than at the place specified in the permit: or

(iii) erect a glasshouse or glasshouses or continue the erection thereof during any period occurring after the permit has ceased to be valid and before such permit has been renewed or has been replaced by a further permit: or

(iv) omit or neglect to demolish within the time limit specified in the permit—such permit being a permit granted in relation to a replacement application—any glasshouse to be demolished in accordance with the permit, or omit or neglect to comply with any lawful requirement contained in the permit: or

(v) contravene the provisions of section 3 of this Law:

he shall be guilty of an offence and shall be liable upon a first conviction to a fine not exceeding £100 and, upon any subsequent conviction to a fine not exceeding

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£250: upon any such conviction, the Court may order the demolition of any glasshouse erected without a permit, or erected after a permit has ceased to be valid and before it is renewed or replaced, or of any area of glasshouses in excess of the prescribed maximum area or of the area specified in the permit, or of the glasshouses omitted or neglected to be demolished together with such area of the glasshouses erected in replacement thereof, as the case may be, within such time and upon such penalty as the Court shall determine.

(2) If any person shall supply any incorrect information to the Committee in connection with any application or return made under this Law or shall fail to make any return which he is required by or under this Law to make, he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding £10.

(3) Every person who shall knowingly make any false statement or false representation to the Committee in connection with any application or return made under this Law shall be liable upon conviction to a fine not exceeding £100, or to a term of imprisonment, with or without hard labour, not exceeding six months, or to both such fine and such imprisonment.

ORDINANCES.

12.—The Royal Court sitting as a Court of Chief Pleas is hereby authorized by Ordinance from time to time to make all such regulations as it may deem necessary to give effect to this Law.

SHORT TITLE.

13.—This Law may be cited as “The Glasshouse Control Law, 1936”.

SCHEDULE.

*The Prescribed Maximum Area = 30,000 square feet.

* Amended by Ordinance.

(Enregistré sur les Records le 15 août 1936.)

1936 .

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of July, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

PRIME MINISTER.

LORD PRESIDENT.

LORD CHAMBERLAIN.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

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 9th day of July, 1936, in the words following, viz.:—

The Third Parties (Rights against Insurers) (Guernsey) Law, 1936.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That on the 9th day of May, 1936, the Law Officers of the Crown submitted to the Royal Court a Bill or Projet de Loi intituled “Loi par rapport aux Tierces Parties (Droits contre Assureurs) 1936” when the Court duly adopted the same and requested the Bailiff to bring it before the States of Deliberation for their approval. 2. That on the 5th day of June, 1936, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed, approving the same with slight modifications and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule to the Petition and most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled “Loi par rapport aux Tierces Parties (Droits contre Assureurs) 1936”, and to order and direct that the

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same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant Governor or 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.

M. P. A. HANKEY.

Projet de Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI PAR RAPPORT AUX TIERCES PARTIES
(DROITS CONTRE ASSUREURS) 1936.

LES ETATS ont approuvé les dispositions suivantes rédigées en anglais, lesquelles moyennant la Sanction

de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile. 1936

1. RIGHTS OF THIRD PARTIES AGAINST INSURERS ON BANKRUPTCY, ETC., OF THE INSURED.—(1) Where under any contract of insurance a person (hereinafter referred to as the insured) is insured against liabilities to third parties which he may incur, then—

- (a) in the event of the insured making a composition or arrangement with his creditors or being declared “en état de faillite” or of the affairs of the insured being declared “en état de désastre”; or
- (b) in the case of the insured being a company, in the event of a winding-up order being made, or a resolution for a voluntary winding-up being passed, with respect to the company:

if, either before or after that event, any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any Law or rule of law to the contrary, be transferred and vest as follows:—

- (i) if the third party to whom liability was incurred or the person on account of whose death liability to a third party was incurred was not an insured person under The Contributory Pensions Law, 1935, at the time of the occurrence giving rise to the liability—to and in the third party:
- (ii) if the third party to whom liability was incurred or the person on account of whose death liability to a third party was incurred was an insured person under the said Law at the time of such occurrence—to and in the States Insurance Authority to the extent of the rights of the insured against the insurer in respect of the liability of the insured to the third party arising out of personal injury to or the death of the insured person and, as to the remainder of the

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rights of the insured against the insurer in respect of other liability to the third party, to and in the third party.

Any amount recovered by the States Insurance Authority by virtue of the transfer to it, under the provisions of this Section, of rights of the insured against the insurer shall be deemed an amount recovered by that Authority by virtue of the provisions of Article XXXII of The Contributory Pensions Law, 1935, and shall be held and applied in accordance with the provisions of Section 3 of that Article.

(2) Where the Court has sanctioned the abandonment of the estate of a deceased debtor by all the persons entitled thereto or if the affairs of all the persons entitled to the estate of a deceased debtor, the abandonment of which has not been so sanctioned, are declared "en état de désastre" or if all such persons are declared "en état de faillite" or if a composition or arrangement is made with the creditors of such deceased debtor, then, if any debt provable against the estate so abandoned or in the "désastre" or "faillite" of any of the persons entitled thereto is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall be transferred to and vest in the person to whom the debt is owing.

(3) In so far as any contract of insurance made after the commencement of this Law in respect of any liability of the insured to third parties purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (a) or paragraph (b) of sub-section (1) of this section or upon the Court sanctioning the abandonment of his estate by all the persons entitled thereto or upon all the persons entitled to his estate, the abandonment of which has not been so sanctioned, being

declared "en état de faillite" or upon their affairs being declared "en état de désastre", the contract shall be of no effect.

(4) Upon a transfer under sub-section (1) or sub-section (2) of this section, the insurer shall, subject to the provisions of section three of this Law, be under the same liability to the third party as he would have been under to the insured, but—

- (a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Law shall affect the rights of the insured against the insurer in respect of the excess; and
- (b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Law shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this Law, the expression "liabilities to third parties", in relation to a person insured under any contract of insurance, shall not include any liability of that person in the capacity of insurer under some other contract of insurance.

(6) This Law shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or amalgamation with another company.

2. DUTY TO GIVE NECESSARY INFORMATION TO THIRD PARTIES.—(1) In the event of any person making a composition or arrangement with his creditors or being declared "en état de faillite" or of the affairs of any person being declared "en état de désastre", or in the event of the Court sanctioning the abandonment of the estate of a deceased debtor by all the persons entitled thereto or of all the persons entitled to the estate of a deceased debtor, the abandonment of which has not been so sanctioned, being declared "en état de faillite" or upon their affairs being declared "en état de désastre", or in the event of a winding-up being made, or a resolution for a voluntary winding-up being

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passed, with respect to any company, it shall be the duty of the debtor, person or persons declared "en état de faillite" or whose affairs are declared "en état de désastre", personal representatives of the deceased, person or persons abandoning the estate of the deceased or company and, as the case may be, of the trustee, "comité des créanciers", "créanciers arrêtauts", "saisi des biens meubles", liquidator, or person in possession of the property to give at the request of any person claiming that the debtor person "en état de faillite" or whose affairs are "en état de désastre", deceased debtor, or company is under a liability to him such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Law and for the purpose of enforcing such rights, if any, and any contract of insurance, in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of any information in the events aforesaid or otherwise to prohibit or prevent the giving thereof in the said events shall be of no effect.

(2) If the information given to any person in pursuance of sub-section (1) of this section discloses reasonable ground for supposing that there have or may have been transferred to him under this Law rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said sub-section on the persons therein mentioned.

(3) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected in this Island and copies thereof to be taken in this Island.

3. SETTLEMENT BETWEEN INSURERS AND INSURED PERSONS.—Where the insured has been declared "en état de faillite" or the affairs of the insured have been declared "en état de désastre" or where, in the case of

the insured being a company, a winding-up order has been made or a resolution for a voluntary winding-up has been passed, with respect to the company, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the proceedings "en faillite" or "en désastre" or of the winding-up, as the case may be, nor any waiver, assignment, or other disposition made by, or payment made to the insured after the commencement aforesaid shall be effective to defeat or affect the rights transferred to the third party under this Law, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment has been made.

4. SHORT TITLE.—This Law may be cited as the Third Parties (Rights against Insurers) (Guernsey) Law, 1936.

(Enregistré sur les Records le 5 octobre 1936.)

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant Gouverneur en date du 30 septembre 1936 transmettant une copie imprimée d'un accord intitulé "Agreement between the Governments of the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, The Union of South Africa and India and the German and French Governments in regard to War Graves Berlin, December 20th 1935"—LA COUR a ordonné que la dite copie sera enregistrée sur les Records de cette Ile par être logée au Greffe.

Agreement
in regard to
War Graves
Berlin.

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(Enregistré sur les Records le 4 novembre 1936.)

AT THE COURT AT BUCKINGHAM PALACE,
The 27th day of October, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
LORD STEWARD.
MASTER OF THE HORSE.
LORD CHAMBERLAIN.
EARL STANHOPE.
MAJOR ALEXANDER HARDINGE.
MR. MACKENZIE KING.

The Road
Traffic
(Compulsory
Third-Party
Insurance)
Law, 1936.

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 27th day of July, 1936, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That on the 11th day of October, 1933, the States of Deliberation, on the recommendation contained in the report of a Committee appointed by them for the purpose of studying the question of Compulsory Third-Party Insurance, passed a resolution approving the principle of such Insurance and requested the Royal Court to prepare a Bill or *Projet de Loi* to give effect to their said resolution. 2. That on the 23rd day of May, 1936, the Royal Court accordingly adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, intituled “*Loi par rapport à l'Assurance Obligatoire contre les Risques dits 'Third-Party Risks' s'élevant de l'usage de Véhicules Automobiles,*” and requested the Bailiff to submit the same to the States of Deliberation for their approval. 3. That on the 8th day of July, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was

passed approving the same with slight modifications and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 4. 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 would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi par rapport à l'Assurance Obligatoire contre les Risques dits 'Thirty-Party Risks' s'élevant de l'usage de Véhicules Automobiles," and to order and direct that the same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey, and observed accordingly.

And the Lieutenant Governor or 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.

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Projet de Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

“LOI PAR RAPPORT A L'ASSURANCE
OBLIGATOIRE CONTRE LES RISQUES DITS
'THIRD PARTY RISKS' S'ÉLEVANT DE
L'USAGE DE VÉHICULES AUTOMOBILES.”

**The Road Traffic (Compulsory Third-Party
Insurance) (Guernsey) Law, 1936.**

ARRANGEMENT OF SECTIONS.

1. Definitions.
2. Users of motor vehicles to be insured against Third-Party risks.
3. Requirements in respect of Policies.
4. Duty of Insurers to satisfy Judgments against person insured in respect of Third-Party risks.
5. Bankruptcy, etc., of insured persons not to affect certain claims by third parties.
6. Avoidance of restrictions on scope of policies covering Third-Party risks.
7. Duty of persons against whom claims are made to give information as to insurance.
8. Duty to surrender certificate on cancellation of policy.
9. Certain Conditions in Policies to be of no effect.
10. Payments and insurance in respect of emergency treatment of injuries arising from the use of motor vehicles on roads.
11. Provisions as to claims for, and supplementary provisions as to, payments for emergency treatment.
12. Production of certificate of insurance on application for motor vehicle licence.
13. Requirements as to production of certificate of insurance.

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14. Regulations for purposes of this Law.
 15. Forgery of Licences and Certificates.
 16. Prosecutions and Penalties.
 17. Application of Fines.
 18. Short Title and Commencement.
-

Loi par rapport à l'Assurance Obligatoire contre les Risques dits " Third-Party Risks " s'élevant de l'usage de Véhicules Automobiles.

VU la Délibération des Etats en date du 11 octobre, 1933 :

LES ETATS ont approuvé les dispositions suivantes, lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de loi en cette Ile.

DEFINITIONS.

1.—In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"assurance company" includes an underwriter or association of underwriters.

* "motor vehicle" shall mean a mechanically propelled vehicle intended or adapted for use on roads.

"owner" in relation to a motor vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"person" includes company or any body or association of persons, corporate or unincorporate.

"road" shall apply to any road, street, lane, way or

* *Definition of "motor vehicle" amended by the "Loi supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946" registered on the 28th December, 1946.*

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place which is public or to which the public have access.

Words in the singular shall include the plural and words in the plural shall include the singular.

USERS OF MOTOR VEHICLES TO BE INSURED AGAINST THIRD-PARTY RISKS.

2.—(1) Subject to the provisions of this Law, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on any road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance in respect of third-party risks as complies with the requirements of this Law.

(2) If a person acts in contravention of this section, he shall be liable upon summary conviction to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both such fine and such imprisonment, and a person convicted under this section shall (unless the Magistrate for special reasons thinks fit to order otherwise and without prejudice to the power of the Magistrate to order a longer period of disqualification) be disqualified for holding or obtaining a licence (“*autorisation à conduire*”) under the Law entitled “*Loi relative aux Automobiles*” sanctioned by Order in Council registered on the 11th day of December, 1926 (hereinafter called “*the Automobile Law of 1926*”) for a period of twelve months from the date of the conviction.

A person disqualified by virtue of a conviction under this section or of an order made thereunder for holding or obtaining a licence shall, for the purposes of the Automobile Law of 1926, be deemed to be disqualified by virtue of a conviction under the provisions of that Law as amended by the Law entitled “*Loi supplémentaire à la Loi relative aux Automobiles, 1932*”

and the provisions of Articles 15 and 16 of the Automobile Law of 1926 shall apply to any such person.

(3) This section shall not apply to a motor vehicle owned by any Department of His Majesty's Government or by the States of Guernsey or by any Department, Board, Council or Committee of the States of Guernsey at any time when the vehicle is being driven by the owner or by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner, or to any vehicle at any time when it is being driven for police purposes by or under the direction of a police constable, or by a person employed by the Police Committee.

(4) (a) If at any time during which any person being the owner or having possession or custody of a motor vehicle (in this paragraph referred to as "the owner") has caused or permitted any other person (in this paragraph referred to as "the other person") to use such vehicle in contravention of the provisions of subsection (1) of this section, the death of or bodily injury to any person is caused by or arises out of the use by the other person of the vehicle or out of any defect in the vehicle, the owner, in addition to any penalty which he may incur in respect of the contravention shall, notwithstanding that he may not be under any liability under any other enactment or at common law as regards such death or bodily injury, be liable, jointly and severally with the other person, in respect thereof to the extent to which liability as regards the same would have been covered by a policy of insurance in respect of third-party risks complying with the requirements of this Law had such a policy been in force in relation to the use of the vehicle at such time by the other person.

(b) Nothing in the last foregoing paragraph shall be deemed to limit or affect any right of action not arising thereout by third parties against any person in respect of death or bodily injury caused by or arising out of the use of the vehicle or out of any defect in the vehicle.

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REQUIREMENTS IN RESPECT OF POLICIES.

3.—(1) In order to comply with the requirements of this Law, a policy of insurance must be a policy which—

- (a) is issued by a person who is an authorised insurer within the meaning of this Law ; and
- (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the vehicle on a road.

Provided that such a policy shall not be required to cover :

- (i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment ; or
- (ii) except in the case of a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise ; or
- (iii) any contractual liability.

(2) Where any payment is made (whether or not with an admission of liability) by an authorised insurer under or in consequence of a policy issued under this Law, in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road, and the person who has so died or been bodily injured has to the knowledge of the authorised insurer received treatment at a hospital, whether as an in-patient or as an out-patient in respect of the injury so arising, there shall also be paid by the authorised

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insurer to such hospital the expenses reasonably incurred by the hospital in affording such treatment, after deducting from such expenses any moneys actually received by the hospital in payment of a specific charge for such treatment, not being moneys received by the hospital under any contributory scheme:

Provided that the amount to be paid by the authorised insurer shall not exceed fifty pounds for each person so treated as an in-patient, or five pounds for each person so treated as an out-patient.

For the purposes of this sub-section and of sections 10 and 11 of this Law the expression "hospital" means an institution whether owned or controlled by the States of Guernsey or otherwise (not being an institution carried on for profit) which provides medical or surgical treatment for in-patients and, for the purposes of this sub-section, the expression "expenses reasonably incurred" means

- (a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day such person is maintained in such hospital representing the average daily cost for each in-patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the in-patients therein and
- (b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

(3) (a) For the purposes of this Law, the expression "authorised insurer" means an assurance company for the time being approved by the States Board of Administration (hereinafter referred to as "the Board").

(b) The Board shall not approve as an "authorised insurer" any assurance company unless

- (i) such assurance company is a person or body of persons in whose case the requirements of the law of the United Kingdom for the time being in force as regards the deposit to be made or

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the guarantee to be given in respect of the carrying on in the United Kingdom of motor vehicle insurance business are complied with ; and

- (ii) such assurance company has entered into an undertaking with the Board to the effect that every policy of insurance (including a covering note) issued by the company in accordance with the requirements of this Law shall be deemed to be based upon a contract made in this Island under the laws for the time being in force therein, and that any question or dispute arising out of such contract or policy shall be within the jurisdiction of the Royal Court of this Island ; and
- (iii) such assurance company has communicated to the Board an address in this Island at which the company will accept service of every notice or citation required to be made to it in relation to any action or proceeding taken or to be taken in this Island under or by reason of the provisions of this Law or of any policy to which this Law relates issued by the company or in respect of any claim or proceeding made or taken by or against any person insured under any such policy.

(4) Any address in this Island communicated to the Board by an assurance company for the purposes of this section shall continue to be deemed the address of that assurance company in this Island for the purpose of the service of any such notice or citation as aforesaid until that company has communicated to the Board another address in this Island in substitution therefor and the service of any such notice or citation as aforesaid addressed to the Company or underwriter at the address or substituted address in this Island so communicated to the Board shall constitute a valid service of the same for all purposes.

(5) Notwithstanding anything in any Law contained, an authorised insurer issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(6) A policy shall be of no effect for the purposes of this Law unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Law referred to as a "certificate of insurance") in the form prescribed by Ordinance and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be thereby prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

(7) In this Law the expression "Policy of insurance" includes a covering note.

DUTY OF INSURERS TO SATISFY JUDGMENTS AGAINST PERSONS INSURED IN RESPECT OF THIRD-PARTY RISKS.

4.—(1) If after a certificate of insurance has been delivered under sub-section 6 of section 3 of this Law to the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under paragraph (b) of sub-section (1) of Section 3 of this Law (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that

1936 sum by virtue of any Law, Ordinance or judicial custom relating to interest on judgments.

(2) No sum shall be payable by an insurer under the foregoing provisions of this section :

- (a) in respect of any judgment, unless before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings ; or
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal ; or
- (c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and either :
 - (i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a declaration before a Jurat of the Royal Court or the Police Court Magistrate or a Notary Public stating that the certificate had been lost or destroyed and delivered such declaration to the insurer, or
 - (ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made in the foregoing manner such a declaration as aforesaid and delivered the same to the insurer, or
 - (iii) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has laid a charge under section 8 of this Law with the Police Inspector in respect of the failure to surrender the certificate.

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(3) No sum shall be payable by an insurer under the foregoing provisions of this section, if, in an action commenced before the Royal Court before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any condition contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it.

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this sub-section as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within seven day days after commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section the expression "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions, and the expression "liability covered by the terms of the policy" means a liability which is covered by the policy or which would be so covered

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but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled the policy

(6) In this Law references to a certificate of insurance in any provision relating to the surrender, or the loss or destruction, of a certificate of insurance shall, in relation to policies under which more than one certificate is issued, be construed as references to all the certificates, and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

BANKRUPTCY, ETC., OF INSURED PERSONS NOT TO AFFECT CERTAIN CLAIMS BY THIRD-PARTIES.

5.—Where a certificate of insurance has been delivered under sub-section (6) of Section 3 of this Law to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in sub-section (1) or sub-section (2) of section one of the Third Party (Rights against Insurers) Law, 1936, shall notwithstanding anything in that Law, not affect any such liability of that person as is required to be covered by a policy under paragraph (b) of sub-section (1) of section 3 of this Law, but nothing in this section shall affect any rights against the insurer conferred by that Law on the person to whom the liability was incurred.

AVOIDANCE OF RESTRICTION ON SCOPE OF POLICIES COVERING THIRD-PARTY RISKS.

6.—Where a certificate of insurance has been delivered under sub-section (6) of section 3 of this Law to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters:—

- (a) the age or physical or mental condition of persons driving the vehicle ; or

- (b) the condition of the vehicle ; or
- (c) the number of persons that the vehicle carries ;
or
- (d) the weight or physical characteristics of the goods that the vehicle carries ; or
- (e) the times at which or the areas within which the vehicle is used ; or
- (f) the horse power or value of the vehicle ; or
- (g) the carrying on the vehicle of any particular apparatus ; or
- (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under any Law or Ordinance for the time being in force ;

shall, as respects such liabilities as are required to be covered by a policy under paragraph (b) of sub-section (1) of section 3 of this Law, be of no effect :

Provided that nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

DUTY OF PERSONS AGAINST WHOM CLAIMS ARE MADE TO GIVE INFORMATION AS TO INSURANCE.

7.—(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under paragraph (b) of sub-section (1) of section 3 of this Law shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Law, or would have been so insured if the insurer had not avoided or cancelled the policy, and if he was or would

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have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in respect thereof under sub-section (6) of section 3 of this Law.

(2) If, without reasonable excuse, any person fails to comply with the provisions of this section, or wilfully makes any false statement in reply to any such demand as aforesaid, he shall be guilty of an offence.

DUTY TO SURRENDER CERTIFICATE ON CANCELLATION OF POLICY.

8.—Where a certificate of insurance has been delivered under sub-section (6) of section 3 of this Law to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was delivered shall, within seven days from the taking effect of the cancellation, surrender the certificate to the insurer or, if it has been lost or destroyed, make a declaration before a Jurat of the Royal Court, the Police Court Magistrate or a Notary Public, to that effect and deliver such declaration to the insurer and if he fails so to do he shall be guilty of an offence.

CERTAIN CONDITIONS IN POLICIES TO BE OF NO EFFECT.

9. Any condition in a policy issued for the purposes of this Law, providing that no liability shall arise under the policy or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connection with such claims as are mentioned in paragraph (b) of sub-section (1) of section 3 of this Law.

Provided that nothing in this section shall be taken to render void any provision in a policy requiring the person insured to repay to the insurer any sums which

the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

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PAYMENTS AND INSURANCE IN RESPECT OF EMERGENCY TREATMENT OF INJURIES ARISING FROM THE USE OF MOTOR VEHICLES ON ROADS.

10.—(1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to any person caused by, or arising out of, the use of a motor vehicle on a road, and the treatment or examination so required (in this section referred to as “emergency treatment”) is effected by a medical practitioner authorised to practise in this Island, the person who was using the vehicle at the time of the event out of which the bodily injury arose, shall, on a claim being made in accordance with the provisions of the next succeeding section, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected :

- (a) a fee of twelve shillings and sixpence in respect of each person in whose case the emergency treatment is effected by him ; and
- (b) a sum in respect of any distance in excess of two miles which he must cover, in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first mentioned place, equal to sixpence for every complete mile and additional part of a mile of that distance.

(2) Where emergency treatment is first effected in a hospital, the provisions of the foregoing subsection with respect to the payment of a fee shall, so far as applicable, have effect with the substitution of references to the hospital for references to a medical practitioner.

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(3) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

(4) In paragraph (b) of sub-section (1) of section 3 of this Law, the reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this section in respect of emergency treatment required as a result of bodily injury, and the proviso to that paragraph shall not have effect as respects liability to make a payment under this section.

PROVISIONS AS TO CLAIMS FOR, AND SUPPLEMENTARY PROVISIONS AS TO, PAYMENTS FOR EMERGENCY TREATMENT.

11.—(1) The Police Inspector shall, if so requested by a person who alleges that he is entitled to claim a payment under the last foregoing section furnish to that person any information at the disposal of the Inspector as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

(2) A claim for a payment under the last foregoing section may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected.

(3) A request in writing must be signed by the claimant, or, in the case of a hospital, by an executive officer thereof, must state the name and address of the claimant, the circumstances in which the emergency

treatment was effected, and that it was first effected by the claimant, or, in the case of a hospital, in the hospital.

(4) A request in writing may be served by delivering it to the person who was using the vehicle or by sending it in a pre-paid registered letter addressed to him at his usual or last known address.

(5) A sum payable under the last foregoing section shall be recoverable as if it were a simple contract debt from the person who was using the vehicle to the practitioner or the hospital.

(6) A payment made under the last foregoing section to a practitioner or hospital shall operate as a discharge to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital of or for effecting the emergency treatment.

(7) A payment under the last foregoing section shall not be deemed to be a payment by an authorised insurer for the purposes of sub-section (2) of section 3 of this Law.

PRODUCTION OF CERTIFICATE OF INSURANCE ON APPLICATION FOR MOTOR VEHICLE LICENCE.

12.—Provision may be made by Ordinance for requiring a person applying for a licence in respect of a motor vehicle under the Automobile Law of 1926, as amended by any subsequent enactment, to produce such evidence as may be prescribed that either

- (a) on the date when the licence comes into operation there will be in force the necessary policy of insurance in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission ; or
- (b) the vehicle is a vehicle to which the provisions of section 2 of this Law do not apply at any

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time when it is being driven by the owner thereof or by a servant of his in the course of his employment, or is otherwise subject to the control of the owner.

REQUIREMENTS AS TO PRODUCTION OF CERTIFICATE OF INSURANCE.

13.—(1) Any person driving a motor vehicle (being a vehicle to which section 2 of this Law applies) on a road shall, on being so required by an officer of the States Police, give his name and address and the name and address of the owner of the vehicle and produce his certificate, and if he fails so to do shall be guilty of an offence.

Provided that, if the driver of a motor vehicle within seven days after the date on which the production of his certificate was so required produces the certificate in person at the Police Station, he shall not be convicted of an offence under this sub-section by reason only of failure to produce his certificate to the police officer.

(2) If in any case where, owing to the presence of a motor vehicle on a road, an accident occurs involving personal injury to another person, the driver of the motor vehicle does not at the time produce his certificate to a police officer or to some person who having reasonable grounds for so doing, has required its production, the driver shall as soon as possible, and in any case, within twenty-four hours of the occurrence of the accident, produce his certificate to a police officer, and if he fails to do so, he shall be guilty of an offence :

Provided that a person shall not be convicted of an offence under this sub-section by reason only of failure to produce his certificate if, within seven days after the occurrence of the accident, he produces the certificate in person at the Police Station.

(3) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of the Police Inspector to give for the purpose of determining whether the vehicle was or was

not being driven in contravention of section 2 of this Law on any occasion when the driver was required under this section to produce his certificate, and if the owner fails to do so he shall be guilty of an offence.

(4) In this section the expression "produce his certificate" means produce for examination the relevant certificate of insurance or such other evidence that the vehicle is not or was not being driven in contravention of section 2 of this Law as may be prescribed.

REGULATIONS FOR PURPOSES OF THIS LAW.

14.—The Royal Court sitting as a Court of Chief Pleas may by Ordinance make regulations for prescribing anything which may be prescribed under this Law and generally for the purpose of carrying this Law into effect, and in particular, but without prejudice to the generality of the foregoing provisions may so make regulations:

- (a) as to the forms to be used for the purposes of this Law ;
- (b) as to applications for and the issue of certificates of insurance and any other documents which may be prescribed and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the States Supervisor or the Police Inspector ;
- (c) as to the issue of copies of any such certificates or other documents which are lost or destroyed;
- (d) as to the custody, production, cancellation and surrender of any such certificates or other documents ;
- (e) for providing that any provisions of this Law shall, in relation to motor vehicles brought into the Island of Guernsey by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed.

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FORGERY OF LICENCES AND CERTIFICATES.

- 15.—(1) If, with intent to deceive, any person
- (a) forges or alters or uses or lends to or allows to be used by any other person a certificate of insurance under this Law ; or
 - (b) makes or has in his possession any documents so closely resembling such a certificate as to be calculated to deceive ;

he shall be guilty of a misdemeanour and shall be liable upon conviction on indictment before the Royal Court to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding two hundred pounds, or to both such imprisonment and fine.

(2) If any person for the purpose of obtaining the issue of a certificate of insurance under this Law makes any false statement or withholds any material information he shall be liable upon summary conviction before the Royal Court to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months, or to both such imprisonment and fine.

(3) If any person issues a certificate of insurance which is to his knowledge false in any material particular, he shall be liable upon summary conviction before the Royal Court to imprisonment with or without hard labour for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(4) If any States official or police officer has reasonable cause to believe that any certificate of insurance produced to him in pursuance of the provisions of this Law by the owner or driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document, and when any document is seized under this section, the person from whom it was taken shall, unless the document has been previously re-

turned to him or he has previously been charged with an offence under this section in respect of the document, be summoned before the Police Court Magistrate to account for his possession of the said document and the Magistrate shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(5) In this section the expression "certificate of insurance" includes any document issued under regulations made by the Royal Court in pursuance of its power under this Law to prescribe evidence which may be produced in lieu of a certificate of insurance.

PROSECUTIONS AND PENALTIES.

16.—(1) Save as otherwise expressly provided, all offences under this Law shall be prosecuted summarily before the Police Court Magistrate.

(2) A person guilty of an offence under this Law for which no special penalty is provided shall be liable in the case of a first offence to a fine not exceeding ten pounds and in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for a term not exceeding two months.

(3) Where the driver of a vehicle is alleged to be guilty of an offence under this Law:

- (a) the owner of the vehicle shall give such information as he may be required by or on behalf of the Police Inspector to give as to the identity of the driver, and, if he fails to do so shall be guilty of an offence, unless he shows to the satisfaction of the Court that he did not know and could not with reasonable diligence have ascertained who the driver was; and
- (b) any other person shall, if required as aforesaid, give any information which it is in his power

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to give and which may lead to the identification of the driver, and, if he fails to do so, he shall be guilty of an offence.

APPLICATION OF FINES.

17.—The amount of all fines imposed in respect of offences under this Law or the Regulations made thereunder shall be applicable as to one half thereof to His Majesty and as to the other half thereof to the States.

SHORT TITLE AND COMMENCEMENT.

18.—(1) This Law may be cited as the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936.

(2) This Law shall come into operation on such day or days as may be appointed by Ordinance, and different days may be fixed by Ordinance for different purposes and different provisions of this Law.

(Enregistré sur les Records le 14 novembre 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 27th day of October, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD STEWARD.

MASTER OF THE HORSE.

LORD CHAMBERLAIN.

EARL STANHOPE.

MAJOR ALEXANDER HARDINGE.

MR. MACKENZIE KING.

Loi relative
à la Réforme
de Diverses
Dispositions
de la Loi
(1936).

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 24th day of July, 1936, in the words following, viz. :—

“ YOUR MAJESTY having been pleased by Your

General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

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(1) That on the 2nd day of May, 1936, the Law Officers of the Crown submitted to the Royal Court, a Bill or *Projet de Loi* intituled “ *Loi relative à la Réforme de diverses dispositions de la Loi (1936)* ”, when the Court duly adopted the same and requested the Bailiff to bring it before the States of Deliberation for their approval. (2) That on the 5th day of June, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. (3) 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 would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled ‘ *Loi relative à la Réforme de diverses dispositions de la Loi (1936)* ’, and to order and direct that the same shall have the force of Law within 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

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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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or 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.

M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI RELATIVE À LA RÉFORME DE DIVERSES DISPOSITIONS DE LA LOI

(1936).

Les Etats ont approuvé les dispositions suivantes rédigées en anglais, lesquelles moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

1.—*Effect of Death on Certain Causes of Action.*—

(1) Subject to the provisions of this section, on the death of any person after the commencement of this Law all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of his estate. Provided that this subsection shall not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or to any

claim against any person for damages on the ground of that person's adultery with the husband or wife of the claimant.

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(2) Where a cause of action survives as aforesaid for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person :—

- (a) shall not include any exemplary damages;
- (b) in the case of a breach of promise to marry shall be limited to such damage, if any, to the estate of that person as flows from the breach of promise to marry ;
- (c) where the death of that person has been caused by the act or omission which gives rise to the cause of action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(3) No proceedings shall be maintainable in respect of a cause of action in tort which by virtue of this section has survived against the estate of a deceased person, unless either—

- (a) proceedings against him in respect of that cause of action were pending at the date of his death ; or
- (b) the cause of action arose not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representatives took out representation.

(4) Where damage has been suffered by reason of any act or omission in respect of which a cause of action would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Law, to have been subsisting against him before his death such cause of action in respect of

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that act or omission as would have subsisted if he had died after the damage was suffered.

(5) The rights conferred by this Law for the benefit of the estates of deceased persons shall be in addition to and not in derogation of any rights conferred on the dependants of deceased persons by the Law entitled "Loi relative à la Compensation qui pourra être accordée aux Familles de Personnes dont la Mort aura été causée par Accident" sanctioned by Order in Council registered on the Records of this Island on the 28th day of December, 1900 (hereinafter called "the Fatal Accidents Law of 1900") as amended by this Law or by the Order in Council entitled "Carriage by Air (Guernsey) Order, 1935", registered on the Records of this Island on the 29th day of June, 1935, and so much of this Law as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under the said Law as so amended and under the said Order in Council as it applies in relation to other causes of action not expressly excepted from the operation of subsection (1) of this section.

(6) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract, promise or breach of trust.

(2)—*Amendment of the Fatal Accidents Law of 1900 and of the Law with respect to the assessment of Damages thereunder:—*

(1) In assessing damages in any action, whether commenced before or after the passing of this Law, under the Fatal Accidents Law of 1900, there shall not be taken into account any sum paid or payable

on the death of the deceased under any contract of assurance or insurance, whether made before or after the passing of this Law.

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(2) For the purposes of the Fatal Accidents Law of 1900, a person shall be deemed to be the parent or child of the deceased person notwithstanding that he was only related to him illegitimately and, in addition to the relationships which under the provisions of that Law and of this subsection are included within the meaning of the expression "enfant" therein contained that expression shall include any child the custody of whom had been accepted by the deceased and who was still in such custody and was being wholly or partially maintained by the deceased at the time of the death of the latter.

(3) In any action brought under the Fatal Accidents Law of 1900, damages may be awarded in respect of the funeral expenses of the deceased person if such expenses have been incurred by the parties for whose benefit the action is brought.

(4) This section shall not apply in relation to any action in respect of the death of any person before the commencement of this Law.

3.—*Short Title.*—This Law may be cited as the Law Reform (Miscellaneous Provisions) (Guernsey) Law, 1936.

(Enregistré sur les Records le 14 novembre 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 27th day of October, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

LORD CHAMBERLAIN

LORD STEWARD

EARL STANHOPE

MASTER OF THE HORSE

MAJOR ALEXANDER HARDINGE

MR. MACKENZIE KING

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

Loi portant
modification
à la Loi sur
la Taxe sur
le Revenu,
1936.

1936 and Jersey, dated the 13th day of October, 1936, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

(1) That on the 18th day of March, 1936, the States of Deliberation, on a recommendation contained in a petition submitted to them by several of their members, passed a resolution approving an increase of the Income Tax abatement from £25 to £50 in respect of children under sixteen years of age, and requested the Royal Court to prepare a Bill or *Projet de Loi* to give effect to their said resolution. (2) That on the 30th day of May, 1936, the Royal Court accordingly adopted a Bill or *Projet de Loi* intituled ‘*Loi portant modification à la Loi sur la taxe sur le Revenu, 1936*’, prepared by the Law Officers of the Crown, and requested the Bailiff to submit the same to the States for approval. (3) That on the 8th day of July, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorising the Bailiff to present a most humble Petition to your Majesty in Council praying for Your Royal Sanction thereto. (4) That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule annexed to the Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled ‘*Loi portant modification à la Loi sur la Taxe sur le Revenu, 1936*’; and to order and direct that the same shall have the force of Law within the Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in 1936 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

And the Lieutenant-Governor or 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.

M. P. A. HANKEY.

1936 PROJÉT DE LOI referred to in the foregoing Order

PROJET DE LOI

INTITULÉ

*LOI PORTANT MODIFICATION À LA LOI SUR LA TAXE SUR LE REVENU, 1936.

VU la délibération des Etats en date du 18 mars 1936 :

LES ETATS ont décidé, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, qu'en ce qui concerne la calculation de la passibilité à la Taxe sur le Revenu aux taux annuels respectifs qui seront établis pour l'année mil neuf cent trente-sept et les années subséquentes, l'article suivant aura effet et sera censé former partie de la Loi ayant rapport à la Taxe sur le Revenu sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 10 janvier 1920 (ci-après désignée " la Loi originelle ") en substitution à l'article 15 qui, suivant aux dispositions de la Loi portant modification à la Loi sur la Taxe sur le Revenu, 1924, sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 12 avril 1924, fut substitué à l'Article 15 de la Loi originelle.

ARTICLE 15.

Allowances.

When the total statutory profits or income of an individual who is not a non-resident exceed £125 but do not exceed £700 for a year of assessment, he shall be entitled to claim that there be made from his total statutory profits or income for that year of assessment :

- (a) an allowance of £75 if he proves that for that year of assessment he has his wife living with him or that his wife is wholly maintained by

* Repealed by the *Income Tax (Amendment) Law, 1939.*

him during that year of assessment and if it appears that he is not entitled to make any deduction in that year of assessment in respect of any sum paid for the maintenance of his wife.

- (b) an allowance of £50 in respect of each child of his living at the commencement of that year of assessment, wholly maintained by him and not then over the age of sixteen years. The expression "child of his" shall include an illegitimate child of the claimant and a child adopted by the claimant.
- (c) an allowance of £25 in respect of any other relative living at the commencement of that year of assessment who is incapable of maintaining himself or herself and is maintained by the claimant.

(Enregistré sur les Records le 14 novembre 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 27th day of October, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
LORD STEWARD.
MASTER OF THE HORSE.
LORD CHAMBERLAIN.
EARL STANHOPE.
MAJOR ALEXANDER HARDINGE.
MR. MACKENZIE KING.

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 13th day of October, 1936, in the words following, viz. :—

Loi relative
aux Douits.

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

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(1) That on the 18th day of March, 1936, the States of Deliberation passed a resolution approving, with certain modifications, the recommendations contained in a Report submitted to them by a Committee appointed for the purpose of considering the question of Surface Drainage in the low-lying districts of this Island, and requested the Royal Court to prepare the legislation necessary to give effect to the said Resolution. (2) That on the 27th day of June, 1936, the Royal Court adopted a Bill or *Projet de Loi* prepared by the Law Officers of the Crown, intituled "Loi relative aux Douits", and requested the Bailiff to submit the same to the States for approval. (3) That on the 29th day of July, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. (4) That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule annexed to the Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of the Island of Guernsey intituled 'Loi relative aux Douits' and to order and direct that the same shall have the force of Law within 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." 1936

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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor or 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.

M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI RELATIVE AUX DOUITS.

VU les délibérations des Etats en date du 18 mars 1936 :

Les Etats ont approuvé les dispositions suivantes lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

CENTRAL COMMITTEE.

1.—The powers and duties specified in the next succeeding section in relation to watercourses in this

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Island are hereby conferred upon and entrusted to the States Public Thoroughfares Committee (in this Law referred to as " the Central Committee ") and all such powers and duties in relation to any watercourse and to the Committee of any watercourse as have hitherto vested in or been exercised by His Majesty's Sheriff shall henceforth cease to so vest or be exercised and shall vest in and be exercised by the Central Committee.

POWERS AND DUTIES OF CENTRAL COMMITTEE.

2.—The Central Committee, any sub-committee thereof thereunto authorised by the Central Committee and any States employee thereunto authorised by the Central Committee or by a sub-committee thereof, are hereby authorised at all times between sunrise and sunset to enter with such vehicles, apparatus, implements and materials as may be necessary or expedient in the circumstances upon any land upon which it may be necessary to enter in order to gain access to any watercourse for the purpose of inspecting the same and of executing any work in connection therewith which the Central Committee is authorised by this Law to execute.

3.—(1) It shall be the duty of the Central Committee—

- (a) to consider every report submitted to it by a Stream Committee :
- (b) to serve a notice on any person who has failed to carry out any duty legally incumbent upon him in relation to the cleaning of any watercourse, the clearing of obstructions to the free flow of the water therein and the repair of the banks thereof, requiring such person within the time specified in the notice to carry out such duty :
- (c) to institute legal proceedings against any

person who fails to comply with the terms of a notice served upon him by the Central Committee :

- (d) to execute work in relation to the cleaning and clearing of any watercourse or the repair of any bank of any watercourse at the expense of any person legally liable to execute the same who has neglected to comply with a notice requiring him to execute the same served upon him by the Central Committee :
- (e) to report annually to the Court of Chief Pleas at its Christmas session, upon—
 - (i) the condition of the watercourses of this Island :
 - (ii) any failure by a Stream Committee to carry out the duties imposed upon it whether under this Law or under an Ordinance of the Royal Court or under a mandate otherwise given to such Stream Committee :
- (f) to report to the States upon any scheme for the alteration or improvement of any watercourse which the Central Committee recommends should be carried out at the expense of the States or of some other person or persons or partly at the expense of the States and partly at the expense of such other person or persons :
- (g) to execute such works in relation to the alteration or improvement of any watercourse as may from time to time be authorised by the States and (in so far as sanction of the Royal Court to the execution thereof shall be necessary under the provisions of this Law) as shall be sanctioned by the Royal Court.

(2) Save with the previous written permission of the Central Committee, no alteration shall be made to any part of the bed of a watercourse or to any part of any bank of a watercourse, nor shall a watercourse or any part thereof be covered nor the stream flowing therein or any part thereof be enclosed,

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(3) Before granting any such permission as may be requisite under the provisions of the last preceding subsection, the Central Committee may require the applicant for such permission to furnish the Central Committee with such plans and other written particulars as the Central Committee may deem necessary or expedient.

(4) Any person carrying out, whether in whole or in part, without the previous written permission of the Central Committee, any work for the carrying out of which such permission is required under subsection (2) of this section shall be guilty of an offence and shall be liable upon conviction before the Royal Court sitting as an Ordinary Court to a fine not exceeding £25 and, upon any such conviction, the Court may, in addition to imposing a fine, direct that such work as may be necessary to restore the watercourse to the state in which it was before the commission of the offence shall be carried out by the offender at his cost within such period and upon such penalty in the event of non-compliance as the Court may prescribe.

STREAM COMMITTEES

4—Where in the case of any watercourse there is in existence at the commencement of this Law a Committee entrusted with the supervision thereof, that Committee shall, subject to the provisions of this Law, continue to exercise its functions in accordance with the provisions of the Ordinance or other instrument from which its powers and duties are derived.

Provided that nothing herein contained shall be construed so as to prevent the modification from time to time of any any such Ordinance or instrument as is mentioned in the foregoing section.

5.—Where in the case of any watercourse or of some part thereof there is in existence no Committee having supervisory powers with respect thereto, the Constables and Douzaine of the Parish in which such watercourse or part thereof is situate shall be the Stream Committee in respect thereof.

Provided that it shall be lawful for the Constables and Douzaine of any parish to appoint a Committee of not less than five persons resident in that Parish as the Committee having supervisory powers in respect of the watercourses situate in that parish and upon notification by the Constables of that Parish to the Central Committee of the appointment in that Parish of any such Committee and for so long as that Committee shall continue in existence, that Committee shall be vested with and shall carry out as regards that Parish the powers and duties by this Law conferred upon Stream Committees in the place and stead of the Constables and Douzaine of that Parish.

Provided also that as regards any part of any watercourse forming in whole or in part the boundary between any two parishes, the Constables and Douzaines of such parishes shall together be the Stream Committee in respect thereof unless in one of such parishes there is in existence a Committee appointed under the last foregoing proviso, in which case that Committee and the Constables and Douzaine of the other of such parishes shall together be the Stream Committee in respect thereof, or unless in each of such parishes there is in existence a Committee appointed under such proviso, in which case those Committees shall together be the Stream Committee in respect thereof.

POWERS AND DUTIES OF STREAM COMMITTEES.

6.—(1) It shall be the duty of the President of every Stream Committee in existence at the com-

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mencement of this Law to forward to the Central Committee before the expiration of two months after the commencement of this Law a statement containing the names and addresses of the members of that Stream Committee and the name and address of the President or other member thereof to whom communications from the Central Committee to the Stream Committee are to be addressed.

(2) It shall be the duty of the Constables of each Parish upon the appointment of a Stream Committee in that parish to forward to the Central Committee a notification of the appointment of that Stream Committee together with a statement of the names and addresses of the members of that Committee and of the name and address of the President or other member of that Committee to whom communications from the Central Committee to that Committee are to be addressed.

(3) Changes in the personnel of any Stream Committee and any change of the member thereof to whom communications are to be addressed shall be notified to the Central Committee by the President of that Stream Committee as and when such changes occur.

(4) It shall be the duty of each Stream Committee at least once in each calendar year to inspect the watercourse or watercourses as regards which it has supervisory powers and thereafter to prepare and forward to the Central Committee a report concerning the condition of such watercourse or watercourses. An inspection shall be made between the thirtieth day of September and the fifteenth day of October of each year and the report concerning such inspection shall be forwarded so as to reach the Central Committee not later than the thirty-first day of October next following. The report shall contain details of all obstructions to the free flow of the stream in any such watercourse and of any lack of repair of the banks thereof and the situation thereof

and shall set out the names and addresses of the persons responsible for the removal of such obstructions and for the repair of such banks.

(5) It shall be the duty of the Stream Committee upon being requested so to do by the Central Committee to make such further inspections of any watercourse over which that Stream Committee has supervisory powers as the Central Committee may require to be made and to furnish the Central Committee with all such written particulars concerning any such watercourse as the Central Committee from time to time may reasonably require.

(6) A Stream Committee is hereby authorised at all times between sunrise and sunset to enter upon any land upon which it may be necessary to enter in order to gain access to any watercourse for the purpose of inspecting the same.

LA TURQUIE—LE PONT ALLAIRE STREAM.

7.—For the purposes of this Law, the holder from time to time of the office of Prévôt du Valle shall be deemed to be a Stream Committee as regards the watercourse containing the stream which flows from La Turquie to Le Pont Allaire and as regards that watercourse it is hereby declared that such reports concerning the same as are required by this Law to be made to the Central Committee shall be made to His Majesty's Receiver General for transmission to the Central Committee.

NOTICES.

8.—Service of any notice which the Central Committee may require to serve on any person for the purposes of this Law may be effected by posting the same in a prepaid envelope to that person and upon proof of the posting of any such notice service of the notice shall be deemed to have been effected,

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unless the contrary is proved, at the time at which such notice would have been delivered in the ordinary course of post.

APPEALS.

9.—(1) Any person aggrieved by the requirements of a notice served on him by the Central Committee may, if the conditions specified in this section are fulfilled, appeal therefrom to the Royal Court sitting as an Ordinary Court and may apply for an order that the notice be set aside or varied in such manner as to the Court shall seem just, and the order of the Court so obtained shall be final.

(2) The conditions to be fulfilled for the purposes of this section are as follows :

(a) Notification in writing of intention to appeal, stating the grounds upon which the appeal will be made, shall, within eight days after the date of service of the notice, be delivered by the person intending to appeal therefrom to the Central Committee.

(b) The appeal shall be brought within twenty-one days after the date of service of the notice in respect of which the appeal is made.

(3) In any case in which notification of intention to appeal has been delivered in accordance with the provisions of this section, no liability to penalty shall arise by reason of non-compliance with the notice nor shall any proceedings be taken or work be done by the Central Committee until after the determination of such appeal unless such appeal ceases to be prosecuted.

PROCEEDINGS AND PENALTY.

10.—(1) Subject to the provisions of the foregoing section, where a person upon whom a notice to perform work in relation to any watercourse has been served by the Central Committee makes default in complying with any requisition contained

therein within the time specified therein, the Central Committee may summon such person to appear before the Ordinary Court, and, if it shall appear to the Court that the person upon whom the notice is served is the person liable to perform the work required by the notice to be performed and that his default is wilful and without just cause, the person making such default shall be liable to a fine not exceeding £25, and the Court may make such further order as to the carrying out of the work as to the Court shall seem just. No appeal shall lie from the decision of the Ordinary Court.

(2) Where a notice is served upon an owner of real property by the Central Committee under this Law it shall not be a ground for an appeal against the requirements of that notice or a defence to proceedings against that owner for failure to comply with the requirements of that notice that there exists between that owner and some other person a contract or arrangement whereby that other person has assumed responsibility for the execution of the work required under the notice to be carried out by such owner.

(3) Where any person has failed to comply with the terms of a notice served on him by the Central Committee or with the terms of an Order of the Court made in relation thereto, the Central Committee is hereby empowered at the cost of that person to execute all such works as were required by that notice or Order to be done.

PROCEDURE, ETC., AS REGARDS
ALTERATIONS AND IMPROVEMENTS
WHEN THE COST IS NOT WHOLLY
BORNE BY THE STATES.

II.—(1) Where the States have approved a scheme for the execution of any alteration or improvement of any watercourse or some part thereof

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and have approved a proposition that the cost of such alteration or improvement or part thereof should be borne otherwise than by the States, then, unless the person or persons at whose expense the cost of such alteration or improvement or part thereof is proposed to be borne shall have agreed to bear the same, it shall be the duty of the Central Committee to publish on two occasions in *La Gazette Officielle* a notice containing a general description of the scheme of alteration or improvement, a statement as to the estimated cost thereof, as to the amount of such cost which it is proposed should be borne otherwise than by the States and as to the person, persons or class or classes of persons by whom it is proposed that the cost should be wholly or partially borne and of the method of determining the amount of the contributions thereto of those persons or of the persons of that class or of those classes and to the effect that the Central Committee will apply to the Royal Court sitting as a Full Court on and at a particular date and time for sanction to proceed with the execution of the scheme upon the basis that the cost thereof which it is not proposed should be borne by the States shall be borne in the manner indicated in the notice.

(2) On the date of the making of such application, the Royal Court shall hear the representations of any person who, in the event of the scheme being sanctioned, would be a contributor to the cost thereof and, if the Court is of opinion that the cost of executing the scheme will not bear unfairly on any proposed contributor, the Court may sanction the execution of the scheme.

(3) As regards any such scheme as is mentioned in this section the execution of which has been sanctioned by the Royal Court, upon the completion of the work to which the schemes relates, the Central Committee shall be entitled to recover the contributions to the cost thereof of the person or

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persons by whom it was proposed in the notice that such cost or part thereof should be borne as though each of such contributions was a simple contract debt due by the contributor thereof to the Central Committee.

INDEMNITY.

12.—Where in relation to any watercourse work is or has been undertaken by the States whether wholly or partly at the expense of the States or of any person or persons and, whether by reason of the acceleration of the flow of the stream in that watercourse or of any other happening which may arise out of such work, the supply of water from that stream to any person is diminished or any person is deprived of a supply of water from that stream, no action shall lie against the States at the instance of any person claiming to have suffered such diminution or deprivation of supply.

LIMITATION OF ACTIONS AGAINST STATES.

13.—Where as regards any watercourse the States have canalised any part of the same or have undertaken the work of maintaining such watercourse or part thereof clear of obstructions whether wholly or partly at the expense of the States or otherwise and by reason of any failure by the States to maintain the same clear of obstructions flooding of the land of any person results, no action whether in damages or otherwise arising out of the claim of any person that he has suffered loss or damage by reason of such flooding shall lie against the States unless it be shown therein that within seven days after the date on which such flooding commenced the claimant served upon the Central Committee a notice in writing giving a description of the land so flooded and the situation thereof and indicating the watercourse from the obstruction of which the flooding results and that,

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for the space of seven days after the receipt of such notice by the Central Committee, the Central Committee failed to take all reasonable steps to clear that watercourse of such obstructions as existed therein and were the cause of such flooding.

APPLICATION OF FINES

14.—The amount of all fines recovered under the provisions of this Law shall be applicable half to His Majesty and half to the States.

ORDINANCES

15.—The Royal Court sitting as a Court of Chief Pleas is hereby authorised to pass such Ordinances for the carrying out of this Law as may be necessary.

INTERPRETATION

16.—In this Law, save as regards Sections 4, 11, 12 and 13 thereof, the expressions "watercourse" and "watercourses" shall only apply to such watercourse or watercourses as are declared by Ordinance of the Royal Court sitting as a Court of Chief Pleas to be a watercourse or watercourses subject to the application of the provisions of this Law.

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(Enregistré sur les Records le 21 novembre 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 27th day of October, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD STEWARD.

MASTER OF THE HORSE.

LORD CHAMBERLAIN.

EARL STANHOPE.

MAJOR ALEXANDER HARDINGE.

MR. MACKENZIE KING.

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 13th day of October, 1936, in the words following, viz. :—

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

(1) That for the reasons set forth in the preamble thereof, the Royal Court on the 27th day of June, 1936, adopted a Bill or *Projet de Loi* prepared by the Law Officers of the Crown intituled “ *Loi par rapport à la Convention Internationale de 1931 sur le régime fiscal d'Automobiles Etrangers* ”, and requested the Bailiff to submit the same to the States of Deliberation for their approval. (2) That on the 29th day of July, 1936, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. (3) That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule

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annexed to the Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi par rapport à la Convention Internationale de 1931 sur le régime fiscal d'Automobiles Etrangers", and to order and direct that the same shall have the force of Law within 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 hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor or 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.

M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order. 1936

PROJET DE LOI

INTITULÉ

LOI PAR RAPPORT À LA CONVENTION INTERNATIONALE DE 1931 SUR LE RÉGIME FISCAL D'AUTOMOBILES ÉTRANGERS.

ATTENDU qu'une Convention Internationale fut arrêtée à Genève le 30 mars 1931, par des Plénipotentiaires représentant les Pays suivants, savoir :— La Belgique, la Grande Bretagne et l'Irlande du Nord et les Territoires Britanniques au delà des Mers, les Indes, le Danemark et Islande, la Pologne pour elle et pour la Ville libre de Dantzig, l'Espagne, l'Italie, le Luxembourg, les Pays Bas, le Portugal, la Suède, la Suisse, le Tchécoslovaquie et la Turquie :

ATTENDU que la dite Convention fut dûment ratifiée pour et au nom de Sa feu Majesté le Roi Georges V. pour la Grande Bretagne et l'Irlande du Nord ainsi que pour toutes parties de l'Empire britannique non membres séparés de la Société des Nations et qu'ainsi l'effet de la dite Convention—laquelle est encore en vigueur— s'étend à cette Ile :

ATTENDU qu'il convient de faire un acte législatif pour donner à la dite Convention son plein effet en cette Ile et de conférer à une autorité en cette Ile le pouvoir d'émettre des carnets fiscaux—le tout dans les cas visés par la dite Convention :

Est légiféré comme suit moyennant la Sanction de Sa Très Excellente Majesté en Conseil :—

(1)—In this Law the expression " the Convention " means the International Convention regarding the Taxation of Foreign Motor Vehicles agreed upon at Geneva on the 30th day of March, 1931, and of which the text is contained in the Schedule to this Law.

Definition
of " Con-
vention ".

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Vehicles
temporarily
in Island.

2.—Any person making only a temporary stay in the Island of Guernsey who brings into that Island a motor vehicle to which the Convention applies and which is furnished with a fiscal permit drawn up and issued in accordance with the provisions of the Convention and who is the holder of an International Circulation Permit issued by the States Supervisor under the provisions of Article IV. of the Law entitled “Loi ayant rapport à la Convention Internationale relative à la Circulation Automobile” registered on the Records of that Island on the 29th day of July 1931, shall be exempt in respect of that vehicle to the extent and in accordance with the conditions specified in the Convention from the taxes or charges levied on the circulation or possession of motor vehicles in that Island.

Fiscal
Permits.

3.—(1) The States Supervisor is hereby declared to be the authority competent in the Island of Guernsey to issue fiscal permits for the purposes of the Convention in respect of motor vehicles registered in this Island.

(2) Every fiscal permit issued by the States Supervisor shall be drawn up in the form set out in the Annex to the Convention.*

* New Article added by the Taxation of Foreign Motor Vehicles Law, 1947, registered on the 26th June, 1948.

INTERNATIONAL CONVENTION

REGARDING THE

TAXATION OF FOREIGN

MOTOR VEHICLES

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INTERNATIONAL CONVENTION
REGARDING THE TAXATION OF FOREIGN
MOTOR VEHICLES.

Geneva, March 30, 1931.

THE High Contracting Parties,
Being desirous of facilitating international
motor traffic,

Considering that as wide an exemption as possible
of foreign motor vehicles from taxation is of essen-
tial importance for this purpose,

Have appointed as their Plenipotentiaries :

His Majesty the King of the Belgians :

M. J. de Ruelle, Legal Adviser to the Ministry
for Foreign Affairs.

His Majesty the King of Great Britain, Ireland and
the British Dominions beyond the Seas, Em-
peror of India :

For Great Britain and Northern Ireland and all
parts of the British Empire which are not
separate Members of the League of Nations :

Mr. Percival Charles Franklin, of the Ministry of
Transport.

His Majesty the King of Denmark and Iceland :

M. E. Simoni, Assistant Chief Inspector at the
Ministry of Public Works,.

The President of the Polish Republic, for the Free
City of Danzig :

Dr. Wladyslaw Rasinski, former Director of the
Customs Department in the Ministry of Finance.

His Majesty the King of Spain :

M. Carlos Resines, Secretary-General of the Royal
Automobile Club of Spain.

CONVENTION SUR LE RÉGIME FISCAL
DES VÉHICULES AUTOMOBILES
ÉTRANGERS.

Genève, le 30 mars 1931.

LES Hautes Parties contractantes,

Désireuses de faciliter la circulation internationale des automobiles ;

Considérant qu'une exonération fiscale aussi étendue que possible des véhicules automobiles étrangers présenterait à cette fin un intérêt essentiel,

Ont désigné pour leurs Plénipotentiaires :

Sa Majesté le Roi des Belges :

M. J. de Ruelle, Jurisconsulte du Ministère des Affaires étrangères.

Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au delà des mers, Empereur des Indes :

Pour la Grande-Bretagne et l'Irlande du Nord ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations :

M. Percival Charles Franklin, du Ministère des Transports.

Sa Majesté le Roi de Danemark et d'Islande :

M. E. Simoni, Sous-Chef de Section au Ministère des Travaux publics.

Le Président de la République de Pologne pour la Ville libre de Dantzig :

Le Docteur Wladyslaw Rasinski, ancien Directeur du Département des Douanes au Ministère des Finances.

Sa Majesté le Roi d'Espagne :

M. Carlos Resines, Secrétaire général de l'Automobile-Club royal d'Espagne.

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His Majesty the King of Italy :

M. C. de Constantin de Chateauneuf, Consul-General at Geneva.

Her Royal Highness the Grand Duchess of Luxemburg :

M. Charles Vermaire, Consul at Geneva.

Her Majesty the Queen of the Netherlands :

M. J. F. Schönfeld, Administrator at the Waterstaat ;

M. L. Meijers, Administrator, Chief of the Customs and Excise Division at the Ministry of Finance.

The President of the Polish Republic :

Dr. Wladyslaw Rasinski, former Director of the Customs Department in the Ministry of Finance.

The President of the Portuguese Republic :

M. A. M. Ferraz de Andrade, Chief of the Portuguese Office accredited to the League of Nations.

His Majesty the King of Sweden :

M. K. I. Westman, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The Swiss Federal Council :

M. Henri Rothmund, Chief of the Police Division of the Federal Department of Justice and Police ;

M. Samuel Häusermann, Inspector-General of Customs and Deputy of the Director-General of Customs ;

M. Max Ratzemberger, Assistant Chief of the Foreign Affairs Division of the Federal Political Department.

The President of the Czechoslovak Republic :

M. Václav Roubík, Engineer Director at the Ministry of Public Works, former Minister.

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Sa Majesté le Roi d'Italie :

M. C. de Constantin de Chateauneuf, Consul général à Genève

Son Altesse Royale la Grande-Duchesse de Luxembourg :

M. Charles Vermaire, Consul à Genève.

Sa Majesté la Reine des Pays-Bas :

M. J. F. Schönfeld, Administrateur au Ministère du Waterstaat ;

M. L. Meijers, Administrateur, Chef de la Division des Douanes et Accises au Ministère des Finances.

Le Président de la République de Pologne :

Le Docteur Wladyslaw Rasinski, ancien Directeur du Département des Douanes au Ministère des Finances.

Le Président de la République portugaise :

M. A. M. Ferraz de Andrade, Chef de la Chancellerie portugaise auprès de la Société des Nations.

Sa Majesté le Roi de Suède :

M. K. I. Westman, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Le Conseil fédéral suisse :

M. Henri Rothmund, Chef de la division de la Police du Département fédéral de Justice et Police ;

M. Samuel Häusermann, Inspecteur général des Douanes et Suppléant du Directeur général des Douanes ;

M. Max Ratzenberger, Chef adjoint de la division des Affaires étrangères du Département politique fédéral.

Le Président de la République tchécoslovaque :

M. Václav Roubík, Ingénieur, Directeur au Ministère des Travaux publics, ancien Ministre.

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The President of the Turkish Republic :

Cemal Hüsnü Bey, Envoy Extraordinary and
Minister Plenipotentiary to the Swiss Federal
Council ;

Who, having produced their full powers, found
in good and due form, have agreed upon the following
provisions :—

ARTICLE I

Exemption
from
taxes, etc.

When a motor vehicle registered in the territories
of one of the High Contracting Parties circulates
temporarily in the territories of another, it shall,
under the conditions laid down in the following
articles, be exempted from the taxes or charges
levied on the circulation or possession of motor
vehicles in the territories of that High Contracting
Party or in any part of those territories. This
exemption shall not include taxes or charges on
consumption.

The present Convention shall not, however, apply
to vehicles used for the public carriage of passengers
for hire or reward, or for the conveyance of goods.

ARTICLE 2.

Period
of
exemption.

The exemption provided by Article I shall be
granted in the territories of each High Contracting
Party for one or more periods of stay totalling in all
ninety days passed in those territories within a
period of one year. This latter period shall be
reckoned from the day of the issue of the fiscal
permit provided for in Article 3 to the corresponding
day in the following year.

In calculating the period of exemption, each day
shall be reckoned from midnight to midnight, every
fraction of a day counting as a whole day. The day
of exit shall, however, not be counted when the day
of entry and the day of exit are separated by a
period of more than one day.

Le Président de la République de Turquie :

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Cemal Hüsnü bey, Envoyé extraordinaire et
Ministre plénipotentiaire près le Conseil fédéral
suisse ;

Lesquels, après avoir produit leurs pleins pouvoirs,
reconnus en bonne et due forme, ont arrêté les
dispositions suivantes :

ARTICLE PREMIER.

Les véhicules automobiles immatriculés dans le territoire de l'une des Hautes Parties contractantes, qui circulent temporairement sur le territoire d'une autre, sont exemptés, dans les conditions précisées par les articles ci-après, des impôts ou taxes qui frappent la circulation ou la détention des automobiles dans tout ou partie du territoire de cette dernière Haute Partie contractante. Cette exemption ne s'étend pas aux impôts ou taxes de consommation.

Sont toutefois exclus de la présente Convention les véhicules servant, moyennant rémunération, au transport des personnes, ainsi que les véhicules affectés au transport des marchandises.

ARTICLE 2.

L'exonération établie par l'article premier est accordée, dans le territoire de chaque Haute Partie contractante, pour un ou plusieurs séjours représentant une durée totale de quatre-vingt-dix jours passés dans ce territoire dans le délai d'un an ; ce délai est compté, jour pour jour, à partir de la date de la délivrance du carnet fiscal visé à l'article 3.

Pour le calcul de la durée de l'exonération, le jour est compté de minuit à minuit, toute fraction de jour comptant pour un jour entier. Toutefois, le jour de sortie n'est pas compté lorsque le jour d'entrée et le jour de sortie sont séparés par plus d'un jour intermédiaire.

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In calculating the taxes and charges payable for the part of the stay which is in excess of the period of exemption, treatment shall be accorded not less favourable than that granted to vehicles registered in the territories in which the charges and taxes are levied.

ARTICLE 3.

Fiscal
permit
necessary.

In order to claim the benefit of the exemptions provided in the preceding articles, the vehicle must be furnished with a fiscal permit drawn up in the form set out in the Annex to the present Convention and issued by the competent authority of the territory of registration or by some organisation designated for the purpose by that authority.

The permit shall be presented for endorsement at the frontier Customs offices on arrival in and departure from the territories of the High Contracting Party concerned.

ARTICLE 4.

Exit visa.

When a vehicle which has entered the territories of one of the High Contracting Parties under cover of a fiscal permit leaves those territories without an exit visa having been stamped on the permit and without its being possible to establish the date of exit, that permit may be treated in those territories as having no further validity.

ARTICLE 5.

Validity
of fiscal
permit.

The fiscal permit shall be valid for one year from the date of its issue. Should the vehicle to which the permit relates pass into the hands of a new proprietor or possessor, or should the registration number be changed, the necessary modifications shall be made in the permit by the competent authority or by some organisation designated for the purpose by that authority.

Pour le calcul des impôts et taxes afférents à la 1936 partie du séjour dépassant la durée de l'exonération le traitement accordé ne sera pas moins favorable que celui appliqué aux véhicules immatriculés dans le territoire où les impôts et taxes sont prélevés.

ARTICLE 3.

Pour bénéficier de l'exonération visée aux articles ^{Carnet fiscal.} précédents, le véhicule doit être muni d'un carnet fiscal international établi d'après le modèle figurant en annexe à la présente Convention et délivré par l'autorité compétente du territoire d'immatriculation ou par un organisme habilité à cet effet par ladite autorité.

Le carnet est présenté pour visa aux bureaux de douane frontières à l'entrée et à la sortie du territoire de la Haute Partie contractante intéressée.

ARTICLE 4.

Lorsqu'un véhicule entré dans le territoire d'une ^{Visa de} des Hautes Parties contractantes sous le couvert ^{sortie.} d'un carnet fiscal en sort sans que le visa de sortie ait été apposé et sans qu'on puisse établir la date de sortie, ce carnet peut être considéré comme sans valeur dans ledit territoire.

ARTICLE 5.

Le carnet fiscal est valable durant un an à partir ^{Validité} de la date de sa délivrance, ^{du carnet} Si le véhicule change de ^{fiscal.} propriétaire ou de détenteur, ou si le numéro d'immatriculation en est changé, les modifications nécessaires sont apportées au carnet par l'autorité compétente ou par l'organisme habilité par celle-ci.

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No new permit may be issued for the same vehicle before the expiration of the period of validity indicated above, except in the event of the vehicle's becoming registered in the territories of another High Contracting Party. No duplicate copy of the permit may in any event be issued.

ARTICLE 6.

Tolls, etc.

As regards tolls or other similar charges payable on the spot, the vehicles referred to in the first paragraph of Article 1 shall be treated not less favourably than vehicles registered in the territories in which the tolls or charges are levied.

ARTICLE 7.

Disputes.

Should a dispute arise between any two or more High Contracting Parties concerning the interpretation or application of the provisions of the present Convention, and should such dispute not be settled directly between the Parties, it may be submitted to the Advisory and Technical Committee for Communications and Transit of the League of Nations for an advisory opinion.

ARTICLE 8.

Colonies,
etc.

Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates and overseas territories, or territories under suzerainty or mandate; and the present Convention shall not apply to any territories named in such declaration.

Avant l'expiration de la durée de validité susindiquée, il ne peut pas être délivré, pour le même véhicule, un nouveau carnet, hormis le cas d'immatriculation dans le territoire d'une autre Haute Partie contractante. Il n'est jamais fourni de duplicata d'un carnet fiscal.

ARTICLE 6.

En matière de péages ou autres rétributions Péages, etc. analogues payables sur place, les véhicules visés au premier alinéa de l'article premier ne seront pas traités moins favorablement que les véhicules immatriculés dans le territoire où ces péages ou rétributions sont perçus.

ARTICLE 7.

Si un différend surgit entre deux ou plusieurs Différends. Hautes Parties contractantes au sujet de l'interprétation ou de l'application des dispositions de la présente Convention et si ce différend ne peut être réglé directement entre les Parties, le différend peut être soumis pour avis consultatif à la Commission consultative et technique des communications et du transit de la Société des Nations.

ARTICLE 8.

Chacune des Hautes Parties contractantes peut Colonies, etc. déclarer, au moment de la signature, de la ratification ou de l'adhésion, que par son acceptation de la présente Convention, elle n'assume aucune obligation en ce qui concerne l'ensemble ou toute partie de ses colonies, protectorats et territoires d'outre-mer ou des territoires placés sous sa suzeraineté ou sous mandat ; dans ce cas, la présente Convention ne sera pas applicable aux territoires mentionnés dans ladite déclaration.

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Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of the territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice six months after its receipt by the Secretary-General.

Any High Contracting Party may, at any time after the expiration of the period of two years mentioned in Article 17, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates and overseas territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration one year after its receipt by the Secretary-General.

The Secretary-General shall communicate to all the Members of the League of Nations and non-member States mentioned in Article 10 all declarations and notices received in virtue of this article.

ARTICLE 9.

Interpretations and reservations.

The interpretations and reservations set out in the Protocol-Annex attached hereto shall be adopted and shall have the same force, effect and duration as the present Convention.

ARTICLE 10.

Date and signature.

The present Convention, of which the French and English texts are both authentic, shall bear this day's date.

Chacune des Hautes Parties contractantes pourra ultérieurement notifier au Secrétaire général de la Société des Nations qu'elle entend rendre la présente Convention applicable à l'ensemble ou à toute partie des territoires ayant fait l'objet de la déclaration prévue à l'alinéa précédent. Dans ce cas, la Convention s'appliquera à tous les territoires visés dans la notification six mois après réception de cette notification par le Secrétaire général.

De même, chacune des Hautes Parties contractantes pourra, à tout moment, après l'expiration du délai de deux ans mentionné dans l'article 17, déclarer qu'elle entend voir cesser l'application de la présente Convention à l'ensemble ou à toute partie de ses colonies, protectorats et territoires d'outre-mer, ou des territoires placés sous sa suzeraineté ou sous mandat ; dans ce cas, la Convention cessera d'être applicable aux territoires faisant l'objet d'une telle déclaration un an après réception de cette déclaration par le Secrétaire général.

Le Secrétaire général communiquera à tous les Membres de la Société des Nations et aux États non membres visés à l'article 10 les déclarations et notifications reçues en vertu du présent article.

ARTICLE 9.

Les interprétations et réserves figurant au Protocole annexe ci-joint sont adoptées et auront même force, valeur et durée que la présente Convention.

Interpré-
tations et
réserves.

ARTICLE 10.

La présente Convention, dont les textes français et anglais font également foi, portera la date de ce jour.

Date et
signature.

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Until the 30th September, 1931, it may be signed on behalf of any Member of the League of Nations or non-member State represented at the Conference which drew up this Convention or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

ARTICLE II.

Ratification. The present Convention shall be ratified.⁽¹⁾

The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League of Nations, and non-member States referred to in Article 10.

ARTICLE 12.

Accession. As from the 1st October, 1931, the present Convention may be acceded to on behalf of any Member of the League of Nations or non-member State referred to in Article 10.⁽¹⁾

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the members of the League and non-member State referred to in that Article.

ARTICLE 13.

Conditional
ratification
or accession.

Each High Contracting Party may render his ratification or accession conditional on the ratification or accession of any one or more Members of the League of Nations or non-member States named in the instrument of ratification or accession.

(1) For list of ratifications and accessions, see page 460.

Elle pourra, jusqu'au 30 septembre 1931, être signée au nom de tout Membre de la Société des Nations et de tout État non membre représenté à la Conférence qui a établi cette Convention ou à qui le Conseil de la Société des Nations aura, à cet effet, communiqué un exemplaire de la présente Convention.

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ARTICLE 11.

La présente Convention sera ratifiée.

Ratification.

Les instruments de ratification seront déposés auprès du Secrétaire général de la Société des Nations, qui en notifiera la réception à tous les Membres de la Société des Nations, ainsi qu'aux États non membres visés à l'article 10.

ARTICLE 12.

A partir du 1^{er} octobre 1931, il pourra être adhéré à la présente Convention au nom de tout Membre de la Société des Nations ou de tout État non membre visé à l'article 10.

Adhésion.

Les instruments d'adhésion seront transmis au Secrétaire général de la Société des Nations, qui en notifiera la réception à tous les Membres de la Société et aux États non membres visés audit article.

ARTICLE 13.

Chaque Haute Partie contractante peut subordonner l'effet de ses ratifications ou de son adhésion aux ratifications ou adhésions d'un ou plusieurs Membres de la Société des Nations ou États non membres désignés par elle dans l'instrument de ratification ou adhésion.

Ratification
ou adhésion
condition-
nelle.

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ARTICLE 14.

Commence-
ment.

The present Convention shall come into force six months after the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of five Members of the League of Nations or non-member States. No ratification or accession to which any conditions are attached in accordance with the preceding article shall count for this purpose until those conditions are fulfilled.⁽²⁾

ARTICLE 15.

Ratification
or accession
received
after
commence-
ment.

Each ratification or accession received after the entry into force of the Convention shall take effect six months after its receipt by the Secretary-General of the League of Nations or six months after the fulfilment of the conditions attached to it in accordance with Article 13, as the case may be.

ARTICLE 16.

Revision.

Revision of the present Convention may be requested by not less than three High Contracting Parties at any moment after it has been in force for a period of two years.

The request mentioned in the preceding paragraph shall be addressed to the Secretary General of the League of Nations, who will notify the other High Contracting Parties and inform the Council of the League of Nations of the request made.

ARTICLE 17.

Denun-
ciation.

After the expiration of two years from the date of its entry into force, the present Convention may be denounced by any High Contracting Party.

(2) The Convention enters in force on May 9, 1933.

ARTICLE 14.

La présente Convention entrera en vigueur six mois après la réception par le Secrétaire général de la Société des Nations de ratifications ou adhésions données au nom de cinq Membres de la Société des Nations ou États non membres. Les ratifications ou adhésions dont l'effet est soumis aux conditions prévues à l'article précédent ne seront pas comptées dans ce nombre jusqu'à ce que ces conditions soient remplies.

Commence-
ment.

ARTICLE 15.

Les ratifications ou adhésions qui interviendront après l'entrée en vigueur de la Convention produiront leurs effet six mois, soit après la date de leur réception par le Secrétaire général de la Société des Nations, soit après la date à laquelle les conditions visées à l'article 13 se trouvent remplies.

Ratifications
ou adhésions
reçues après
commence-
ment.

ARTICLE 16.

Après que la présente Convention aura été en vigueur pendant deux ans, la revision pourra en être demandée à toute époque par trois au moins des Hautes Parties contractantes.

Revision.

La demande visée à l'alinéa précédent serait adressée au Secrétaire général de la Société des Nations, qui la notifierait aux autres Hautes Parties contractantes et en informerait le Conseil de la Société des Nations.

ARTICLE 17.

Après l'expiration d'un délai de deux ans à partir de la date d'entrée en vigueur de la présente Convention, celle-ci pourra être dénoncée par l'une quelconque des Hautes Parties contractantes.

Démon-
ciation.

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Denunciation shall be effected by a notification in writing addressed to the Secretary General of the League of Nations, who shall inform all the Members of the League of Nations and non-member States referred to in Article 10 of the denunciation made.

The denunciation shall take effect one year after the date of its receipt by the Secretary-General and shall operate only in respect of the Member of the League or non-member State on whose behalf it has been made.

If, as the result of simultaneous or successive denunciations, the number of the Members of the League or non-member States which are bound by the provisions of the present Convention is reduced to less than five, the Convention shall cease to be in force.

In faith whereof, the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Geneva, the thirtieth day of March, nineteen hundred and thirty-one, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and non-member States referred to in Article 10.

La dénonciation sera faite sous forme de notification écrite adressée au Secrétaire général de la Société des Nations, qui en informera tous les Membres de la Société des Nations et les États non membres visés à l'article 10.

La dénonciation produira ses effets un an après la date à laquelle elle aura été reçue par le Secrétaire général et ne sera opérante qu'au regard du Membre de la Société ou de l'État non membre au nom duquel elle aura été effectuée.

Si, à la suite de dénonciations simultanées ou successives, le nombre des Membres de la Société et États non membres liés par les dispositions de la présente Convention est réduit à un nombre inférieur à cinq, la Convention cessera d'être en vigueur.

En foi de quoi les Plénipotentiaires sus-nommés ont signé la Présente Convention.

Fait à Genève le trente mars mil neuf cent trente et un, en un seul exemplaire, qui restera déposé dans les archives du Secrétariat de la Société des Nations, et dont des copies certifiées conformes seront délivrées à tous les Membres de la Société et aux États non membres mentionnés à l'article 10.

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Belgium : Belgique :

Sous réserve d'adhésion ultérieure pour les colonies et territoires sous mandat. (3)

J. DE RUELLE.

Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations :	Grande-Bretagne et Irlande du Nord ainsi que toutes parties de l'Empire britannique non Membres séparés de la Société des Nations :
--	---

I declare that my signature does not include any colonies, protectorates or overseas territories or territories under suzerainty or mandate.

P. C. FRANKLIN.

Denmark : Danemark :

E. SIMONI.

Free City of Danzig : Ville Libre de Dantzig :

Ad referendum.

DR. RASINSKI.

Spain : Espagne :

C. RESINES.

Italy : Italie :

C. DE CONSTANTIN.

Luxemburg : Luxembourg :

CH. G. VERMAIRE.

(3) *Translation.*—With reservation of right to accede later on behalf of the colonies and mandated territories.

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The Netherlands : Pays-Bas :

J. F. SCHÖNFELD.

M. L. MEIJERS.

Poland : Pologne :

DR. RASINSKI.

Portugal : Portugal :

Je déclare que, par ma signature, le Portugal
n'assume aucune obligation en ce qui concerne
ses colonies. (4)

A. M. FERRAZ DE ANDRADE.

Sweden : Suède :

K. I. WESTMAN.

Switzerland : Suisse :

ROTHMUND.

HÄUSERMANN.

RATZENBERGER.

Czechoslovakia : Tchécoslovaquie :

ING. VÁCLAV ROUBÍK.

Turkey : Turquie :

CEMAL HÜSNÜ.

(4) *Translation.*—I declare that, by my signature, Portugal does not assume any obligations as regards its Colonies.

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ANNEX TO THE CONVENTION ON THE TAXATION
OF FOREIGN MOTOR VEHICLES.

Model of International Fiscal Permit.

This permit is drawn up in the official language or languages of the country of issue. The cover, pale blue in colour, shall bear a translation, into each of the languages of the High Contracting Parties, of the words : " International Fiscal Permit."

Entries in writing on the permit shall be written in Latin characters or in English cursive hand, but may, in addition, be written in other characters.

This permit contains 48 numbered pages.

The format is that of the model ⁽⁵⁾ attached hereto (approximately $5\frac{5}{16} \times 8\frac{9}{16}$ inches).

PROTOCOL-ANNEX.

I. Ad *Article 2.*

It is understood that Switzerland may, while recognising the right of the other High Contracting Parties to apply the régime of the present Convention as between themselves and Switzerland, continue the system at present in force on Swiss territory of periods of 90 days' exemption renewable at each separate entry. In the event of this period of exemption being exceeded, the tax in respect of it may be levied in conformity with Swiss law.

Should Switzerland decide to apply the system of the present Convention, it is understood that she will be under an obligation to levy the tax in accordance with its provisions.

II. Ad *Article 3.*

The High Contracting Parties reserve the right to require that the formalities provided for in the last paragraph of Article 3 shall be carried out at some frontier office other than a Customs office.

(5) Not reproduced.

ANNEXE A LA CONVENTION SUR LE RÉGIME FISCAL
DES VÉHICULES AUTOMOBILES ÉTRANGERS. 1936

Modèle de Carnet fiscal international.

Ce carnet est libellé dans la langue ou les langues officielles du pays qui le délivre. La couverture, de couleur bleu clair, portera traduction, dans chacune des langues des Hautes Parties contractantes, de ces mots : " Carnet fiscal international."

Les indications manuscrites portées sur ce carnet doivent au moins être écrites en caractères latins ou en cursive, dite anglaise.

Ce carnet contient 48 pages numérotées.

Le format est celui du modèle ci-joint (environ 135 mm. × 218 mm.)

PROTOCOLE ANNEXE.

I. Ad *Article 2.*

Il est entendu que la Suisse, tout en laissant aux autres Hautes Parties contractantes la faculté d'appliquer vis-à-vis d'elle le système de la présente Convention, pourra continuer à appliquer le système actuellement en vigueur sur son territoire d'une exemption pour quatre-vingt-dix jours consécutifs, renouvelable à chaque entrée. Au cas où cette période d'exonération serait dépassée, l'impôt y afférent pourra être prélevé conformément à la législation suisse.

Si la Suisse était amenée à introduire le système de la présente Convention, il serait bien entendu qu'elle serait tenue de prélever l'impôt suivant les dispositions de cette Convention.

II. Ad *Article 3.*

Les Hautes Parties contractantes se réservent le droit de prescrire l'accomplissement des formalités prévues au dernier alinéa de l'article 3 dans un bureau frontière autre que le bureau de douane.

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Ratifications.

	Date of deposit.
United Kingdom	April 20, 1932.
Belgium	November 9, 1932.
Denmark	December 4, 1931.
Portugal	January 23, 1932.

NOTE.—The Convention enters into force for the above States on the 9th May, 1933.

Accessions.

Newfoundland(6)	January 9, 1933.
Southern Rhodesia (7) ..	August 6, 1932.
Bulgaria(7)	March 5, 1932.

(6) Effective date July 9, 1933.

(7) Effective date May 9, 1933.

(Enregistré sur les Records le 28 novembre 1936.)

Guernsey
Railway
Company
Ltd. v. Peek
et autres—
Appel.

Sur l'action de Monsieur Norman Percy Stedman, Secrétaire de la Société dite "Guernsey Railway Company Limited" dont le bureau enregistré est situé à la Hougue à la Perre en la paroisse de Saint Pierre Port, contre Messieurs Gervase Foottit Peek, de Delancey en la paroisse de Saint Samson, Ernest Thomas Corbet, de "Lydda" en la paroisse et Clos du Valle, et Quartier Le Pelley, de "Choisi" en la paroisse de Saint Pierre Port—à le voir présenter à la Cour et obtenir permission d'enregistrer un Ordre de Sa Majesté en Conseil en date du trois novembre courant. Et lui payer ses dépens. Sont les dits défendeurs americi aux fins de l'action et aux frais, et est permis au dit Stedman au dit nom d'enregistrer le dit Ordre en Conseil, duquel Ordre la teneur suit :

AT THE COURT AT BUCKINGHAM PALACE,

1936

The 3rd day of November, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MR. SECRETARY MALCOLM MACDONALD.

MR. SECRETARY ELLIOT.

CAPTAIN EUAN WALLACE.

MR. W. S. MORRISON.

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 30th day of October, 1936, in the words following, viz. :—

“ WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October, 1909, there was referred unto this Committee a humble Petition of Gervase Footitt Peek Ernest Thomas Corbet and Quertier Le Pelley praying for special leave to appeal to Your Majesty in Council from an Order of the Royal Court of the Island of Guernsey dated the 18th day of June, 1936, and pronounced in the matter of a Suit brought in the Ordinary Court (or Court of First Instance) of the said Island by Norman Percy Stedman (plaintiff) against the Petitioners (Defendants) claiming jointly and severally payment and reimbursement to him of £4,260 15s. 10d. which (as the Plaintiff alleged) the Petitioners owed the Guernsey Railway Company Limited :

The Lords of the Committee, in obedience to His late Majesty's said Order in Council, have taken the said humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that the said Petition ought to be dismissed.

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“ And in case Your Majesty should be pleased to approve of this Report then Their Lordships do direct that there be paid by the Petitioners to the said Norman Percy Stedman the sum of £63 18s. 10d. for his costs of opposing the said Petition ”.

HIS MAJESTY having taken the said Report into consideration was pleased by and with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

WHEREOF the Bailiff and Jurats of the Royal Court of the Island of Guernsey for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

(Enregistré sur les Records le 12 décembre 1936.)

AT THE COURT AT BUCKINGHAM PALACE,

The 27th day of October, 1936.

PRÉSENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD STEWARD.

MASTER OF THE HORSE.

LORD CHAMBERLAIN.

EARL STANHOPE.

MAJOR ALEXANDER HARDINGE.

MR. MACKENZIE KING.

Loi au sujet
des Beautés
Naturelles
et Bâtiments
Malséants,
1936.
(Auregny).

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 20th day of October, 1936, in the words following viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 31st day of

January, 1936, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney setting forth :—

‘ That on the 3rd day of October, 1935, His late Majesty King George V. was graciously pleased by His Majesty’s Order in Council to sanction the *Projet de Loi* intituled “ *Loi ayant rapport à la Conservation des Falaises et des Beautés Naturelles de cette Ile* ” to be in force in the Island of Alderney : That the provisions of the said Law gave the States control over a limited portion only of the Island : That the Court of Alderney was of opinion that the whole of the Island should be subject to control by the States for the purposes of preserving the natural beauties of the Island and preventing the erection of unsightly buildings : That at a meeting of the States of Alderney holden before the Petitioner on the 22nd day of June, 1936, the States took into consideration the *Projet de Loi* intituled “ *Projet de Loi au sujet des Beautés Naturelles et Bâtiments Malséants, 1936* ” and were of opinion to approve the same, and to authorise the Petitioner to present in the name of the States a most humble Petition to Your Most Excellent Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction and most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said *Projet de Loi* and to order the same to have force of Law in Your Majesty’s said Island of Alderney.’

“ 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* annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your

1936 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 Alderney.

AND HIS 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. Hankey.

Projet de Loi referred to in the foregoing Order.

LOI AU SUJET DES BEAUTÉS NATURELLES
ET BATIMENTS MALSÉANTS, 1936.

ARTICLE I.

Titre. Cette Loi pourra être citée par l'intitulé “ Loi au sujet des Beautés Naturelles et Bâtiments Malséants, 1936.”

ARTICLE II.

Interpré-
tation.

Dans cette Loi “ le Comité ” signifie le Comité qui sera nommé par les Etats aux fins de cette Loi.

“ Bâtiments ” signifie maison, tout édifice, muraille, barrière, défense, érection ou attachement extérieur pour l’affichage d’annonces, et toute autre structure extérieure permanente ou temporaire, à l’exception des échaffaudages, estrades et défenses érigés temporairement pour la bâtisse, réparation, changement ou démolition d’un bâtiment.

“ Mois ” signifie mois calendrier.

ARTICLE III.

Un Comité sera nommé par les Etats pour porter à l’exécution les devoirs imposés par cette Loi qui sont ci-après prescrits. Le Comité sera composé de sept Membres.

ARTICLE IV.

Il est défendu sans avoir préalablement obtenu la permission par écrit du Comité :—

- Défense
d’ériger, etc.,
sans
permission.
- (a) d’ériger ou ré-ériger aucun bâtiment visible, ou qui serait lors érigé visible d’un chemin ou autre lieu public dans cette Ile, ou de faire aucun changement ou addition importante à l’extérieur de tel bâtiment.
 - (b) d’ériger ou ré-ériger aucun bâtiment sur les pentes et falaises de cette Ile ou de faire aucun changement ou addition importante à l’extérieur de tel bâtiment.
 - (c) de mettre ou planter aucune obstruction sur les pentes et falaises de cette Ile de manière à empêcher accès raisonnable aux piétons.

ARTICLE V.

Le Comité aura le droit de visiter le site de tel bâtiment proposé, et ne refusera pas l’octroi de sa permission sans avoir fait telle visite.

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ARTICLE VI.

Refus
d'octroyer
permission.

(1) La notification de refus d'octroyer permission de bâtir sera envoyée par le Comité au postulant dans les huit jours qui suivront la date de l'assemblée du Comité à laquelle la décision par rapport à tel refus aura été prise. Le moyen de la poste sera valable pour l'envoi de telle notification.

(2) Dans le cas où le Comité aura refusé d'octroyer permission d'ériger aucun bâtiment, le propriétaire pourra en appeler à la Cour, pourvu que les procédures en appel soient intentées dans les six mois qui suivront le reçu de la notification contenant tel refus.

(3) Si nul appel n'est interjeté contre la décision du Comité ou, si la décision du Comité est confirmée par la Cour, le propriétaire pourra dans les six mois qui suivront le reçu de la dite notification ou la date de l'acte de la Cour confirmant la décision du Comité, selon le cas, faire une demande aux Etats, que les Etats achètent la terre où se trouve le site en question.

La dite demande sera accompagnée d'une déclaration signée du propriétaire constatant qu'il possède la terre à juste titre et que les travaux de construction auraient été commencés dans les trois mois du reçu de la dite notification si le Comité ne lui avait pas refusé permission de bâtir.

A défaut d'accord, l'étendue de la terre à acheter et le prix de l'achat seront alors déterminés en égard à toutes les circonstances qui pourront affecter sa valeur par deux arbitres dont l'un sera nommé par le propriétaire et l'autre par le Comité.

Les arbitres avant de procéder aux dites déterminations, nommeront un sur-arbitre et la décision des arbitres s'ils sont d'accord, ou du sur-arbitre en cas de désaccord, sera finale entre les parties. Les frais de l'évaluation seront à la discrétion des arbitres.

ARTICLE VII.

Dans le cas où le Comité ait octroyé permission de bâtir en y imposant des conditions que le postulant n'accepte pas, il sera de la compétence de la Cour sur la plainte du postulant de décider que les conditions imposées valent un refus de permission. Le postulant portera sa plainte devant la Cour dans les deux mois suivants le reçu de la notification du Comité. Si la Cour décide que les dites conditions valent refus de permission, le postulant s'il est en même temps propriétaire, pourra demander dans les six mois suivants telle décision que les Etats achètent la terre où se trouve le site en question, et la procédure prescrite dans la section (3) de l'article précédent sera suivie.

Permission
octroyée
avec
conditions.

ARTICLE VIII.

Tout contravenant aux dispositions de l'article IV de cette Loi sera passible d'une amende qui n'excédera pas £10 stg., et en outre la Cour pourra ordonner soit la modification à la satisfaction du Comité, soit la démolition et l'enlèvement de tout bâtiment ou obstruction érigés en contravention aux dites dispositions, le tout à discrétion de Justice.

Contraven-
tions.

ARTICLE IX.

Le Gouvernement de Sa Majesté et les Etats de cette Ile sont exempts des dispositions de cette Loi.

Exemptions.

ARTICLE X.

La Cour est autorisée à passer toutes Ordonnances nécessaires pour régler la procédure à suivre lorsque demande sera faite au Comité pour permission de bâtir sous les dispositions de cette Loi et généralement pour la mise à exécution des dispositions de cette Loi.

Ordonnances.

1936

ARTICLE XI.

Rappel. Est et demeure rappelée la Loi ayant rapport à la Conservation des Falaises et des Beautés Naturelles de cette Ile sanctionnée par Ordre de sa Majesté en Conseil en date du 3 octobre 1935, enregistré sur les Records de cette Ile le 26 octobre 1935.

ARTICLE XII.

Commence-
ment. Cette Loi viendra en force à partir de l'enregistrement de l'Ordre de sa Majesté en Conseil y accordant Sa Sanction Royale.

(Enregistré sur les Records le 15 décembre 1936.)

Proclamation
du Roi
Georges VI. Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre en date du quatorze décembre mil neuf cent trente-six de Son Excellence le Lieutenant-Gouverneur transmettant copie d'une Proclamation des Seigneurs du Conseil Privé en date du douze décembre mil neuf cent trent-six, publiant et proclamant que le Très Haut et Puissant Prince Albert Frederick Arthur George est présentement par l'abdication de Sa Majesté le Roi Edouard VIII. le dix décembre mil neuf cent trente-six, devenu notre seul véritable et légitime Souverain GEORGES VI. par la Grace de Dieu Roi de la Grande Bretagne, de l'Irlande et de toutes les possessions Britanniques au delà des Mers, Défenseur de la Foi, Empereur des Indes,—LA COUR, après que la dite Proclamation a été publiée aux lieux accoutumés a, ouies les conclusions des Officiers du Roi, ordonné que la dite Proclamation sera enregistrée sur les Records de cette Ile.