

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

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ORDRES EN CONSEIL.

(Enregistré sur les Records le 13 février 1937.)

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Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du deux février mil neuf cent trente-sept, transmettant des exemplaires de l'Acte du Parlement suivant :—

The
Expiring
Laws
Continuance
Act, 1936.

“ 1 Edward VIII and I George VI, Chapter 4,
‘ The Expiring Laws Continuance Act, 1936 ’ ”.

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 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.

(Enregistré sur les Records le 13 février 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of February, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT.

EARL OF GRANARD.

LORD HUTCHISON OF MONTROSE.

SIR SAMUEL HOARE.

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

Tax on
passengers
landing in
Sark during
1937.

XI.—A

1937

Jersey, dated the 21st day of December, 1936, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of Robert W. Hathaway, Seigneur, Frederick de Carteret, Seneschal, and John Baker, Prevot of the Island of Sark, setting forth :—

‘ 1. That on the 30th September, 1936, the Tenants and Deputies of the Chief Pleas considered the Estimate of Expenditure and Taxation of the Island for the year ending 30th September, 1937, as prepared by the Treasurer : 2. That the Budget Estimate of Expenditure for the year ending 30th September, 1937, 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, 1936, by Order in Council dated 20th December, 1935. And humbly praying that Your Majesty would be graciously pleased to declare and order that the levy of 1s. per head on passengers (other than the inhabitants of Sark) landing in the Island be continued during the year 1937.’

“ 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 1937
 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 1s. per head
 on passengers (other than the inhabitants of Sark)
 landing in the Island be continued during the year
 1937.

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.

(Enregistré sur les Records le 13 février 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of February, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
 EARL OF GRANARD.
 LORD HUTCHISON OF MONTROSE.
 SIR SAMUEL HOARE.
 SIR PHILIP SASSOON.

WHEREAS there was this day read at the Board Acquisition
 a Report from the Right Honourable the Lords of of Land
 the Committee of Council for the Affairs of Guern- (Villiaze)
 sey and Jersey, dated the 26th day of January, Law, 1937.
 1937, in the words following, viz :—

“ YOUR MAJESTY having been pleased by
 Your General Order of Reference of the 18th

1937 day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That pursuant to resolutions of the States of Deliberation dated respectively the 1st day of February 1935, the 30th day of October 1935, and the 14th day of October 1936, the Royal Court on the 5th day of December 1936, adopted a Bill or *Projet de Loi* intituled “*Loi transférant aux Etats de l’Ile de Guernesey les droits et Intérêts d’Autrui par rapport à certains Territoires situés à la Villiaze en l’Ile de Guernesey, et instituant un contrôle par rapport à certains autres territoires y joignant.*” : 2. That on the 23rd day of December, 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 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 might be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled “*Loi transférant aux Etats de l’Ile de Guernesey les Droits et Intérêts d’Autrui par rapport à certains Territoires situés à la Villiaze en l’Ile de Guernesey, et instituant un contrôle par rapport à certains autres territoires y joignant*” and to order and direct that the same should have the force of Law in the Island of Guernsey.’

THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference,

have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

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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.

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Projet de Loi referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI TRANSFÉRANT AUX ÉTATS DE L'ILE
DE GUERNESEY LES DROITS ET INTÉRÊTS
D'AUTRUI PAR RAPPORT À CERTAINS
TERRITOIRES SITUÉS À LA VILLIAZE EN
L'ILE DE GUERNESEY, ET INSTITUANT
UN CONTRÔLE PAR RAPPORT À
CERTAINS AUTRES TERRITOIRES Y
JOIGNANT.

VU les Délibérations des Etats en date du 1er février 1935, du 30 octobre 1935 et du 14 octobre 1936 respectivement :

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.

Droits et
intérêts
transférés
aux Etats.

1.—(a) Tout droit et intérêt quelconque, soit immobilier, soit mobilier, soit en fin d'héritage, à vie ou vies ou pour toute autre période,—à l'exception de tout droit féodal, tout droit par rapport à une rente, rente hypothèque ou autre droit hypothécaire,—appartenant à qui que ce soit dans et par rapport aux Territoires situés à la Villiaze en les paroisses de Saint André, de la Forêt et de Saint Sauveur en cette Ile et qui sont dépeints en teint rose entouré par une ligne noire sur un plan marqué " A " dont l'original signé par Monsieur le Baillif en date du 5 décembre 1936 est déposé au Greffe, et à leurs issues et entrées, fossés, reliefs, et murailles en formant partie y inclus toute servitude (autre qu'une servitude relative : (a) à l'écoulement des eaux naturelles et (b) au soutien naturel du sol) dont aucune partie des dits Territoires peut être grevée comme fonds

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servant et tout droit d'usufruit, d'habitation, d'occupation, d'usage et de profit à prendre auquel aucune partie des dits Territoires peut être affectée, comme aussi toute servitude dont aucune partie des dits Territoires peut profiter comme fonds dominant, sera censé être transféré et appartenir aux Etats de l'Ile de Guernesey (et ce en fin et perpétuité d'héritage en ce qui concerne tout droit immobilier) à compter du 15 février 1937 inclusivement, avec droit aux dits Etats d'entrer en jouissance libre de toute partie des dits Territoires le dit jour dernièrement mentionné.

(b) Dans les cas où nul droit à un fossé ou mur ou partie d'icelui à l'extrémité extérieure d'aucun des dits susdits Territoires n'appartient pas au propriétaire de la propriété y contigue située en dehors des dits Territoires ou qu'il ne peut pas être constaté à qui tel fossé ou mur appartient, tel fossé ou mur ou partie d'icelui sera censé former partie de la propriété y contigue comprise dans les dits Territoires.

(c) Dans les cas où un tel fossé ou mur ou partie d'icelui est mitoyen entre le propriétaire d'une propriété formant partie des dits Territoires et le propriétaire d'une propriété située en dehors des dits Territoires, tel fossé ou mur ou partie d'icelui continuera d'être mitoyen entre les Etats et le propriétaire dernièrement mentionné.

(d) Dans les cas où la propriété en dehors de et contigue à un tel fossé ou mur ou partie d'icelui appartient à un propriétaire qui est aussi propriétaire de la propriété y contigue formant partie des dits Territoires, tel fossé ou mur ou partie d'icelui, s'il ne sert pas à la date de l'enregistrement de cette présente Loi comme soutien à aucun édifice érigé en dehors des dits Territoires, sera censé former partie de la propriété y contigue comprise dans les dits Territoires à moins qu'il ne soit déclaré dans le rapport du " Board of Valuers " constitué aux fins

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de la Première Cédule à cette Loi devoir être mitoyen. S'il est ainsi déclaré dans tel rapport, tel fossé ou mur sera mitoyen entre les Etats et le propriétaire de la propriété y contigue située en dehors des dits Territoires.

Droits et
intérêts
remplacés
par
indemnité.

2.—A partir du dit jour 15 février 1937 inclusive-
ment nul des susdits droits et intérêts qui sont men-
tionnés dans l'Article précédant et qui n'y est pas
expressément excepté de l'opération de tel Article,
ne sera plus sujet à aucune demande, réclamation,
charge, hypothèque ou garantie quelconque y ayant
rapport ou qui le grève avant le commencement du
dit jour par ou en faveur de qui que ce soit, mais
tiendront lieu et place de chacun de tels droits et
intérêts vis-à-vis de toute demande, réclamation,
charge, hypothèque, ou garantie y ayant rapport ou
qui le grève avant le commencement du dit jour
l'indemnité y attribuable ou attribuée—soit que
telle indemnité soit exprimée en rente ou en argent
—suivant et aux fins des dispositions contenues
dans la Première Cédule à cette Loi.

Amortisse-
ment
d'indemnités-
saisies.

3.—Cas avenant que les Etats, après avoir amorti
aucune de telles indemnités qui sont exprimées en
rente, sont suivis comme affieffeurs dans aucune
saisie à cause de l'amortissement par eux fait de telle
indemnité et que les Etats se décident de ne pas se
faire tenant de telle saisie, les Etats auront la faculté,
au lieu de renoncer à leur affieffement, de faire bon
à celui qui se fait tenant de telle saisie le prix porté
dans le contrat d'amortissement de telle indemnité
ou telle moindre somme qui suffira pour le paie-
ment au tenant de telle saisie du montant de ses
demandes, frais et débours non couverts par la
valeur des héritages de la saisie dont il s'est fait
tenant.

demande en
usufruit,
douaire ou
jouissance.

4.—Cas avenant que les Etats, après avoir amorti
aucune de telles indemnités qui sont exprimées en

rente, sont suivis pour une demande en usufruit, 1937
 douaire ou jouissance quelconque affectant telle
 indemnité, les Etats pourront satisfaire à telle
 demande en s'obligeant envers le réclamant à faire
 pendant la durée de tel usufruit, douaire ou jouis-
 sance, un paiement annuel qui en représenterait la
 valeur annuelle à l'époque de tel amortissement.

5.—Les dispositions contenues dans la Première Première
 Cédule à cette Loi seront applicables aux droits et Cédule.
 intérêts dont le transfert est effectué par les disposi-
 tions de l'Article 1 de cette Loi.

6.—Les dispositions contenues dans la Deuxième Deuxième
 Cédule à cette Loi seront applicables aux Terri- Cédule.
 toires, à l'exception de ceux tombant sous l'opéra-
 tion des dispositions de l'Article 1 de cette Loi, qui
 sont situés en dedans d'une ligne coïncident avec
 l'extrémité extérieure de la partie du susdit plan qui
 est teint en couleur vermillon sur tel plan, et sont
 les Territoires auxquels telles dispositions sont
 applicables désignés collectivement dans la dite
 Deuxième Cédule par l'expression " the controlled
 area ".

7.—Nulle action en retrait lignager ne sera Retrait
 recevable en ce qui concerne le transfert d'aucun lignager.
 droit ou intérêt immobilier effectué par les disposi-
 tions de l'Article 1 de cette Loi.

8.—Les dispositions des deux Cédules à cette Loi Cédules, etc.,
 et les Annexes à la Première de telles Cédules seront formeront
 censées former partie intégrale de cette Loi. partie de
cette Loi.

9.—La Cour Royale pourra passer telles Ordon- Ordonnances.
 nances qu'elle jugera nécessaires pour porter à exé-
 cution les dispositions de cette présente Loi.

10.—Cette Loi pourra être citée comme " Acquisi- Titre abrégé.
 tion of Land (Villiaze) Law, 1937 ".

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PREMIÈRE CÉDULE À CETTE LOI.**CONSTITUTION AND PROCEEDINGS OF THE BOARD
OF VALUERS.**

Notification
to
Douzaines.

1.—Upon the registration of the Order in Council sanctioning the Law to which this Schedule is attached, such Law being hereinafter referred to as “the Law”, H.M. Greffier shall forthwith notify the Dean of each of the Parochial Douzaines of this Island by registered post of the registration of the Law and of the contents of the next succeeding paragraph of this Schedule.

Nomination
of original
and
substitute
members.

2.—During the fifteen days next succeeding the receipt by the Dean of a Parochial Douzaine of such notification as is mentioned in the preceding paragraph, it shall be the duty of that Douzaine to nominate those two of its members as are, in the opinion of that Douzaine, best fitted to carry out the duties of original member and substitute member respectively of the Board of Valuers hereinafter referred to and, upon such nominations being made, it shall be the duty of the Dean of that Douzaine within forty-eight hours to communicate to H.M. Sheriff the names and full postal addresses of the Douzeniers so nominated and to specify in such communication which of such Douzeniers is nominated as original member and which as substitute member of such Board of Valuers.

Swearing in
of members.

3.—It shall be the duty of H.M. Sheriff, at the first sitting of the Ordinary Court following the receipt by him of all the names of the original members and substitute members of the said Board of Valuers so nominated, to present the nominees to the Court for the purpose of their being sworn well and faithfully to exercise the duties of original members and substitute members respectively of that Board and it shall be the duty of such nominees to attend for the purpose upon being notified so to do by H.M. Sheriff.

4.—(a) Upon such nominees being sworn as afore-¹⁹³⁷
 said such nominees shall, subject to the provisions ^{Duties and}
 of this paragraph, constitute a Board of Valuers ^{Constitution}
 (hereinafter in this Schedule referred to as “ the ^{of Board,}
 Board ”) empowered to value and charged with the ^{etc.}
 duty of valuing the rights and interests transferred
 or to be transferred to the States under the provi-
 sions of Section 1 of the Law.

(b) The Board shall consist of ten members, that
 is to say, the ten original members nominated and
 sworn as such or, in case of the inability of any of
 such original members to act and during the con-
 tinuance of such inability, of such of the ten original
 members as are able to act and of as many substitute
 members, nominated and sworn as such, as there are
 original members for the time being unable to act,
 each substitute member so replacing an original
 member being a substitute member nominated by
 the Parochial Douzaine which nominated the ori-
 ginal member whom such substitute member re-
 places.

(c) The original and substitute members elected
 by the Parochial Douzaines of the Parishes of Saint
 Andrew, the Forest and Saint Saviour (hereinafter
 referred to as “ non-voting members ”) when serving
 on the Board shall not be entitled to vote in relation
 to any decision of the Board as to the value of any
 of the rights and interests to be valued or as to the
 amount of any award falling to be made by the
 Board but shall be entitled and shall be under the
 duty throughout the proceedings of the Board to
 make representations to and to advise the other
 members of the Board, hereinafter referred to as
 “ voting members ”, in relation to any matter what-
 soever concerning the subject matter of such pro-
 ceedings and shall, in all respects save as aforesaid,
 be deemed to be full members of the Board.

(d) Upon the original members of the Board
 being sworn before the Royal Court, H.M. Sheriff

1937 shall forthwith convene a meeting of such original members for the purpose of the election by them of a President and Vice-President from among those original members as are voting members.

(e) The Board shall not at any time thereafter proceed to business unless—

(i) There is present thereat the President or the Vice-President :

(ii) There are present thereat five voting members.

(f) The decision of a majority of the voting members of the Board present at any time when the Board is lawfully constituted shall be deemed to be a decision of the Board.

(g) In the event of an equal division of the votes of the voting members of the Board, the President and, in the absence of the President, the Vice-President shall, in addition to his original vote, have a casting vote.

(h) The Board shall proceed to business as soon as may be after the expiration of seven days following the date of the election of its President and Vice-President.

(i) In the event of an original member being unable to serve on the Board at any time, he shall as soon as may be notify H.M. Sheriff accordingly and upon the appropriate substitute member being notified by H.M. Sheriff to attend the proceedings of the Board, such substitute member shall attend accordingly.

Convening
of, and
arrangements
for, meetings,
etc.

5.—H.M. Sheriff is hereby charged with the duty, jointly with the President, or in the absence of the President, with the Vice-President of the Board, of convening the meetings of the Board and of making such arrangements for the proper and convenient conduct of the proceedings of the Board as they may deem expedient, including the provision of such accommodation as may be suitable for the hearing and consideration of representations by or on behalf

of the persons whose rights and interests have been or will be transferred to the States under the provisions of section 1 of the Law as regard the values of the same and the other awards to be made in respect thereof, and the provision of suitable clerical and other assistance in the proceedings of the Board. The costs incurred with the approval of H.M. Sheriff in carrying out the provisions of this paragraph shall be defrayed by the States.

6.—H.M. Sheriff is hereby charged with the duty of securing the publication in manner hereinafter provided of such notices in connection with the proceedings of the Board as are hereinafter required to be published.

7.—A notice in accordance with Form "A" annexed to this Schedule shall be published in "La Gazette Officielle" next appearing after the election of the President and Vice-President of the Board.

8.—(a) Each of the several properties referred to collectively in Article 1 of the Law to which this Schedule is attached, or part of any of such properties, as appears in the General Island Cadastre under a distinctive number and all the rights and interests thereto and therein transferred or to be transferred shall be deemed, for the purposes of the proceedings of the Board, to constitute one lot and the determination of the price payable by the States in respect thereof and of such other amount (if any) as falls to be awarded in respect thereof, shall be made by the Board separately from the determination of the price and award in respect of any other such lot.

(b) It shall be the duty of the States Supervisor to furnish H.M. Sheriff as soon as may be after the publication of the notice referred to in paragraph 7 of this Schedule, with a correct extract from the General Island Cadastre of the whole of the particulars contained therein which relate to the properties referred to in sub-paragraph (a) of this paragraph.

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Publication
of Notices.Notice re
Constitution
of Board.Properties to
be separated
as in
Cadastre.

1937 Notice re Valuations.	9.—At least four clear days before the Board proceeds to value any property, H.M. Sheriff shall publish in “ La Gazette Officielle ” a notice having reference to that property in accordance with Form “B ” annexed to this Schedule or in some form as closely resembling the same as may be.
H.M. Sheriff to attend proceedings.	10.—H.M. Sheriff shall attend, in so far as his other duties shall permit, during the whole of the proceedings of the Board for the purpose of affording such assistance as regards procedure as the Board may require.
Attendance of, and representa- tions by, interested persons.	11.—The States Board of Administration by their representative and every person having a right or interest in any property to be valued shall be entitled to attend and make or cause to be made representations to the Board as to the value of that property and as to the amount claimed in respect of the various heads under which damages are awardable under the provisions of this Schedule, but the non-attendance or non-representation of any such representative or person at the proceedings of the Board shall not invalidate such proceedings nor shall the valuation of any property or the award of damages as regards the same be postponed by reason of such non-attendance or non-representation unless the Board, for reasons appearing to it to be sufficient, decides otherwise.
Inspection of properties.	12.—The Board shall inspect each property to be valued before proceeding with the valuation or an award of damages in respect thereof.
Deliberations in private.	13.—The Board shall be entitled to deliberate in private to the extent by it deemed necessary.
Basis of valuations and awards.	14.—Every valuation and award of the Board shall be made upon the basis that the States enter into vacant possession of the property to which the valuation and award relate as on the 15th day of February, 1937.
Certain buildings, etc., not to be taken	15.—No account shall be taken by the Board in any of its valuations or awards of any building

erected or other development effected after the 14th day of October, 1936. 1937
into account.

16.—A report of the proceedings of the Board, specifying separately, in respect of each property valued by the Board, the amount determined by the Board as the price payable by the States and the amounts (if any) of each other award relating thereto and distinguishing between the awards to tenants and those to persons other than tenants, shall be prepared under the direction of the President or, in the absence of the President, of the Vice-President of the Board, who shall submit the same to the Board for its approval. Upon such approval being obtained, the President or Vice-President of the Board shall sign and date the report and each separate page thereof and shall deliver the same to His Majesty's Sheriff and upon such delivery of the same the report shall be accepted for all purposes whatsoever as a true and correct report of the proceedings, valuations and awards of the Board narrated therein. Report of
proceedings,
etc.

17.—It shall be the duty of H.M. Sheriff to cause the report of the Board to be presented to the Royal Court for registration at the first convenient Ordinary sitting of that Court occurring after the delivery to him of the report. Registration
of report.

18.—Before causing the report to be presented for registration, H.M. Sheriff shall prepare a true and correct copy thereof and shall certify the same as such and shall retain such copy and, after the registration of the report, it shall be the duty of H.M. Sheriff, at the personal request of any person having an interest in any price or award contained therein or of some other person purporting to represent and to be entitled to represent the first named person, to disclose full particulars concerning that price or that award to that person. Copy of
report and
disclosure of
particulars.

19.—It shall be the duty of H.M. Greffier, within the ten days next following the date of the registra- Extracts
of report.

1937 tion of the report, to prepare and certify as correct a copy of such report and to deliver the same to the States Supervisor and to prepare an extract of so much of such report as relates to each separate price and each separate award contained therein and to certify each such extract as a true and correct extract of the report and to deliver the extracts so prepared and certified to H.M. Sheriff.

Provided that where several awards in relation to any property are made in favour of the same proprietor or the same tenant, such awards shall be deemed, for the purposes of this paragraph, together to constitute one award.

Notice of
registration
of report.

20.—It shall be the duty of H.M. Sheriff to publish in " La Gazette Officielle " next appearing after the date of the registration of the report a notice in accordance with Form " C " annexed to this Schedule.

Delivery
of extracts.

21.—After delivery to him by H.M. Greffier of the extracts referred to in paragraph 19 of this Schedule, H.M. Sheriff shall on request deliver an appropriate extract of the report to each person appearing to him to be entitled thereto or to some other person purporting to represent and to be entitled to represent such first named person and shall obtain a receipt for the same upon such delivery.

Questions of
law or
procedure.

22.—In the event of any question of law or procedure which requires elucidation arising during the conduct of the proceedings of the Board, H.M. Sheriff and the President or, in the absence of the President, the Vice-President of the Board, shall reduce such question to writing and shall date and sign the same and shall present such question for the consideration of the Law Officers of the Crown and the latter, or one of them, if only one be available, shall advise thereon in writing as soon thereafter as may be. It shall be the duty of H.M. Sheriff to retain a copy of each such question and of the

answer thereto of the Law Officers of the Crown or one of them.

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VALUATIONS AND AWARDS.

23.—The consideration moving from the States in respect of the acquisition of the rights and interests transferred to it in respect of each property shall be ascertained in manner following and shall be as hereinafter specified:—

(a) (i) The Board shall determine and express in its report the amount representing, in the opinion of the Board, the fair market value in sterling of each such property and shall add thereto an amount in sterling equivalent to fifteen per centum of such true market value so determined. The sum of these amounts shall be expressed in “rente” in the report at the rate of One quarter of rente to each £20 sterling of such sum.

(ii) The “rente” so expressed in the report—

(a) shall be payable by the States on the 10th day of October of each year at the rate of Twelve shillings per quarter of rente commencing to accrue as on and from the 15th day of February 1937, or as on and from such earlier date after the 25th day of December, 1936, on which vacant possession has been granted to the States by the proprietors:

(b) shall be redeemable by the States at any time at the rate of Twenty Pounds sterling per quarter and upon payment of the proportion accrued in respect of the year then current at the time of such redemption:

(c) shall be redeemed by the States at the said rate (payment of the proportion accrued to date in respect of the year

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then current being made at the time of such redemption) upon the States being required by the "crédirentiers" to redeem the same and upon clearance to the reasonable satisfaction of the States of the registered charges (if any) secured against such rente.

- (iii) Upon the redemption of any such "rente" the "crédirentiers" shall be entitled to elect whether the redemption price shall be payable in cash or whether it shall be payable (as to such amount thereof as is a multiple of Ten Pounds sterling) in Bonds of the States of Guernsey in registered or bearer form bearing interest at the rate of Three per centum per annum and redeemable not earlier than twenty years after the issue thereof to such "crédirentiers". Such Bonds shall be of the denominations of £10, £50 and £100 sterling respectively and Bonds issued in payment of such redemption price shall be of such of those denominations as shall be acceptable to the persons to whom they are issued. After issue, such Bonds as are of a denomination in excess of Ten Pounds sterling shall be exchangeable at the States Office at the request of the holder against Bonds of a lesser denomination.
- (b) (i) The Board shall determine and express in its report as regards each such property the amount in sterling which, in the opinion of the Board, should be awarded as damages in respect of each or some one or more of the following heads:—

In favour of a proprietor.

- (a) In the case of part only of a property being comprised in the transfer to the

States, the depreciation in value (if any) of the remainder of that property retained by the proprietor resulting from the parcelling of that property.

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(b) The depreciation in value, if any, of any other property, real or personal, belonging to the proprietor.

(c) Loss of growing crops.

(d) The reasonable expenses of removal or migration elsewhere within the Island reasonably rendered necessary by the transfer and which would not otherwise have taken place.

(e) Such other consequential loss (if any), including loss of earnings which cannot reasonably be made good, arising out of the transfer, as is not covered by the award of the fair market value and additional percentage or by an award under one or other of the foregoing heads of this sub-paragraph.

In favour of a tenant.

(f) Loss of growing crops.

(g) The reasonable expenses of removal or migration elsewhere within the Island reasonably rendered necessary by the transfer and which would not otherwise have taken place.

(h) Such other consequential loss (if any), including loss of earnings which cannot reasonably be made good, arising out of loss of possession, as is not covered by an award under one or other of the last two foregoing heads of this sub-paragraph.

(ii) In determining the amount of any award to be made in respect of a tenant, the

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Board shall have regard to the period unexpired as at the 15th day of February, 1937, during which such tenant, but for the transfer, would be entitled, under his lease or tenancy agreement, to remain in possession of the property tenanted by him.

- (iii) The awards contained in the report in respect of any of the heads (a) to (h) inclusive of sub-paragraph (b) of this paragraph in respect of which no notice of appeal is notified shall be payable in sterling at the States Office at the expiration of ten days after the date of the registration of the report and, in the case of any of such awards as is appealed against, at the expiration of ten days after the date of the abandonment of such appeal or of the determination of such appeal, as the case may be.
- (iv) Interest at the rate of three per centum per annum on the amount of each of the awards referred to in the last preceding clause or on such award as is substituted therefor in appeal, such interest commencing to accrue on the 15th day of February, 1937, or on such earlier date after the 25th day of December, 1936, on which vacant possession of the property to which such award relates has been granted to the States, shall be payable by the States together with the amount of the award.
- (c) The expression "proprietor" in this Schedule includes all persons, other than tenants, whose rights and interests collectively constitute proprietorship and such rights and interests shall be valued and awards made in relation thereto collectively, and not individually.

The expression "tenant" includes an occupier.

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- (d) The Board shall leave out of consideration for the purposes of the valuation of any property and the making of any award of damages in relation to any proprietor or tenant—
- (i) the nature and extent of the urgency giving rise to the transfer:
 - (ii) any reluctance on the part of such proprietor or tenant to dispossess himself of his interest in such property:
 - (iii) any appreciation in the value of such property likely to arise by reason of the use to which it is intended to be put by the States:
 - (iv) any appreciation in the value of the property retained likely to arise by reason of the use to which the property transferred is intended to be put by the States.

24.—The contents of the report of the Board, save to the extent to which the same are appealed against, shall be final and conclusive as between the States and the persons to whom such contents have reference and a true and duly certified extract of the report shall, save as aforesaid, constitute a valid and sufficient title to the “rente” or to the award or awards mentioned therein.

APPEALS

25.—(a) Subject to the provisions of this paragraph, the States, and any proprietor or tenant, to the extent of his interest therein, shall be entitled to appeal to the Royal Court sitting as a Full Court against any valuation or award contained in the report of the Board.

(b) Notification of such appeal shall be made to H.M. Sheriff in writing within the fifteen days next following the date of the publication in “La Gazette Officielle” of the announcement that the report has been registered on the Greffe Records.

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(c) Such appeal shall lapse unless proceeded with during the forty days next following the date of such publication.

(d) Such appeal may be pursued during Court vacation as well as during Court term.

(e) No original member or substitute member of the Board who has taken part in the Board's proceedings shall be admissible as a witness in proceedings in relation to any such appeal.

(f) The appeal proceedings shall be conducted upon the basis of a "Vue de Justice".

(g) In the event of the award appealed against being upheld by the Royal Court, the costs of the appeal shall be borne by the appellant: in the event of the award being varied by the Royal Court, the award of costs shall be in the discretion of the Court.

(h) The decision of the Royal Court in any such appeal shall be final and conclusive. An officially prepared and certified copy of such decision shall constitute a valid and sufficient title to the "rente" or to the award or awards thereby directed to be paid.

COSTS.

26.—The costs in relation to the performance of the duties to be performed under the provisions of this Schedule shall be the costs set out in the Table of costs annexed to this Schedule, which costs shall be borne by the States.

27.—The costs in relation to the proceedings in any appeal from a decision of the Board shall be the costs applicable to such proceedings under the provisions of the "Loi relative aux Frais Curiaux et aux Honoraires de la Cour Royale, 1931".

FORM "A"

1937

NOTICE TO PROPRIETORS OF AND OTHERS HAVING
INTERESTS IN LAND FORMING PART OF THE
PROPOSED AERODROME SITE AT LA VILLIAZE.

NOTICE is hereby given that the Board of
Valuers referred to in the Schedule to the Acquisition
of Land (Villiaze) Law, 1937, has been constituted
as under:—

Original Members.	{		President.
			Vice President.
			
			
			
			
			
			
Substitute Members.	{		
			
			
			

The Board of Valuers will shortly be proceeding
with the valuation of the properties affected and the
award of damages and all persons having an interest
in such valuations or awards are advised to watch
for the further announcements which will appear
from time to time henceforth in "La Gazette
Officielle" published on page 5 of all the ordinary
Tuesday editions of *The Star* and the *Evening Press*.

(Date).

.....

H.M. Sheriff.

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FORM "B"

NOTICE TO PROPRIETORS OF AND OTHERS HAVING
INTERESTS IN LAND FORMING PART OF THE
PROPOSED AERODROME SITE AT LA VILLIAZE.

NOTICE is hereby given that at o'clock (a.m.
or p.m.) on the 1937 the Board of
Valuers will proceed to the valuation of the several
properties of which the following particulars appear
in the Island Cadastre.

Cadastre Number.	Description of Property.	Name of Proprietor.	Name of Occupier.

The Board will first visit the above-mentioned properties and will then proceed to where interested parties (that is to say: proprietors, usufructuaries, tenants and others) desirous of making representations to the Board should attend for the purpose at a.m. or p.m. on the above date. Such persons should bring their title deeds (including leases) with them with a view to giving information to the Board concerning servitudes, the ownership of walls and hedges, the unexpired terms of leases, and such other particulars as the Board may reasonably require.

(Date).

.....

H.M. Sheriff.

FORM "C"

1937

LA VILLIAZE AERODROME SITE.

NOTICE is hereby given that the report of the Board of Valuers of the rights and interests in the properties comprised in the above site was registered on the _____ on the Greffe Records.

Information concerning such part of the report as concerns an applicant can now be obtained on personal application to H.M. Sheriff, Court Row, Guernsey, on any day (except Thursdays) between 10 a.m. and 4 p.m. and on Thursdays between 10 a.m. and 1 p.m.

Notice of appeal against any valuation or award made by the Board of Valuers must be made in writing and must reach the office of H.M. Sheriff before 4 p.m. on _____ the _____ 193 .

Certified Extracts of the Report will be available for delivery on personal application at the Office of H.M. Sheriff on and after _____ 193 .

(Date).

.....
H.M. Sheriff.

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TABLE OF COSTS.

<i>H.M. Greffier,</i>	£	s.	d.
Letter to the Dean of each Douzaine,			
Registration and Postage	0	5	4½
preparation of copy of and extracts			
from the report of the Board			
	The fees chargeable under the "Ordonnance relative aux frais payables au Greffe pour l'enregistrement et extrait de documents" dated 5th March 1927.		
<i>H.M. Sheriff,</i>			
attendance in Court when Valuers are sworn	0	10	0
attendance at Meeting of Valuers for purpose of election of President and Vice-President	0	10	0
notification to substitute member of Board of Valuers to attend	0	5	0
attendances arranging for the conduct of the proceedings of the Board of Valuers, per hour	0	10	0
for preparation of notice in Form "A" and delivery to newspapers, per notice	0	7	6
for preparation of notices in Form "B", per notice	0	10	6
attendances at the proceedings of the Board of Valuers, per half-day	1	1	0

	£	s.	d.	1937
copy of preparation and certification of report of the Board for retention, per page	0	2	6	
preparation of notice in Form "C" and delivery to newspapers, per notice	0	5	0	
attendance communicating contents of report to a person entitled to such communication per item	0	2	6	
attendance delivering extract of report and taking receipt there- for	0	1	6	
<i>Board of Valuers,</i>				
attendance of each original and sub- stitute member for the purpose of being sworn	0	5	0	
attendance as a member of the Board at the proceedings of the Board. Each member per hour	0	3	6	
attendance as President of the Board of the President or Vice-President thereof in addition to the fee pay- able to him as a member of the Board, per hour	0	1	6	
preparation of the report of the Board: The President of the Board	5	0	0	

DEUXIÈME CEDULE.

1.—(a) In this Schedule, the expression "structure" shall include any house, building, glasshouse, rick, mill, tank or pole, and shall also include any other inanimate object which by reason of its height above the surface of the ground, or otherwise, is or may become an obstruction to the flying of aeroplanes using or likely to use any aerodrome situate at La Villiaze belonging to the States.

Definition of
"structure".

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Permit
required for
erection of
structure,
etc.

(b) It is forbidden without having first obtained the written permit of the States Board of Administration (hereinafter in this Schedule referred to as "the Board"):

(i) to erect, re-erect or place anywhere within the controlled area above the natural surface of the soil thereof any structure or part thereof, whether of a permanent nature or not:

(ii) to plant any tree within the controlled area.

When permit
may not
be granted.

2.—A permit to erect, re-erect or place any structure or part thereof within any part of the controlled area or to plant any tree therein shall not be granted by the Board if it shall appear to the Board that the height of the highest part of such structure or part thereof when completed, or the height of such tree when fully grown, would be of a height above the surface of the ground of the part of the controlled area whereon it is proposed to erect, re-erect or place such structure or to plant such tree in excess of the maximum height which, under the provisions of the next succeeding paragraph, is permissible in the case of that part of the controlled area.

Provided that, notwithstanding the last foregoing provisions of this Schedule, the Board may at its discretion, in the case of any part of the controlled area other than those parts thereof which are shown hatched in red on the plan referred to in the next succeeding paragraph, grant a permit for the erection, re-erection or placing thereon of a structure the height of which when completed would be of a height in excess of that which is permissible under the provisions of the next succeeding paragraph, if it shall appear to the Board that the presence of such structure, when completed, is unlikely to constitute a material aggravation of an obstruction in existence at the date of this Law and of such permit near to the site of such structure, to the flying of aero-

planes using or likely to use any aerodrome situate at La Villiaze belonging to the States.

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3.—(a) The controlled area is hereby declared to be divided into eight zones and such zones and the several parts of any of them as is not continuous are depicted, on the plan marked "A" referred to in Article 1 of the Law to which this Schedule is attached, in manner following:—

Controlled
area.

One such Zone (hereinafter referred to as Zone 1)
is so depicted in Burnt Sienna.

One such Zone (hereinafter referred to as Zone 2)
is so depicted in Blue.

One such Zone (hereinafter referred to as Zone 3)
is so depicted in Green.

One such Zone (hereinafter referred to as Zone 4)
is so depicted in Yellow.

One such Zone (hereinafter referred to as Zone 5)
is so depicted in Light Violet.

One such Zone (hereinafter referred to as Zone 6)
is so depicted in Sepia.

One such Zone (hereinafter referred to as Zone 7)
is so depicted in Grey.

One such Zone (hereinafter referred to as Zone 8)
is so depicted in Vermilion.

(b) The maximum height permissible, in the case of any part of any of such zones, shall be the height, above the surface of the ground in that part thereof, of the point of intersection of a perpendicular, erected thereon, and of a plane lying at an angle of elevation of $2^{\circ} 52'$ to the horizontal (which corresponds approximately with a line drawn at an upward slope of 1 in 20), such horizontal being taken at the level, now projected as the level, upon completion of the work of development in contemplation as regards the lands referred to in Article 1 of the Law to which this Schedule is attached, of the surface of the ground at the nearest point on the perimeter of the area depicted on the Plan referred to in that Article as being bounded by a red line, or

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such height as, in the table of maximum heights next following, is shown in relation to that zone, whichever of such heights is the lesser.

TABLE OF MAXIMUM HEIGHTS

Zone 1	10 feet
Zone 2	20 feet
Zone 3	30 feet
Zone 4	40 feet
Zone 5	50 feet
Zone 6	60 feet
Zone 7	70 feet
Zone 8	75 feet

(c) The red line referred to in the last preceding sub-paragraph shall, to the extent to which it is parallel and in close proximity to the black boundary line referred to in Article 1 of the Law to which this Schedule is attached, be deemed, for the purposes of this Schedule, to be super-imposed on such black boundary line.

Offences
and
Penalties.

4.—Any person who commits an infraction of any of the provisions of paragraph 1 of this Schedule shall be guilty of an offence and upon conviction before the Royal Court sitting as a full Court shall be liable to a fine not exceeding £100 sterling. Upon any such conviction the Royal Court, in addition to the imposition of a fine, may from time to time make such order or orders for the demolition and removal of the structure erected, re-erected or placed or the felling or uprootal of any tree planted in contravention of those provisions and as to the penalty or penalties to be incurred in respect of failure to obey any such order, as to the Court shall seem just, and in default of compliance with any such order within the time limited for complying therewith, the Court may direct that such demolition, removal, felling or uprootal be effected at the expense of the person in default by such body or person as the Court may direct.

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Provided that in every case in which, on any such conviction, it appears to the Royal Court that the height of the structure or any part thereof exceeds, or that the height of the tree when fully grown will or may exceed, the maximum height which is permissible in the Zone in which such structure or part thereof has been erected, re-erected or placed, or in which such tree has been planted, the Royal Court shall order that such structure or such part thereof as exceeds such maximum permissible height shall be demolished to such extent as shall be necessary to conform therewith or that the tree shall be forthwith felled or uprooted.

5.—(a) Every application to the Board for a permit to erect, re-erect or place any structure in the controlled area shall be accompanied by a site plan showing accurately the position of the site of the proposed structure in relation to the zone or zones wherein such site is situated and by particulars generally descriptive of the proposed structure and showing the height thereof when erected.

Application
for permit.

(b) Every application to the Board for a permit to plant any tree shall be accompanied by a site plan showing accurately the position at which such tree is proposed to be planted in relation to the zone or zones wherein such position is and by particulars of the kind of tree proposed to be planted.

6.—(a) Notification of the decision of the Board in relation to any such application shall be made to the applicant by means of the post within eight days after the date of the decision of the Board as regards the same.

Notification
of decision.

(b) A permit granted by the Board under the provisions of this Schedule shall cease to be valid if the work to which it relates is not commenced within the hundred days next following the date of such permit.

Validity of
permit.

7.—(a) Subject to the provisions of this paragraph, any proprietor of land situate within the con-

Claim for
compensa-
tion.

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trolled area who claims and can show that he has suffered loss arising out of his inability to develop land belonging to him and therein situate in the manner in which it can be proved by him that such land would have been developed but for the provisions of paragraphs 1 and 2 of this Schedule may, by notification addressed to the Board within the hundred days next following the date on which he is first in a position to make such claim, show that he has suffered such loss and prove that such development would have taken place, require the States to compensate him for such loss.

(b) To be effective, every such notification as is referred to in the foregoing sub-paragraph of this paragraph shall be accompanied by particulars establishing the title of the proprietor to the land in question and by a declaration signed by the proprietor setting out the facts adduced by him in support of his claim.

(c) Upon the receipt of any such effective notification, and in default of agreement between the proprietor and the States as to the amount of compensation to be paid and as to the area in respect of which such compensation is payable, the Board, if it is satisfied as to the accuracy of the contents of the declaration referred to in the last preceding clause and that the claim of the proprietor is well founded, shall be entitled to and shall refer to arbitration the following matters:—

- (i) the ascertainment of the amount of compensation justly payable to the proprietor: and
- (ii) the ascertainment of the area in respect of which such compensation is claimed: and
- (iii) the ascertainment of the market value of the whole or of such reasonable part, as the Board may decide, of the land of the proprietor as includes the site which such proprietor is unable, by reason of the afore-

mentioned provisions of this Schedule, to 1937
develop.

(d) If the Board is not satisfied as aforesaid, it shall so notify the proprietor in writing and, during the hundred days next following the date borne by the notification of the Board to that effect, the proprietor shall be entitled to cite the Board to appear before the Royal Court sitting as a Full Court for the purpose of the determination of the matter. The decision of the Royal Court in the matter shall be final and conclusive.

(e) If the Royal Court by its decision does not uphold the view of the Board, the costs of the proceedings in the matter shall be awarded against the States and the Board shall proceed to refer to arbitration the matters set out in clauses (i), (ii) and (iii) of sub-paragraph (c) of this paragraph.

(f) One arbitrator shall be appointed by the proprietor and one by the Board and the arbitrators so appointed shall, before proceeding with the arbitration, nominate an umpire; the decision of the arbitrators if they are in agreement, or of the umpire in case the arbitrators disagree, shall be final and binding between the applicant and the States. The report of the arbitration proceedings shall be forwarded to the Board.

(g) The costs of the arbitration proceedings shall be borne by the States.

(h) Upon the application of the proprietor or of the Board, the other party or parties referred to in such application having been cited to appear, the Royal Court in Ordinary Session may by order assign a date or a series of dates for or grant a delay in the carrying out of any step in the arbitration and may impose such penalties for the non-carrying out of any such order, the whole as the Court may deem just.

(i) Upon the receipt by the Board of the report of the arbitration proceedings, the Board shall as

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soon as may be thereafter submit the report to the States who shall elect either—

- (i) to pay the amount of compensation declared in the report of the arbitration proceedings to be justly payable to the proprietor, or
- (ii) to purchase the land of which the ascertainment of the market value has been referred to arbitration at the price set forth in the report.

(j) Upon the States electing to pay the amount of compensation agreed to be paid or declared in the report of the arbitration proceedings to be justly payable, then upon the proprietor granting, by a document in common form, to the States, as proprietors of land depicted in pink (gallicised “ rose ”) on the plan hereinbefore mentioned, an easement over the area agreed between the States and the proprietor or ascertained in the arbitration proceedings as being the area in respect of which such compensation is payable, whereby no structure of any kind shall thereafter be erected, re-erected or placed thereon, but not before, the proprietor shall be entitled to receive from the Board the amount of compensation so agreed or declared in the report to be payable.

(k) Upon the States electing to purchase the land of which the ascertainment of the market value has been referred to arbitration, the Board, upon being satisfied as to title and upon clearance of all encumbrances affecting that land, shall proceed with the completion of the purchase at the price set forth in the report of the arbitration proceedings.

Removal of
obstructions
and
compensation.

8.—(a) If it shall appear to the Board that any structure, tree, or bush or part thereof at any time situate within the controlled area is or may become an obstruction to the flying of aeroplanes using or likely to use any aerodrome situate at La Villiaze belonging to the States and that it is not possible, by

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agreement between the States and the proprietor of that structure, tree, or bush, to arrange for the removal of so much thereof as to the Board appears necessary and as to the amount of compensation (if any) to be payable in respect of such removal, the Board, with the previous sanction of the States as regards any structure, may, by notification addressed to such proprietor, require such structure, tree, or bush, or such part thereof as the Board shall specify, to be removed within such reasonable period as the Board shall stipulate and thereupon the determination of the amount of compensation to be paid by the States to such proprietor in respect of such removal shall be referred to arbitration and the provisions of sub-paragraphs (f), (g) and (h) of the last preceding paragraph shall apply to such arbitration.

(b) Upon the proprietor of a structure, tree, or bush, the whole or part of which is required to be removed as aforesaid granting, by a document in common form, to the States, as proprietors of the land depicted in pink on the aforesaid plan, an easement over his land containing such structure, tree, or bush, whereby, as regards the site of any such structure, no structure, tree, or bush of a height in excess of the maximum height complying with the terms of the agreement or notification referred to in the foregoing sub-paragraph of this paragraph, shall be erected, re-erected, placed or allowed to grow thereon thereafter, or, as regards the site of any such tree or bush required to be removed as aforesaid, no tree or bush of a height in excess of the maximum height complying with the terms of such agreement or notification shall be allowed to grow thereafter upon such site or within a radius of thirty feet from the centre of such site, but not before, the proprietor shall be entitled to receive from the Board the amount of compensation so agreed or declared to be payable.

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Failure to
remove
obstructions.

9.—If within the period stipulated in the notification of the Board that it requires a structure, tree, or bush or part thereof to be removed, the same is not removed in accordance with the requirements of such notification, the proprietor of the structure, tree or bush which is or may become such an obstruction as aforesaid shall be guilty of an offence and shall be liable upon conviction before the Royal Court sitting as a Full Court to a fine not exceeding £100 sterling and, in addition to imposing such fine, the Court may from time to time make such order or orders for the demolition or removal of such structure, tree or bush or part thereof and as to the penalty or penalties to be incurred in respect of failure to obey any such order, as to the Court shall seem just, and in default of compliance with any such order within the time limited for complying therewith, the Court may direct that such demolition or removal be effected at the expense of the person in default by such body or person as the Court may direct.

(Enregistré sur les Records le 20 février 1937.)

The
Copyright
(Rome
Convention)
(Latvia)
Order, 1937.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 2 février 1937 transmettant des exemplaires de l'Ordre en Conseil suivant :—

Order in Council of the 2nd February, 1937, entitled "The Copyright (Rome Convention) (Latvia) Order, 1937."

LA COUR, après avoir eu lecture du dit Ordre en Conseil communiqué, ouies 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. Qu'un exemplaire du dit Ordre en Conseil transmis sera enregistré sur les Records de cette Ile par être logé au Greffe. 1937

3. Qu'un extrait des Registres de ce présent Acte avec un exemplaire des dits Ordres en Conseil 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 20 février 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of February, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT	LORD HUTCHISON OF MONTROSE
EARL OF GRANARD	SIR SAMUEL HOARE
	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 19th day of January, 1937, in the words following, viz. :—

Loi supplé-
mentaire
à la Loi
instituant
une Taxe
dite
"Corpora-
tion Tax".

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

- ' 1. That by an Order of His late Majesty King George the Fifth in Council of the 20th day of December, 1935, His Majesty was graciously pleased to ratify and confirm a Bill or Projet de Loi of the States of Guernsey intituled "Loi instituant une Taxe dite 'Corporation Tax'."
2. That on the 5th day of December, 1936, the Royal Court adopted a Bill or Projet de Loi repealing Article 9 of the aforesaid law and substituting therefor a new Article, and requested the

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Bailiff to submit the same to the States for their approval. 3. That on the 23rd day of December, 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 intituled " Loi supplémentaire à la Loi instituant une Taxe dite 'Corporation Tax' ", and 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 supplémentaire à la Loi instituant une Taxe dite 'Corporation Tax' ", 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.

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PROJET DE LOI

INTITULÉ

LOI SUPPLÉMENTAIRE À LA LOI INSTITUANT UNE TAXE DITE "CORPORATION TAX".

LES ETATS, moyennant la Sanction de sa Très Excellente Majesté en Conseil, ont rappelé la Section 9 de la Loi instituant une Taxe dite "Corporation Tax" sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 4 janvier 1936 et y ont substitué la Section qui ensuit, laquelle sera censée former partie de la dite Loi.

9.—(1) Upon the production to the States Super-^{Reimburse-}visor by the 31st day of March next occurring after^{ment of} the end of any calendar year in respect of which^{Tax.} Corporation Tax has been paid by any Company of a certificate of the Administrator of Income Tax—

- (a) specifying the aggregate amount of Income Tax which the Company, if it had been chargeable as an ordinary resident, would have been liable to pay for that calendar year in respect of—
 - (i) the whole of its profits and income from every source ; and
 - (ii) profits and income received or paid by the Company on behalf of or to a non-resident :

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or (b) to the effect that the Company, if it had been chargeable as an ordinary resident, would not have been liable to pay any Income Tax for that calendar year in respect of any of such profits or income :

or (c) to the effect that the Company has paid Income Tax for that calendar year in respect of all of such profits and income as are referred to in sub-paragraphs (i) and (ii) of paragraph (a) of this section :

then—

if the aggregate amount of Income Tax specified in such certificate as complies with the requirements of paragraph (a) aforesaid, after deduction therefrom of any Income Tax actually paid for that calendar year, shall be less than the amount of Corporation Tax paid by that Company in respect of that calendar year, the Company shall be entitled to have reimbursed to it such part of the Corporation Tax paid as exceeds the aggregate amount of Income Tax specified in such certificate after making the deduction aforesaid, or

if such certificate is to the effect specified in sub-paragraph (b) or sub-paragraph (c) of this subsection, the Company shall be entitled to have reimbursed to it the whole of the Corporation Tax paid for that year.

(2) It shall be the duty of the Administrator of Income Tax, at the request of any Company and upon production to his satisfaction of such accounts and information as he may reasonably require, to make such investigation as will enable him to prepare the aforementioned certificate and to complete and forward the same to the Company.

(Enregistré sur les Records le 20 février 1937.)

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AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of February, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL OF GRANARD.

LORD HUTCHISON OF MONTROSE.

SIR SAMUEL HOARE.

SIR PHILIP SASSOON.

WHEREAS there was this day read at the Board ^{Spending} of Harbour
a Report from the Right Honourable the Lords of Revenues.
the Committee of Council for the Affairs of Guernsey
and Jersey dated 12th day of January, 1937, in the
words following, viz. :—

“ YOUR MAJESTY having been pleased by
Your General Order of Reference of the 18th day
of December, 1936, to refer unto this Committee
the humble Petition of the States of the Island of
Guernsey, setting forth :—

‘ 1. That the amalgamated funds of the Har-
bours of St. Peter Port and St. Sampson are de-
rived from the following sources :—(a) Tonnage
Dues levied on Shipping; (b) An allocation from
Duty on imported Goods up to a maximum of
Sixpence per ton; (c) Sundry revenues from
Crane Dues, Weighbridge Dues, Rentals, Sale of
Water, Lighting, etc. 2. That by various
Orders in Council dating from 1851 onwards,
revenues attributable to sources (a) and (b) con-
stitute a special fund for the Harbours, the first
charge against which is the cost of the collection
of such revenues, the payment of salaries and
other ordinary expenses of the Harbours, a fur-
ther charge being the cost of interest and re-
demption of the loan raised for the building of
a Jetty and its equipment. Any expenditure
therefrom for any other Harbour purpose at
present requires the specific sanction of Your

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Majesty in Council. 3. That for some years past no appropriation has been necessary or has been made from source (b). 4. That as regards the expenditure of revenues derived from source (c), no authority other than that of the States is required, but that as it is difficult, if not impossible, to determine the net revenue solely attributable to this source, it has been the practice hitherto to extend the rule properly applicable to revenues from source (a) to those derived from source (c) and to apply for the specific sanction of Your Majesty in Council as well as regards the latter as the former. 5. That arising out of a letter addressed to the Bailiff by the States' Board of Administration, explaining the hindrance caused in the expeditious administration of these Harbours on account of the delay entailed in obtaining Your Majesty's Royal Sanction for each item of expenditure other than such items as are provided for by Order in Council, and also the Board of Administration's inability to expend any Harbour Revenues without the sanction of the States, even in cases of grave emergency, although by resolutions of the States of 1922 and 1923 executive powers over these Harbours were vested in the said Board, the matter was debated by the States at a meeting held on the 4th day of November, 1936, when a resolution was passed authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying that Your Majesty would (a) authorize the States by resolution, either budgetary or specific, as might be appropriate, to expend Harbour revenues for Harbour purposes, but for such purposes only, so long as such expenditure (other than such expenditure as might be permissible under Orders in Council from time to time in force other than such Order in Council as it might please Your

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Majesty to sanction in respect of this Petition) would not entail a deficit in Harbour accounts : and (b) empower the States to confer from time to time upon the States' Board of Administration (with power to withdraw the same) authority to incur expenditure, for Harbour purposes not specifically approved of by the States, up to the sum of £1,000 in any calendar year, provided that an account of such expenditure be included in the Revised Budget Estimate to be presented to the States at the same time as the Estimates for the then ensuing year. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to their Petition, (a) granting authority to the States by resolution, either budgetary or specific, as might be appropriate, to expend Harbour revenues for Harbour purposes, but for such purposes only, so long as such expenditure (other than such expenditure as might be permissible under Orders in Council from time to time in force other than such Order in Council as it might please Your Majesty to sanction in respect of this Petition) would not entail a deficit in Harbour accounts : and (b) empowering the States to confer from time to time upon the States' Board of Administration (with power to withdraw the same) authority to incur expenditure for Harbour purposes not specifically approved of by the States, up to the sum of £1,000 in any calendar year, provided that an account of such expenditure be included in the Revised Budget Estimate to be presented to the States at the same time as the Estimates for the then ensuing year.'

“ 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 to report, as their opinion, to Your Majesty, that it may be advisable for Your

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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 be authorised, by resolution, either budgetary or specific, as may be appropriate, to expend Harbour revenues for Harbour purposes, but for such purposes only, so long as such expenditure (other than such expenditure as may be permissible under Orders in Council from time to time in force other than this Order) will not entail a deficit in Harbour accounts: and, further, that the States be empowered to confer from time to time upon the States' Board of Administration (with power to withdraw the same) authority to incur expenditure, for Harbour purposes not specifically approved of by the States, up to the sum of £1,000 in any calendar year, provided that an account of such expenditure be included in the revised Budget Estimate to be presented to the States at the same time as the Estimates for the then ensuing year.

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.

1937

(Enregistré sur les Records le 20 février 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of February, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL OF GRANARD.

LORD HUTCHISON OF MONTROSE.

SIR SAMUEL HOARE.

SIR PHILIP SASSOON.

WHEREAS there was this day read at the Board Alderney—
 a report from the Right Honourable the Lords of a Land
 Committee of Council, dated the 23rd day of between
 December, 1936, in the words following, viz. :— Platte Saline
 and Crabby.

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a Petition of the People of the Island of Alderney, praying, for the reasons set forth in the Petition, that Your Majesty would graciously be pleased to order that a parcel of land lying between Platte Saline and Crabby in the Island of Alderney, which was recently conveyed by the Commissioners of Crown Lands and the War Office to the Channel Islands Granite Limited, should revert to the status of Common land vested in Your Majesty :

“ 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 is not advisable for Your Majesty to direct that any steps should be taken with reference to 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.

M. P. A. HANKEY.

1937

(Enregistré sur les Records le 20 février 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of February, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL OF GRANARD.

LORD HUTCHISON OF MONTROSE.

SIR SAMUEL HOARE.

SIR PHILIP SASSOON.

Impôts
(Alderney)
1937.

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 December, 1936, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee 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 thirtieth day of November, 1936, the States were of opinion to renew the duties sanctioned by His late Majesty King George the Fifth for the period ending on the 31st day of December, 1936, (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, 1937, and ending on the 31st day of December, 1937, 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

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the conditions already sanctioned by His said late Majesty and by the Order in Council, dated the third day of March, 1936, of His former Majesty King Edward the Eighth. 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.	
	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	7	

	‘ Per lb.	
‘ Cigars	1	3
‘ Cigarettes	1	10
‘ Other Tobacco	6	
‘ Tea	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,

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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, 1937, and ending on the 31st day of December, 1937, 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.

(Enregistré sur les Records le 20 février 1937.)

The
Copyright
(North
Borneo)
Order, 1937.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 2 février 1937 transmettant des exemplaires de l'Ordre en Conseil suivant :—

Order in Council of the 2nd February, 1937, entitled " The Copyright (North Borneo) Order, 1937".

LA COUR, après avoir eu lecture du dit Ordre en 1937
Conseil communiqué, 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. Qu'un exemplaire du 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 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 20 février 1937.)

Monsieur le Baillif ayant ce jour communiqué ^{His Majesty's Declaration of Abdication Act, 1936.} à la Cour un Ordre de Sa Majesté en Conseil en date du 2 février 1937 transmettant des exemplaires de l'Acte de Parlement suivant :—

1 Edward VIII, Chapter 3. " His Majesty's Declaration of Abdication Act, 1936 ".

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 de Parlement 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 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.

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(Enregistré sur les Records le 20 février 1937.)

Proclamation
déclarant
que le 12 mai
prochain
sera un jour
férié.

Monsieur le Baillif ayant ce jour communiqué à la Cour une Proclamation de Sa Majesté en date du 2 février 1937 déclarant que mercredi le 12 mai prochain sera jour férié et de récréation publique dans le Royaume Uni :—

LA COUR a ordonné que la dite Proclamation sera logée au Greffe et qu'une copie d'icelle sera expédiée par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq.

(Enregistré sur les Records le 27 février 1937.)

Merchant
Shipping
(Carriage of
Munitions
to Spain)
Act, 1936.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 2 février 1937 transmettant des exemplaires de l'Acte de Parlement et de l'Ordre en Conseil suivants :—

The Arms
Export
Prohibition
Order, 1931.

1 Edw. 8 Chapter 1, " Merchant Shipping (Carriage of Munitions to Spain) Act, 1936 ".
Order in Council dated the 19th day of May, 1931, entitled " The Arms Export Prohibition Order, 1931 ".

LA COUR, après avoir eu lecture du dit Ordre en Conseil communiqué, 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. Qu'un exemplaire des dits Acte de Parlement et 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 un exemplaire des dits Acte de Parlement et 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 8 mai 1937.)

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Monsieur le Lieutenant Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 23 avril 1937 transmettant des exemplaires de l'Acte de Parlement suivant :—

The Merchant Shipping (Spanish Frontiers Observation) Act, 1937.

1 Edward VIII and 1 George VI, Chapter 19,
“ The Merchant Shipping (Spanish Frontiers
Observation) Act, 1937 ”.

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 sera enregistré sur les Records de cette Ile.

2. Qu'un des exemplaires du dit Acte de Parlement 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 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 26 juin 1937.)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date de huit juin mil neuf cent trente-sept transmettant des exemplaires de l'Acte de Parlement suivant :—

The Merchant Shipping Act, 1937.

1 Edward VIII and 1 George VI, Chapter 23,
“ The Merchant Shipping Act, 1937 ”.

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

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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 26 juin 1937.)

The Trustee
Savings
Banks
(Special
Investments)
Act, 1934.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du huit juin mil neuf cent trent-sept, transmettant des exemplaires de l'Acte de Parlement suivant :—

24 and 25 George V, Chapter 37, " The Trustee Savings Banks (Special Investments) 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 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.

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(Enregistré sur les Records le 26 juin 1937.)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du huit juin mil neuf cent trente-sept, transmettant des exemplaires de l'Acte de Parlement suivant :—

Army and
Air Force.
Act, 1937.

1 Edward VIII and 1 George VI, Chapter 26,
“ 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 3 juillet 1937.)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du huit juin mil neuf cent trente-sept transmettant des exemplaires de l'Ordre en Conseil suivant savoir :—

The
Merchant
Shipping
(Spanish
Frontiers
Observation)
(Focal Areas)
Order, 1937.

Order in Council of the 23rd April, 1937 entitled
“ The Merchant Shipping (Spanish Frontiers
Observation) (Focal Areas) Order, 1937”.

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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 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 un exemplaire 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 3 juillet 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 8th day of June, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
LORD CHAMBERLAIN.
LORD SNELL.
MR. SECRETARY ORMSBY-GORE.
CAPTAIN EUAN WALLACE.
SIR FRANK MACKINNON.
SIR FELIX CASSEL.
SIR GEORGE COURTHOPE.
MR. FOOT.
MR. PETHICK LAWRENCE.
SIR HUGH O'NEILL.
SIR THOMAS HORRIDGE.
SIR GEORGE TALBOT.

Construction
d'une jetée à
l'Ile de Sercq;
et levée
d'une Taxe
sur tous
passagers
atterrissant
dans la dite
Ile de Sercq.

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 26th day of May, 1937, in the words following viz. :—

“ YOUR MAJESTY, having been pleased, by Your General Order of Reference of the 18th day of

December, 1936, to refer unto this Committee the humble Petition of Robert Woodward Hathaway, Seigneur, Frederick de Carteret, Sénéchal, and John Baker, Prévôt of the Island of Sark, setting forth :—

1. That at a meeting held on or about the 28th day of January, 1936, the Chief Pleas of the said Island did approve a scheme set forth in the First Schedule annexed to the Petition for the construction in the Bay known as " La Baie de la Maseline " of a jetty and for the carrying out of such tunnelling and other works as were necessary for the construction of a roadway leading from the main road near Le Creux across the headland known as " Le Cagnon " to the said proposed jetty, the whole at an estimated capital cost of £45,000. 2. That Alexander Colin Cazalet Campbell, Esquire and Laura Florence Campbell née Daunt his wife, the proprietors of the tenement known as " Le Clos du Menage " of which Tenement the land through and over which it was proposed that such roadway be constructed formed part, having generously offered to convey gratuitously to the Petitioners in trust for the Inhabitants of the said Island such area of land forming part of the said Tenement as might be necessary for the purposes of the construction of such roadway and such offer having been accepted by the Chief Pleas, the Petitioners acting under the provisions of the Order of His late Majesty King George the Fifth in Council dated the 27th day of June, 1927, governing the alienation of land forming part of a Sark Tenement, had secured a conveyance from the said Campbell and wife of such area of land as was required for the purposes aforesaid. 3. That at a meeting held on the 31st day of March, 1937, the Chief Pleas of the said Island of Sark passed the Resolutions set

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out in the Second Schedule annexed to the Petition authorising the raising of a loan to carry out the proposed work. 4. That there was then standing to the credit of the Impôt and Passenger Tax Account of the said Island of Sark a sum in excess of £22,000, and it was confidently anticipated that the annual proceeds of the Sark Impôt and Passenger Tax would suffice to meet the annual interest and redemption charges in connection with the proposed loan referred to in the said Resolutions and that in addition to the Island expenditure ordinarily chargeable against such proceeds. 5. That at the said last-mentioned meeting, the Chief Pleas did authorise the Seigneur, the Sénéchal and the Prévôt to present a most humble Petition to Your Majesty in Council praying that Your Majesty might be graciously pleased to sanction the execution of the aforesaid scheme and to make such Order in Council as might be necessary in that behalf and for the purpose of making fully effective the aforesaid Resolutions of the Chief Pleas of the said Island of Sark and also for the purpose of making such further provision as then appeared to be necessary for the service of the proposed loan, to authorise and direct that the levy of a Tax of 1s. per head on passengers (other than the inhabitants of Sark) landing in the said Island of Sark which was authorised to be levied until the 31st day of December, 1937, by Your Majesty's Order in Council dated the 2nd day of February, 1937, be continued until the complete redemption of the said proposed loan. And most humbly praying that Your Majesty would be graciously pleased to make such Order in Council in the matter for the purposes aforesaid as to Your Majesty might seem expedient.'

FIRST SCHEDULE annexed to the Petition : 1937

‘ The scheme prepared by the Consulting Engineers, Messrs. Coode, Wilson, Mitchell & Vaughan Lee, a brief description of which is give below, is more particularly described in their Report dated the 15th January, 1935, and shown upon the drawing accompanying it, copies of which are deposited at Government Office, Guernsey.

‘ The work consists of the construction of a solid concrete block work jetty about 175 feet long at top deck level and the top width will be 28 feet, except where provision is made for the landing steps which are constructed in a recess on the inside face of the work.

‘ The face of the boat steps will be protected by vertical timber fenders struttred and braced to resist the bumping of steamers. The outer end of the jetty will be left sloping so as to allow for any future extension should it be desired.

‘ A set of boat steps has been provided on the inner side at the root of the jetty for the service of small boats. The means of approach to the proposed jetty from the existing roads on the Island consists in the formation of a roadway about 20 feet in width cut in the side of the cliff and extending from the top of the existing boat steps situate in the Chaussée St. Chenais to the Cagnon Cave, the mouth of which is to be crossed by means of a bridge.

‘ The Cagnon Headland is to be traversed by a lined tunnel having the same internal dimensions as the present tunnel at Le Creux Harbour. The smaller arm of the Cagnon will be excavated to the level of the deck of the solid jetty, the existing crevice between the arms of the Headland being filled in by means of a concrete wall and rubble filling.

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‘ The roadway which is at a level of about 12 feet above High Water at the southern exit from the proposed tunnel rises, at a slope of 1 in 20, to a height of 20 feet above High Water, at its junction with the existing roadway at Chaussée St. Chenais.’

SECOND SCHEDULE of Resolutions referred to in the Petition :

‘(a) That the sum of £19,000 being part of the moneys standing to the credit of the Impôt and Passenger Tax Account of the Island of Sark, be applied towards payment of the capital cost of the works specified in the First Schedule.

‘(b) (1) That such amount not exceeding £26,000 as may be required to meet the balance of the estimated capital cost of the said works be obtained by the flotation of a loan to be issued at par or at such discount and to bear interest at such rate per centum per annum, as shall be approved by His Excellency the Lieutenant Governor.

‘(2) That the whole of the bonds to be issued to subscribers to the said loan be redeemed within a period of forty years from the date of the issue thereof.

‘(3) That the bonds to be redeemed in any year shall be those of which the distinguishing numbers shall have been drawn by chance by Commissioners appointed for the purpose by His Excellency the Lieutenant Governor.

‘(4) That such annual sum as shall suffice to meet interest and redemption charges in connection with the said loan and agent’s charges in relation thereto shall be provided (a) out of the balance of the proceeds of the Impôt and Passenger Tax of the said Island of Sark remaining in each year after the ordinary

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expenses in relation to government and administration in that Island which have hitherto been borne thereout shall have been provided for and (b) out of such further taxation as may from time to time be necessary in that behalf and as shall be voted by the Chief Pleas of the said Island of Sark and approved by His Majesty in Council.

‘(c) That the proceeds of such loan (after deduction of the expenses connected with the flotation thereof) be paid into a special account to be opened with National Provincial Bank Limited (Old Bank) by and in the names of the Seigneur, Sénéchal and Treasurer of the said Island of Sark, for the purpose of being applied in or towards payment of the capital cost of the said works and of such expenses as are incidental or ancillary thereto and, save with the approval of His Excellency the Lieutenant Governor, for no other purpose or purposes.

‘(d) That a Committee be appointed with power in consultation with Messrs. Coode, Wilson, Mitchell & Vaughan Lee :—

‘(1) to prepare the necessary contract or contracts for the carrying out of the said works, and of the plans, specifications, bills of quantities, schedules and other particulars which it may be necessary or expedient to prepare in connection therewith : and

‘(2) to put such contract or contracts out to tender : and

‘(3) to supervise the carrying out of such contract or contracts by the Contractor or Contractors to whom the carrying out of the same may be entrusted : and

‘(4) to agree to such additions, omissions and variations to, from and in the said works or any part thereof as may be recommended by the Consulting Engineers and as may be

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approved by His Excellency the Lieutenant Governor : provided that save with the approval of the Chief Pleas and the sanction of His Majesty in Council first obtained no addition or variation shall be agreed to which may or might increase the cost of the said works to an amount in excess of the said sum of £45,000.

‘(5) That such Committee shall consist of:—

- (1) The Seigneur ex-officio,
- (2) Mrs. S. M. Hathaway,
- (3) The Sénéchal ex-officio,
- (4) Mr. Philip Guille, and
- (5) The Treasurer ex-officio,

of whom the Seigneur or Mrs. Hathaway and the Sénéchal and not less than one other member shall be present at all times as the necessary quorum to enable the Committee to proceed to business.

‘ In the event of any vacancy occurring in the membership of the Committee by reason of the death, retirement, absence or incapacity of any member thereof, His Excellency the Lieutenant Governor shall appoint in the place of such member as a member of the Committee a member of the Chief Pleas of Sark, and if the vacancy should occur through the death or retirement of the Seigneur, Sénéchal or Treasurer then such appointee shall remain in office as a member of the Committee until a new Seigneur, Sénéchal or Treasurer shall have taken office, whereupon such new Seigneur, Sénéchal or Treasurer, as the case may be, shall automatically become a member of the Committee.

‘ If the vacancy should occur otherwise than through the death or retirement of the Seigneur, Sénéchal or Treasurer then the appointee of His Excellency the Lieutenant Governor shall

remain in office until the sitting of the Chief Pleas next following such appointment. At such next sitting the Chief Pleas shall appoint one of its members to fill the vacancy permanently.

‘ When the Seigneur is present at meetings of the Committee he shall preside. Whenever he is absent the members present shall elect a chairman for the occasion.

‘ The decision of the majority of the members voting at any meeting of the Committee shall be regarded as the decision of the Committee.

‘ The Chairman shall have an original vote, and in the event of equality of vote he shall have a second or casting vote.

‘(e) That the Seigneur, the Sénéchal and the Treasurer be and they are hereby authorised :—

‘(1) to sign and execute on behalf of the Inhabitants of the Island of Sark the contract or contracts recommended by the Consulting Engineers for the carrying out of the said works by the contractor or contractors whose tender or tenders shall have been accepted by the Chief Pleas, and approved by His Excellency the Lieutenant Governor :

‘(2) to make all such payments to the contractor or contractors as shall fall to be paid to him or them under the said contract or contracts and this at the times and manner and in accordance with the terms and conditions therein specified and contained :

‘(3) to make all such payments to the Consulting Engineers as shall be payable to them in accordance with the terms of their engagement.

‘(4) If for any reason whatsoever the Seigneur, the Sénéchal or the Treasurer be not exercising the office of member of the Committee at any time, then notwithstanding any provision in sub-clause 5 of Clause (d) of these Resolutions,

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any three members of the Committee referred to in that Clause shall be empowered to, and shall, authorise a member of that Committee to act for the purposes of this present Clause in the stead of the member not exercising such office.'

" THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and Schedules 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."

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

- (1) to sanction the execution of the Scheme referred to in the said Petition :
- (2) to approve of and ratify the said Resolutions :
and
- (3) to order, as it is hereby ordered, that the levy of a tax of rs. per head on passengers (other than the inhabitants of Sark) landing in the said Island be continued until the complete redemption of the loan referred to in the said Resolutions.

AND HIS MAJESTY doth hereby further direct that this Order be entered upon the Registers of the Islands of Guernsey and Sark and 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, in 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 28 juillet 1937.)*1937

AT THE COURT AT BUCKINGHAM PALACE,

The 1st day of July, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
 LORD MOTTISTONE.
 SIR HORACE RUMBOLD.
 SIR THOMAS INSKIP.
 SIR ROBERT CRAIGIE.

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 June, 1937, in the words following, viz. —

Cession of
 rights of
 common
 over land at
 Petit Bôt.

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

- ‘ 1. That on the 7th day of October, 1936, the States of the Island of Guernsey approved of the carrying out by the States Water Board at the foot of Petit Bôt Valley in the Parish of Saint Martin in the said Island of Guernsey of certain works for the collection of water running down that valley to the sea and for the installation of electrically-driven pumping plant for the purpose of raising water so collected in order that it may be made available for the purpose of supply to the public :
2. That for the purpose of the foregoing it was necessary that the States should have access to and occupation of a piece of land measuring thirty-five feet in length and eighteen feet in width situate on the East side of the land entrance to Petit Bôt Bay and forming part of land belonging to the Manor of Blanchelande and over which the inhabitants of the said parish

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have rights of common: 3. That an agreement had been concluded with the Lord of the Manor of Blanchelande whereby, subject to the cession and relinquishment of the rights of common aforesaid, access to and occupation of the said piece of land would be assured to the States for the purposes aforesaid: 4. That on the 25th day of January, 1937, the inhabitants of the said parish of Saint Martin were duly convened by the Constables and Douzaine of the said Parish to consider the matter of the proposed works, and thereon the said Constables and Douzaine reported that no opposition had been offered thereto and that it was expedient that there should be a cession and relinquishment on behalf of the said inhabitants of their rights of common in favour of the States in respect of the said piece of land and a grant of a right of access to the same: 5. That on the 20th day of March, 1937, after publication of the necessary notices the Royal Court of the said Island of Guernsey heard the said Report which was adopted and ordered to be registered, there being no opposition thereto. And most humbly praying that Your Majesty would be graciously pleased to order and direct that the Constables of the said Parish of Saint Martin should and might execute such deeds in due form as might be necessary for assuring the cession and relinquishment in favour of the States by and on behalf of the said inhabitants of their rights of common over and upon the said piece of land and the grant of right of access to the same.'

“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*.” 1937

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 Constables of the said Parish of Saint Martin shall and may execute such deeds in due form as may be necessary for assuring the cession and relinquishment in favour of the States by and on behalf of the said inhabitants of their rights of common over and upon the said piece of land and the grant of right of access to 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.

(Enregistré sur les Records le 28 août 1937.)

Monsieur le Lieutenant Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant Gouverneur en date du 25 août 1937 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 14 août courant, laquelle Lettre de Pardon fut contresignée et transmise par le Secrétaire d'Etat pour l'Interieur, accordant à Peter Thomas Henry Robin son pardon de la Sentence de Mort prononcée contre lui le

Pardon de
sentence
de mort
prononcée
contre
Peter
Thomas
Henry
Robin.

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13 juillet 1937, par la Cour Royale de l'Ile de Guernesey, et ce à condition qu'il soit gardé en servitude pénale pendant sa vie.

LA COUR, après avoir eu lecture de la dite Lettre de Pardon, ouïes les conclusions du Contrôle 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 SIXTH, 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, Knight Commander of Our Most Excellent Order of the British Empire, 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 Peter Thomas Henry Robin was at a Sessions of the Royal Court holden at Guernsey in July 1937, convicted of murder and sentenced to death :

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 Peter Thomas Henry Robin and to grant unto him Our Pardon in respect of the said conviction on Condition that he be kept in Penal Servitude for Life :

OUR Will and pleasure therefor is that you do 1937
give the necessary directions accordingly :

AND for so doing this shall be a sufficient Warrant.

Given at Our Court of Saint James's
the fourteenth day of August 1937
in the first Year of Our Reign.

By His Majesty's Command.
Samuel Hoare.

(Enregistré sur les Records le 28 août 1937.)

Monsieur le Lieutenant Baillif ayant ce jour com-
munié à la Cour une Lettre de son Excellence le
Lieutenant Gouverneur en date du 3 août 1937,
transmettant une copie de certaines pièces
dites :—

Administra-
tion of
Estates Act,
1913.
Foreign
Letters of
Administra-
tion.

Administration of Estates Act, 1913.

Foreign Letters of Administration.

Application of Sections 41 and 43 of Act No.
24 of 1913 to the Channel Islands.

LA COUR, ouïes les conclusions du Contrôle du
Roi, a ordonné que les dites pièces seront logées
au Greffe.

(Enregistré sur les Records le 28 août 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of July, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MARQUESS OF ZETLAND.

VISCOUNT DAWSON OF PENN.

SIR GEORGE 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
The Capital
Punishment
Amendment
Law
(Guernsey),
1937.

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Guernsey and Jersey, dated the 9th day of July, 1937, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1. That on the 19th day of June, 1937, the Royal Court adopted a Bill or *Projet de Loi* intituled “*Loi amendant la Loi par rapport à l’Exécution de Jugements de Condamnation à Mort,*” and requested the Bailiff to submit the same to the States of Deliberation for their approval: 2. That on the 30th day of June, 1937, 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 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 amendant la Loi par rapport à l’Exécution de Jugements de Condamnation à Mort,*” 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.”

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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 AMENDANT LA LOI PAR RAPPORT À
L'EXÉCUTION DE JUGEMENTS DE CON-
DAMNATION À MORT.

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'Ile de Guernesey.

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1. **SHORT TITLE.**—This Law may be cited for all purposes as “ The Capital Punishment Amendment Law, (Guernsey), 1937 ”.

2. **EXECUTIONS TO BE WITHIN PRISON.**—Judgment of death to be executed in the Bailiwick of Guernsey on any prisoner sentenced in that Bailiwick on any indictment for murder shall be carried into effect under the direction of His Majesty's Sheriff of the Island of Guernsey (hereinafter called “ the Sheriff ”) within the walls of His Majesty's Prison situate in the Island of Guernsey (hereinafter called “ the prison ”).

3. **H.M. SHERIFF, ETC., TO BE PRESENT.**—The Sheriff and the Gaoler, Chaplain, and Medical Officer of the prison, and such other officers as the Sheriff requires, shall be present at the execution.

The Bailiff, any Jurat of the Royal Court of Guernsey, His Majesty's Procureur and His Majesty's Comptroller of the Island of Guernsey,—the Judge of Alderney and any Jurat of the Court of Alderney (in the case only of a prisoner who belongs to the Island of Alderney),—the Seneschal of Sark (in the case only of a prisoner who belongs to the Island of Sark or its Dependencies),—and such relatives of the prisoner or other persons as it seems to the Sheriff proper to admit within the prison for the purpose, may also be present at the execution.

4. **CERTIFICATE OF DEATH.**—As soon as may be after judgment of death has been executed on the offender, the Medical Officer of the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof, and deliver the same to the Sheriff.

The Sheriff, and the Gaoler and Chaplain of the prison, and such officials and other persons present (if any) as the Sheriff requires or allows so to do, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

5. INQUEST ON BODY.—The Magistrate attached to the Royal Court of Guernsey, hereinafter called “the Magistrate” (which expression shall include any person lawfully acting for the time being in the place of such Magistrate), shall within twenty-four hours after judgment of death is executed in Guernsey on any offender hold an inquest on the body of the offender; the Magistrate shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; two copies of the Act of Court recording the findings of the Magistrate shall be forthwith prepared and certified under the hand and seal of His Majesty’s Greffier of the Island of Guernsey or of his lawful Deputy acting in his absence and shall be delivered with all convenient speed to the Sheriff.

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6. BURIAL OF BODY.—The body of every offender executed in the Island of Guernsey shall be buried at such fit place in that Island as the Bailiff or, in the absence of the Bailiff, a Lieutenant-Bailiff or, in the case of a vacancy in the Office of Bailiff, the Juge-Délégué, may by writing under his hand, appoint for the purpose, and the same shall be used accordingly.

7. POWER OF COURT OF CHIEF PLEAS TO MAKE RULES.—The Royal Court of Guernsey sitting as a Court of Chief Pleas may from time to time make such rules and regulations to be observed on the execution of judgment of death in the prison as the Court may from time to time deem expedient for the purpose as well of guarding against any abuse in such execution as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

8. PUBLICATION.—Every certificate and declaration and one of the certified copies of the Act of Court recording the findings of the Magistrate required by this Law shall in each case be sent with all

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convenient speed by the Sheriff to one of His Majesty's Principal Secretaries of State; and printed copies of the same several instruments shall as soon as possible be exhibited and shall for twenty-four hours at least be kept exhibited on or near the principal entrance of the prison.

9. EXECUTION OF DUTIES AND POWERS OF THE SHERIFF, GAOLER, ETC., BY DEPUTY-SHERIFF, DEPUTY-GAOLER, ETC.—The duties and powers by this Law imposed on or vested in the Sheriff may be performed by and shall be vested in any lawful deputy acting in his absence, and any other officer charged in any case with the execution of judgment of death.

The duties and powers by this Law imposed on or vested in the Gaoler of the prison may be performed by and shall be vested in the Deputy-Gaoler (if any) acting in his absence and with the authority of the Lieutenant-Governor of the Island of Guernsey and its dependencies.

The duties and powers by this Law imposed on or vested in the Medical Officer of the prison may, in the absence of the Medical Officer, be performed by and shall be vested in any physician or surgeon for the time being acting as Medical Officer of the prison with the approval of the Lieutenant-Governor of the Island of Guernsey and its Dependencies.

The duties by this Law imposed on the Chaplain may, in the event of the absence of the Chaplain, be performed by the assistant chaplain or other person acting in place of the Chaplain.

10. FORMS IN SCHEDULE TO BE USED.—The forms given in the schedule to this Law, with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated and according to the directions therein contained.

11. SAVING.—The omission to comply with any provision of this Law shall not make the execution

of judgment of death illegal in any case where such execution would otherwise have been legal. 1937

12. SENTENCE TO BE CARRIED OUT AS HERETOFORE.—Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this Law had not been sanctioned.

THE SCHEDULE.

CERTIFICATE OF MEDICAL OFFICER.

I, A.B., the Medical Officer (or acting Medical Officer) of His Majesty's Prison in the Island of Guernsey, hereby certify that I this day examined the body of C.D., on whom judgment of death was this day executed in that Prison ; and that on that examination I found that the said C.D. was dead.

Dated this day of

(Signed) A.B.

DECLARATION OF H.M. SHERIFF AND OTHERS.

We, the undersigned, hereby declare that judgment of death was this day executed on C.D. in His Majesty's Prison in the Island of Guernsey in our presence.

Dated this day of

(Signed) E.F.,

His Majesty's Sheriff of the Island of Guernsey.

L.M. {	Bailiff of Guernsey.	} of the Island } of Guernsey.
	Jurat of the Royal Court of Guernsey.	
	Judge of Alderney.	
	Jurat of the Court of Alderney.	
	Seneschal of Sark.	
	His Majesty's Procureur.	
	His Majesty's Comptroller.	

G.H., Gaoler of His Majesty's Prison in the Island of Guernsey.

J.K., Chaplain of His Majesty's Prison in the Island of Guernsey.

Etc., etc.

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(Enregistré sur les Records le 4 septembre 1937.)

Procureur
du Roi
sermenté.
(Auregny).

REGINALD LUCAS DUPLAIN, écuyer, a été sermenté Procureur du Roi de l'Île d'Auregny, suivant la forme usitée comme à telle charge et office appartient vertu d'une Commission ou Ordre de Sa Majesté en date du vingt juillet mil neuf cent trente-sept, dont la teneur suit :—



GEORGE R.I.

GEORGE THE SIXTH, 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 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 REGINALD LUCAS DUPLAIN, ESQUIRE, have thought fit to appoint him to be Procureur in Our Court of Our Island of Alderney : And We do accordingly by these presents give and grant unto him the said Reginald Lucas Duplain the Office or Place of Procureur in Our said Court, with all Fees, Rewards, Profits, Rights and Emoluments, whatsoever, to the same belonging : To have, hold and enjoy the said Office or Place unto him the said Reginald Lucas Duplain, during Our Pleasure.

AND WE do hereby will and require you, the Lieutenant Governor and Bailiff of our said Isle of Guernsey or either of you, that you admit and receive the said Reginald Lucas Duplain 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. 1937

Given at our Court at St. James's
the twentieth day of July, 1937,
In the first year of Our Reign.

BY HIS MAJESTY'S COMMAND.
SAMUEL HOARE.

Reginald Lucas Duplain, Esquire,
Procureur in the Court of
Alderney.

(*Enregistré sur les Records le 11 septembre 1937.*)

Monsieur le Baillif ayant ce jour communiqué à la Cour une copie imprimée d'un Ordre de Sa Majesté en Conseil en date du 29 juillet 1937, intitulé "The Hungary (Extradition) Order in Council, 1937"—LA COUR, ouïes les conclusions des Officiers du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile par être logé au Greffe.

(*Enregistré sur les Records le 30 octobre 1937.*)

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant Gouverneur en date du vingt-huit octobre mil neuf cent trente-sept, transmettant un imprimé dit "Statutory Rules and Orders, 1937, No. 858" contenant des règlements dits "The Merchant Shipping (Spanish Frontiers Observation) (Amendment) (No. 2) Regulations, 1937"—LA COUR, ouïes les conclusions du Procureur du Roi, a ordonné que le dit imprimé sera enregistré sur les Records de cette Ile par être logé au Greffe.

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(Enregistré sur les Records le 10 novembre 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of October, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

VISCOUNT GOSHEN.

MR. SECRETARY MALCOLM MACDONALD.

SIR RONALD GRAHAM.

The
Contributory
Pensions
(Amend-
ment) Law,
1937.

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 August, 1937, in the words following, viz. :—

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1. That in pursuance of a resolution of the States of Deliberation of the 21st day of May, 1937, the Royal Court at a sitting held on the 26th day of June, 1937, adopted a Bill or *Projet de Loi* intituled “ *Loi portant amendement à la Loi intitulée ‘ Loi ayant rapport aux Pensions Contributives en cas d’Accidents ou de Décès et pour la Vieillesse, 1935’* ”, and requested the Bailiff to submit the same to the States for their approval : 2. That on the 28th day of July, 1937, 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.

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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 amendement à la Loi intitulée '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 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.

PROJET DE LOI

INTITULÉ

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

VU la délibération des Etats en date du 21 mai
1937 :

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, savoir :—

Actuarial
Reports.

1. Article XI., intituled " Actuarial Reports ", of The Contributory Pensions Law, 1935, shall have effect as if for the words " One thousand nine hundred and forty-two " contained therein there were substituted the words " One thousand nine hundred and forty-three ".

Short Title.

2. This Law may be cited as " The Contributory Pensions (Amendment) Law, 1937 ".

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(Enregistré sur les Records le 10 novembre 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of October, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

VISCOUNT GOSHEN.

MR. SECRETARY MALCOLM MACDONALD.

SIR RONALD GRAHAM.

WHEREAS there was this day read at the Board Acquisition of Land
 a Report from the Right Honourable the Lords (St. Saviour
 of the Committee of Council for the Affairs of Reservoir
 Guernsey and Jersey, dated the 30th day of July, Area) Law,
 1937, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That pursuant to resolutions of the States of Deliberation dated the 21st May, 1937, the Royal Court on the 12th day of June, 1937, adopted a Bill or *Projet de Loi* intituled “*Loi transférant aux Etats de l’Ile de Guernesey les Droits et Intérêts d’autrui par rapport à certains Territoires situés dans le voisinage du Mont Varouf en la paroisse de Saint Sauveur en l’Ile de Guernesey,*” and requested the Bailiff to submit the same to the States for their approval: 2. That on the 30th day of June, 1937, 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 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

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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 transférant aux Etats de l'Ile de Guernesey les Droits et Intérêts d'autrui par rapport à certains Territoires situés dans le voisinage du Mont Varouf en la paroisse de Saint Sauveur en l'Ile de Guernesey,*" 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. 1937

PROJET DE LOI

INTITULÉ

LOI TRANSFÉRANT AUX ÉTATS DE L'ILE
DE GUERNESEY LES DROITS ET
INTÉRÊTS D'AUTRUI PAR RAPPORT
À CERTAINS TERRITOIRES SITUÉS
DANS LE VOISINAGE DU MONT VAROUF
EN LA PAROISSE DE SAINT SAUVEUR
EN L'ILE DE GUERNESEY.

VU les Délibérations des Etats en date du 21 mai
1937 :

LES ETATS on approuvé les dispositions suivantes
lesquelles, moyennant la Sanction de Sa Très Ex-
cellente Majesté en Conseil, auront force de Loi en
cette Ile.

1.—(a) Tout droit et intérêt quelconque, soit im- Droits et
mobilier, soit mobilier, soit en fin d'héritage, à intérêts
vie ou vies ou pour toute autre période, — à l'except- transférés
tion de tout droit féodal, tout droit par rapport aux Etats.
à une rente, rente hypothèque ou autre droit hypothé-
caire, — appartenant à qui que ce soit dans et par
rapport aux Territoires situés dans le voisinage du
Mont Varouf en la paroisse de Saint Sauveur en cette
Ile et qui sont dépeints en teint rose entouré par une
ligne noire sur un plan marqué "A" dont l'original
signé par Monsieur le Baillif en date du 30 juin
1937, est déposé au Greffe, et à leurs issues et entrées,
fossés, reliefs, et murailles en formant partie y inclus
toute servitude (autre qu'une servitude relative :
(a) à l'écoulement des eaux naturelles et (b) au
soutien naturel du sol) dont aucune partie des dits
territoires peut être grevée comme fonds servant et
tout droit d'usufruit, d'habitation, d'occupation,
d'usage et de profit à prendre auquel aucune partie

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des dits Territoires peut être affectée, comme aussi toute servitude dont aucune partie des dits Territoires peut profiter comme fonds dominant, sera censé être transféré et appartenir aux Etats de l'Ile de Guernesey (et ce en fin et perpétuité d'héritage en ce qui concerne tout droit immobilier) avec droit aux dits Etats d'entrer en jouissance libre des dits Territoires, ainsi qu'il suit, savoir :—

- (i) le 31 décembre, 1937, quant aux parties des susdits Territoires qui sont dépeintes en teint bleu sur un plan marqué " B " dont l'original signé par Monsieur le Bailiff en date du 30 juin, 1937 est déposé au Greffe ; et
- (ii) le 31 décembre, 1938, quant aux parties des susdits Territoires qui sont dépeintes en teint jaune sur le dit plan marqué " B ".

Et est celle des susdites dates qui sera applicable aux susdites parties respectivement des susdits Territoires ci-après dans cette Loi désignée " le jour de transfert."

(b) Dans les cas où nul droit à un fossé ou mur ou partie d'icelui à l'extrémité extérieur d'aucun des susdits Territoires n'appartient pas au propriétaire de la propriété y contigue située en dehors des dits Territoires ou qu'il ne peut pas être constaté à qui tel fossé ou mur appartient, tel fossé ou mur ou partie d'icelui sera censé former partie de la propriété y contigue comprise dans les dits Territoires.

(c) Dans les cas où un tel fossé ou mur ou partie d'icelui est mitoyen entre le propriétaire d'une propriété formant partie des dits Territoires et le propriétaire d'une propriété située en dehors des dits Territoires, tel fossé ou mur ou partie d'icelui continuera d'être mitoyen entre les Etats et le propriétaire dernièrement mentionné.

(d) Dans les cas où la propriété en dehors de et contigue à un tel fossé ou mur ou partie d'icelui

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appartient à un propriétaire qui est aussi propriétaire de la propriété y contigue formant partie des dits Territoires, tel fossé ou mur ou partie d'icelui, s'il ne sert pas à la date de l'enregistrement de cette présente loi comme soutien à aucun édifice érigé en dehors des dits Territoires, sera censé former partie de la propriété y contigue comprise dans les dits Territoires à moins qu'il ne soit déclaré devoir être mitoyen dans le rapport du " Board of Valuers " constitué aux fins de la Cédule à cette Loi. S'il est ainsi déclaré dans tel rapport, tel fossé ou mur sera mitoyen entre les Etats et le propriétaire de la propriété y contigue située en dehors des dits Territoires.

2.—A partir du jour de transfert inclusivement nul des susdits droits et intérêts qui sont mentionnés dans l'Article précédant et qui n'y est pas expressément excepté de l'opération de tel Article, ne sera plus sujet à aucune demande, réclamation, charge, hypothèque ou garantie quelconque y ayant rapport ou qui le grève avant le commencement du jour de transfert par ou en faveur de qui que ce soit, mais tiendra lieu et place de chacun de tels droits et intérêts vis-à-vis de toute demande, réclamation, charge, hypothèque ou garantie y ayant rapport ou qui le grève avant le commencement du jour de transfert l'indemnité y attribuable ou attribuée—soit que telle indemnité soit exprimée en rente ou en argent—aux fins de la Cédule à cette Loi.

Droits et
intérêts
remplacés
par
indemnité.

3.—Cas avenant que les Etats, après avoir amorti aucune de telles indemnités qui sont exprimées en rente, sont suivis comme affieffeurs dans aucune saisie à cause de l'amortissement par eux fait de telle indemnité et que les Etats se décident de ne pas se faire tenant de telle saisie, les Etats auront la faculté, au lieu de renoncer à leur affieffement, de faire bon à celui qui se fait tenant de telle saisie le prix porté dans le contrat d'amortissement de telle

Amortisse-
ment
d'indemnités-
saisies.

- 1937 indemnité ou telle moindre somme qui suffira pour le paiement au tenant de telle saisie du montant de ses demandes, frais et débours non couverts par la valeur des héritages de la saisie dont il s'est fait tenant.
- demande en usufruit, douaire ou jouissance. 4.—Cas avenant que les Etats, après avoir amorti aucune de telles indemnités qui sont exprimées en rente, sont suivis pour une demande en usufruit, douaire ou jouissance quelconque affectant telle indemnité, les Etats pourront satisfaire à telle demande en s'obligeant envers le réclamant à faire pendant la durée de tel usufruit, douaire ou jouissance, un paiement annuel qui en représenterait la valeur annuelle à l'époque de tel amortissement.
- Retrait lignager. 5.—Nulle action en retrait lignager ne sera recevable en ce qui concerne le transfert d'aucun droit ou intérêt immobilier effectué par les dispositions de l'Article 1 de cette Loi.
- Cédule. 6.—Les dispositions et autres matières auxquelles référence est faite dans la première Partie de la Cédule à cette Loi ainsi que modifiées dans le sens indiqué dans la Deuxième Partie de telle Cédule, lesquelles dispositions et matières ainsi modifiées seront censées former partie intégrale de cette Loi, seront applicables aux droits et intérêts dont le transfert est effectué par les dispositions de l'Article 1 de cette Loi.
- Ordonnances. 7.—La Cour Royale pourra passer telles Ordonnances qu'elle jugera nécessaires pour porter à exécution les dispositions de cette présente Loi.
- Titre abrégé. 8.—Cette Loi pourra être citée comme " Acquisition of Land (St. Saviour Reservoir Area) Law, 1937 ".

CÉDULE.

PREMIÈRE PARTIE.

The provisions to the first Schedule to the Acquisition of Land (Villiaze) Law, 1937, together with the Forms and Table of Costs annexed to that Schedule.

DEUXIÈME PARTIE.

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Modifications for the purposes of the Law to which this Schedule is annexed of the provisions of the Schedule, Forms and Table of Costs, referred to in Part I hereof.

(A) In Paragraph 1, the words " Acquisition of Land (St. Saviour Reservoir Area) Law, 1937 " shall be substituted for the words " Law to which this Schedule is attached ".

(B) In Paragraph 4, the following sub-paragraph shall be substituted for sub-paragraph (c) :—

" (c) The original and substitute members elected by the Parochial Douzaine of the Parish of Saint Saviour (hereinafter referred to as ' non-voting members ') when serving on the Board shall not be entitled to vote in relation to any decision of the Board as to the value of any of the rights and interests to be valued or as to the amount of any award falling to be made by the Board but shall be entitled and shall be under the duty throughout the proceedings of the Board to make representations to and to advise the other members of the Board, hereinafter referred to as ' voting members ', in relation to any matter whatsoever concerning the subject matter of such proceedings and shall, in all respects save as aforesaid, be deemed to be full members of the Board,"

and the following sub-paragraph shall be substituted for sub-paragraph (h) :—

" (h) The Board shall proceed to business, as regards the area depicted in blue on Plan ' B ' referred to in section 1 of the Law, not later than the 30th day of September 1937 and, as regards the area depicted in yellow on that Plan, not later than the 30th day of September 1938."

1937 (C) In sub-paragraph (a) of Paragraph 8, the words " to which this Schedule is attached " shall be deleted, and the following words shall be added at the end of sub-paragraph (b) of that Paragraph:—

" and H.M. Sheriff shall from time to time, as may be requisite, procure from the States Supervisor particulars of such corrections in such Cadastre as relate to the properties with regard to which the valuations and awards of the Board still remain to be determined."

(D) Paragraph 14 shall be deleted and the following Paragraph shall be substituted for that Paragraph :—

14.—Every valuation and award of the Board in relation to any property depicted in blue on the plan marked ' B ' referred to in Section 1 of the Law shall be made upon the basis that the States enter into vacant possession of that property as on the 31st day of December, 1937, and every valuation and award of the Board in relation to any property depicted in yellow on the said Plan shall be made upon the basis that the States enter into vacant possession of that property as on the 31st day of December, 1938.

(E) In Paragraph 15, the words and figures " 21st day of May, 1937 " shall be substituted for the words and figures " 14th day of October, 1936 ".

(F) In Paragraph 16, there shall be inserted, after the word " Board " in the first line thereof, the following words :—

" in relation to the area depicted in blue on the said Plan ' B ' and a separate report of the proceedings of the Board

in relation to the area depicted in yellow on that Plan (each of such reports being hereinafter severally referred to as 'the report')."

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- (G) In sub-Clause (a) of clause (ii) of sub-paragraph (a) of Paragraph 23, the words "as on and from the date on which, under the provisions of the Law, the States become entitled to enter into vacant possession of the property, such date being hereinafter in this Schedule referred to as 'date of vacant possession'" shall be substituted for all the words which follow the word "accrue".
- (H) In clause (ii) of sub-paragraph (b) of Paragraph 23, the words "date of vacant possession, during which such tenant, but for the transfer of his rights and interests" shall be substituted for the words and figures "15th day of February, 1937, during which such tenant, but for the transfer".
- (I) Clauses (iii) and (iv) of sub-paragraph (b) of Paragraph 23 shall be deleted and the following Clauses shall be substituted therefor:—
- “(iii) The awards contained in the report of the Board in respect of any of the heads (a) to (h) inclusive of clause (i) of sub-paragraph (b) of this Paragraph in respect of which no notice of appeal is notified shall be payable in sterling at the States Office at the expiration of the ten days next following the date of the registration of the report containing such awards or next following the date of vacant possession of the properties to which the awards relate, whichever of those dates is the later and, in the case of any of such awards as is appealed against, at

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the expiration of the ten days next following the date of the abandonment or determination of such appeal or next following the date of vacant possession of the properties to which the awards relate, whichever of those dates is the later.

- (iv) Interest at the rate of three per centum per annum on the amount of each of the awards referred to in the last preceding clause or on such award as is substituted therefor in appeal to the date of the payment thereof inclusively, such interest commencing to accrue on the date of vacant possession of the property in relation to which such award is made, shall be payable by the States together with the amount of the award."
- (J) In the Table of Costs : the expression " report " shall apply to each of the reports of the Board, but the fee payable to the President of the Board in respect of the preparation of each report shall be £3 only.
- (K) In " Form A " and " Form B ", the words " Reservoir Area at St. Saviour's " shall be substituted for the words " Aerodrome Site at La Villiaze ", and in " Form A " the words " Acquisition of Land (St. Saviour Reservoir Area) Law, 1937 " shall be substituted for the words " Acquisition of Land (Villiaze) Law, 1937 ".
- (L) In " Form C " the words " St. Saviour Reservoir Area " shall be substituted for the words " La Villiaze Aerodrome Site ".
- (M) The following additional paragraphs shall be inserted :—

MISCELLANEOUS.

28.—(a) In the event of the death, resignation or permanent incapacity to act of the President or Vice-President of the Board, a new President or Vice-President shall be elected and the provisions of sub-paragraph (d) of Paragraph 4, in so far as the same are applicable, shall apply to such election.

(b) In the event of the death, resignation or permanent incapacity to act of any original member or substitute member of the Board, the Douzaine by whom such original member or substitute member was nominated shall forthwith nominate a new original member or substitute member, as the case may be, and the provisions of Paragraph 2 (as regards the communication to be made by the Dean of that Douzaine to H.M. Sheriff) and of Paragraph 5 (as regards the duty of H.M. Sheriff to present nominees to the Court and the duty of nominees to attend) shall apply in relation to all such new original or substitute members and the provisions of Paragraph 4 (as modified) shall have effect accordingly.

(c) Upon the reconstitution of the Board after the happening of any such event as is mentioned in the preceding sub-paragraphs of this Paragraph, H.M. Sheriff shall publish in "La Gazette Officielle" next appearing after such reconstitution, a notice as nearly in accordance with Form 'A' (as modified) as is appropriate and the item contained in the Table of Costs as regards Form 'A' shall apply to such notice.

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29.—In the preparation of notices in accordance with Forms ' A ' and ' C ' (as modified), words designed to inform proprietors and others whether the proceedings of the Board will relate or the report of the Board does relate to the area (whether depicted in blue or in yellow on the said plan ' B ') of the which property with which they are concerned forms part, shall be inserted.

30.—The Board is empowered to require the production of title deeds (including leases) and to retain the same for such period as, in the opinion of the Board, is necessary for the verification of title.

31.—Upon the registration of the report of the Board, the title deeds relating to the various rights and interests transferred to the States under the provisions of the Law as have reference only to such rights and interests shall belong to and be delivered to the States : title deeds relating to such rights and interests as also have reference to rights and interests not so transferred shall not so belong but shall be delivered to the States for the purpose of the preparation at the cost of the States authenticated copies, after which such title deeds shall be returned to the persons by whom they were delivered."

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(Enregistré sur les Records le 13 novembre 1937.)

Monsieur le Baillif ayant ce jour communiqué ^{The} a la Cour une copie imprimée d'un Ordre de ^{Industrial} Sa Majesté en Conseil en date du vingt-deux ^{Property} octobre mil neuf cent trente-sept intitulé "The ^{Convention} Industrial Property Convention (Denmark) Order, 1937", LA COUR, ouïes les conclusions des Officiers du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile par être logé au Greffe.

(Enregistré sur les Records le 13 novembre 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of October, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

VISCOUNT GOSHEN.

MR. SECRETARY MALCOLM MACDONALD.

SIR RONALD GRAHAM.

WHEREAS there was this day read at the Board ^{The Public} a Report from the Right Honourable the Lords ^{Assistance} of the Committee of Council for the Affairs of ^{Law, 1937.} Guernsey and Jersey, dated the 30th day of July, 1937, in the words following, viz. :—

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

' 1. That pursuant to the resolution of the States of Deliberation of the 7th day of October, 1936, the Royal Court on the 8th day of May, 1937, adopted a Bill or Projet de Loi intitulé "Loi ayant rapport aux Secours Publics (1937)," and requested the

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Bailiff to submit the same to the States for their approval: 2. That on the 30th day of June, 1937, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same and authorizing 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 ayant rapport aux Secours Publics (1937)," 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.

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M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI AYANT RAPPORT AUX SECOURS
PUBLICS (1937).

VU la délibération des Etats en date du 7 octobre 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.

ARTICLE 1.

STATES PUBLIC ASSISTANCE
AUTHORITY.

(1) On such date as the Royal Court shall by Ordinance appoint, (such date being hereinafter referred to as "the appointed date") the functions of the various Boards constituted under the Law entitled "Loi ayant rapport à l'Administration des Pauvres de l'Ile" registered on the Records of this Island on the 13th day of August 1925 and of the Board constituted under the Law entitled "Loi ayant rapport à l'Asile des Enfants" registered on the Records of this Island on the 24th day of

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November, 1928, shall, subject to the provisions of this Law, be transferred to and, thereafter, such functions shall be exercised by the States Public Assistance Authority constituted under this present Law.

(2) The States Public Assistance Authority (hereinafter referred to as "the Authority") shall be composed of the following Boards and Committee, that is to say :—

(a) The Hospital Board.

(b) The Central Outdoor Assistance Board.

(c) Ten Parochial Outdoor Assistance Boards.

(d) The Children Board.

(e) The Stranger Poor Assistance Committee.

and those Boards and that Committee shall have and exercise the functions in this Law allotted to them respectively.

(3) The cost of the Public Assistance Services administered by the constituent Boards and Committee of the States Public Assistance Authority shall be borne out of moneys provided by the States.

ARTICLE II.

PRESIDENT AND SECRETARY.

(1) There shall be a President of and a Secretary to the Authority.

(2) No person not being a member of the States shall be qualified to hold the office of President.

(3) The President of the Authority shall be elected by the States and shall hold office for a period of three years. A retiring President shall be eligible for re-election.

(4) The President of the Authority shall be the President of the Hospital Board, of the Central Outdoor Assistance Board and of the Stranger Poor Assistance Committee.

(5) The Secretary shall be a salaried official appointed by the States Appointments Board.

ARTICLE III.

CONSTITUTION OF THE HOSPITAL
BOARD.

(1) The Hospital Board shall be composed of the President of the Authority and fifteen other Members, of which latter three shall be ladies.

(2) Of the fifteen other Members of the Board, five (hereinafter referred to as "the Town Members") shall be elected by the States from among Members of the States resident in the Parish of Saint Peter Port, five (hereinafter referred to as "the Country Members") shall be elected by the States from among Members of the States resident in some other parish or parishes and the remaining five Members of the Board (hereinafter referred to as "the co-opted Members") shall be co-opted to the Board by vote of the President and States-elected Members thereof.

(3) The President shall have power from time to time to nominate a Vice-President of the Board from among the Members of the Board elected by the States and the person so nominated shall hold office as Vice-President of the Board until the expiration of the calendar year in which he was so nominated.

(4) One of the Town Members, one of the Country Members and one of the co-opted Members shall retire from office on the 31st day of December, 1938, and annually thereafter. In each case, the Member who has held office longest since he was last elected or co-opted to the Board shall be the member to retire and, in the case of Members elected or co-opted on the same date, the order of their retirement shall be determined by lot.

(5) Every retiring Member shall, if not otherwise disqualified, be eligible for re-election or re-co-option, as the case may be.

(6) A Member of the Board upon ceasing to be a Member of the States shall be disqualified from

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(7) A Town Member shall be disqualified from sitting as such on the Board upon ceasing to be a resident of Saint Peter Port, and a Country Member shall be disqualified from sitting as such on the Board upon ceasing to reside within the other Parishes.

(8) In the event of a Member, other than the President, ceasing to hold office otherwise than by effluxion of time, a new Member shall be elected or co-opted, as the case may require, for the unexpired portion of the term of office of the Member to be replaced.

(9) For the purposes of a Meeting of the Hospital Board, any eight Members thereof shall constitute a quorum.

ARTICLE IV.

POWERS AND DUTIES OF THE HOSPITAL BOARD.

The Hospital Board—

- (a) shall be responsible to the States for the administration of such hospital or hospitals (not being a hospital or hospitals specifically placed by the States under the control of some other Board or Committee) as may from time to time be provided by the States and shall have full control thereover :
- (b) shall meet at least once in every calendar month :
- (c) shall make such Regulations as may be deemed necessary or expedient for the proper working of any such hospital or hospitals with power from time to time to modify Regulations so made :

Provided that Regulations so made or modified shall be submitted to the Royal

Court for approval and that no such Regulation or modification thereof shall become operative until such approval has been obtained :

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- (d) shall prepare and submit annually to the President of the States Finance Committee the Hospital Budget in respect of the then next succeeding financial year :
- (e) shall approve and submit annually to the President of the States Board of Administration the Hospital Accounts in respect of the then last preceding financial year :
- (f) shall elect from time to time from among the States-elected Members of the Hospital Board a Member of the Stranger Poor Assistance Committee.

ARTICLE V.

CONSTITUTION OF THE CENTRAL OUTDOOR ASSISTANCE BOARD.

(1) The Central Outdoor Assistance Board shall be composed of the President of the Authority and of thirty other Members, that is to day :—

The Procureur of the Poor of the Parish of Saint Peter Port.

The five senior Overseers of the Poor of the Parish of Saint Peter Port.

The senior or only Procureur of the Poor of each of the other Parishes.

Six Members of the Saint Peter Port Parochial Outdoor Assistance Board elected by that Board from among the States-elected Members thereof.

One Member of each of the other Parochial Outdoor Assistance Boards elected by those Boards respectively from among the States-elected Members thereof.

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(2) The President shall have power from time to time to nominate a Vice-President of the Board from among those Members of the Board who are States-elected Members of Parochial Outdoor Assistance Boards and the person so nominated shall hold office as Vice-President of the Board until the expiration of the calendar year in which he was so nominated.

(3) Two of the Members elected by the Saint Peter Port Parochial Outdoor Assistance Board and three of the Members elected by the other Parochial Outdoor Assistance Boards shall retire from office on the 31st day of December 1938 and annually thereafter. In each case the Members who have held office longest since they were last elected shall be the Members to retire and, in the case of Members elected on the same date, the order of their retirement shall be determined by lot.

(4) Every retiring elected Member shall, if not otherwise disqualified, be eligible for re-election.

(5) An elected Member of the Central Outdoor Assistance Board shall cease to be a Member of that Board upon ceasing to be a Member of the Parochial Outdoor Assistance Board by which he was elected.

(6) In the event of an elected Member of the Central Outdoor Assistance Board, other than the President, ceasing to hold office on that Board otherwise than by effluxion of time, a new Member shall be elected for the unexpired portion of the term of office of the Member so ceasing to hold office by the Parochial Outdoor Assistance Board by which such last mentioned Member was elected.

(7) For the purposes of a meeting of the Central Outdoor Assistance Board, any twelve members shall form a quorum.

ARTICLE VI.

POWERS AND DUTIES OF THE
CENTRAL OUTDOOR ASSISTANCE
BOARD.

The Central Outdoor Assistance Board—

- (a) shall be responsible to the States for and shall control the administration of Outdoor Assistance (other than the Outdoor Assistance of Stranger Poor) :
- (b) shall make such Regulations as may be deemed necessary or expedient for the proper administration of Outdoor Assistance with power from time to time to modify Regulations so made :

Provided that Regulations so made or modified shall be submitted to the Royal Court for approval and that no such Regulation or modification thereof shall become operative until such approval has been obtained.

- (c) shall prescribe from time to time the ordinary maximum rates of outdoor assistance so as to ensure a uniform basis of such assistance throughout the Island :
- (d) shall oversee the work of the Parochial Outdoor Assistance Boards :
- (e) shall meet at least once in every calendar month for the purpose of considering
 - (1) the reports of the Parochial Outdoor Assistance Boards :
 - (2) the exceptional cases in which, since the last meeting of the Board or before the Board again meets, it may have been or may be necessary to grant outdoor assistance at a rate in excess of the ordinary maximum rate fixed by the Board :

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- (3) such other matters as may require the consideration of the Board :
- (f) shall prepare and submit annually to the President of the States Finance Committee the Outdoor Assistance Budget in respect of the then next succeeding financial year :
- (g) shall approve and submit annually to the President of the States Board of Administration the Outdoor Assistance Accounts in respect of the then last preceding financial year :
- (h) shall elect from time to time from among those of its members who are States-elected Members of Parochial Outdoor Assistance Boards a Member of the Stranger Poor Assistance Committee.

ARTICLE VII.

CONSTITUTION OF THE PAROCHIAL OUTDOOR ASSISTANCE BOARDS.

(1) The Saint Peter Port Parochial Outdoor Assistance Board shall be composed of twenty-three Members, as follows :—

Twelve members elected by the States from among Members of the States who are resident in the Parish of Saint Peter Port.

The Procureur of the Poor and the ten Overseers of the Poor of the Parish of Saint Peter Port.

The Parochial Outdoor Assistance Board of each other Parish shall be composed of seven Members, as follows :—

Four Members elected by the States from among Members of the States who are resident in that Parish.

The Senior Constable of that Parish.

The two Procureurs of the Poor for that Parish or, if for that Parish there is only one

Procureur of the Poor, then the Procureur of the Poor for that Parish and one resident of that Parish who shall be elected by a Meeting of Ratepayers of that Parish and shall hold office as a member of the Parochial Outdoor Assistance Board of that Parish for a period of three years from the date of his election and who shall, upon retirement, be eligible, if still a resident of that Parish, for re-election if willing to serve.

(2) For the purposes of a meeting of the Saint Peter Port Parochial Outdoor Assistance Board, any ten Members shall constitute a quorum.

(3) For the purposes of a meeting of any other Parochial Outdoor Assistance Board, any four Members shall constitute a quorum.

(4) Each Parochial Outdoor Assistance Board shall elect a President and Vice-President from time to time from among those of its Members who are States-elected Members and such President and Vice-President shall hold office until the expiration of the calendar year in which they were elected respectively.

(5) The Senior or only Procureur of the Poor of each Parish shall convene the first meeting of the Parochial Outdoor Assistance Board of that Parish and shall preside over that meeting for the purpose of the election of a President of the Board.

(6) One out of every four Members of each Parochial Outdoor Assistance Board elected by the States shall retire from office on the 31st day of December 1938 and annually thereafter.

In each case the Members who have held office longest since they were last elected to the Board shall be the Members to retire and, in the case of Members elected on the same date, the order of their retirement shall be determined by lot.

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Every retiring member shall, if not otherwise disqualified, be eligible for re-election.

(7) A States-elected Member of any Parochial Outdoor Assistance Board upon ceasing to be a Member of the States shall cease to be a Member of that Board.

(8) A Member of the Parochial Outdoor Assistance Board of any Parish shall cease to be a Member thereof upon ceasing to be a resident of that Parish.

(9) In the event of any elected Member of a Parochial Outdoor Assistance Board ceasing to hold office otherwise than by effluxion of time, a new Member shall be elected thereto for the unexpired portion of the term of office of the Member to be replaced.

ARTICLE VIII.

POWERS AND DUTIES OF THE PAROCHIAL OUTDOOR ASSISTANCE BOARDS.

- (1) Each Parochial Outdoor Assistance Board—
 - (a) shall appoint a Secretary-Treasurer or a Secretary and a Treasurer :
 - (b) shall prepare and submit annually to the Central Outdoor Assistance Board on or before such date as shall be fixed by the latter the Outdoor Assistance Budget of the Parish concerned in respect of the then next succeeding financial year :
 - (c) shall approve and submit annually to the Central Outdoor Assistance Board on or before such date as shall be fixed by the latter the Outdoor Assistance Accounts of the Parish concerned in respect of the then last preceding financial year :
 - (d) shall consider all reports made to it by a Procureur of the Poor of its Parish and (in

the case of the Saint Peter Port Parochial Outdoor Assistance Board) by any Overseer of the Poor :

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- (e) shall generally oversee and administer Outdoor Assistance in its Parish :
 - (f) shall submit to the Central Outdoor Assistance Board exceptional cases in which it may have been, or may become, necessary to grant Outdoor Assistance at a rate in excess of the ordinary maximum rate thereof prescribed by that Board :
 - (g) shall prepare and submit to the Central Outdoor Assistance Board such reports as may be required to be made thereto from time to time :
 - (h) shall elect from time to time, from among those of its Members who are States-elected Members, those Members of the Central Outdoor Assistance Board who are to be elected by the Parochial Outdoor Assistance Boards, that is to say, six Members in the case of the Saint Peter Port Parochial Outdoor Assistance Board and one Member in the case of each of the other Parochial Outdoor Assistance Boards.
- (2) The person to be appointed as Secretary and Treasurer by the Saint Peter Port Parochial Outdoor Assistance Board shall be the Secretary to the Authority.

ARTICLE IX.*

CONSTITUTION OF THE CHILDREN BOARD.

(1) The Children Board shall be composed of a President and twelve other Members of which other Members not more than four shall be ladies.

The President shall be elected by the States from among Members of the States and shall, subject to the provisions of this Article, hold office for a period of three years.

*Article amended by the States Committees (Amendment)
Law, 1948.

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Six other Members of the Board shall be elected by the States from among Members of the States.

The remaining six Members of the Board shall be persons co-opted to the Board by the President and States-elected Members thereof.

Of the co-opted Members, two shall be Members of the States of whom one shall be a Member of the Hospital Board and the other shall be a Member of the Central Outdoor Assistance Board.

The ladies elected or co-opted to the Children Board shall be ladies interested in Child Welfare.

(2) The President shall have power from time to time to nominate a Vice-President of the Board from among those Members of the Board who are elected thereto by the States and the person so nominated shall hold office as Vice-President of the Board until the expiration of the calendar year in which he was so nominated.

(3) One States-elected Member and one co-opted Member shall retire on the 31st day of December 1938 and annually thereafter. In each case, the Member who has held office longest since he was last elected or co-opted shall be the Member to retire and, in the case of Members elected or co-opted on the same date, the order of their retirement shall be determined by lot.

(4) Upon the President or any States-elected Member ceasing to be a Member of the States, he shall cease to be a Member of the Board.

(5) The President and every other retiring Member, if not otherwise disqualified, shall be eligible for re-election or re-co-option, as the case may be.

(6) In the event of a Member, other than the President, ceasing to hold office otherwise than by effluxion of time, a new Member shall be elected or co-opted, as the case may require, for the unexpired portion of the term of office of the Member to be replaced.

(7) For the purposes of a meeting of the Children Board, any seven Members shall form a quorum. 1937

ARTICLE X.

POWERS AND DUTIES OF THE CHILDREN BOARD.

The Children Board—

- (a) shall meet at least once in every calendar month :
- (b) shall be responsible for the control and administration of the Children's Home :
- (c) shall make such regulations as may be deemed necessary or expedient for the proper working of the Children's Home or otherwise in relation to the work of the Children Board with power from time to time to modify Regulations so made :
- (d) shall exercise such powers and carry out such duties as are entrusted to it under any Law for the time being in force concerning the Protection of Children and Young Persons and under the provisions not repealed by this Law of the Law entitled " Loi ayant rapport à l'Asile des Enfants " registered on the Island Records on the 24th day of November 1928 :
- (e) shall prepare and submit annually to the President of the States Finance Committee the Budget of the Children Board in respect of the then next succeeding financial year :
- (f) shall approve and submit annually to the President of the States Board of Administration the Accounts of the Children Board in respect of the then preceding financial year.

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ARTICLE XI.

CONSTITUTION OF THE STRANGER
POOR ASSISTANCE COMMITTEE.

(1) The Stranger Poor Assistance Committee shall consist of five permanent Members, that is to say :—

The President of the Authority.

A States-elected Member of the Hospital Board elected to the Committee by that Board.

A Member of the Central Outdoor Assistance Board elected to the Committee by that Board from among those of its Members who are States-elected Members of Parochial Outdoor Assistance Boards.

The President of the Children Board.

The President of the Saint Peter Port Parochial Outdoor Assistance Board.

and, for the purpose of the consideration of any particular case of Stranger Poor Assistance, there shall be joined to the Committee that Procureur of the Poor of the appropriate Country Parish, or that Overseer of the Poor of the appropriate District of the Parish of Saint Peter Port, that the case may require.

(2) The President shall have power from time to time to nominate a Vice-President of the Committee from among the permanent Members thereof and the person so nominated shall hold office as Vice-President of the Committee until the expiration of the calendar year in which he was so nominated.

(3) The elected Members of the Stranger Poor Assistance Committee first elected to that Committee shall retire from office on the 31st day of December 1938 and thereafter the elected Members of that Committee shall retire from office annually on the 31st day of December.

(4) Every such retiring Member shall, if not otherwise disqualified, be eligible for re-election. 1937

(5) Any ex-officio Member of the Committee ceasing to hold the office which entitles him to Membership of the Committee and any elected Member thereof ceasing to hold the office which entitled him to be elected to Membership of the Committee shall cease to be a Member of the Committee.

(6) For the purpose of a Meeting of the Stranger Poor Assistance Committee, any three Members shall constitute a quorum.

ARTICLE XII.

POWERS AND DUTIES OF THE STRANGER POOR ASSISTANCE COMMITTEE.

The Stranger Poor Assistance Committee—

- (a) shall consider and investigate all cases in which public assistance has been applied for by Strangers, whether such assistance takes the form of Outdoor Assistance, Hospital treatment or Maintenance in the Children's Home.
- (b) shall resolve upon the action to be taken with regard to each case.
- (c) shall consider the advisability of repatriation in each case and, if repatriation be decided upon, shall take the steps necessary to that end.
- (d) shall inform the Board or Boards concerned with each case of the action decided upon in connection therewith.
- (e) shall allocate the expenses incurred to the Board (or between the Boards) concerned.
- (f) shall make such Regulations as may be deemed necessary or expedient for the

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proper administration of Public Assistance in relation to Stranger Poor with power from time to time to modify Regulations so made.

Provided that Regulations so made or modified shall be submitted to the Royal Court for approval and that no such Regulation or modification thereof shall become operative until such approval has been obtained.

ARTICLE XIII.

It shall be the duty of each Board constituted under this Law to report forthwith to the Stranger Poor Assistance Committee every case in which public assistance is applied for to that Board by any person who has not acquired a settlement in this Island for the purposes of the administration of public assistance or who, having acquired such a settlement, has ceased to possess such a settlement.

ARTICLE XIV.

CASTING VOTE.

In case of an equal division of the votes of any Board or Committee constituted under this Law upon any matter, the presiding member of that Board or Committee shall be entitled to exercise a casting vote in addition to his original vote as a Member of that Board or Committee.

ARTICLE XV.

DUTIES OF SECRETARY.

The Secretary to the Authority, in addition to such duties in relation to States Public Assistance as shall be assigned to him by the President of the Authority, shall act as Secretary to and Treasurer of—

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- (a) The Hospital Board :
- (b) The Central Outdoor Assistance Board :
- (c) The Saint Peter Port Outdoor Assistance Board :
- (d) The Children Board : and
- (e) The Stranger Poor Assistance Committee.

ARTICLE XVI.

COMMITTEES AND SUB-COMMITTEES.

Each Board constituted under this Law shall have power to appoint from among its Members such Committees and the Committee constituted under this Law shall have power to appoint from among its Members such sub-committees, the whole as may from time to time be deemed necessary or expedient.

ARTICLE XVII.

GENERAL.

(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 Procureurs of the Poor of each of the Parishes of this Island in office at the date of the commencement of this Law shall continue to carry out the office of Procureur of the Poor until the expiration of the period for which they were respectively elected to that office.

(2) 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 ratepayers of the said parish and whose duties and functions shall be those which have hitherto been exercised by the ten Overseers of the Poor of the said Parish, subject at any time to every such alteration regarding such duties and functions as

1937 shall be prescribed by regulation of the Central Outdoor Assistance Board.

(3) 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 vacating office on death or removal from the parish or whose discharge on account of illness or other circumstances may have been granted by the Ordinary Court, shall remain in office during the two calendar years which shall expire after the commencement of his term of office.

(4) Every Procureur of the Poor and Overseer of the Poor elected in the case of a vacancy on account of death, removal from the 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.

(5) No person who has already filled the office of Procureur of the Poor in this Island shall be elected Procureur of the Poor, either in a parish in which he has already filled that office or in another parish, unless he consents to serve, and no person who has already filled the office of Overseer of the Poor of the Parish of Saint Peter Port shall be elected Overseer of the Poor of the said parish or Procureur of the Poor in any other parish, unless he consents to serve :—

(a) if within the ten years preceding the date of the election he shall have filled such office for a period which, together with 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 : or

(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.

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(6) The Procureurs of the Poor of the parishes of this Island shall be elected by the ratepayers of those parishes respectively.

(7) Every Procureur of the Poor and Overseer of the Poor vacating office shall be eligible for re-election.

(8) Subject to the provisions of this Law, the duties of the Procureurs of the Poor in their respective parishes shall continue as in the past but, as regards every parish in which there are two Procureurs of the Poor, it shall be lawful for the Central Outdoor Assistance Board to make regulations with regard to the duties to be undertaken by each thereof.

(9) The ten Overseers of the Poor of the Parish of Saint Peter Port in office at the time of the commencement of this Law shall continue in office until the expiration of the period for which they were respectively elected.

(10) The Procureurs of the Poor of the parishes and the Overseers of the Poor of the Parish of Saint Peter Port hereinafter elected shall be sworn before the Royal Court.

(11) The qualifications for the offices of Procureur of the Poor of the parishes and of Overseer of the Poor of the Parish of Saint Peter Port shall be the same as those prescribed in the case of the office of Parish Constable by the laws now and hereafter from time to time in force.

(12) The Jurats of the Royal Court shall be ineligible to serve on the Boards and Committee constituted under this Law.

(13) The Overseers of the Poor of the Parish of Saint Peter Port and the Procureurs of the Poor of the other Parishes shall have power to grant immediate relief in urgent cases at a rate not in excess of the ordinary maximum rate prescribed by the Central Outdoor Assistance Board without

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first obtaining the authority of the appropriate Parochial Outdoor Assistance Board.

(14) The Parochial Outdoor Assistance Boards shall have power without first obtaining the authority of the Central Outdoor Assistance Board and until the next Meeting of that Board, to grant assistance in appropriate cases in which assistance is urgently necessary at a rate in excess of the applicable maximum rate prescribed by that Board.

ARTICLE XVIII.

CONSTITUTION OF BOARDS AND COMMITTEE. — REGULATIONS.

(1) So soon as may be after the date of the registration on the Records of the Island of Guernsey of the Order of His Majesty in Council sanctioning this Law, membership of the various Boards and Committee constituted under this Law shall be filled in accordance with the provisions thereof and such of those Boards and Committee as are empowered by this Law to make Regulations shall proceed with the preparation of such Regulations as they may respectively deem necessary for the purposes of this Law with which they are respectively concerned and with the submission to the Royal Court for approval of Regulations so made.

(2) Regulations so made and approved before the appointed date shall, unless expressed to come into operation on some date after the appointed date, become operative on the appointed date.

(3) In the event of the Regulations of any of such Boards or Committee in relation to any matter under the control or administration of that Board or Committee not becoming operative on the appointed date, then and in that event Regulations made in relation to that matter, under any enactment which is to stand repealed as from the

appointed date, by the Council known as " Le Conseil Central des Pauvres " shall, notwithstanding such repeal, continue to have effect to the extent to which such Regulations are not in conflict with the provisions of this Law until the Regulations of that Board or Committee in relation to that matter shall become operative.

ARTICLE XIX.

Where, under any enactment, any disability results, whether expressly or by implication, from the granting of Poor Law Relief (whether called by that name in such enactment or referred to therein in other terms) or by reason of a person being an inmate of a Poor Law Institution, that enactment shall have effect on and after the appointed date as if for the expressions therein denoting Poor Law Relief and Poor Law Institution there were substituted the terms " Public Assistance " and " Public Assistance Institution " and the expression " Public Assistance Institution " shall be deemed to include any institution under the control of any Board or Committee constituted under this Law.

ARTICLE XX.

The Law entitled " Loi ayant rapport à l'Asile des Enfants " sanctioned by Order of His Majesty in Council registered on the Island Records on the 24th day of November 1928 shall henceforth have effect as though,

- (a) for the words " Conseil des Pauvres d'une paroisse " appearing in Article II thereof there were substituted the words " Conseil dit ' Children Board ' " : and
- (b) the words which follow the expression " Conseil des Enfants " in Article VI thereof were deleted :

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and the words "Conseil des Enfants dont la constitution et les pouvoirs et devoirs seront ceux qui sont ci-après spécifiés" appearing in Article II of that Law and the expression "Conseil des Enfants" appearing in that Article and in Articles V and VI of that Law shall henceforth be interpreted as meaning the Children Board whose constitution, powers and duties are regulated by this Law.

ARTICLE XXI.

TRANSFER OF BUDGET CREDITS.

(1) The portion unexpended before the appointed date of the amount budgeted for by the Council called "Conseil Central pour l'Administration des Pauvres" in respect of the calendar year 1937 and voted by the States on the 23rd day of December 1936 shall be deemed to have been budgeted for by the Authority in respect of that portion of the calendar year 1937 which commences on the appointed date and to have been voted by the States accordingly and the same shall be made available to the several constituent Boards and Committee of that Authority in the proportions which the anticipated expenditure of those Boards and Committee respectively bear to the amount thereof.

(2) The portion unexpended before the appointed date of the sum budgeted for by the States Board of Administration under the heading "Children Act—Maintenance" in respect of the calendar year 1937 and voted by the States on the 23rd day of December 1936 shall be deemed to have been budgeted for by the Children Board under the same heading in respect of that portion of the calendar year 1937 which commences on the appointed date and to have been voted by the States accordingly and the same shall be made available to the Children Board.

ARTICLE XXII.

The Royal Court is authorised to pass such Ordinances as it may deem necessary for the purposes of giving full effect to the provisions of this Law.

ARTICLE XXIII.

In this Law, unless the contrary intention appears—

- (a) Words importing the masculine gender shall include females, and
- (b) Words in the singular shall include the plural, and words in the plural shall include the singular.

ARTICLE XXIV.

SHORT TITLE.

This Law may be referred to as The Public Assistance Law, 1937.

ARTICLE XXV.

REPEALS.

As from the appointed date, the enactments mentioned in the Schedule to this Law shall stand repealed to the extent mentioned in the second column of that Schedule :

Provided that nothing in this repeal shall affect anything lawfully done under the enactments so repealed.

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SCHEDULE.

<i>Title of Law and Date of Registration,</i>	<i>Extent of Repeal.</i>
“Loi ayant rapport à l'Administration des Pauvres de l'Ile” registered on the 13th day of August 1925.	The whole of the provisions not hitherto repealed.
“Loi ayant rapport à l'Asile des Enfants” registered on the 24th day of November 1928.	Articles I, III, IV.
“Loi supplémentaire à la Loi ayant rapport à l'Administration des Pauvres de l'Ile” registered on the 21st day of March 1936.	The whole Law.

(Enregistré sur les Records le 20 novembre 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of October, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

VISCOUNT GOSHEN.

MR. SECRETARY MALCOLM MACDONALD.

SIR RONALD GRAHAM.

Loi Supplé-
mentaire à la
Loi ayant
rapport à la
Protection
des Enfants
et des Jeunes
Personnes
(1937).

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 14th day of October, 1937, in the words following, viz. :—

"YOUR MAJESTY having been pleased by 1937
Your General Order of Reference of the 18th day
of December, 1936, to refer unto this Committee
the humble Petition of the States of the Island of
Guernsey, setting forth :

' 1. That on the 8th day of May, 1937, the
Royal Court adopted a Bill or Projet de Loi
intituled " Loi Supplémentaire à la Loi ayant
rapport à la Protection des Enfants et des
Jeunes Personnes (1937) ", and requested the
Bailiff to submit the same to the States of
Deliberation for their approval. 2. That on
the 30th day of June, 1937, 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
might 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 ayant rapport à la
Protection des Enfants et des Jeunes Per-
sonnes (1937) ", and to order and direct that
the same should 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 SUPPLÉMENTAIRE À LA LOI AYANT
RAPPORT À LA PROTECTION DES
ENFANTS ET DES JEUNES PERSONNES
(1937).

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.

1.—Les Articles ci-dessous spécifiés de la Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes sanctionnée par Ordre de Sa

Majesté en Conseil enregistré sur les Records de cette Ile le 10 février 1917 ainsi qu'amendée par la Loi supplémentaire à la Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 13 août 1925 seront modifiés comme suit, savoir :—

ARTICLE 1.

Les mots " Conseil dit ' Children Board ' " seront substitués aux mots " Procureur des Pauvres de la paroisse dans laquelle elle réside " paraissant dans l'alinéa 1, aux mots " Procureur des Pauvres " là où ces mots paraissent pour la première fois dans l'alinéa 4 et aux mots " Procureur des Pauvres " paraissant dans l'alinéa 5 et tous les mots dans l'alinéa 4 qui suivent les mots " Procureur des Pauvres " là où ces derniers paraissent pour la première fois seront rayés.

Les mots " Conseil dit ' Children Board ' " seront substitués aux mots " Conseil des Pauvres de la paroisse " et aux mots " Conseil d'Administration " partout où ces mots paraissent dans les alinéas 7, 8 et 9.

ARTICLE 2.

Les mots " Conseil dit ' Children Board ' " seront substitués aux mots " Conseil des Pauvres de la paroisse ".

ARTICLE 4.

Les mots " Président du Conseil dit ' Children Board ' " seront substitués aux mots " Procureur des Pauvres, et seront par lui soumis au Conseil des Pauvres de la paroisse."

1937 ARTICLE 7.

Les mots " et dans le cas d'étrangers au Conseil Central " qui paraissent à la fin de l'alinéa 1 seront rayés.

ARTICLE 20.

Les mots " Le Président de l'Autorité dite ' The States Public Assistance Authority ' " seront substitués aux mots " Le Conseil Central ".

ARTICLE 23.

Les mots " Lorsque le Conseil dit ' Hospital Board ', à l'égard d'un enfant qui est interne dans un hôpital sous son contrôle, ou lorsque le Conseil dit ' Children Board ', à l'égard d'un enfant qui est interne dans l'Asile des Enfants, satisfait la Cour que tel enfant " seront substitués aux mots " Lorsque le Conseil Central satisfait la Cour qu'un enfant qui est interne dans un des hôpitaux " qui paraissent dans l'alinéa 7.

Les mots " Président de l'Autorité dite ' The States Public Assistance Authority ' " seront substitués aux mots " Conseil Central " qui paraissent dans l'alinéa 10 (b).

ARTICLE 46.

L'Article suivant sera substitué à cet Article :--

" RÉCEPTION ET MAINTIEN
D'ENFANTS ET DE JEUNES
PERSONNES.

ARTICLE 46.

" Le Conseil dit ' Children Board ' et
le Conseil dit ' Hospital Board ' pour

voiront respectivement à titre d'assistance publique à la réception d'enfants et de jeunes personnes envoyés en vertu de cette Loi à l'Asile des Enfants ou à un hôpital sous le contrôle du dit Conseil dit 'Hospital Board' et le Surintendant ou le Maître de l'asile ou de l'hôpital recevra l'enfant ou la jeune personne s'il y a de la place suffisante." 1937

ARTICLE 48.

Les mots "Conseil dit 'Children Board'" seront substitués aux mots "Conseil Central" qui paraissent dans l'alinéa 5.

2.—Cette Loi viendra en force au jour qui sera appointé par la Cour Royale aux fins de la Loi ayant rapport aux Secours Publics (1937) comme le jour pour le transfert à l'Autorité dite "The States Public Assistance Authority" des fonctions des Conseils constitués sous la Loi ayant rapport à l'Administration des Pauvres de l'Ile enregistrée sur les Records de cette Ile le 13 août 1925.

(Enregistré sur les Records le 20 novembre 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of October, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

VISCOUNT GOSHEN.

MR. SECRETARY MALCOLM MACDONALD.

SIR RONALD GRAHAM.

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 14th day of October, 1937, in the words following, viz. :—

Loi Supplémentaire à la Loi relative aux Automobiles.

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"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :

' 1. That in pursuance of a resolution of the States of Deliberation of the 21st day of May, 1937, the Royal Court at a sitting held on the 19th day of June, 1937, adopted a Bill or *Projet de Loi* intituled "*Loi Supplémentaire à la Loi relative aux Automobiles,*" and requested the Bailiff to submit the same to the States for their approval. 2. That on the 28th day of July, 1937, 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 might 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 aux Automobiles,*" and to order and direct that the same should 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 1937
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 SUPPLÉMENTAIRE À LA LOI RELATIVE AUX AUTOMOBILES.

LES ETATS ont approuvé les dispositions sui-
vantes lesquelles, moyennant la Sanction de Sa Très
Excellente Majesté en Conseil, auront force de Loi
en cette Ile :—

1.—Sont et demeureront rappelés dans l'Article 4
de la Loi relative aux Automobiles sanctionnée par
Ordre de Sa Majesté en Conseil en date du 20
novembre, 1926, enregistré sur les Records de cette
Ile le 11 décembre, 1926, les mots suivants, savoir :

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“ La somme percevable ne sera dans aucun cas moins d'Une livre sterling.”

2.—Le susdit Article 4 de la dite Loi aura effet à compter de l'enregistrement de l'Ordre en Conseil sanctionnant cette présente Loi comme si l'alinéa suivant y fut inséré immédiatement après l'alinéa (d) qui s'y trouve :—

“(e) douze chelins et six pennis pour les motocyclettes avec pédales (pedal cycles with auxiliary motor) dont le moteur n'excède pas la force d'un cheval.”

(Enregistré sur les Records le 11 décembre 1937.)

The
Copyright
(Sarawak)
Order, 1937.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du vingt-trois novembre mil neuf cent trente-sept, transmettant des exemplaires de l'Ordre en Conseil suivant :—

Order in Council of the 23rd November, 1937,
entitled “ The Copyright (Sarawak) Order,
1937.”

LA COUR, après avoir eu lecture du dit Ordre en Conseil communiqué, 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. Qu'un exemplaire du 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 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 29 décembre 1937.)

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AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of December, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
LORD RUSHCLIFFE

MR. ERNEST BROWN
SIR FELIX CASSEL.

WHEREAS there was this day read at the Board ^{The Cycle}
a Report from the Right Honourable the Lords ^{Tax Law,}
of the Committee of Council for the Affairs of ^{1937.}
Guernsey and Jersey, dated the 9th day of Decem-
ber, 1937, in the words following, viz. :—

“YOUR MAJESTY having been pleased by
Your General Order of Reference of the 18th day
of December, 1936, to refer unto this Committee
the humble Petition of the States of the Island of
Guernsey setting forth :—

‘1. That on the 21st day of May, 1937, the
States of Deliberation, on the recommenda-
tion of their Board of Administration ap-
proved a modification of the Tax on Bicycles,
sanctioned by an Order of His Late Majesty
King Edward the Seventh in Council of the
10th day of August, 1903, and of the Law
intituled “Loi relative à l'Entretien des Voies
Publiques,” registered on the Records of this
Island the 26th day of November, 1904, and
requested the Royal Court to prepare a Bill or
“Projet de Loi” in order to give effect to
their deliberation on the subject : 2. That in
accordance with the aforesaid deliberation, the
Royal Court on the 16th day of October, 1937,
adopted a Bill or “Projet de Loi” intituled
“Loi relative à la Taxation de Vélocipèdes,”
and requested the Bailiff to submit the same
to the States for approval : 3. That on the
29th day of October, 1937, the said Bill or

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“ *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 might 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 Taxation de Vélocipèdes*,” and to order and direct that the same should have the force of Law in the Island of Guernsey.’

“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said *Projet de Loi* into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said *Projet de Loi*.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HIS MAJESTY doth hereby further direct that this Order, and the said *Projet de Loi* (a copy whereof is 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 1937
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 TAXATION DE VÉLOCIPÈDES.

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. Repeal.
2. Interpretation.
3. Taxing and Licensing of Cycles.
4. Amount of Cycle Tax.
5. Offences.
6. Power of Royal Court to make Regulations.
7. Allocation of fines.

1.—REPEAL.—The provisions not heretofore repealed relative to the taxation of velocipedes and to the appropriation of the proceeds thereof contained in the Order of His Majesty in Council of the 10th August, 1903, registered on the Records of this Island on the 22nd August, 1903, and in the Law entitled “Loi relative à l'Entretien des Voies Publiques” sanctioned by Order of His Majesty in Council of the 14th November, 1904, registered on the Records of this Island on the 26th November, 1904, are hereby repealed.

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Interpreta-
tion.

2.—In this Law, the following expressions shall have the meanings hereby respectively assigned to them, that is to say :—

“ Cycle ” means a bicycle or tricycle but does not include an invalid carriage or any vehicle required to be licensed as an automobile.

“ Public thoroughfare ” means any street, way or place to which the public have access.

Taxing and
Licensing
of Cycles.

3.—(a) It shall be the duty of the proprietor of every cycle in each calendar year on or before the date on which that cycle is first ridden in that calendar year or on or before the 15th day of January in that calendar year, whichever of those dates is the later, to pay to the competent authority the tax leviable on that cycle under the provisions of this Law in respect of that calendar year and, upon payment thereof, the competent authority shall issue a card bearing the number allotted to that cycle and such other particulars (if any) as may be prescribed by Ordinance of the Royal Court and such card so issued, hereinafter referred to as “ cycle licence ”, shall operate as a licence for the use of a cycle on public thoroughfares during the remainder of the calendar year current at the time of the issue of the cycle licence and during the first fifteen days of the then next succeeding calendar year.

(b) The cycle licence so issued shall be affixed to the cycle to which it relates in such manner as may be prescribed by Ordinance of the Royal Court.

(c) If when any cycle is being ridden on any public thoroughfare, such cycle does not bear a cycle licence which is then in force then, in the absence of proof to the contrary by the proprietor or person in charge of that cycle, that cycle shall be deemed to be an unlicensed cycle.

Amount of
Cycle Tax.

4.—The Tax on cycles leviable in each calendar year for the account of the States of Guernsey shall be as follows :—

(a) in respect of each cycle licensed on any day from January 1st to June 30th inclusive in that calendar year, a tax of two shillings and sixpence ; 1937

(b) in respect of each cycle licensed on any day from July 1st to September 30th inclusive in that calendar year, a tax of one shilling and sixpence ;

(c) in respect of each cycle licensed on any day from October 1st to December 31st inclusive in that calendar year, a tax of one shilling.

Provided that, as regards any cycle brought into this Island by a person making a stay therein of a duration not exceeding two months, then upon the completion of such stay and upon evidence to the reasonable satisfaction of the competent authority that such cycle is being taken away from the Island and upon delivery to the competent authority of the cycle licence issued in respect of that cycle, the competent authority shall refund the tax paid in respect of the licensing of that cycle.

5.—(a) It shall be an offence to ride an unlicensed cycle on any public thoroughfare and any person guilty of such offence shall be liable upon conviction to a fine not exceeding Two Pounds. Offences.

(b) It shall be an offence to alter, deface, or add anything to a cycle licence or to make or attempt to make an imitation of a cycle licence or to exhibit on or affix to any cycle any cycle licence which has been altered, defaced, or added to or which has lapsed or to exhibit on or affix to any cycle any colourable imitation of a cycle licence and any person guilty of such offence shall be liable upon conviction to a fine not exceeding Ten Pounds.

6.—The Royal Court shall have power from time to time by way of Ordinance to make regulations— Power of
Royal Court
to make
Regulations.

(a) prescribing the method of the collection of the cycle tax and the issuing of cycle licences and the competent authority for the collection

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of such tax and the issuing of such licences ;

(b) prescribing the form in which cycle licences shall be issued and the particulars to be inscribed thereon ;

(c) prescribing the age below which it shall not be permissible for a person to ride a cycle notwithstanding that such cycle is licensed ;

(d) for any purpose necessary for giving effect to the provisions of this Law.

Allocation
of Fines.

7.—The fines recoverable by virtue of this Law shall be payable as to one half to the Crown and as to the remainder to the States of Guernsey.

Short Title.

8.—This Law may be cited as The Cycle Tax Law, 1937.

(Enregistré sur les Records le 29 décembre 1937.)

AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of December, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD RUSHCLIFFE.

MR. ERNEST BROWN.

SIR FELIX CASSEL.

Loi Supplémentaire
relative aux
Automobiles
(Autorisations de
Conduire),
1937.

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 15th day of December, 1937, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1. That on the 21st day of May, 1937, the States of Deliberation, on the recommendation of their Committee of Police, approved a modification of the Law intituled “Loi relative aux Automobiles” sanctioned by an Order of His

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late Majesty King George the Fifth in Council of the 20th day of November, 1926, regarding driving licences for Automobiles, and requested the Royal Court to prepare a Bill or "Projet de Loi" in order to give effect to their deliberation on the subject: 2. That in accordance with the aforesaid deliberation, the Royal Court on the 16th day of October, 1937, adopted a Bill or "Projet de Loi" intituled "Loi Supplémentaire relative aux Automobiles (Autorisations de Conduire), 1937," and requested the Bailiff to submit the same to the States for approval: 3. That on the 29th day of October 1937, 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 authorising the Bailiff to present a 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 Supplémentaire relative aux Automobiles (Autorisations de Conduire), 1937," and to order and direct that the same shall have the force of Law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

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

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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 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 SUPPLÉMENTAIRE RELATIVE AUX AUTOMOBILES

(AUTORISATIONS DE CONDUIRE), 1937.

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 :—

Rappel.

1.—Est et demeurera rappelée la Loi intitulée “Loi supplémentaire relative aux Automobiles, 1930” sanctionnée par un Ordre de Sa Majesté en Conseil en date du 15 mai, 1930, enregistré sur les Records de cette Ile le 3 juin, 1930.

Catégories d'autorisa- tions.

2.—La Loi relative aux Automobiles sanctionnée par un Ordre de Sa Majesté en Conseil en date du 20 novembre, 1926, enregistré sur les Records de cette Ile le 11 décembre, 1926, aura effet dorénavant comme si l'Article suivant y fut inséré immédiatement après l'Article 9 de la dite Loi, savoir :—

10. (a) Les autorisations de conduire seront des six catégories suivantes, savoir :— 1937

- (1) Autorisation de conduire une Motobicyclette simple dont le moteur n'excède pas la force d'un cheval. Cette autorisation ne sera accordée à une personne âgée de moins de quatorze ans.
- (2) Autorisation de conduire une Motobicyclette simple dont le moteur excède la force d'un cheval. Cette autorisation ne sera accordée à une personne âgée de moins de seize ans.
- (3) Autorisation de conduire une Motobicyclette avec "Side-car". Cette autorisation ne sera accordée à une personne âgée de moins de dix-sept ans.
- (4) Autorisation de conduire un Automobile. En ce qui concerne cette catégorie le mot "Automobile" signifie un véhicule automobile n'étant pas ni un moto-omnibus, un moto-char-à-bancs, un automobile de commerce ayant sans chargement un poids d'au moins une tonne et demie, un véhicule pour la conduite duquel un permis aux fins des dispositions d'aucune Loi ou Ordonnance touchant les véhicules dits "Public Service Vehicles" est requis, ni une motobicyclette. Cette autorisation ne sera accordée à une personne âgée de moins de dix-sept ans.
- (5) Autorisation de conduire un Automobile de Commerce ayant sans chargement un poids d'au moins une tonne et demie et de moins de trois tonnes. Cette autorisation ne sera accordée à une personne âgée de moins de dix-huit ans.
- (6) Autorisation de conduire un Automobile ayant sans chargement un poids d'au moins trois tonnes, un moto-omnibus et

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un moto-char-à-bancs. Cette autorisation ne sera accordée à une personne âgée de moins de vingt ans.

(b) Les autorisations de conduire des susdites catégories seront octroyées séparément et distinctivement les unes des autres et, sujet à ce qui ensuit, une autorisation de conduire d'une catégorie quelconque n'autorisera point la conduite d'un automobile autre qu'un automobile auquel telle catégorie est applicable.

Pourvu néanmoins que—

- (i) l'octroi d'une autorisation de la catégorie 3 comprendra une autorisation des catégories 1 et 2 :
- (ii) l'octroi d'une autorisation de la catégorie 5 ou de la catégorie 6 comprendra une autorisation de la catégorie 4 : et
- (iii) l'octroi d'une autorisation de la catégorie 6 comprendra une autorisation de la catégorie 5.

(c) Celui qui, dans le but d'obtenir une autorisation donnera sciemment à l'autorité compétente des renseignements faux concernant son âge, son nom ou son adresse sera passible sur conviction en Police Correctionnelle d'une amende à la discrétion de la Cour n'excédant pas £5 sterling, et en outre à la suspension ou au retrait de l'autorisation qu'il aura pu ainsi obtenir.

(d) Rien dans cet Article n'affectera le droit du porteur d'une autorisation régulièrement obtenue sous l'empire de la Loi présentement rappelée de continuer d'exercer telle autorisation pour la période de sa validité et d'obtenir par après une autorisation d'une des catégories établies par cet article ayant une étendue pas plus limitée que son autorisation pré-existante.

Cette Loi viendra en force le jour de l'enregistrement sur les Records de cette Ile de l'Ordre de Sa Majesté en Conseil la sanctionnant.

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Commence-
ment.

(Enregistré sur les Records le 17 janvier 1938.)

AT THE COURT AT BUCKINGHAM PALACE,
The 21st day of December, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. ERNEST BROWN

LORD RUSHCLIFFE

SIR FELIX CASSEL.

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 15th day of December, 1937, in the words followng, viz. :—

Resignation
of William
de Prélaz
Crousaz,
Esq., O.B.E.,
from the
office of
Jurat of the
Royal Court.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee, the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That William de Prélaz Crousaz, Esquire, O.B.E., after having at a meeting of the States of Election of Your Majesty's Island of Guernsey held on the 27th day of May, 1914, been duly elected “Juré-Justicier” or Jurat of the Royal Court of the said Island was, on the 30th day of May, 1914, sworn into office before the said Court. 2. That on the 25th day of October, 1937, the said William de Prélaz Crousaz addressed a letter to the Bailiff as President of the States, requesting that Body, owing to his advanced age, to consent to his being discharged from the said office. 3. That at a meeting of the States of Deliberation held on the 3rd day

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of December, 1937, a resolution was passed whereby the States, in acceding to the request of the said William de Prélaz Crousaz, 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, nevertheless allowing the said William de Prélaz Crousaz 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 William de Prélaz Crousaz, Esquire, O.B.E., 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.'

"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 William de Prélaz Crousaz, Esquire, O.B.E., 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 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 29 janvier 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of December, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. ERNEST BROWN

LORD RUSHCLIFFE

SIR FELIX CASSEL.

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 December, 1937, in the words following, viz. :—

Impôts
(Auregny)
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“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Alfred Charles Tourgis Lieutenant Judge and Acting President of the States of the Island of Alderney setting forth :—

‘ That at a meeting of the States of Alderney holden before Your Petitioner on the 10th day of November 1937, the States were of opinion to renew the duties sanctioned by Your Majesty for the period ending the 31st day of December

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1937 (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 1938 and ending on the 31st day of December 1938, 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 already sanctioned by Orders in Council. That at the said Meeting Your Petitioner was authorized 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	
						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
						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.”

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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 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, 1938, and ending on the 31st day of December, 1938, for and under the purposes and conditions already sanctioned.

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 29 janvier 1938.)

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant Gouverneur en date du vingt-et-un janvier mil neuf cent trente-huit, transmettant un imprimé intitulé “ The Post Office (Execution of

The Post Office (Execution of Documents) (No. 2) Warrant, 1935.

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Documents) (No. 2) Warrant, 1935 ",—LA COUR, ouïes les conclusions des Officiers du Roi, a ordonné que le dit imprimé sera enregistré sur les Records de cette Ile par être logé au Greffe.

(Enregistré sur les Records le 12 février 1938.)

Statutory Rules and Orders 1937 No. 1211

Air Navigation

THE AIR NAVIGATION (AMENDMENT) (CHANNEL ISLANDS)
ORDER, 1937.

AT THE COURT AT BUCKINGHAM PALACE,
The 21st day of December, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
LORD RUSHCLIFFE

MR. ERNEST BROWN
SIR FELIX CASSEL.

The Air
Navigation
(Amend-
ment)
(Channel
Islands)
Order, 1937.

WHEREAS by the Air Navigation Act, 1920(a), (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 may be made applicable to any aircraft in or over the British Islands or the territorial waters adjacent thereto, and to British aircraft wherever they may be :

AND WHEREAS the Act has been registered in the Royal Court of Jersey and in the Royal Court of Guernsey :

AND WHEREAS by the Air Navigation (Jersey) Order, 1928(b), (hereinafter referred to as " the Principal Jersey 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(c), as amended by subsequent Orders, should apply to Jersey as set out and modified in the Appendix to such Order :

(a) 10 & 11 Geo. 5. c. 80.

(b) S.R. & O. 1928 (No. 91) p. 36.

(c) S.R. & O. 1923 (No. 1508) p. 13.

AND WHEREAS by the Air Navigation (Amendment) (Jersey) Order, 1929(a), and the Air Navigation (Amendment) (Jersey) Order, 1936(b), the Principal Jersey Order has been amended as therein appears : 1938

AND WHEREAS by the Air Navigation (Guernsey) Order, 1926(c), (hereinafter called "the Principal Guernsey 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(d), 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(e), and the Air Navigation (Amendment) (Guernsey) Order, 1936(f), the Principal Guernsey Order has been amended as therein appears :

AND WHEREAS it is expedient that the Principal Jersey Order and the Principal Guernsey Order 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 :—

-
- (a) S.R. & O. 1929 (No. 1020) p. 74.
(b) S.R. & O. 1936 (No. 301) I., p. 70.
(c) S.R. & O. 1926 (No. 1583) p. 27.
(d) S.R. & O. 1925 (No. 1260) p. 4.
(e) S.R. & O. 1929 (No. 1019) p. 64.
(f) S.R. & O. 1936 (No. 300) I., p. 69.

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1.—(1) Paragraph (2) of Article four of the Appendix to the Principal Jersey Order shall be amended by the insertion therein after the words “special permission in writing of the Secretary of State” of the words “given with the concurrence of the Committee”.

(2) Paragraph (2) of Article four of the Appendix to the Principal Guernsey Order shall be amended by the insertion therein after the words “special permission in writing of the Secretary of State” of the words “given with the concurrence of the Royal Court”.

2. The following paragraph shall be substituted for paragraph (3) of Article nine of the Appendix to the Principal Jersey Order and of the Appendix to the Principal Guernsey Order :—

“(3) Whenever an aircraft registered in Great Britain and Northern Ireland is carrying passengers for hire or reward—

(a) the owner of the aircraft shall cause to be exhibited and kept exhibited in a conspicuous place in the aircraft a legible notice stating whether and to what extent smoking is permitted in the aircraft ; and

(b) no person shall smoke in the aircraft unless, or except in so far as, smoking is stated by the notice to be permitted.

No notice exhibited in an aircraft for the purpose of the foregoing provisions of this paragraph shall state that smoking is permitted therein unless, or except in so far as, smoking therein is authorised by the aircraft’s certificate of airworthiness or by the permission in writing of the Secretary of State.

No person shall smoke in an aircraft registered in Great Britain and Northern Ireland when it is not carrying passengers for hire or reward unless, or except in so far as, smoking therein is authorised by the aircraft's certificate of airworthiness or by the permission in writing of the Secretary of State."

3. In Article twelve of the Appendix to the Principal Jersey Order and of the Appendix to the Principal Guernsey Order the figure 50 shall be substituted for the figure 35.

4. The provisions of the Schedule to this Order shall be substituted for the provisions of Schedule II to the Appendix to the Principal Jersey Order and of Schedule II to the Appendix to the Principal Guernsey Order.

5.—(1) This Order may be cited as the Air Navigation (Amendment) (Channel Islands) Order, 1937.

(2) This Order shall come into operation on the 1st day of January, 1938.

M. P. A. HANKEY.

SCHEDULE.

Rules as to Lights and Signals and Rules for Air Traffic.

PRELIMINARY.

Interpretation.

For the purposes of this Schedule—

- (a) An aircraft shall be deemed to be "on the surface of the water" when any part of the aircraft is in contact with the water ;

- (b) An aircraft, being in the air or on the surface of the water, shall be deemed to be "under way" when it is not moored to the ground or to any fixed object on the land or in the water ;
- (c) An aircraft under way in the air or on the surface of the water shall be deemed to be "making way" when it has velocity relative to the air or water respectively ;
- (d) An aircraft shall be deemed not to be "under control" when it is unable to execute a manoeuvre required in respect of it by the rules laid down in this Schedule or by the Regulations for Preventing Collisions at Sea ;
- (e) The expression "landing area" means that part of an aerodrome which is reserved for departures and landings of aircraft ;
- (f) The expression "visible", when used in relation to lights, means visible on a dark night with a clear atmosphere ;
- (g) The expression "plane of symmetry", in relation to an aircraft, means the plane of symmetry passing through the longitudinal axis of the aircraft ;
- (h) The angular limits for lights laid down in the rules contained in Section 1 of this Schedule shall be determined when the aircraft is in its normal attitude for flying on a rectangular horizontal course.

SECTION I.

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*Rules as to Lights and Visual Signals to be displayed
and Sound Signals to be made by Aircraft.**General.*

1.—(1) The rules as to lights to be displayed by aircraft contained in this Section of this Schedule shall be complied with by aircraft in all weathers during the period from sunset to sunrise or, in the case of aircraft being on or over the territory of a State by the law of which any other period is substituted for the period aforesaid, during the period so substituted.

(2) Throughout the period during which the said rules are to be complied with no other lights shall be displayed which may be mistaken for the lights required to be displayed by those rules.

(3) The lights required to be displayed by the said rules shall not be dazzling.

2.—(1) In the event of the failure of any light which is required by this Section of this Schedule to be displayed by aircraft in flight, the aircraft concerned shall, if the light cannot immediately be repaired or replaced, land as soon as it can do so without danger.

(2) Where owing to the difficulty of producing lamps to meet the requirements of this Section of this Schedule as regards sector lights, an overlap of those lights is unavoidable, the overlap shall be kept as small as possible; there shall be no sector in which no light is visible.

3. Nothing in this Section of this Schedule shall interfere—

(a) with the operation of any special rules made by any State with respect to additional signal or station lights for military aircraft,

aircraft exclusively employed in State service or aircraft in group formation ; or

- (b) with the exhibition of recognition signals adopted by owners of aircraft which have been authorised by their respective Governments and duly published.

*Lights and Visual Signals to be displayed by Aircraft.
Flying Machines.*

4.—(1) Every flying machine in the air or on the landing area of a land aerodrome shall display the following lights, that is to say :—

- (a) on the right side, a green light, fixed so as to show an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right ;
- (b) on the left side, a red light, fixed so as to show an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the left ;
- (c) at the rear, a white light, fixed so as to show astern an unbroken light, visible at a distance of at least 3 miles, throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry of the aircraft.

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(2) In cases where, in order to comply with the foregoing provisions of this paragraph, a single light has to be replaced by several lights, the field of visibility of each of those lights shall be so limited that only one of them can be seen at a time.

(3) In the case of a flying machine with a maximum span of less than 65 feet, the lights required by this paragraph to be displayed may be combined in one or more lamps placed centrally, provided that the requirements of this paragraph as to colour and visibility are complied with.

5. Every flying machine under way on the surface of the water shall display lights in accordance with the following provisions of this paragraph :—

- (a) if it is under control and is not being towed, it shall display the lights specified in paragraph 4 of this Schedule and in addition, forward, a white light, fixed so as to show forward an unbroken light, visible at a distance of at least 3 miles, throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry of the aircraft :
- (b) if it is being towed, it shall display the lights specified in paragraph 4 of this Schedule :
- (c) if it is not under control, it shall display two red lights placed where they can best be seen, one vertically over the other, not less than 3 feet apart, and both being visible, so far as practicable, all round the horizon, at a distance of at least 2 miles, and it shall also display—
 - (i) if making way, the lights specified in paragraph 4 of this Schedule ; or
 - (ii) if not making way, the light specified in sub-paragraph (1) (c) of paragraph 4 of this Schedule ;

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- (d) if it is towing another flying machine or a glider, it shall display the lights specified in paragraph 4 of this Schedule and it shall also display, forward, two white lights placed where they can best be seen, one vertically over the other, not less than 6 feet apart, and both being visible at a distance of at least 3 miles, throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry of the aircraft.

6. Every flying machine at anchor or moored on the surface of the water shall display lights in accordance with the following provisions of this paragraph :—

- (a) in every case, it shall display forward centrally where it can best be seen, a white light visible all round the horizon at a distance of at least 1 mile :
- (b) in a case where the length of the flying machine is 150 feet or upwards, it shall display, in addition to any other light required by this paragraph to be displayed, a white light at or near its stern at a lower height than the forward light specified in sub-paragraph (a) of this paragraph, and visible all round the horizon at a distance of at least 1 mile :
- (c) in a case where the maximum lateral dimension of the flying machine is 150 feet or upwards, it shall display, in addition to any other light required by this paragraph to be displayed, a white light on each side placed in such a manner as to demarcate the maximum lateral dimension of the flying machine and visible, so far as practicable, all round the horizon at a distance of at least 1 mile.

Gliders and Free Balloons.

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7.—(1) In all cases in which flying machines are required by this Section of this Schedule to display lights, a glider shall display a red light visible, so far as practicable, in all directions.

(2) A free balloon shall display a red light placed not less than 15 or more than 30 feet below the basket and visible, so far as practicable, in all directions at a distance of at least $2\frac{1}{2}$ miles.

Captive Balloons and Kites.

8.—(1) In the case of a captive balloon or kite, lights shall be displayed in accordance with the following provisions of this sub-paragraph :—

- (a) the balloon or kite, when flown at an altitude exceeding 200 feet above the ground or at any altitude if it is less than 3 miles from an aerodrome or from a recognised air route, shall display a group of two lights consisting of a white light placed 12 feet vertically above a red light, both these lights being visible, so far as practicable, in all directions at a distance of at least $2\frac{1}{2}$ miles, and the white light being placed not less than 15 or more than 30 feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite :
- (b) in addition, from the mooring cable of the balloon or kite there shall be displayed, at intervals of 1,000 feet measured from the said group of two lights, similar groups of two lights, white and red, and, if the lowest group of lights is obscured by clouds, an additional group shall be displayed below the cloud base :

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- (c) in addition, the position of the object to which the balloon or kite is moored on the ground shall be marked by a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle approximately equilateral and each side of which measures at least 80 feet ; the side of this triangle, perpendicular to the horizontal projection of the cable, shall be delimited by two red lights ; the third light shall be a green light placed opposite the direction of the cable.
- (2) By day the mooring cable of a captive balloon shall have attached to it at intervals of not more than 600 feet measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 16 inches in diameter and 6 feet in length, and marked with alternate bands of white and red 20 inches in width.
- (3) By day the mooring cable of a kite shall be marked, either
 - (a) in the manner required by the last preceding sub-paragraph in the case of a captive balloon ; or
 - (b) by streamers of stout paper attached to the cable at intervals of 300 feet measured from the lowest part of the kite, being streamers not less than 32 inches in length or 1 foot in width in their widest part and marked with alternate bands of white and red 4 inches wide.
- (4) By way of exception to the provisions of this paragraph, captive balloons and kites used for meteorological observations which, owing to their insufficient static lift, cannot display the lights and signals required by this paragraph to be displayed may be flown, but only over areas which are notified

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as danger areas by notices to airmen. In every such case the position of the object to which the captive balloon or kite is moored on the ground shall be marked as required by sub-paragraph (1) (c) of this paragraph.

Airships.

9.—(1) Except as provided in the next following paragraph, an airship when under way shall display the following lights :—

- (a) forward, a white light, fixed so as to show forward an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry of the aircraft ;
- (b) on the right side, a green light fixed so as to show an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right ;
- (c) on the left side, a red light fixed so as to show an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the left ;
- (d) at the rear, a white light fixed so as to show astern an unbroken light, visible at a distance of at least 3 miles, throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry of the aircraft.

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(2) In a case where, in order to comply with the foregoing provisions of this paragraph, a single light has to be replaced by several lights, the field of visibility of each of those lights shall be so limited that only one can be seen at a time.

10.—(1) An airship which is under way and which is not under control, or which has voluntarily stopped its engines, or which is being towed, shall display the following lights :—

- (a) the forward and rear lights specified in sub-paragraphs (1) (a) and (1) (d) of the last foregoing paragraph ;
- (b) in addition, below the airship, two red lights placed vertically one below the other 12 feet apart, the upper light being 25 feet below the control car, and both being visible, so far as practicable, in all directions at a distance of not less than $2\frac{1}{2}$ miles ;
- (c) in addition, if making way but not otherwise, the side lights specified in sub-paragraphs (1) (b) and (1) (c) of the last foregoing paragraph.

(2) By day, an airship in the circumstances mentioned in sub-paragraph (1) of this paragraph shall display a group of two black balls or shapes, each at least 2 feet in diameter, placed vertically one below the other 12 feet apart, the upper one being 25 feet below the control car, and both being visible, so far as practicable, in all directions.

Where necessary, in order to comply with the foregoing provisions of this sub-paragraph, the said group of two black balls or shapes may be duplicated.

11.—(1) An airship when moored to a mooring mast shall display at or near the rear a white light visible, so far as practicable, in all directions at a distance of at least 3 miles.

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(2) An airship, when moored to the ground or the surface of the water by a cable, shall display, forward, the white light specified in sub-paragraph (1) (a) of paragraph 9 of this Schedule and at the rear the white light specified in sub-paragraph (1) (d) of that paragraph, and in addition the airship and its mooring cable shall be lighted or marked in accordance with such of the provisions of paragraph 8 of this Schedule as are applicable in the case of a captive balloon.

(3) An airship while picking up its moorings, although it shall be considered as being under way and not being under control, shall display only the lights required by paragraph 9 of this Schedule to be displayed until it is finally made fast.

Sound Signals.

12. In fog, mist, falling snow or heavy rainstorm, whether by day or night, an aircraft on the water shall make the following sound signals :—

- (a) if not anchored or moored, a sound, at intervals of not more than two minutes, consisting of two blasts of about 5 seconds' duration with an interval of about 1 second between them ;
- (b) if at anchor or moored, the rapid ringing of an efficient bell or gong for about 5 seconds, at intervals of not more than 1 minute.

SECTION II.

Rules as to ground markings and signalling.

General.

13. The meanings given to the various markings, lights and signals in this Section of this Schedule are reserved to them exclusively.

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Ground markings, lights and signals on and in the vicinity of aerodromes open to public use.

14. At every land aerodrome open to public use the following requirements shall be complied with :—

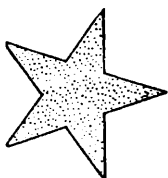
- (1) The boundaries of the landing area shall, by means of suitable markings, be rendered clearly visible both to aircraft in the air and to aircraft manoeuvring on the landing area ;
- (2) In addition, a marking in the form of a circle may be placed on the landing area ;
- (3) All obstructions existing on the landing area shall be clearly marked ;
- (4) In case part of the landing area should become unfit for use, such part shall be delimited by clearly visible markings or flags, and may, in addition be indicated by one or more clearly visible crosses.

15. At every aerodrome open to public use the following requirements shall be complied with :—

- (1) The direction of the wind at the landing area shall be clearly indicated by a landing T, wind sleeve, smoke producing wind indicator or other recognised method.
- (2) If there is a landing T,
 - (a) it shall be used to indicate the compulsory direction for landing and taking off, even should such direction not correspond to the direction of the wind ;
 - (b) normally it shall be placed so that the shaft of the T lies along the direction of the wind with the cross arm set at that end of the shaft from which the wind is blowing ;

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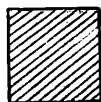
- (c) if there is either no wind or a slight irregular wind, the T shall be fixed in the direction in which landing or departure is to be made and the fact that it is fixed shall be indicated by the presence of a ball, mounted on a mast in the signal area and clearly visible both to aircraft in flight and to aircraft manoeuvring on the landing area.
- (3) When, by way of exception, the landing area at any aerodrome is regarded as divided into two approximately equal zones, one for departures and the other for landings, as provided for in paragraph 45 of this Schedule, this exceptional arrangement shall be indicated by a full star of five points, as illustrated below, of such a size that lines joining the successive points of the star would form a regular pentagon which could be inscribed in a circle the diameter of which is not less than 50 feet.



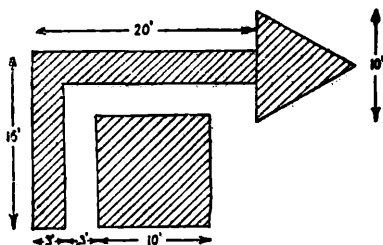
- (4) (a) When in conformity with paragraph 37 of this Schedule the application of the special rules for air traffic contained in Section V of this Schedule is temporarily suspended wholly or partially in respect of any aerodrome in Jersey or Guernsey there shall, to indicate such suspension, be placed

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horizontally a red square panel, each side of which measures at least 10 feet, as illustrated below :—



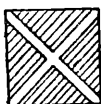
(b) if during such suspension as aforesaid it is provided among other things that in the case of a flying machine (i) flying outside a landing area at a distance of less than 2,000 yards from the nearest point of such area or (ii) making a circuit or partial circuit immediately after taking off or prior to landing, as referred to in paragraph 39 (b) and paragraph 43 respectively of this Schedule, the landing area is to be kept on the right of the flying machine and the circuit or partial circuit is to be right-handed, the red square panel specified in sub-paragraph (a) of this sub-paragraph shall along two of its sides be bordered by a red rectangular panel at least 3 feet in width, separated from the central panel by at least 3 feet, and at the extremity of one of the rectangular panels there shall be placed a red equilateral triangle, each side of which measures 10 feet, to indicate that the landing area is to be kept on the right and that circuits or partial circuits are to be right-handed, as illustrated below :—



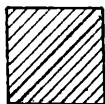
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If, however, the only object of such suspension as aforesaid is that in such a case the landing area shall be kept on the right and that circuits or partial circuits shall be right-handed, the red square panel shall not be displayed.

- (5) (a) When special circumstances necessitate a prohibition to land liable to be prolonged there shall be placed horizontally a red square panel each side of which measures at least 10 feet and the diagonals of which shall be marked by yellow strips at least 20 inches in width arranged in the form of an X, as illustrated below :—



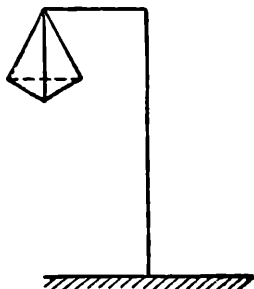
- (b) When owing to the bad state of the landing area or for any other reason the observance of precautions in landing is required, there may be placed horizontally a red square panel each side of which measures at least 10 feet and one of the diagonals of which shall be marked by a yellow strip at least 20 inches in width, as illustrated below :—



- (c) When a landing by means of a radio-electric guide is taking place that fact may be indicated by hoisting on a mast a yellow triangular equilateral pyramid, each side

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of which measures at least 6 feet, as illustrated below :—



- (d) The use of the signals provided for in sub-paragraphs (b) and (c) of this sub-paragraph is optional.
- (6) The signals referred to in the above sub-paragraphs of this paragraph shall, whenever possible, be displayed in a special part of the aerodrome selected as a signal area ; by way of exception, the wind indicators and the landing T referred to in sub-paragraphs (1) and (2) of this paragraph may be located elsewhere in the aerodrome.
- (7) During periods of poor visibility the lights existing for night lighting shall be operated by day, whenever possible and in so far as necessary.

16.—(1) At every aerodrome open to public use and used for night flying the following requirements shall be complied with during the working hours of the night service :—

(a) *As to dangerous lights :—*

No lights shall be exhibited at or in the neighbourhood of an aerodrome which may endanger the safety of aircraft, whether

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by reason of glare, or by causing confusion with or preventing clear visual reception of the lights or signals required by this Schedule to be displayed ;

(b) *As to aerodrome beacon :—*

The position of the aerodrome may be indicated by a luminous beacon.

(2) At every land aerodrome open to public use and used for night flying the following requirements shall be complied with during the working hours of the night service :—

(a) *As to lighting of obstructions :—*

Fixed red lights shall be displayed :—

(i) on all obstructions within the landing area which constitute a danger to aircraft in motion on the landing area ;

(ii) as far as possible, on all obstructions within 1,000 yards of the boundary of the landing area and constituting a danger to aircraft approaching or leaving the aerodrome in a normal manner. In case it should be impossible to exhibit fixed red lights on such obstructions, the horizontal projection and the centre of the obstructions shall, as far as possible, be clearly indicated by synchronised red flashing or occulting lights, placed on a level with or near to the ground.

(b) *As to lighting of landing T and of wind indicators :—*

The landing T, if used, and at least one of the wind indicators shall be illuminated with fixed lighting, preferably white.

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(c) As to lighting of signals :—

The signals displayed in the signal area and also the signals referred to in subparagraphs (3), (4) and (5) of paragraph 15 of this Schedule, when used and wherever displayed, shall be suitably illuminated.

(d) As to lighting of landing area :—

- (i) The landing area or the part thereof on which landings should be made shall be illuminated, if possible, by a floodlight or floodlight system during landing manoeuvres ;
- (ii) In default of such method of illumination as aforesaid, one of the two following alternative methods of illumination shall be used :—

First method :—

There shall be laid out on the ground a line of lights, spaced 50 yards apart, consisting of a central section of six white lights, to indicate that landings should be made on the adjacent portion of the landing area and on either side of the said line, and at least two green lights at one end of the said line and at least two red lights at the other end of the said line, to indicate that landings should be made from the direction of the said green lights towards the said red lights ;

Second method :—

There shall be laid out on the ground lights in the form of a T, the shaft of which shall be composed of at least four lights

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in a line at least 250 yards in length. The light at the foot of the T shall indicate the place where a flying machine or glider should first make contact with the ground and the cross arm of the T shall indicate the place where it should finish its run. Landings may be made on either side of the shaft of the T but always parallel thereto, provided that, in the event of the area situate on either side of the shaft of the T becoming obstructed, the light indicating the cross arm of the T on that side shall be removed and landing shall be effected on the opposite side of the shaft of the T.

If either of the two alternative methods of illumination referred to above is used, the landing T shall not be displayed.

(e) *As to approach lighting* :—

The most favourable sectors of approach to the landing area may be indicated by green lights.

(f) *As to boundary lighting* :—

The boundary of the landing area shall be marked by fixed aviation-yellow lights, normally laid out 100 yards apart :

Provided that :—

- (i) when there are obstructions on the boundary of the landing area, the lights serving to mark such obstructions may take the place of boundary lights ;

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- (ii) when local conditions render unavoidable the use of gas boundary lights, such lights may be given an intermittent character;
- (iii) when the boundary of the landing area cannot be marked, only the extremities of such landing area between which aircraft may move without danger shall be indicated by fixed aviation-yellow lights.

(3) At every water aerodrome open to public use and used for night flying the requirements specified in sub-paragraph (2) of this paragraph shall be complied with except in cases where compliance therewith is obviously impossible.

Distress, Urgency and Safety Signals.

17.—(1) (a) None of the signals referred to in this paragraph may be transmitted except with the authority of the commander or person responsible for the aircraft from which such signals are transmitted.

(b) When such signals are sent by radiotelegraphy or radiotelephony, the group or spoken expression shall be sent three times and followed by the group DE and the call sign, also sent three times, of the aircraft which sends it.

(2) *As to distress signals :—*

When an aircraft is threatened by grave and imminent danger and requires immediate assistance, the following signals shall be used or displayed, either together or separately, before the sending of a message :—

(a) In radiotelegraphy the signal SOS
(. . . — — — . . .).

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(b) In radiotelephony the spoken expression "MAYDAY" (corresponding to the French pronunciation of the expression "m'aider").

(c) In visual signalling

- (i) The signal SOS (. . . — — — . . .) made with signalling apparatus.
- (ii) A succession of red pyrotechnical lights fired at short intervals.
- (iii) The two flag signal corresponding to the letters "NC" of the International Code of Signals.
- (iv) The distant signal, consisting of a square flag having, either above or below it, a ball or anything resembling a ball.

(d) In sound signalling

- (i) The signal SOS (. . . — — — . . .) made with any sound apparatus.
- (ii) A continuous sounding made with any sound apparatus.

(3) *As to urgency signals* :—

(a) When an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance, the following signals shall be used or displayed, either together or separately, before the sending of a message :—

- (i) In radiotelegraphy the group PAN (. — — . . — — .), sent with the three letters well separated so that the signals AN may not be transformed into one signal P.

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- (ii) In radiotelephony the spoken expression PAN, which should be pronounced like the French word "PANNE".
- (iii) In visual signalling :—
 - By day : a succession of white pyrotechnical lights.
 - By night : a succession of white pyrotechnical lights or a succession of short and intermittent flashes with the navigation lights.
- (b) When the signal PAN is sent by an aircraft without any message following, it shall signify that the aircraft has been compelled to land and is unable to transmit its intended message owing to the rapidity of the landing, but does not require immediate assistance.
- (c) When an aircraft has a very urgent message to transmit concerning the safety of the aircraft or of any person on board or within range of assistance or the safety of another aircraft, or of any ship or vehicle, the following signals (which as a general rule will be addressed to a specific authority) shall be used or displayed, either together or separately, before the sending of the message :—
 - (i) In radiotelegraphy the group XXX (— . . — — . . — — . . —) with the letters of each group and the successive groups clearly separated from each other.
 - (ii) In visual signalling either a succession of green pyrotechnical lights or a succession of green flashes made with signalling apparatus.

(4) *As to safety signals :—*1938

When an aircraft is about to transmit a message concerning the safety of navigation or giving important meteorological warnings, the following signals shall be used, either together or separately, before the sending of a message :—

- (a) In radiotelegraphy the group TTT (— — —) with the letters of each group and the successive groups clearly separated from each other.
- (b) In radiotelephony the French word " SÉCURITÉ " corresponding to the English pronunciation of the syllables SAY-CURE-E-TAY.
- (c) In visual signalling the international visual signalling procedure as laid down in the International Code of Signals.

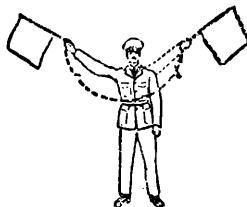
Other signals to or from Aircraft.

18. *At aerodromes open to public use :—*

- (1) By day and by night, when there is an officer controlling traffic, he shall, except as permitted by sub-paragraph (2) of this paragraph, use the following signals (which may be preceded by the last three letters of the registration group of the aircraft to which the signal is addressed sent in the International Morse Code by using a luminous beam of the same colour as the signal which is to follow) :—
 - (a) to authorise movement on the landing area other than taking-off, he shall direct at the aircraft an intermittent white luminous beam ;

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- (b) to authorise taking off, he shall direct at the aircraft a continuous white luminous beam ;
- (c) to prohibit taking off or any movement on the landing area, he shall direct at the aircraft an intermittent red luminous beam.
- (2) By day, when there is on the landing area an officer controlling traffic, he may use the following signals :—
- (a) to authorise movement on the landing area other than taking-off, he shall wave a small white flag in the direction to be followed as shewn in the diagram below



- (b) to authorise taking off, he shall lower a small white flag in the direction of taking-off as shewn in the diagram below

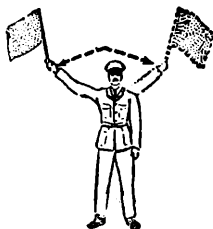


- (c) to prohibit taking-off or movement towards the taking-off point, he shall raise a small red flag as shewn in the diagram below

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- (d) to prohibit landing, he shall wave a small red flag vertically above his head as shewn in the diagram below



- (3) (a) An aircraft wishing to land at night, without being compelled to do so, on an aerodrome having a ground control, shall, before landing, ask permission by a signal made either by radiotelegraphy or radiotelephony or by a visual signal made by means of a lamp or projector but not by means of the navigation lights.
- (b) The visual signal, sent by International Morse Code, shall be composed of the last three letters of the registration group of the aircraft and shall be repeated for as long as may be necessary.

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- (c) The reply shall be given from the ground to the aircraft either by radiotelegraphy or radiotelephony or by visual signal, provided that, when permission has been asked by visual signal, the reply shall always be given by visual signal.
- (d) When the reply is given by visual signal, such signal shall consist of a repetition of the three-letter sign specified in sub-paragraph (b) of this sub-paragraph, sent by means of the signalling lights of the aerodrome and made either by a group of lights arranged on a horizontal plane at the apexes of an equilateral triangle, each side of which measures not less than 3 nor more than 10 feet, or by a luminous beam directed at the aircraft.
- (e) In giving the visual signal in reply, the colour green shall be used to give permission to land and the colour red shall be used to prohibit landing.

19.—(1) At every aerodrome the firing of a red pyrotechnical light or the display of a red flare from the ground, whether by day or by night and notwithstanding any previous permission, shall be taken as an instruction to aircraft in flight that they are not to land for the moment and to aircraft manoeuvring on the landing area that they are to cease to move.

(2) At aerodromes provided with the triangular device specified in paragraph 18 (3) (d) of this Schedule the emission by means of such device of intermittent red lights shall, whether by day or by night and notwithstanding any previous permission, be taken as an instruction to aircraft in flight that they are not to land for the moment.

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20. To require an aircraft to land, the following signals shall be used :—

- (a) By day, a series of projectiles discharged at intervals of 10 seconds, each showing on bursting black smoke ;
- (b) By night, a series of projectiles discharged at intervals of 10 seconds, each showing on bursting white lights or stars.

In addition, when necessary to prevent the landing of aircraft other than the aircraft required to land, an intermittent white luminous beam shall be directed at the aircraft whose landing is required.

21. To warn an aircraft that it is in the vicinity of a prohibited area and should change its course, the following signals shall be used :—

- (a) By day, a series of projectiles discharged at intervals of 10 seconds, each showing on bursting orange smoke ;
- (b) By night, a series of projectiles discharged at intervals of 10 seconds, each showing on bursting orange lights or stars.

Provided that, when the authority requiring the change of course referred to in this paragraph is able to establish radioelectric communication with the aircraft, such requirement may be indicated by that method of communication.

SECTION III.

General Rules for Air Traffic.

22. Subject to the provisions of paragraphs 29 and 35 (a) and (c) of this Schedule, flying machines shall always give way to gliders and to balloons, fixed or free, and to airships, and airships shall always give way to gliders and to balloons, whether fixed or free.

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23. An airship which is under way and which is not under control or which has voluntarily stopped its engines shall, for the purposes of the provisions of this Section of this Schedule, be classed as a free balloon.

24.—(1) When circumstances permit, an aircraft can ascertain risk of collision with another aircraft by carefully watching the successive compass bearings and angles of elevation of the other aircraft and it shall consider that risk of collision with the other aircraft exists if neither the bearing nor the angle of elevation changes appreciably and if the distance between the two aircraft diminishes.

(2) The term “ risk of collision ” includes all risk of accident due to undue proximity of other aircraft.

25. Every aircraft which is required by the rules contained in paragraphs 22, 23 and 24 of this Schedule to give way to another aircraft to avoid collision, shall keep at a safe distance, having regard to the circumstances of the case.

26. While observing the provisions relative to risk of collision contained in paragraphs 24 and 25 of this Schedule, a mechanically-driven aircraft must always manoeuvre according to the rules contained in paragraphs 27, 28, 29, 30 and 31 of this Schedule as soon as it is apparent that, if it pursued its course, it would not pass clear of another aircraft.

27. When two mechanically-driven aircraft are meeting end on or nearly end on, each shall, without prejudice to the application of the provisions of paragraph 22 of this Schedule, alter its course to the right.

28. Subject to the application of the provisions of paragraphs 22 and 35 (c) of this Schedule, when two mechanically-driven aircraft are on courses which cross, the aircraft which has the other on its own right side shall keep out of the way of the other.

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29. An aircraft overtaking another aircraft shall keep out of the way of the overtaken aircraft by altering its own course to the right, and must not pass by diving.

Every aircraft coming up with another aircraft from any direction more than 110 degrees from ahead of the latter, that is to say, in such a position with reference to the aircraft which it is overtaking that at night it would be unable to see either of that aircraft's side lights, shall be deemed to be an overtaking aircraft, and no subsequent alteration of the bearing between the two aircraft shall make the overtaking aircraft a crossing aircraft within the meaning of these rules, or relieve it of the duty of keeping clear of the overtaken aircraft until it is finally past and clear.

As by day the overtaking aircraft cannot always know with certainty whether it is forward or abaft the direction mentioned above from the other aircraft, it should, if in doubt, assume that it is an overtaking aircraft and keep out of the way.

30. Every aircraft which is obliged by the rules contained in this Schedule to keep out of the way of another aircraft shall, if the circumstances of the case admit, avoid passing over or under the other or crossing ahead of it.

31. Where by any of the rules contained in this Schedule one of two aircraft is to keep out of the way, the other shall keep its course and speed. When, however, in consequence of thick weather or any other cause, the aircraft having the right of way finds itself so close that collision cannot be avoided by the action of the giving way aircraft alone, it shall take such action as will best aid to avert collision.

32. Every aircraft in a cloud, fog, mist or other conditions of bad visibility, shall proceed with caution, having careful regard to existing circumstances.

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Every aircraft when flying beneath clouds shall always do so, so far as it is safe and practicable, at such a distance below the clouds as will enable it readily to see and be seen.

33. In order to obviate the increased risk of collision which exists on air traffic routes, the following rules shall be observed by flying machines, gliders and airships when flying on or in the vicinity of such routes :—

- (a) An aircraft when flying by compass along the straight line (rhumb line) joining two points on an air traffic route in common use shall keep such line at least 1,000 yards on its left.
- (b) An aircraft following either an officially recognised air traffic route or a route frequented by aircraft and indicated on the ground by a line of landmarks such as a road, railway, river, canal or coast line, etc., shall keep such route at least 300 yards on its left.
- (c) An aircraft shall not fly keeping on its right any of the lines or routes referred to in this paragraph except at a distance therefrom sufficient to avoid aircraft following such lines or routes in accordance with the rules contained in this paragraph.
- (d) An aircraft crossing one of the lines or routes referred to in this paragraph shall cross it at right angles as rapidly as possible.
- (e) In the case of prearranged flights in group formation, the aircraft of the leader of the group shall lead the flight in such a manner that every aircraft in the group can comply with the rules contained in this paragraph.

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34. To facilitate compliance with the rules for air traffic contained in this Schedule, the pilot of a flying machine shall, save in exceptional circumstances, be placed either in the plane of symmetry of the flying machine or on the left hand side of such plane.

SECTION IV.

Special Rules for Air Traffic on and in the Vicinity of all Aerodromes.

35. On and in the vicinity of all aerodromes :—

- (a) aircraft about to land on the aerodrome shall be given free way ;
- (b) aircraft about to take off shall not attempt to do so until there is no risk of collision with another aircraft ;
- (c) in the case of one flying machine or glider and another flying machine or glider both approaching the aerodrome for the purpose of landing, the flying machine or glider flying at the greater height shall be responsible for avoiding the flying machine or glider flying at the lower height but the latter flying machine or glider shall, if the contingency arises, comply with the provisions of paragraph 29 of this Schedule.

SECTION V.

Special Rules for Air Traffic on and in the vicinity of Aerodromes open to Public use.

General.

36.—(1) The rules contained in this Section of this Schedule shall be applied on and in the vicinity of aerodromes open to public use for flying machines.

(2) Gliders on and in the vicinity of aerodromes open to public use shall comply with the rules contained in this Section of this Schedule so far as possible.

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37. The Secretary of State or the Committee in respect of any aerodrome in Jersey which is open to public use, and the Secretary of State or the Royal Court in respect of any aerodrome in Guernsey which is so open may temporarily suspend the application of all or any of the rules contained in this Section of this Schedule. Where any such suspension is for the time being in force with respect to any aerodrome, there shall be displayed at that aerodrome the appropriate signals provided for in paragraph 15 (4) of this Schedule.

38. At land aerodromes a neutral zone, situated along the perimeter of the landing area and at the approaches to the hangars, may be set apart for flying machines manoeuvring on the ground.

Flight over or in the vicinity of the Landing Area.

39. Subject to the provisions of any special regulations in force with respect to any particular aerodrome,

- (a) a flying machine shall not fly over the landing area of an aerodrome at a lower height than 2,000 feet except when departing therefrom or landing thereat,
- (b) every flying machine flying outside a landing area at a distance of less than 2,000 yards from the nearest point of such area shall, unless it is flying at a greater height than 2,000 feet, keep the landing area on its left.

40. Flying machines shall not engage in aerial acrobatics in the vicinity of aerodromes at a distance of less than 4,000 yards from the nearest point of the perimeter of the aerodrome, unless they are flying at a greater height than 6,000 feet.

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41. When a flying machine is about to land by means of a radioelectric guide, other flying machines, in order to avoid collision, shall comply with any local regulations in force which may be applicable or, in default of any such regulations, shall fly as low as possible below the clouds.

42. No fixed balloon, kite, or moored airship shall be elevated in the vicinity of any aerodrome without permission duly given under the law of the country in which the aerodrome is situated. As respects aerodromes situated in Jersey and Guernsey such permission may be given by the Secretary of State with the concurrence, in the case of Jersey, of the Committee, and, in the case of Guernsey, of the Royal Court.

Rules to be observed for Departures and Landings.

43. If a flying machine starting from or about to land on an aerodrome makes a circuit or partial circuit, the turning shall be made clear of the landing area and shall be left-handed (anti-clockwise) so that during such circuit the landing area shall always be on its left, unless either of the signals provided for in paragraph 15 (4) (b) of this Schedule is displayed, when the turning shall be right-handed.

44.—(1) Every flying machine when taking off from or landing at an aerodrome shall do so upwind, except when the natural conditions of the aerodrome do not permit. If, however, there is a landing T as provided for in sub-paragraph (2) of paragraph 15 of this Schedule or a line of lights or lights in the form of a T as provided for in sub-paragraph (2) (d) (ii) of paragraph 16 of this Schedule, the flying machine shall take off or land in the direction indicated by the T (i.e., by following the direction of the shaft of the T towards the cross arm of the T) or by the line of lights or lights in the form of a T as the case may be.

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(2) Landing shall be preceded by a descent in a straight line, commencing at least 300 yards outside the perimeter of the landing area.

(3) Every flying machine landing at an aerodrome shall leave clear on its left any flying machine which has already landed or is already landing, or which is taking off or about to take off.

(4) Every flying machine taking off from an aerodrome shall leave clear on its left any flying machine which is already taking off.

(5) In observing the rules contained in this paragraph, every flying machine, when landing or taking off, shall leave a reasonable space on its right for other flying machines to land or take off.

(6) At an aerodrome two or more flying machines shall not take off or land simultaneously unless such simultaneous taking off or landing is pre-arranged.

(7) For the purposes of this paragraph two or more flying machines taking off or landing simultaneously by prearrangement shall be regarded as a single flying machine.

45.—(1) By way of exception, the landing area at an aerodrome may be regarded as divided into two approximately equal zones by a vertical plane orientated in the direction of departure and landing described in sub-paragraph (1) of paragraph 44 of this Schedule ; in such a case, for an observer facing in the same direction as that in which departures and landings are to be made, the zone on the right shall be reserved for landings, and the zone on the left for departures.

(2) The aerodromes to which this paragraph applies shall be indicated by the signal provided for in sub-paragraph (3) of paragraph 15 of this Schedule.

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(3) At aerodromes to which this paragraph applies a flying machine when landing shall do so in conformity with the provisions of sub-paragraphs (1) and (2) of paragraph 44 of this Schedule, as far as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other flying machine which has already landed or which is landing.

(4) At aerodromes to which this paragraph applies a flying machine when taking off shall do so in conformity with the provisions of sub-paragraph (1) of paragraph 44 of this Schedule, as far as possible to the left in the zone reserved for that purpose but leaving clear on its left any other flying machine which is already taking off.

46. At land aerodromes having a ground control no flying machine having proceeded on to the landing area with the intention of taking off shall take off until it has received permission to do so by the signal specified in sub-paragraph (1) (b) or sub-paragraph (2) (b) of paragraph 18 of this Schedule.

Rules to be observed for Manoeuvres on the Ground.

47.—(1) At every land aerodrome a flying machine moving on the ground in the landing area shall normally do so in the direction of landing. It may, however, in order to shorten its course, cross the landing area to reach its point of taking off or the boundary, provided that in the course of such movement turns are always made to the left, that it gives free way to every aircraft leaving or landing, and that it conforms to the general air traffic rules contained in paragraphs 27, 28, 29, 30 and 31 of this Schedule.

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(2) At every water aerodrome the rules for land aerodromes contained in sub-paragraph (1) of this paragraph shall apply, subject, however, to the provisions contained in paragraph 49 of this Schedule.

48. At aerodromes having a ground control, in addition to complying with the rules contained in paragraph 47 of this Schedule a flying machine shall not proceed on to the landing area until it has received permission to do so by the signal specified in sub-paragraph (1) (a) or sub-paragraph (2) (a) of paragraph 18 of this Schedule.

SECTION VI.

Rules relating to aircraft on the surface of the Water.

49. Every aircraft manoeuvring under its own power on the water shall conform to the Regulations for Preventing Collisions at Sea, and for the purposes of those Regulations shall be deemed to be a steam-vessel ;

Provided that

- (a) In conforming with the said Regulations it shall be borne in mind that steam-vessels in narrow channels are not able to manoeuvre so as to avoid collision with aircraft, and
- (b) The aircraft shall carry only the lights specified in Section 1 of this Schedule and not those prescribed for steam-vessels in the said Regulations, and shall not use, except as specified in paragraph 12 and sub-paragraph (2) (d) of paragraph 17 of this Schedule, or be deemed to hear the sound signals specified in the said Regulations.

SECTION VII.

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Miscellaneous Provisions.

50. The dropping of ballast other than fine sand or water from aircraft in the air is prohibited.

51. In conforming with the rules laid down in Sections III, IV and V of this Schedule due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render departure from the said rules necessary in order to avoid immediate danger.

52. Nothing in this Schedule shall exonerate any aircraft, or the owner, pilot or crew thereof, from the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.

53. Nothing in this Schedule shall interfere with the operation of any special rule or rules duly made and published under the law of any country relative to the navigation of aircraft in the vicinity of any aerodrome or in or over any other place in that country, and it shall be obligatory on all owners, pilots and crews of aircraft to obey any such rule or rules.

Provided that nothing herein contained shall be deemed to require compliance with any such rule or rules in so far as compliance therewith would involve the provision of supplementary equipment for lights and signals other than such lights and signals as are required by Sections I and II of this Schedule to be displayed or used.

As respects any aerodrome or other place situated in Jersey and Guernsey, any such special rule or rules as aforesaid may be prescribed by the Secretary of State, with the concurrence, in the case of Jersey, of the Committee, and, in the case of Guernsey, of the Royal Court.

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(Enregistré sur les Records le 12 mars 1938.)

The
Expiring
Laws Con-
tinuance
Act, 1937.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil endate du vingt-quatre février mil neuf cent trente-huit transmettant des exemplaires de l'Acte du Parlement suivant :—

I George VI Chapter 1, " The Expiring Laws Continuance Act, 1937 ".

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 du Parlement 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 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 mars 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of February, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

EARL OF LUCAN

LORD SOUTHBOROUGH

MR. SECRETARY ELLIOTT

SIR PHILIP SASSOON

SIR JOHN ANDERSON

MR. HUDSON

SIR CHARLES CLAUSON.

Loi relative
au Cadastre
Général de
l'Ile (1938).

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 January, 1938, in the words following viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble petition of the States of the Island of Guernsey, setting forth :—

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‘ 1. That on the 30th day of June, 1937, the States of Deliberation, after duly considering a report from their Committee relating to the General Cadastre of the Island, passed a resolution requesting the Royal Court to prepare a Bill or *Projet de Loi* for the purpose of facilitating the compilation and rectification of the Cadastre : 2. That on the 13th day of November, 1937, the Royal Court, in accordance with the aforesaid resolution of the States, adopted a Bill or *Projet de Loi* intituled “*Loi relative au Cadastre Général de l’Ile (1938)*,” and requested the Bailiff to submit the same to the States for their approval : 3. That on the 3rd day of December, 1937, 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 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 might be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled “*Loi relative au Cadastre Général de l’Ile (1938)*,” and to order and direct that the same should have the force of Law in the Island of Guernsey.’

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

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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 CADASTRE GÉNÉRAL
DE L'ILE (1938).

VU les délibérations des Etats en date du 30 juin, 1937 :

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 :—

* Repealed by the Cadastre Law, 1947.

PART I.—GENERAL PROVISIONS.

Article.

1. Interpretation.
2. Preparation of New Cadastre.
3. Composition of the States Cadastre Committee.
4. Particulars to appear in Cadastre.

PART II.—COMPILATION OF INFORMATION FOR PREPARATION OR RECTIFICATION OF CADASTRE.

5. Power to enter upon property for survey and valuation.
6. Declarations by owners and others.
7. Rectification of Cadastre.
8. Notification of changes in and additions to property and of changes in use of property.
9. Notification of changes of ownership.
10. Penalties.
11. Cost of Cadastre.

PART III.—VALUATION.

12. Rules for Valuation to be enacted by Ordinance.

PART IV.—EXHIBITION AND APPEALS.

13. Exhibition of Cadastre.
14. Appeals.

PART V.—MISCELLANEOUS.

15. Commencement.
16. Amendment of Parochial Taxation Law of 1923.
17. Repeals.
18. Power to Royal Court to pass Ordinances.
19. Apportionment of Fines.
20. Short Title.

Schedules.

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Part I.—General Provisions.**ARTICLE I.—INTERPRETATION.**

In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely :—

“ Law of 1919 ” means the “ Loi relative au Cadastre Général de l’Ile ” approved by Order in Council on the 29th October, 1919, and registered on the Records of the Island on the 15th November, 1919.

“ Property ” and “ real property ” shall have the same meaning, that is to say :—

Lands, houses and other buildings and erections and such other physical things as, by their nature or by reason of the purpose for which they are used or intended to be used, or otherwise, are by the laws and customs of this Island deemed to be real property and shall include all houses, buildings, erections and other physical things which, but for the severance of the ownership thereof from the ownership of the site whereon or wherein the same are, would be, or be deemed to be, real property.

Provided that nothing contained in this definition shall authorise the entering in the Cadastre of the name of any person as the owner, usufructuary, or occupier of any property of which that person is not the owner or usufructuary or the occupier or person entitled to occupy the same, as the case may be.

“ Valuation ” means the capital or annual rental value or both the capital and annual rental value of property as determined by the Committee in pursuance of this Law.

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

ARTICLE 2.—PREPARATION OF NEW
CADASTRE.1938

(1) As soon as may be after the commencement of this Law, the States Cadastre Committee (hereinafter styled "the Committee") shall prepare a Cadastre in accordance with the provisions of this Law.

(2) Until such date as the Cadastre prepared under the provisions of this Law is declared by Ordinance of the Royal Court to be thenceforth in force, the Cadastre in force shall be that prepared and from time to time rectified in accordance with the provisions of the Law of 1919.

ARTICLE 3.—COMPOSITION OF THE
STATES CADASTRE COMMITTEE.

(1) The Committee shall consist of nine members, viz :—

A Jurat of the Royal Court ;

The Rector of one of the Parishes of this Island ;

One Member for the Parish of St. Peter Port ;

One Member for the Parishes of St. Sampson, the Vale and the Castel ;

One Member for the Parishes of St. Saviour, St. Peter in the Wood and Torteval ;

One Member for the Parishes of St. Martin, the Forest and St. Andrew ;

Two States' Deputies ;

The States Supervisor.

(2) Subject to the provisions of section (5) of this Article, all Members of the Committee except the States Supervisor shall be elected to the Committee by the States and, of such elected members, two shall retire at the end of each calendar year but shall be eligible for re-election.

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(3) The States Supervisor shall be a permanent member ex-officio of the Committee.

(4) The two elected members to retire at the end of a calendar year shall be :—

The Jurat and the Member for the Parish of St. Peter Port : or

The Member for the Parishes of St. Sampson, the Vale and the Castel and the Member for the Parishes of St. Saviour, St. Peter in the Wood and Torteval : or

The Rector and a States' Deputy : or

The Member for the Parishes of St. Martin, the Forest and St. Andrew and the other States' Deputy.

(5) The first members of the Committee shall be the members of the Cadastre Committee in existence under the Law of 1919 who are in office at the commencement of this Law.

(6) The order of retirement of the elected Members of the Committee shall continue in accordance with the rotation of retirements established under the Law of 1919 as regards the Cadastre Committee in existence thereunder and that Committee and the Committee constituted under this Law shall henceforth constitute one and the same Committee.

ARTICLE 4.—PARTICULARS TO APPEAR IN CADASTRE.

(1) The Cadastre shall state :—

- (i) the designation or description of each property ;
- (ii) the name and address of the owner, usufructuary and occupier thereof ;
- (iii) the area of land included therein and the purpose or purposes for which the same is used ;
- (iv) the capital value of the land calculated in sterling ;

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(v) the number of buildings on the land and the designation or description of each such building and the purpose for which it is used ;

(vi) the capital value of each such building, calculated in sterling ;

(vii) the annual rental value of the property ;

and may contain such other relevant particulars as to the Committee may seem expedient.

(2) Unless the contrary is apparent the area of any property shall be taken to be that which is shewn in respect thereof on the Ordnance Survey Map of the Island.

Part II.—Compilation of Information for Preparation or Rectification of Cadastre.

ARTICLE 5.—POWER TO ENTER UPON PROPERTY FOR SURVEY AND VALUATION.

(a) Any member or members of the Committee ;
and

(b) any States officer, surveyor, workman and any other person duly authorised in writing under the hand of the States Supervisor ;

may from time to time at all reasonable times in the day enter upon and into any property for the purpose of surveying and valuing the said property for the purposes of the preparation of the Cadastre in pursuance of this Law without being deemed trespassers and without being subject or liable to any fine, penalty or punishment on account of entering or continuing upon any part of the said property.

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**ARTICLE 6.—DECLARATIONS BY OWNERS
AND OTHERS.**

Every owner of a property, the curator bonis, guardian, attorney or agent of any owner of a property, and every usufructuary or saisi of a property shall within seven days after being required so to do by or on behalf of the Committee send to the Committee a declaration in writing signed by him and stating :—

- (i) the designation or description of that property ;
- (ii) the name and address of the owner of that property ;
- (iii) the name and address of the occupier thereof ;
- (iv) the area of the land comprised therein and the purpose or purposes for which the same is used ;
- (v) the number of buildings forming part of that property and the designation or description and dimensions of each such building and the purpose for which the same is used ;
- (vi) the designation or description of any other physical things situate on or in that property which, either by their nature or by reason of the purpose for which they are used or intended to be used, or otherwise, are by the laws and customs of this Island, including this Law, deemed to be real property ;
- (vii) any other information which the Committee may deem necessary for the compilation or rectification of the Cadastre.

**ARTICLE 7.—RECTIFICATION OF
CADASTRE.**

The new Cadastre shall be rectified at least once in each calendar year and so much oftener, either wholly or in part, as the Committee may from time to time deem necessary.

ARTICLE 8.—NOTIFICATION OF CHANGES
IN AND ADDITIONS TO PROPERTY AND
OF CHANGES IN USE OF PROPERTY.

Every owner of a property, the curator bonis, guardian, attorney or agent of any owner of a property, and every usufructuary or saisi of a property shall, not later than the thirty-first day of December in every year, send to the Committee particulars of all changes in and additions to the property and in the purposes for which the property is used made during the calendar year ending on that day.

ARTICLE 9.—NOTIFICATION OF CHANGES
OF OWNERSHIP.

(1) When the ownership or usufruct of a property is transferred between living parties, the transferee or his agent shall within fifteen days from the registration of the conveyance or other instrument effecting the transfer furnish to the Committee information as follows :—

- (i) the name and address of the transferee ;
- (ii) the designation and description of the property transferred and in the case of a subdivision of land the area of the part transferred.

(2) When property passes on the death of the owner, then, save as is otherwise provided in paragraphs (3) and (4) of this Article, every person who thereby becomes an owner or usufructuary of the whole or any part thereof shall, within one month of the former owner's death, notify the Committee of his name and address and furnish the Committee with the designation or description of the property to the ownership or usufruct of which he has become entitled.

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(3) In the case of a partage the person to whom the first lot has fallen shall within fifteen days after the registration of the partage furnish to the Committee information as follows :—

- (i) the names and addresses of each co-partageant ;
- (ii) the designation and description of the property vested in each co-partageant (including the préciput) and in the case of the sub-division of a property the area of each part into which land included in the property is subdivided.

(4) The person at whose instance the registration of the Will of Guernsey realty of a deceased person has been effected shall within fifteen days after the registration of the Will furnish to the Committee a summary of the Will containing the information, as regards each devisee having an interest under such Will, which a transferee is required to furnish under paragraph (1) of this Article.

(5) In the case of a saisie the person to whom ownership of the saisie property or part thereof has been adjudged (saisi propriétaire) shall within fifteen days after the date of the Act of Court adjudging to him that ownership furnish to the Committee the information which a transferee is required to furnish under paragraph (1) of this Article.

ARTICLE 10.—PENALTIES.

Any person failing to furnish to the Committee within the time hereinbefore specified the information which he is required under this Part of this Law to furnish shall be liable on conviction to a fine at the discretion of the Court not exceeding One Pound sterling.

ARTICLE 11.—COST OF CADASTRE.

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One-half of the cost of the preparation of the new Cadastre and of the rectification thereof under the provisions of this Law shall be met out of States funds and the remainder shall be met out of parochial funds to be provided by the several parishes in proportion to their respective rateable values.

Part III.—Valuation.ARTICLE 12.—RULES FOR VALUATION
TO BE ENACTED BY ORDINANCE.

The capital value and the annual rental value in sterling of every property for the purposes of the new Cadastre shall be determined under the direction of the Committee in accordance with Rules approved by the States and enacted by Ordinance of the Royal Court and such values so determined shall be entered in the new Cadastre.

Part IV.—Exhibition and Appeals.

ARTICLE 13.—EXHIBITION OF CADASTRE.

(1) The Committee shall cause the new Cadastre, with any rectifications which may have been made therein in pursuance of this Law, to be exhibited at the States Offices on such twelve consecutive working days in each calendar year as shall be appointed by the Committee and during such hours on the days so appointed as shall be decided by the Committee and on those days and during those hours any person claiming to be the proprietor, usufructuary or occupier of any property whose description appears in the Cadastre shall be entitled without charge to inspect and take notes of the particulars concerning that property which appear in the Cadastre.

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(2) The States Supervisor shall in each calendar year give previous notice on at least three occasions in *La Gazette Officielle* of the exhibition of the Cadastre and of the dates and hours during which, in that calendar year, such exhibition will take place.

(3) During the period of the exhibition of the Cadastre in any calendar year and during the five days next following the last date of the exhibition thereof the proprietor, usufructuary or occupier of any property of which particulars appear in the Cadastre may notify the Committee of any incorrectness in the Cadastre concerning that property whereby he is prejudiced. Any such notification shall be in writing upon a Form provided by the Committee.

(4) Upon the receipt of any such notification as is referred to in paragraph (3) of this Article, the Committee shall consider whether or not there are grounds for the rectification of the alleged incorrectness referred to in such notification and upon the Committee being satisfied that such grounds exist the Cadastre shall be rectified accordingly. The decision of the Committee in regard to the subject matter of any such notification shall be forthwith communicated in writing to the person from whom the notification was received.

(5) Any person who shall fail within the period prescribed in paragraph (3) of this Article to give the notification referred to in that paragraph shall, until the next exhibition of the Cadastre, be disentitled to require the rectification of any incorrectness alleged by that person to exist in the Cadastre.

ARTICLE 14.—APPEALS.

Any person who is aggrieved by the decision of the Committee in relation to a notification sent by that person under the provisions of paragraph (3)

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of Article 13 of this Law may by way of appeal therefrom, take proceedings against the President of the Committee in the Royal Court sitting as an Ordinary Court with a view to the rectification of the Cadastre in accordance with the contention of that person and the Court after hearing the appellant and any evidence properly adduced by or on behalf of the Committee may vary or confirm the entry in the Cadastre to which the contention relates or may remit the same to the Committee for reconsideration as it thinks fit. Any such proceedings by way of appeal shall be commenced within the ten days next following the receipt by the appellant of the decision of the Committee appealed from. The decision of the Ordinary Court in the matter shall be final and conclusive.

Part V.—Miscellaneous.

ARTICLE 15.—COMMENCEMENT.

(1) The provisions of this Law specified in the first column of the First Schedule to this Law shall come into operation on the date of the registration of this Law upon the Records of this Island.

(2) The provisions of this Law specified in the second column of that Schedule shall come into operation on such date as shall be appointed by Ordinance of the Royal Court.

ARTICLE 16.—AMENDMENT OF PAROCHIAL TAXATION LAW OF 1923.

In paragraph (h) of Article III. of the “Loi supplémentaire à la Loi relative à la Taxation Paroissiale (1923)” sanctioned by Order in Council of the 24th July, 1925, and registered on the Records of this Island on the 13th August, 1925, for the words

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“ sous le contrôle du Conseil Administratif des Etats ” there shall be substituted the words “ qui sont occupés par les Etats ”.

ARTICLE 17.—REPEALS.

(1) The Laws referred to in the first column of the Second Schedule to this Law shall be repealed to the extent stated in the second column and at the times stated in the third column of that Schedule.

Provided that such repeal shall not affect :—

- (a) any such claim for the rectification of the Cadastre prepared under the Law of 1919 as is undetermined at the time of such repeal:
- (b) any liability to the States or Parochial Taxation which relates to the Cadastre in being under the Law of 1919 as is unsatisfied at the time of such repeal :
- (c) any penalty incurred in respect of a breach of any of the provisions of the Law of 1919 :
- (d) any legal proceedings in respect of any such claim, liability or penalty :

and any such legal proceedings may be instituted, continued or enforced and any such penalty may be imposed as if the Law of 1919 had not been repealed.

ARTICLE 18.—POWER TO ROYAL COURT TO PASS ORDINANCES.

The Royal Court is authorised to pass such Ordinances as it may deem necessary for giving effect to this Law.

ARTICLE 19.—APPORTIONMENT OF
FINES.

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All fines recovered in virtue of this Law shall be allocated as to one half to the Crown and as to the remainder to the States.

ARTICLE 20.—SHORT TITLE.

This Law may be cited as the Cadastre Law, 1938.

FIRST SCHEDULE.

Provisions of the Cadastre Law, 1938, which are to come into operation on the date of registration of that Law on the Records of this Island.

Articles 1 to 6 inclusive.
Articles 8 to 12 inclusive.
Articles 15 to 20 inclusive.

Provisions of the Cadastre Law, 1938, which are to come into operation on a date to be appointed by Ordinance of the Royal Court.

Article 7.
Articles 13 and 14.

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SECOND SCHEDULE. REPEALS.

LAW.	EXTENT OF REPEAL.	TIME OF REPEAL.
Loi portant modification à la Loi relative au Cadastre Général de l'Ile, registered on the Records of this Island on the 27th September, 1918.	The whole Law.	On the date of the registration on the Records of this Island of the Cadastre Law, 1938.
Loi relative au Cadastre Général de l'Ile, registered on the Records of this Island on the 15th November, 1919.	Articles 13 and 14. Articles 1 to 12 inclusive. and Articles 15 to 20 inclusive.	The same date. On such date as shall be appointed by Ordinance of the Royal Court.
Loi pour l'Entretien des Rues de la Paroisse de St. Pierre Port et la reconstitution du Comité des Voies Publiques de l'Ile, registered on the Records of this Island on the 13th December, 1919.	Article 4 (which relates to the payment of road tax on a frontage basis in certain cases)	On such date as shall be appointed by Ordinance of the Royal Court.

*(Enregistré sur les Records le 26 mars 1938.)*1938

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of February, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR

SIR ALEXANDER HARDINGE

LORD PRESIDENT

MR. CHANCELLOR OF THE EXCHEQUER.

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 February, 1938, in the words following, viz :—

Loi relative
à la
Protection
des
Monuments
de l'Ile.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

‘ 1. That on the 30th day of June, 1937, the States of Deliberation, on the recommendation of their Committee for the protection of the Ancient Monuments of the Island, resolved (a) that all Martello Towers, Coastal Batteries and Magazines belonging to the States be scheduled as Ancient Monuments, and (b) that no alteration be made to any Martello Tower, Battery or Magazine so as to weaken its structure or change its exterior appearance, except by permission of the Ancient Monuments Committee ; and the Royal Court was requested to prepare a Bill or “Projet de Loi,” in order to give effect to the resolution of the States on the subject. 2. That arising out of the aforesaid resolution, the Royal Court on the 11th day of December, 1937, adopted a Bill or “Projet de Loi” intituled “Loi relative à la Protection des Monuments de l'Ile,” and requested the Bailiff to submit the same to the States for approval. 3. That on the 29th day of December, 1937, the said

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Bill or "Projet de Loi" was duly considered by the States, when a resolution was passed approving the same and authorizing 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 might 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 Protection des Monuments de l'Ile," 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.

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M. P. A. HANKEY.

PROJET DE LOI referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI RELATIVE À LA PROTECTION DES MONUMENTS DE L'ILE

VU la Délibération des Etats en date du 30 juin 1937 :

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.—The Royal Court is hereby authorised from time to time by Ordinance to direct as regards any building, structure or other object, whether natural or artificial, or as regards the remains of any such building, structure or object, whether in public or private ownership, (being a building, structure, object or remains referred to in such Ordinance or in a Schedule thereto) of which the preservation has, by Resolution of the States, been declared to be of public interest, by reason of the historic, traditional, archaeological, or other interest attaching thereto, that such building, structure, object or remains shall thenceforth be a monument subject to the provisions of this Law.

Royal Court authorised to direct that buildings, etc., shall be monuments.

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Demolition,
etc., of
monuments.

2.—(a) As regards any building, structure, object or remains so directed by the Royal Court to be a monument subject to the provisions of this Law, it shall be an offence, save with the written authority of the States Ancient Monuments Committee (hereinafter called “ the Committee ”) previously obtained to demolish or efface or to effect any alteration or addition to, or change in the appearance of, any part thereof or to aid, abet or procure the carrying out of such demolition, effacement, alteration, addition or change of appearance.

(b) Any person aggrieved by the refusal of the Committee to authorise the demolition, effacement or alteration of a monument which is subject to the provisions of this Law or to authorise an addition thereto or a change in the appearance thereof shall be entitled, within the ninety days next following the date of the communication to him of such refusal, to appeal by way of petition to the Royal Court sitting as a Full Court against such refusal and thereupon, if in the opinion of the Court there were insufficient grounds for such refusal, the Court may direct the Committee to authorise such demolition, effacement, alteration, addition or change of appearance, or some part thereof. No appeal shall lie from the decision of the Court.

Penalties.

3.—If any person shall be guilty of an offence under this Law, such person shall be liable upon conviction to a fine not exceeding One hundred Pounds and, upon any such conviction, the Court may order that the monument to which the offence relates shall be restored, as nearly as may be, to the condition in which it was before the demolition, effacement, alteration, addition or change of appearance was begun and may direct that the restoration shall be effected under the supervision of the Committee at the expense of the proprietor of the monument or of any other person or persons by whom or at whose in-

stance the demolition, effacement, alteration, addition or change of appearance was effected or begun or at the joint expense of such proprietor and such other person or persons.

4.—It shall be the duty of the Committee to publish in “ La Gazette Officielle ” once in every calendar year a list of the buildings, structures, objects and remains directed up to the date of such publication to be monuments subject to the provisions of this Law, setting forth the situation thereof and accompanied by a notice to the effect that the demolition, effacement or alteration thereof or any addition thereto or change of appearance thereof without the written sanction of the Committee is prohibited.

Publication
of lists of
monuments.

5.—Notwithstanding anything contained in this Law, no building, structure, object or remains in the ownership or occupation of any Department of the Crown shall, without the previous written consent of that Department, be directed to be a monument subject to the provisions of this Law.

Buildings,
etc., in
ownership
or occupa-
tion of
Department
of the
Crown.

(Enregistré sur les Records le 26 mars 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of February, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR

SIR ALEXANDER HARDINGE

LORD PRESIDENT

MR. CHANCELLOR OF THE EXCHEQUER.

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 February, 1938, in the words following, viz :—

Loi ayant
rapport à la
Confection
de Nouvelles
Cartes de
cette Ile.

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

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' 1. That for the reasons set forth in the preamble thereto, the Royal Court on the 13th day of November, 1937, adopted a Bill or "Projet de Loi" intituled "Loi ayant rapport à la Confection de Nouvelles Cartes de cette Ile," and requested the Bailiff to submit the same to the States of Deliberation for their approval. 2. That on the 3rd day of December, 1937, the said Bill or "Projet de Loi" was duly considered by the States, when a resolution was passed approving the same and authorizing 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 might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey intituled "Loi ayant rapport à la Confection de Nouvelles Cartes de cette Ile," and to order and direct that the same shall have the force of Law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

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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.

PROJET DE LOI referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI AYANT RAPPORT À LA CONFECTION DE NOUVELLES CARTES DE CETTE ILE.

ATTENDU que les Etats à leur assemblée du 29 octobre 1937, ont approuvé la confection de nouvelles cartes de cette Ile et ont voté les deniers nécessaires pour subvenir au coût d'icelle.

ATTENDU que les dits Etats ont fait des arrangements avec le Gouvernement de Sa Majesté pour que les dites cartes soient dressées par l'anglicé " Ordnance Survey Department ".

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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Officiers et employés du " Ordnance Survey Department " autorisés à entrer sur propriétés, etc.

1.—Il est permis aux Officiers et employés de l'anglicé " Ordnance Survey Department " portant une ou des autorisations à l'effet souscrites par le Superviseur des Etats d'entrer sur et de parcourir toute propriété quelconque (les maisons exceptées) afin de faire le lever de plans et l'arpentage de cette Ile, comme aussi d'y planter des bornes, piquets et poteaux, et de fixer ou placer sur les arbres, murailles, murs et fossés de telle propriété des marques, plaques et autres objets pour servir de bornes, pourvu toutefois que le moindre dommage possible sera fait à la dite propriété dans l'exécution de ce travail. Tels officiers et employés se trouvant sur une propriété quelconque seront tenus respectivement d'exhiber telles autorisations en tous temps raisonnables lorsque requis au propriétaire ou à l'occupant de telle propriété, faute de quoi il ne leur sera permis d'y rester.

Conseil Administratif, etc. autorisé à entrer sur propriétés, etc.

2.—Il est pareillement permis au Conseil Administratif des Etats et à tout officier et employé des Etats qui sera autorisé par écrit souscrit par le Superviseur des Etats, en exhibant, lorsque requis, au propriétaire ou à l'occupant son mandat d'autorité, d'entrer sur et de parcourir toute propriété quelconque (les maisons exceptées) afin de constater, vérifier ou fixer les bornes des paroisses, cantons, fiefs et districts dans les paroisses respectives.

Compensation.

3.—(a) Il sera payé par les Etats de cette Ile au propriétaire ou à l'occupant une compensation juste et raisonnable pour le dommage qui lui aura été causé par les Officiers et les employés de l'Ordnance Survey Department ou des Etats, laquelle compensation sera fixée par les Douzeniers de la paroisse où est située la propriété endommagée.

(b) Toute demande en compensation sera par écrit et devra être livrée dans les trois jours qui suivront la commission du dommage allégué, tant

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au Doyen de la Douzaine qu'au Superviseur des Etats. Le Doyen avertira les Douzeniers et les parties respectives de comparaître sur le lieu dans la huitaine qui suivra la demande en compensation afin d'en ordonner. Les dits Douzeniers, après l'audition des parties, feront de suite notifier leur décision aux parties, auxquelles il sera respectivement loisible dans les dix jours qui suivront la notification de la décision d'en appeler devant la Cour Ordinaire dont la sentence sera finale, après l'audition des parties et de leurs témoins s'il y en a.

4.—Toute personne mettant empêchement ou obstacle soit à aucun des Officiers et employés de l'Ordnance Survey Department ou des Etats, soit au Conseil Administratif des Etats, dans l'exécution de leur devoir aux fins de cette Loi, sera passible d'une amende à discrétion de Justice qui ne sera pas moins de deux livres sterling et n'excédera pas dix livres sterling. Sera aussi passible d'une pareille amende celui qui sans être dûment autorisé à ce faire, ôte, retire, déplace ou change de position des bornes, piquets, poteaux, marques, plaques ou autres objets qui auront été plantés, fixés ou placés par ou pour l'Ordnance Survey Department ou le dit Conseil Administratif des Etats. Penalités.

5.—Les amendes seront applicables moitié à Sa Majesté et moitié aux Etats. Amendes.

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(Enregistré sur les Records le 7 mai 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 1st day of April, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

LORD PORTER

EARL OF PLYMOUTH

SIR JOHN GILMOUR

MR. BURGIN.

Loi qui
autorise
l'Expropria-
tion Forcée
pour cause
l'utilité
publique
(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 22nd day of March, 1938, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Alfred Charles Tourgis, Lieutenant Judge and Acting President of the States of the Island of Alderney setting forth :—

‘ That on the 22nd day of April, 1910, His Royal Highness the Prince of Wales in His Majesty's absence from the Realm in Foreign Parts was pleased to approve and ratify a certain Law intituled “ Loi d'expropriation forcée ” to be in force in the Island of Alderney for a period of ten years from the date of registration of the Order in Council ratifying the same on the Records of the said Island. That the said Law expired on the 14th day of May, 1920, since which date there had been no Law of Compulsory Expropriation in force in the Island. That at a Meeting of the States of Alderney holden on the 12th day of March, 1936, the States took into consideration the Projet de Loi intituled “ Loi relative à l'Expropriation forcée pour cause d'Utilité Publique ” and were of opinion with certain slight amend-

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ments to adopt the same. That at a Meeting of the States of Alderney holden before the Petitioner on the 10th day of November, 1937, the States took into consideration certain amendments to the said Projet and were of opinion to approve the same, and to order that the said amendments should form part of said Projet de Loi, 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 to the said Projet thus amended 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 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.

Projet de Loi referred to in the foregoing
Order in Council.

LOI QUI AUTORISE L'EXPROPRIATION
FORCÉE POUR CAUSE D'UTILITÉ
PUBLIQUE.

ARTICLE PRÉLIMINAIRE.

1.—Les articles qui suivent formeront la loi sur l'Expropriation Forcée dans l'Ile d'Auregny; tant dans les cas où le Gouvernement de Sa Majesté aurait besoin d'acquérir de la propriété particulière pour aucune raison militaire que dans les cas où de la propriété particulière serait requise pour toute autre cause d'Utilité Publique et seront applicables tant aux cas où l'on aurait besoin du fonds même qu'à ceux où l'on aurait besoin d'établir une servitude quelconque sur une propriété particulière soit pour aucune raison militaire soit pour toute autre cause d'Utilité Publique.

CHAPITRE I.

DE L'EXPROPRIATION POUR CAUSE DE
LA DÉFENSE MILITAIRE DE L'ILE.

2.—Lorsque le Gouvernement de Sa Majesté aura besoin d'une propriété particulière pour aucune raison militaire, le Procureur du Roi fera servir sur le propriétaire une signification par écrit

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contenant la désignation de la propriété requise et invitant le propriétaire à lui communiquer, dans le délai de quinze jours, le prix qu'il en demande, calculé en quartiers de froment de rente payables en argent à raison d'une livre sterling par quartier.

3.—A l'expiration du susdit délai de quinze jours, si le propriétaire a refusé ou négligé de communiquer par écrit au Procureur du Roi le prix qu'il demande pour la propriété, ou si le prix est jugé excessif par le Procureur du Roi, il pourra faire servir une signification par écrit au dit propriétaire, lui offrant tel prix qu'il jugera convenable, avec intimation que s'il ne l'accepte point, et ne passe pas contrat dans le délai de quinze jours, il procédera à le faire exproprier dans les formes prescrites par la présente loi.

4.—A l'expiration du délai prescrit par l'article précédent, si les parties ne sont pas convenues sur le prix, le Procureur du Roi pourra ajourner le propriétaire devant la Cour du Quartier à le voir obtenir un acte autorisant le Prévôt du Roi à appeler des Experts pour évaluer la propriété, lequel dit acte lui sera octroyé sur la présentation d'un certificat signé de Son Excellence le Lieutenant-Gouverneur ou du Commandant-en-Chef, constatant que la dite propriété est requise par le Gouvernement de Sa Majesté pour une raison militaire.

5.—Après cet acte obtenu, le Procureur du Roi le fera publier par deux Samedis consécutifs dans la ville de cette Ile, et le fera afficher par deux Dimanches consécutifs dans le cadre de l'église de la paroisse.

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CHAPITRE II.

DE L'EXPROPRIATION POUR AUTRES
CAUSES D'UTILITÉ PUBLIQUE.

6.—L'Expropriation pour toute cause d'Utilité Publique n'ayant pas une raison militaire peut être demandée tant par le Gouvernement de Sa Majesté que par les Etats.

7.—La Partie Publique fera servir sur le Propriétaire une signification par écrit, contenant la designation de la propriété requise, et invitant le propriétaire à lui communiquer, dans le délai de quinze jours, le prix qu'il en demande, calculé en quartiers de froment de rente payables en argent à raison d'une livre sterling par quartier.

8.—Si le propriétaire ne communique pas de prix dans le délai fixé par l'article précédent, ou si le prix qu'il demande est jugé excessif par la Partie Publique, elle lui fera servir une signification par écrit, lui offrant tel prix qu'elle jugera convenable, avec intimation que s'il ne l'accepte point dans quinze jours, elle s'adressera à la Cour pour permission de l'exproprier de la dite propriété.

9.—Si le délai de quinze jours prescrit par l'article 8 est expiré sans que les parties sont tombées d'accord, la Partie Publique ajournera le propriétaire à la voir présenter une requête à la Cour en Corps la suppliant d'autoriser l'expropriation demandée.

10.—La requête de la Partie Publique contiendra—

- (1) La désignation des lieux ;
- (2) La spécification des motifs d'Utilité Publique sur lesquels la demande est basée.

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La requête, après qu'elle aura été communiquée à M. le Juge, sera déposée au Greffe huit jours pour le moins avant d'être présentée à la Cour.

11.—La Cour ne procédera à faire droit sur la requête qu'après que la Partie Publique aura inséré par deux Samedis consécutifs dans le Cadre autorisé pour les annonces judiciaires, une publication notifiant le jour qu'elle se propose de la présenter à la Cour, avec intimation que la dite requête sera logée au Greffe pour les huit jours précédents.

12.—Dans les cas où une demande en expropriation forcée est faite à l'instance des Etats la Cour ne procédera à faire droit sur la requête qu'après la production à la Cour d'un certificat du Procureur du Roi de l'Ile de Guernesey à l'effet qu'il s'est satisfait que les motifs d'utilité publique spécifiés dans la requête sont justifiés par les faits.

13.—La Cour en Corps, en faisant droit sur la dite requête, statuera sur la demande de la Partie Publique, après avoir entendu, tant le propriétaire et les tiers intéressés, s'ils se présentent, que les conclusions du Procureur du Roi. La sentence de la Cour sera finale et il n'y aura ni doléance ni appel.

14.—Si la Cour autorise l'expropriation demandée, il sera par le même acte ordonné que le Prévôt du Roi appellera des experts pour procéder à l'évaluation de la propriété demandée.

CHAPITRE III.

DE LA NOMINATION DES EXPERTS.

15.—L'acte de la Cour autorisant une expertise sera livré au Prévôt du Roi par la Partie Publique dans les trois jours de sa date.

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16.—La Partie Publique ajournera le propriétaire à comparaître devant la Cour du Quartier le second Samedi après la date du dit acte, pour faire choix d'experts pour évaluer la dite propriété.

17.—Lors de l'évocation de la cause, le Prévôt du Roi présentera à la Cour une liste contenant le nom de douze prud'hommes, (choisis de parmi les contribuables de cette Ile dont la propriété est évaluée à ou audessus de vingt quartiers de froment de rente) bien entendu que pendant les deux jours précédents, la Partie Publique et le propriétaire en s'adressant au Prévôt du Roi pourront obtenir copie de la dite liste.

18.—Si le propriétaire comparait devant la Cour le jour pour lequel il aura été ajourné par la Partie Publique, pour faire choix d'experts, il aura la faculté de retrancher trois des noms contenus dans la liste des prud'hommes, et la Partie Publique en retranchera deux, et cela alternativement, un nom à la fois, le propriétaire commençant ; et si le propriétaire ne comparait point, ou s'il ne retranche pas les dits trois noms, les noms nécessaires pour retrancher le nombre de trois seront tirés au sort par le Greffier du Roi.

19.—Les sept prud'hommes dont les noms resteront seront faits convenir devant la Cour par la Partie Publique, et dans la présence du propriétaire, s'il paraît, ou dans son absence, s'il a été dûment ajourné, leurs noms seront tous tirés au sort par le Greffier du Roi, et les cinq dont les noms sortiront les premiers, s'ils ne sont exemptés de servir par la Cour pour raison valable, seront assermentés Experts par la Cour, et si l'un ou quelques-uns des dits cinq sont exemptés de servir, ils seront remplacés par les autres, dans l'ordre où leurs noms auront été tirés.

CHAPITRE IV.

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DE L'EXPERTISE.

20.—La Partie Publique, en communiquant au Prévôt du Roi l'acte portant le sermentement des experts, le requerra de fixer un jour et heure dans les quinze jours en suivants pour procéder à l'évaluation de la propriété demandée, de quoi le dit Prévôt fera son rapport par écrit. On procédera à la dite évaluation d'après les règles ci-après énumérées.

21.—Le propriétaire sera ajourné à comparaître sur le lieu, à l'instance de la Partie Publique, au jour et à l'heure fixés par le Prévôt du Roi, et les cinq experts le seront également. Et seront les ajours servis trois jours avant le dit jour.

22.—Dans le cas où il y aurait des tiers intéressés, à titre d'usufruitier ou de locataire, le propriétaire sera tenu de les appeler à l'expertise pour concourir, en ce qui les concerne, aux opérations y relatives, sinon il restera seul chargé envers eux des dommages et intérêts que ces derniers pourraient réclamer. Les indemnités des tiers intéressés ainsi appelés ou intervenants seront réglées en la même forme que celles dûes au propriétaire.

23.—Tout expert, dûment ajourné, sera tenu de comparaître au lieu, au jour et à l'heure indiqués dans l'ajour, et d'agir aux fins de la présente loi s'il n'est absent de l'Ile, exoiné par maladie ou empêché par quelque autre cause légitime qui l'excuserait de paraître devant Justice ; et, sur son défaut ou refus d'agir, il sera passible d'une amende d'une livre sterling pour la première fois, et pour chaque défaut ou refus subséquent, il sera passible de tous les frais qui auront été occasionnés par son défaut ou refus.

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24.—L'expertise se fera devant le Prévôt du Roi et en présence des parties à moins que le propriétaire, ayant été dûment ajourné, ne se présente point ; alors l'expertise aura lieu, nonobstant l'absence du propriétaire.

25.—Avant de procéder à l'expertise, il sera fait choix d'un des experts pour être chef. Le choix se fera par les experts, si mieux n'aiment qu'il soit désigné par le sort.

26.—Les experts examineront la propriété à évaluer, et entendront les parties, afin de fixer la valeur de l'indemnité. Toute question sera décidée au dire de la majorité absolue des experts, qui auront la faculté de délibérer en particulier.

27.—L'évaluation des dits Experts sera fixée de la date de la signification par écrit au propriétaire, soit de la part du Procureur du Roi, soit de la part de la Partie Publique, en conformité avec les Articles 2 et 7 de cette Loi. En faisant l'évaluation de la propriété les Experts prendront en considération :

1. Sa valeur marchande.

2. La dépréciation que pourra souffrir le restant de la propriété par le morcellement d'icelle.

3. Les dommages intérêts qui pourront résulter de l'expropriation soit au propriétaire, soit à des tiers intéressés.

4. Le dommage souffert par la perte des récoltes sur pied, et des arbres, arbustes et arbrisseaux.

5. Le dommage causé par suite de l'acquisition de la propriété expropriée au restant de la propriété tant mobilière qu'immobilière du propriétaire et à ses gains.

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6. Les dépenses raisonnables encourues de bonne foi, si par suite de l'expropriation le propriétaire ou un tiers intéressé est obligé de déménager ou changer son lieu d'affaires.

En addition à la valeur marchande de la propriété expropriée, les Experts accorderont une somme qui ne sera pas moins de quinze pour cent et qui n'excédera pas vingt-cinq pour cent en considération de la nature compulsoire de l'acquisition. Le procès-verbal de l'expertise spécifiera la nature des dommages et la somme accordée pour chaque item.

28.—En faisant l'évaluation les Experts ne prendront pas en considération :

1. Le degré d'urgence qui a donné lieu à l'acquisition de la propriété expropriée ;

2. Aucune répugnance du propriétaire à se défaire de la propriété expropriée ;

3. Aucuns dommages soufferts, lesquels ne donneraient pas lieu à une action pour le recouvrement de dommages-intérêts, si tels dommages avaient été causés par un particulier ;

4. Aucune augmentation à la valeur de la propriété expropriée, qu'il y a raison de croire accroitra par suite de l'emploi auquel la dite propriété est destinée ;

5. Aucune augmentation à la valeur du restant non-exproprié de la propriété qu'il y a raison de croire accroitra par suite de l'emploi auquel la partie expropriée est destinée.

29.—L'indeminté due pour la propriété expropriée sera calculée en quartiers de froment de rente payables en argent sur le pied d'une livre sterling par quartier.

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30.—Les dommages-intérêts qui pourront résulter de l'expropriation, soit au propriétaire soit à des tiers intéressés, seront estimés et seront payables en argent.

31.—Si par quelque cause l'expertise ne se termine pas le premier jour, le Prévôt du Roi aura la faculté d'en remettre d'office, la continuation de jour en jour.

32.—Le Chef des Experts fera un procès-verbal de l'expertise, dans lequel il spécifiera la décision sur chaque cas qui leur aura été soumis. Ce procès-verbal sera signé par le dit Chef et livré séance tenante au Prévôt du Roi, qui en donnera lecture aux parties, et le transcrira dans son rapport, duquel il livrera copie, tant à la Partie Publique qu'au propriétaire.

33.—Si le prix auquel la propriété demandée est évaluée par les Experts excède le prix que la Partie Publique avait offert au propriétaire, les frais de l'expertise seront à la charge de la Partie Publique ; s'il ne l'excède pas les frais de l'expertise seront à la charge du propriétaire.

34.—Dans les cas où l'expropriation est demandée pour une raison militaire, si le Procureur du Roi donne au Prévôt connaissance par écrit qu'il acquiesce à l'évaluation des Experts, le Prévôt lui mettra, vertu de son office, en possession de la propriété demandée, et ce nonobstant appel de la part du propriétaire ou d'un tiers intéressé ; de tout quoi le Prévôt fera son rapport.

CHAPITRE V.

DES APPELS.

35.—La Partie Publique, le propriétaire et les intéressés, chacun pour ce qui le regarde, pourront appeler de l'évaluation des Experts devant la Cour

en vue de justice, en notifiant au Prévôt du Roi dans les huit jours de la date du rapport, et la partie sera déserte de son appel si elle ne le poursuit dans quarante jours de la dite date.

36.—L'appel pourra être poursuivi en vacance comme en terme.

37.—Ceux qui ont agi comme Experts ne seront pas admissibles comme témoins.

38.—Si l'évaluation des Experts est maintenue, la partie appellante sera mise aux frais de l'appel ; si elle est réformée les frais seront à la discrétion de la Cour.

CHAPITRE VI.

DES SUITES DE L'EXPROPRIATION.

39.—Le rapport du Prévôt du Roi reconnu devant la Cour, ou, en cas d'appel, le jugement de la Cour, aura la force et l'effet d'un contrat juridique.

40.—Les rentes créées en vertu de la présente Loi seront payables en argent à raison d'une livre sterling par quartier, et seront imprescriptiblement rachetables sur le pied de £20 sterling par quartier.

41.—Tout et aussi longtemps que l'indemnité accordée aux fins de l'article 29 restera due en forme de rente, la Partie Publique ne pourra être inquiétée pour aucun droit, demande ou garantie quelconque sur le fonds, la dite rente étant déclarée par la présente Loi tenir lieu et place du fonds même et restant seul sujette à tout droit, demande ou garantie de la part de quelque personne et en quelque cas que ce soit.

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42.—Si la Partie Publique, après avoir amorti la rente, est suivie comme affieffeur dans une saisie et qu'elle se décide à ne pas se faire tenant, elle aura la faculté au lieu de renoncer à sa prise, de faire bon la rente à celui qui se fera tenant de la saisie.

43.—Si la Partie Publique après avoir amorti la rente, est suivie pour un usufruit, douaire ou jouissance due sur le fonds, elle pourra satisfaire à la demande en s'obligeant envers la partie à lui faire pendant la durée du dit usufruit, douaire ou jouissance, un paiement annuel, qui en représenterait la valeur à l'époque de l'expropriation laquelle valeur sera basée sur l'évaluation des experts ou le jugement de la Cour.

CHAPITRE VII.

DISPOSITIONS GÉNÉRALES.

44.—Les mots “ Partie Publique, ” employés dans la présente Loi, s'appliqueront tant au Gouvernement de Sa Majesté qu'à l'autre partie par laquelle l'expropriation peut être demandée.

45.—Le mot “ Propriétaire ” employé dans cette présente Loi, s'appliquera à plusieurs comme à un seul propriétaire aux Sociétés anonymes ou à responsabilité limitée :—au mari et à sa femme lorsque la propriété appartiendra à la femme, sous puissance de mari—à toute personne ayant l'administration de telle propriété—aux tuteurs de mineurs, curateurs de personnes interdites, administrateurs des biens et procureurs de personnes absentes du pays.

46.—Les mots “ propriété ” et “ fonds ” employés dans cette présente Loi s'appliqueront tant à toute propriété immobilière particulière qu'à toute servitude quelconque établie ou à être établie sur une propriété particulière.

47.—L'expression "propriété particulière" employée dans cette présente Loi inclura toute propriété immobilière autre que :—

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- (a) de la propriété sous la garde des Commissaires dits "Commissioners of Crown Lands" :
- (b) de la propriété tenue par un Département du Gouvernement de Sa Majesté : ou
- (c) de la propriété tenue par les Etats.

48.—Une demande en expropriation à l'instance d'un Département du Gouvernement de Sa Majesté primera toute demande en expropriation à l'instance des Etats par rapport au même fonds.

49.—Toute demande ou réclamation sur le Gouvernement de Sa Majesté, dans les cas découlants de la présente Loi, pourra être exercée au moyen de poursuites intentées contre le Procureur du Roi.

50.—Tous ajours et significations envoyés en vertu de la présente Loi seront par le ministère du Sergent du Roi, qui sera tenu dans tous les cas d'en donner relation par écrit.

51.—Les frais curiaux seront réglés d'après le Tarif annexé à la présente Loi.

52.—Seront les amendes mentionnées dans la présente Loi applicables à Sa Majesté.

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TARIF DES FRAIS CURIAUX.

	£	s.	d.
Ecriture de signification et de relation, offrant prix au propriétaire	0	5	0
Acte de la Cour autorisant le Prévôt du Roi à appeler des Experts.—Avocat 5s., Cour 1s. 3d., Extrait d'Acte 1s...	0	7	3
Au Prévôt du Roi pour la confection de la liste des Prud'hommes	0	15	0
Pour chaque copie	0	1	0
Ajour, relation et cause contre le proprié- taire à voir sermenter cinq Experts.— Avocat 10s., Cour 1s. 3d., Extrait d'Acte 1s. 6d.	0	12	9
Ecriture d'ajours aux Prud'hommes, pour chacun	0	2	6
Au Greffier du Roi, pour faire le tirage des noms	0	1	6
La journée à chacun des sept Prud' hommes appelés	0	3	6
Au Prévôt du Roi, pour son rapport fixant le jour et l'heure de l'expertise	0	5	0
Ajour au propriétaire à comparaitre à l'expertise.—Avocat 3s... ..	0	3	0
Ajour aux cinq Experts, pour chacun.— Avocat	0	2	6
Aux Experts, à chacun, pour chaque jour de l'expertise	1	0	0
Au Prévôt du Roi, pour vacation à l'ex- pertise, y compris son rapport, et les copies qu'il est tenu de livrer, chaque jour	1	1	0
Au Sergent, pour chaque signification ..	0	1	6
Au Sergent, pour chaque ajour	0	1	3
Réponse du défendeur à un acte contra- dictoire devant la Cour en Corps	1	0	0
Réponse devant la Cour du Quartier ..	0	10	0
Réponse du défendeur devant les Experts pour chaque jour	1	0	0

Les frais en Vue de Justice et dans les cas non énumérés dans le présent Tarif seront tels qu'il sont réglés par la Loi relative aux Honoraires de la Cour enregistrée sur les Records de cette Ile le 1er Juillet 1899.

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(Enregistré sur les Records le 7 mai 1938.)

AT THE COURT AT BUCKINGHAM PALACE,
The 1st day of April, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
EARL OF PLYMOUTH

LORD PORTER
SIR JOHN GILMOUR
MR. BURGIN.

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 29th day of March, 1938, in the words following, viz.:—

The Aero-
drome (Indi-
cation of
Obstruc-
tions) Law,
1938.

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

' 1. That the Royal Court at a meeting held on the 29th day of January, 1938, approved a Bill or *Projet de Loi* prepared by the Law Officers of the Crown intituled "*Loi relative au Marquage des Obstructions se trouvant aux Alentours de Terres possédées ou occupées par les Etats pour les besoins d'un Aérodrome*" and requested the Bailiff to submit the same to the States for their approval: 2. That on the 18th day of February, 1938, 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 Your Majesty in Council pray-

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ing 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 might be graciously pleased to approve and ratify the Bill or Projet de Loi of the States of the Island of Guernsey intituled "Loi relative au Marquage des Obstructions se trouvant aux Alentours de Terres possédées ou occupées par les Etats pour les besoins d'un Aérodrome" and to order and direct that the same should 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.

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PROJET DE LOI

INTITULÉ

LOI RELATIVE AU MARQUAGE DES OB- STRUCTIONS SE TROUVANT AUX ALEN- TOURS DE TERRES POSSÉDÉES OU OCCUPÉES PAR LES ETATS POUR LES BESOINS D'UN AÉRODROME.

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.—In this Law, the expression “ the Board ” means Definition.
the States Board of Administration and, as regards
the carrying out of any work or the installing
of any apparatus or the maintenance, operation, re-
newal, repair or alteration thereof or the right to
enter or pass over any premises, that expression
shall include every employee of the Board authorised
in that behalf who bears an evidence of that authority
and produces the same on the reasonable request
of any person entitled to require the production
thereof.

2.—(1) If the Board is satisfied, with respect to any Notices to be
sent to
owners and
occupiers.
building, structure or erection in the vicinity of land
in the ownership or occupation of the States of
Guernsey in use or intended for use as an aerodrome
that, in order to avoid danger to aircraft flying in
that vicinity, provision ought to be made (whether
by lighting or otherwise) for giving to such aircraft
warning of the presence of that building, structure
or erection, the Board shall send to the proprietor
of the premises whereon is situate that building,
structure or erection or, if the proprietor be not also
the occupier thereof, to the proprietor and the occupier
thereof, a written notice—

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- (a) containing short particulars of the works and apparatus necessary on such premises for enabling such warning to be given and of the manner of carrying out such works and of installing such apparatus :
- (b) inviting such proprietor or such proprietor and occupier to attend at the States Office within the fifteen days next following the receipt by him or them of such notice at such time as shall be mutually appointed by him or them and the States Supervisor, for the purpose of receiving such fuller particulars of such works and apparatus and the manner of carrying out and installing the same as he or they may reasonably require :
- (c) requiring such proprietor or such proprietor and occupier to communicate in writing to the States Supervisor, within the twenty-eight days next following the receipt of such notice, the amount of compensation (if any) claimed by him or them from the States in respect of loss, damage or inconvenience which he or they may suffer in consequence of the carrying out of such works or the installation of such apparatus : and
- (d) intimating to such proprietor or to such proprietor and occupier that unless, within the twenty-eight days next following the receipt of the notice, such objections (if any) as he or they desire to make to the carrying out of such works or to the installing of such apparatus are communicated in writing to the States Supervisor, the Board will not be bound to consider such objections and that, unless within the like period such claims (if any) for compensation as he or they desire to make are communicated in writing to the States Supervisor, the Board will not be bound to consider such claims.

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(2) The provisions of subsection (1) of this section shall apply as regards any premises in such vicinity as aforesaid, being premises not in the same ownership as the premises whereon is situate any such building, structure or erection as is mentioned in that subsection, whereon the Board may deem it necessary to carry out works or instal apparatus, either separately or in connection with the carrying out of works or the installation of apparatus on such last mentioned premises, for the purpose of giving warning to aircraft of the presence of a building, structure or erection on such last mentioned premises.

3.—(1) Upon the making of any objection to the carrying out of the said works or the installation of the said apparatus or of any claim for compensation in respect of loss, damage or inconvenience which may be suffered in consequence thereof, the Board shall, if such objection or claim be made in writing within the twenty-eight days next following the receipt of any such notice as aforesaid, but not otherwise unless the Board, in its discretion, shall deem it proper in the circumstances of the particular case so to do, take into consideration such objection or such claim for compensation and—

Objections
and claims
for compensation.

(a) if the Board consider that any such objection or some part thereof can be allowed without materially impairing the efficacy of any such works or apparatus as aforesaid the Board may allow such objection or part thereof and shall thereupon modify the plan for the carrying out of such works or the installation of such apparatus accordingly:

(b) if the Board consider that it is not possible, without materially affecting the efficacy of any such works or apparatus, to allow any such objection, the Board shall disallow the objection:

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- (c) if the Board consider that any such claim for compensation is reasonable, the Board shall allow such claim :
 - (d) if the Board consider that any such claim for compensation, or part thereof, is unreasonable, the Board shall disallow such claim or part thereof and may direct that a counter-offer of an amount to be determined by the Board shall be made to the claimant.
- (2) The States Supervisor shall forthwith notify the person by whom an objection or a claim for compensation is made, of the decision of the Board regarding the objection or the claim and, in the case of the disallowance of a claim, of the amount of the counter-offer (if any) directed to be made to the claimant by the Board.
- (3) An appeal shall lie to the Royal Court sitting as a Full Court from a decision of the Board disallowing in whole or in part an objection to the carrying out of any such works or the installation of any such apparatus as are hereinbefore referred to. Any such appeal shall be instituted by way of summons served on the President or Acting President of the Board within the eight days next following the date on which the notification of the Board's decision is received by the appellant and the decision of the Royal Court in the matter shall be final.
- (4) In the case of the disallowance of a claim for compensation, unless the claimant, within the eight days next following the receipt by him of notification of the disallowance of the claim, intimates to the States Supervisor that he acquiesces in such disallowance and accepts the counter-offer (if any) made to him by the Board, he shall be deemed to require that the matter at issue between himself and the Board shall be referred to arbitration and thereupon the Board shall appoint an arbitrator and shall notify the claimant of the identity of the person so appointed. Upon being so

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notified, the claimant shall appoint a second arbitrator and, before proceeding to the arbitration, the two arbitrators so appointed shall appoint an umpire and the award of the arbitrators, if they are in agreement, or of the umpire, should the arbitrators disagree, shall be final and binding upon the States and the claimant as regards the amount payable to the latter by the States in respect of his claim.

Provided that on any claimant failing to appoint a second arbitrator within the sixty days next succeeding the date on which he is notified by the Board of its appointment of an arbitrator, the right of the claimant to require that the matter at issue between himself and the Board shall be submitted to arbitration shall cease and determine and the decision of the Board concerning the claim of that claimant shall thenceforth to be binding upon that claimant.

Provided further that where an appeal against a decision of the Board disallowing in whole or in part any such objection as aforesaid is instituted, no step with regard to arbitration proceedings in respect of any claim for compensation for the carrying out of any works or the installation of any apparatus to which such appeal has reference shall be taken until—

- (i) the proceedings in appeal have terminated; and
- (ii) the Board, in the light of the Court's decision on such appeal, has reviewed its previous decision with regard to such claim for compensation; and
- (iii) the final decision of the Board with regard to such claim has been notified to the appellant:

and thereupon, if such final decision disallows any part of such claim, the provisions of subsection (4) of Section 3 of this Law and of the last foregoing proviso shall apply to such final decision.

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(5) The costs of the arbitration shall be borne as follows—

(a) by the States—

(i) if an award is made to a claimant whose claim had been totally disallowed by the Board: or

(ii) if the award made to a claimant is in excess of the amount of the counter-offer made to that claimant:

(b) by the claimant—

(i) if no award is made to that claimant: or

(ii) if the award made in favour of that claimant does not exceed the amount of a counter-offer made to him.

(6) In all cases, the States shall defray the costs of the arbitration in the first instance and, if under this section, such costs are to be borne by a claimant, may recover the same from such claimant by process of law or by deduction of the same from any amount payable by the States to any such claimant or by process of law and deduction as aforesaid.

(7) A written report of the arbitration proceedings shall be made to the Board who shall forthwith cause a copy thereof to be sent to the claimant.

(8) An arbitration award may direct the payment of a lump sum once payable or of a periodic sum or of both a lump sum and of a periodic sum.

Execution
of work, etc

4.—Upon the expiry of the period within which, in relation to any premises, objections can be made to the carrying out of any such works or the installation of any such apparatus as aforesaid, if no such objection has been communicated in writing to the States Supervisor, or, where any objection has been communicated in writing to the States Supervisor upon the expiration of the period for instituting an appeal against the Board's decision concerning the objections in relation

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to the premises, if no appeal is instituted against that decision, or upon the termination of the proceedings in appeal, if such appeal is instituted, it shall be lawful for the Board, unless the decision of the Board or of the Court upon any such objection is to the effect that no works shall be carried out nor apparatus installed in accordance with the particulars set out in the original notice sent by the Board to the person making such objection—

- (a) to execute and instal the works and apparatus of which particulars were set out in such original notice in the manner described in such notice subject, however, to such modifications in such works or apparatus or in the manner of carrying out or installing the same as may arise out of the decision of the Board or of the Court in regard to such objections :
- (b) to maintain, operate and, as occasion requires, to renew, repair and alter such works and apparatus, as may be necessary for enabling such warning to be given : and
- (c) to enter upon and pass over (with or without vehicles, implements and other necessary things) any premises upon and over which it may be necessary to enter and pass for the purpose of exercising any of the powers conferred by this Law.

5.—(1) The ownership of anything shall not be affected by reason only that it is placed on, or affixed to, any premises in virtue of the powers conferred by this Law and (subject to the provisions of subsection (3) of this section) so long as anything placed on or affixed to any premises in virtue of such powers remains so placed or affixed, no person shall, except with the written consent of the Board, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed in, on or over those premises in virtue of such powers.

Ownership
of and
interference
with works,
etc.

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(2) If any person contravenes the provisions of the last foregoing subsection, he shall be liable, on conviction before the Royal Court sitting as a Full Court to a fine not exceeding two hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding six months or to both such fine and imprisonment; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by this Law shall be liable, on conviction as aforesaid, to a fine not exceeding fifty pounds.

(3) Nothing in this Law shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection, provided that if the doing of any such work would or might, to the knowledge of the person directing the doing of any such work or carrying out the same, have the effect of interrupting or terminating the giving of warning of the presence of the building, structure or erection in the manner determined by the Board, then until—

- (a) notice of the doing of any such work shall have been communicated to the Board in writing: and
- (b) such other means of giving such warning as may be necessary in the circumstances shall have been carried into effect by the Board: and
- (c) the consent of the Board, which consent shall not be unreasonably withheld, shall have been communicated to the person desiring to do such work:

the doing of any such work shall not be commenced and shall, if commenced, be deemed a contravention of the provisions of subsection (1) of this section.

Works
already
done.

6.—For the purposes of the provisions of paragraphs (b) and (c) of Section 4 of this Law and the provisions of Section 5 thereof, anything placed on or

affixed to premises in the vicinity of land in the ownership or occupation of the States of Guernsey in use or intended for use as an aerodrome, in virtue of an agreement made between the Board and the proprietor of those premises, for the purpose of giving warning to aircraft flying in that vicinity of the presence of a building, structure or erection shall be deemed to have been placed on or affixed to those premises in virtue of the powers conferred by this Law.

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7.—Any notice or notification sent under this Law to a proprietor or occupier by or on behalf of the Board may be sent through the post and, unless the contrary be proved, for the purposes of this Law such notice or notification shall be deemed to have been received by such proprietor or occupier upon the first working day following the day on which the same, prepaid and addressed to such proprietor or occupier at his last known business or residential address in this Island, or in the case of his absence or incapacity, to his attorney, agent or representative in this Island, is posted. Notices.

8.—This Law may be cited as “The Aerodrome (Indication of Obstructions) Law, 1938”. Short Title.

(Enregistré sur les Records le 21 mai 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 6th day of May, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. SECRETARY MACDONALD

LORD GOWRIE

SIR HORACE RUMBOLD.

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 3rd day of May, 1938, in the words following, viz :—

Loi supplé-
mentaire à la
Loi relative
à la Réforme
des Etats de
Délibéra-
tion, 1938

1938

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

' 1. That on the 4th day of December, 1937, the Royal Court adopted a Bill or "Projet de Loi" intituled "Loi Supplémentaire à la Loi relative à la Réforme des Etats de Délibération, 1938," and requested the Bailiff to submit the same to the States of Deliberation for their approval. 2. That, in accordance with the provisions of Article XV of the "Loi Supplémentaire à la Loi relative à la Réforme des Etats de Délibération," registered on the Records of this Island the 30th day of October, 1920, the said Bill or "Projet de Loi" was, on the 29th day of December, 1937, duly considered by the States, when a resolution was passed approving the first reading thereof. 3. That on the 18th day of February, 1938, the said Bill or "Projet de Loi" was, for the second time, submitted to the States and duly approved. 4. That on the 30th day of March, 1938, the said Bill or "Projet de Loi" was, at the third consecutive meeting of the States, approved, and the Bailiff was authorized 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 annexed to the Petition. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey intituled "Loi Supplémentaire à la Loi relative à la Réforme des Etats de Délibération, 1938," and to order and direct that the same should have the force of Law within the Island of Guernsey.'

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"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

INTITULÉ

*LOI SUPPLÉMENTAIRE À LA LOI RELATIVE
À LA RÉFORME DES ÉTATS DE DÉLIBÉRA-
TION, 1938.

LES ÉTATS ont approuvé les dispositions suivantes lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

* Repealed by the Reform (Guernsey) Law, 1948.

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Députés du
Peuple.

L'Article VII. de la Loi supplémentaire à la Loi relative à la Réforme des Etats de Délibération sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records le 30 octobre, 1920 (lequel Article fut incorporé dans la dite Loi aux fins de la Loi supplémentaire à la Loi relative à la Réforme des Etats de Délibération, 1923) aura effet désormais sujet aux modifications suivantes, c'est-à-dire :—

Le deuxième alinéa du dit Article, savoir :—

“ Les Députés du Peuple resteront en charge pendant le terme de trois ans, pourvu toujours qu'en cas d'absence de l'Ile d'un Député pour au-delà d'un an, de sa mort ou de sa démission, il sera procédé à une nouvelle élection.”

est et demeurera rappelé et seront les alinéas suivants y substitués :—

“ Les Députés du Peuple resteront en charge pendant le terme de trois ans—

Pourvu que—

(1) lorsqu'il sera constaté par la Cour Royale siégeant en corps qu'un Député—

- (a) a cessé d'avoir les qualifications requises pour être éligible à la charge de Député ; ou
- (b) a été absent des séances des Etats de Délibération pendant une période de douze mois consécutifs ; ou
- (c) a été incapable à cause de maladie ou autrement pendant une période de douze mois consécutifs de remplir les devoirs de sa charge ;

ou (2) dans le cas de l'acceptation de la démission d'un Député ;

la charge de tel Député terminera et dans l'un ou

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l'autre de tels cas ainsi que dans le cas du décès d'un Député, il sera procédé à une élection pour remplacer le Député dont il s'agit à moins que la période qui doit s'écouler entre la date de la termination de la charge par décès ou autrement d'un Député et le commencement du prochain terme triennal des Députés du Peuple n'excède pas sept mois, dans lequel cas il sera dans la discrétion de Monsieur le Président, ou de Monsieur l'agissant Président, des Etats, de décider si telle élection se tiendra.

La Cour Royale constatera l'existence en ce qui concerne un Député du Peuple d'une des disqualifications (a), (b) et (c) ci-dessus spécifiées sur une requête présentée par les Officiers du Roi ou l'un d'eux.

Copie de la requête avec intimation de la date de la présentation d'icelle seront livrées par le Sergent du Roi au domicile en cette Ile de tel Député au moins quatre jours avant la présentation de la requête à moins que tel Député ne soit sous interdiction légale ou ne soit plus résident dans l'Ile et dans l'un ou l'autre de ces derniers cas, en substitution à telle livraison, les Officiers du Roi, ou l'un d'eux, inséreront dans la Gazette Officielle paraissant dans les six jours qui précéderont la date de la présentation de la requête une annonce à l'effet que telle requête sera présentée, avec les raisons et la date de la présentation d'icelle.

La Cour Royale prendra telle requête en considération dès sa présentation à moins que, pour des raisons qui lui paraîtront valables, la remise de la considération d'icelle est expédiente ou désirable. La décision de la Cour Royale sur telle requête sera finale et sans appel."

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(Enregistré sur les Records le 28 mai 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 6th day of May, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. SECRETARY MACDONALD

LORD GOWRIE

SIR HORACE RUMBOLD.

The States
Water
Supply Law,
1938.

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 3rd day of May, 1938, in the words following, viz. :—

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That on the 19th day of February, 1938, the Royal Court adopted a Bill or “ *Projet de Loi* ” intituled “ *Loi portant amendement à la Loi ayant rapport à la Fourniture d’Eau par les Etats de cette Ile aux Habitants de la dite Ile (1938)*,” and requested the Bailiff to submit the same to the States of Deliberation for their approval. 2. That on the 30th day of March, 1938, the said Bill or “ *Projet de Loi* ” was duly considered by the States, when a resolution was passed approving the same and authorizing 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 might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey intituled

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“Loi portant amendement à la Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Ile aux Habitants de la dite Ile (1938),” and to order and direct that the same should 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.

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

PROJET DE LOI

INTITULÉ

LOI PORTANT AMENDEMENT À LA LOI
AYANT RAPPORT À LA FOURNITURE D'EAU
PAR LES ÉTATS DE CETTE ILE AUX
HABITANTS DE LA DITE ILE (1938).

Les Etats ont approuvé les dispositions suivantes rédigées en anglais lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, aurotn force de Loi en cette Ile.

1.—Article 39 of the Law intituled “ Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Ile aux Habitants de la dite Ile,” sanctioned by an Order of His Majesty in Council registered on the Records of this Island on the 7th day of May, 1927, (the said Law hereinafter referred to as the Law of 1927) is hereby repealed and there is substituted therefor the following Article which shall be deemed henceforth to constitute part of the Law of 1927 :—

Laying and
use of pipes
for supply of
water to
others

39.—(1) Save with the permission of the Board it shall not be lawful for any person other than the Board to lay or use pipes for the supply of water to others.

Provided that the provisions of this Article shall not have effect—

- (a) as regards the laying, repair and renewal of pipes elsewhere than in the public roads, streets or ways of this Island in districts not served by the Board's mains and the use of such pipes for the supply of water to others while a supply from the Board's mains is not available ; or
- (b) as regards the use, repair and renewal of pipes in use for the supply of water to others on the 31st day of December, 1937, whether laid in

the public roads, streets or ways of this Island or elsewhere, for

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(i) the continued supply of water to premises which, or of which some part or parts thereof, were being supplied with water by means of such pipes on such last-mentioned date and of which premises so supplied particulars together with the names and postal addresses of the then owners and occupiers thereof are furnished to the Board by the supplier of water thereto within thirty days after the first publication by the Board in "La Gazette Officielle" of an announcement requiring suppliers of water to furnish such particulars and information to the Board; and

(ii) the supply of water to other premises which are contiguous to the last-mentioned premises, and are now or are hereafter in the same ownership or occupation; and where premises are supplied with water by virtue of the provisions of this sub-paragraph, the supply may be lawfully continued notwithstanding the cessation of the common ownership or occupation which had hitherto rendered such supply lawful.

(2) Upon the Board refusing to grant permission to any person to lay or use pipes for the supply of water to others, any person aggrieved by such refusal may petition the Royal Court sitting as a Full Court and thereupon the Court, after hearing the petitioner and the Board, may direct the Board to grant in whole or in part such permission as was applied for.

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(3) Any person who shall contravene any provision of this Article shall be guilty of an offence and shall be liable on conviction before the Royal Court to a fine not exceeding £50, and upon any such conviction, in addition to such fine, the Court may order that any pipe as regards which the contravention occurred shall be removed or rendered unusable by the Board or otherwise at the expense of the person convicted.

Citation.

2.—This Law may be cited as the States Water Supply Law, 1938, and the Law of 1927 and this Law may be cited together as the States Water Supply Laws, 1927 to 1938.

(Enregistré sur les Records le 28 mai 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 6th day of May, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. SECRETARY MACDONALD

LORD GOWRIE

SIR HORACE RUMBOLD.

The Education (Amendment) Law (Guernsey), 1938.

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 3rd day of May, 1938, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

‘1. That on the 12th day of February, 1938, the Royal Court adopted a Bill or “Projet de Loi” intituled “Loi portant amendement à la 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 their approval. 2. That on

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the 30th day of March, 1938, the said Bill or "Projet de Loi" was duly considered by the States, when a resolution was passed approving the same and authorizing 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 might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey intituled "Loi portant amendement à la Loi relative à l'Instruction Primaire et aux fonctions du Conseil d'Education et des Comités Education Paroissiaux, 1935," and to order and direct that the same should 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.

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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, 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.

PROJET DE LOI

INTITULÉ

“ LOI PORTANT AMENDEMENT À LA LOI
RELATIVE À L'INSTRUCTION PRIMAIRE ET
AUX FONCTIONS DU CONSEIL D'ÉDUCATION
ET DES COMITÉS D'ÉDUCATION
PAROISSIAUX, 1935.”

LES ETATS, dans le but d'éclaircir l'Article 23, intitulé “ Proceedings for Non-Attendance ”, de la Loi intitulée “Loi relative à l'Instruction Primaire et aux fonctions du Conseil d'Education et des Comités d'Education Paroissiaux, 1935”, sanctionnée par Ordre de Sa Majesté en Conseil en date du 29 mars, 1935, enregistré sur les Records de cette Ile le 13 avril, 1935, 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.

I.—AMENDMENT of Section 23 of the “ Loi relative à l'Instruction Primaire, etc. 1935 ” (hereinafter in this Law referred to as “ the Law of 1935”).

On the date upon which this Law comes into operation, paragraph (3) of Section 23, entitled “ Proceedings for Non-Attendance ”, of the Law of 1935, shall be repealed and that Section shall have effect as if the following paragraph were substituted for the said paragraph.

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“(3) (i) Any parent who

* (a) sends a child to school in an unclean state, as regards either his person or his clothing, or in any state whatsoever which may prevent, or may justify a Master or Mistress of a school in preventing, such child from associating freely with other scholars, or

(b) withdraws a child from school without reasonable and sufficient cause,

shall be deemed thereby to have neglected to send that child to school within the purport of this Section and shall be liable to the penalties imposed by this Section for such neglect.

(ii) Any parent who prevents or obstructs the examination of a child under the provisions of paragraph (2) of Section 16 of this Law shall be deemed to be refusing or neglecting to give that child an education of the scope and standard specified in paragraph (2) of this Section and shall be liable to the penalties imposed by this Section for such refusal or neglect.”

2. SAVINGS.

Nothing contained in this Law shall affect the validity of any proceedings taken, adjudication made or penalty or punishment imposed, or any other thing done, before the commencement of this Law, in virtue of the provisions of the Law of 1935 hereby repealed.

3. COMMENCEMENT AND SHORT TITLE.—

(1) This Law shall come into operation on the day on which it is registered on the Records of this Island.

(2) This Law may be cited as the Education (Amendment) Law (Guernsey), 1938.

* Repealed by the Public Health (Vermin) (Guernsey) Law, 1948.

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(Enregistré sur les Records le 28 mai 1938.)

Army and
Air Force
Act, 1938.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du six mai mil neuf cent trente-huit, transmettant des exemplaires de l'Acte de Parlement suivant :—

1 and 2 George VI, Chapter 20 "An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force."

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

(Enregistré sur les Records le 4 juin 1938.)

Merchant
Shipping
Foreign
Deserters.

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant Gouverneur en date du deux juin mil neuf cent trente huit transmettant un exemplaire imprimé d'un Ordre en Conseil en date du six mai mil neuf cent trente-huit dit "Statutory Rules and Orders, 1938, No. 491. Merchant Shipping Foreign Deserters. 'Order in Council revoking Order in Council as to Siam'— LA COUR, ouies 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.

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(Enregistré sur les Records le 16 juillet 1938.)

FREDERICK GEORGE FRENCH, écuyer, ayant ce jour présenté à la Cour une Commission de Sa Majesté qui le nomme et constitue Juge de l'Ile d'Auregny ; après lecture et publication d'icelle Commission, il a été ordonné qu'elle sera enregistrée sur les Records de cette Ile, de laquelle Commission la teneur suit :—

Frederick
George
French,
écuyer, ser-
menté Juge
d'Auregny.



GEORGE R.I.

GEORGE THE SIXTH, 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 Island of Guernsey, and to all others whom it may concern,

GREETING !

WHEREAS the Office or Place of Judge of Our Island of Alderney is now vacant by the death of Major Robert Walter Mellish :

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 FREDERICK GEORGE FRENCH, Esquire, the Office or Place of Judge of Our said Island of Alderney : And him the said Frederick George French Judge of Our said Island of Alderney, We do make, ordain and constitute by these presents : To have hold

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exercise and enjoy the said Office or Place by himself or his sufficient Deputy or Deputies with all Honours Authorities Powers Prerogatives Pre-eminences Privileges Wages Fees Profits and Advantages thereunto belonging : subject nevertheless to any alteration that may hereafter upon enquiry be made in the duties of the said Office and to the following conditions namely that a salary of Three hundred and fifty pounds per annum shall be assigned to that said Office, and that in the event of the abolition or revision of the said Office of Judge of Our said Island of Alderney the holder would not be entitled to any pension or gratuity :

AND WE DO by these presents require and charge the Lieutenant-Governor of Our said Island of Guernsey for the time being and also the Jurats and all other Officers and the Inhabitants of the same and all others whom it may concern that they and every one of them do not only permit and suffer the said Frederick George French or his Deputy or Deputies for the time being quietly to possess execute and enjoy the said Office or Place of Judge, but to be of aid and assistance to him or them in the execution thereof according to Our express Wish and Pleasure.

Given at Our Court at Saint James's
the twelfth day of July, 1938 ;
In the Second Year of Our Reign.

By His Majesty's Command.

SAMUEL HOARE.

Ensuite de quoi le dit Monsieur French a été sermenté à la dite charge de Juge de l'Ile d'Auregny. Et est ordonné qu'il sera fait et expédié à la Cour de la dite Ile d'Auregny par le Greffier du Roi un extrait des Records contenant ce présent acte.

(Enregistré sur les Records le 10 septembre 1938.)

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AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of July, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

SECRETARY SIR SAMUEL HOARE

LORD ROMER

MR. SECRETARY COLVILLE

SIR HUGH O'NEILL.

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 July, 1938, in the words following, viz. :—

Loi supplémentaire
ayant rapport à la
Police
Salarisée de
l'Ile de
Guernesey
(1938).

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :

' 1. That on the 30th day of March 1938, the States of Deliberation, on the recommendation of their Appointments Board, passed a resolution approving a modification of the Law of 1920 intituled " Loi ayant rapport à la Police Salarisée pour l'Ile Entière," and requested the Royal Court to prepare a Bill or " Projet de Loi " to give effect to the said resolution. 2. That accordingly on the 21st day of May 1938, the Royal Court adopted a Bill or " Projet de Loi " intituled " Loi Supplémentaire ayant rapport à la Police Salarisée de l'Ile de Guernesey (1938)," and requested the Bailiff to submit the same to the States for their approval. 3. That on the 24th day of June 1938, the said Bill or " Projet de Loi " was duly considered by the States, when a resolution was passed approving the same and authorizing 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 "

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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 Supplémentaire ayant rapport à la Police Salariée de l'Ile de Guernesey (1938)," 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.

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

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PROJET DE LOI

INTITULÉ

*LOI SUPPLÉMENTAIRE AYANT RAPPORT À LA POLICE SALARIÉE DE L'ÎLE DE GUERNESEY (1938).

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.

1.—L'Article III de la Loi ayant rapport à la Police Salarée pour l'Ile Entière enregistrée sur les Records de cette Ile le 10 janvier 1920 sera rappelé et l'Article III qui ensuit y sera substitué et sera censé dorénavant former partie de la dite Loi.

ARTICLE III.

" 1.—Le Corps de la Police Salarée com-
prendra--

Constitution
du Corps de
la Police
Salarée.

- (a) Un Officier commandant, nommé par le Conseil de Nomination, lequel Officier commandant aura le grade d'Inspecteur de Police:
- (b) Un officier subordonné à l'Officier commandant, nommé par le Comité des Etats pour la Police Salarée de l'Ile, lequel Officier aura le grade de Député-Inspecteur de Police:
- (c) Tel nombre de Sergents† et d'Agents de Police n'excédant pas l'établissement qui aura été approuvé de temps à autre par les Etats sur la recommandation du dit Comité, lesquels Sergents† et Agents seront nommés par le dit Comité.

* Repealed by the "Loi supplémentaire ayant rapport à la Police Salarée de l'Île de Guernesey, 1947".

† "Caporaux" inserted by Ordinance of 20th December, 1944.

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Serment.

2.—L'inspecteur, le Député-Inspecteur, et tout Sergent† et Agent de Police, avant d'entrer en fonctions, sera sermenté devant la Cour Royale au bon et fidèle exercice de sa charge."

Député-
Inspecteur:
Pouvoirs et
devoirs.

2.—Les pouvoirs et devoirs attribués à l'Inspecteur de Police aux fins des Lois et Ordonnances présentement ou qui pourront ci-après être en vigueur pourront être exercés par le Député-Inspecteur,

- (a) à la place de l'Inspecteur, lorsque, par raison d'absence de l'Ile, maladie ou autre cause, l'Inspecteur n'est pas en fonctions ; et
- (b) soit conjointement avec, soit à la place de, l'Inspecteur, lorsque le Député-Inspecteur y sera autorisé, soit généralement soit spécialement, par l'Inspecteur.

et sera ainsi interprétée toute référence à l'Inspecteur de Police dans une Loi ou Ordonnance quelconque.

Nominations
faites sous
l'Article
rappelé.

3.—Le rappel de l'Article ci-dessus rappelé n'affectera en rien les nominations au corps de la Police Salariée faites sous l'empire de l'article rappelé.

† "Caporal" inserted by Ordinance of 20th December, 1944.

(Enregistré sur les Records le 10 septembre 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of July, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

SECRETARY SIR SAMUEL HOARE

LORD ROMER

MR. SECRETARY COLVILLE

SIR HUGH O'NEILL.

Loi portant
amendement
à la Loi
sur la
Constitution
d'un Conseil
de Nomina-
tion (1938).

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 July, 1938, in the words following, viz. :—

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"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :

' 1. That on the 30th day of March 1938, the States of Deliberation, on the recommendation of their Appointments Board, passed a resolution approving a modification of the Law intituled " Loi sur la Constitution d'un Conseil de Nomination (1932)" and requested the Royal Court to prepare a Bill or *Projet de Loi* to give effect to the said resolution. 2. That accordingly on the 7th day of May 1938, the Royal Court adopted a Bill or " *Projet de Loi* " intituled " *Loi portant amendement à la Loi sur la Constitution d'un Conseil de Nomination (1938),*" and requested the Bailiff to submit the same to the States for their approval. 3. That on the 24th day of June 1938, the said Bill or " *Projet de Loi* " was duly considered by the States, when a resolution was passed approving the same and authorizing 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 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 portant amendement à la Loi sur la Constitution d'un Conseil de Nomination (1938),*" 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

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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.

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

PROJET DE LOI

INTITULÉ

LOI PORTANT AMENDEMENT À LA LOI
SUR LA CONSTITUTION D'UN CONSEIL
DE NOMINATION (1938).

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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L'Article 7 de la Loi sur la Constitution d'un Conseil de Nomination (1932), étant l'Article qui y fut incorporé aux fins de la Loi portant amendement à la Loi sur la Constitution d'un Conseil de Nomination (1932), aura effet dorénavant sujet à la condition suivante laquelle sera censée incorporée dans la dite Loi premièrement mentionnée à la suite du dit Article 7 :—

“ Pourvu que lorsqu'il paraîtra à tous les Membres du Conseil présents que l'intérêt public ne requiert pas l'invitation d'applications pour un office vacant de candidats qui ne sont déjà Membres du Personnel Salarié des Etats, l'invitation d'applications pour tel office par voie d'annonces publiques ne sera pas obligatoire au Conseil.”

(Enregistré sur les Records le 30 septembre 1938.)

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant Gouverneur en date du vingt-huit septembre mil neuf cent trente-huit, transmettant des exemplaires imprimés d'un Ordre de Sa Majesté en Conseil en date du vingt-six septembre mil neuf cent trente-huit, fait sous l'autorité de l'Acte dit “ Auxiliary Air Force and Air Force Reserve Act, 1924 ”, LA COUR, après avoir eu lecture du dit Ordre, ouies les conclusions du Contrôle du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile par être logé au Greffe, et qu'un extrait de ce présent acte avec un exemplaire du dit Ordre 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.

Auxiliary
Air Force
and Air
Force Re-
serve.

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(Enregistré sur les Records le 29 octobre 1938.)

AT THE COURT AT BUCKINGHAM PALACE,
The 27th day of October, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

EARL DE LA WARR

EARL STANHOPE

SIR ALEXANDER HARDINGE.

Loi supplé-
mentaire
relative à la
Réforme des
Etats (No. 2),
1938.

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 14th day of October, 1938, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :

‘1.—That on the 21st day of May, 1938, the Royal Court adopted a Bill or *Projet de Loi* intituled “*Loi Supplémentaire relative à la Réforme des Etats (No. 2), 1938,*” and requested the Bailiff to submit the same to the States of Deliberation for their approval. 2.—That, in accordance with the provisions of Article XV of the “*Loi Supplémentaire à la Loi relative à la Réforme des Etats de Délibération,*” registered on the Records of this Island the 30th day of October, 1920, the said Bill or *Projet de Loi* was, at an adjourned sitting of the States held on the 29th day of June, 1938, duly considered by that body, when a resolution was passed approving the first reading thereof. 3.—That on the 13th day of July, 1938, the said Bill or *Projet de Loi* was, for the second time, submitted to the States and duly approved. 4.—That on the 27th day of July, 1938, the said Bill or *Projet de Loi* was, at the third consecutive meeting of the States, approved, and the Bailiff was authorized 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

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Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi Supplémentaire relative à la Réforme des Etats (No. 2), 1938," 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.

RUPERT B. HOWORTH.

1938

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

PROJET DE LOI

INTITULÉ

* LOI SUPPLÉMENTAIRE RELATIVE À LA RÉFORME DES ÉTATS (No. 2), 1938.

LES ETATS ayant approuvé à trois séances consécutives les dispositions suivantes, telles dispositions auront, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, force de Loi en l'Ile de Guernesey.

Amende-
ment de la
Loi de 1920.

1. Les Articles IV, VI, IX et XII de la Loi supplémentaire à la Loi relative à la Réforme des Etats de Délibération enregistrée sur les Records de cette Ile le 30 octobre 1920, ci-après désignée " la Loi de 1920 ", (le dit Article XII y ayant été incorporé aux fins de la Loi supplémentaire à la Loi relative à la Réforme des Etats de Délibération, 1923, enregistrée sur les Records de cette Ile le 15 décembre 1923) demeureront rappelés et y seront substitués les Articles IV, VI, IX et XII qui ensuivent, lesquels seront censés dorénavant former partie de la Loi de 1920.

" ARTICLE IV.

Droit de
Voter,
Limitations.

1.—Nul électeur ne pourra voter à une élection de Député ou Députés du Peuple que dans une seule qualité.

2.—Il ne pourra voter à une élection triennale de Députés du Peuple que dans un seul district.

3.—A l'occasion de toute élection de Député ou Députés du Peuple, il ne pourra voter que dans une seule paroisse, étant une paroisse où son nom se trouve inscrit sur le registre.

* Repealed by the Reform (Guernsey) Law, 1948.

4.—A une élection triennale des Députés du Peuple— 1938

- (a) un électeur qui réside dans l'Ile et dont le nom se trouve inscrit sur le registre de la paroisse où il réside ne pourra voter que dans telle paroisse: et
- (b) un électeur qui ne réside pas dans l'Ile mais dont le nom se trouve inscrit sur le registre de plus d'une paroisse ne pourra voter que dans la paroisse spécifiée comme la paroisse dans laquelle il a élu de voter par notification qu'il aura fait parvenir au Registraire-Général au moins huit jours avant la date de l'élection.

5.—A une élection, autre qu'une élection triennale, de Député ou Députés du Peuple un électeur dont le nom se trouve inscrit sur le registre de plus d'une paroisse comprise dans un district quelconque—

- (a) ne pourra, s'il réside dans une de telles paroisses, voter que dans telle paroisse; et
- (b) ne pourra, s'il ne réside pas dans aucune de telles paroisses, voter que dans la paroisse spécifiée comme la paroisse dans laquelle il a élu de voter par notification qu'il aura fait parvenir au Registraire-Général au moins huit jours avant la date de l'élection.

6.—Nul dont le nom ne se trouve pas inscrit sur le registre d'une paroisse avant la date de l'élection ne sera admis à voter dans telle paroisse et l'omission du registre du nom d'aucune personne qui aurait dû y paraître n'aura pas l'effet d'invalidier l'élection."

" ARTICLE VI.

1.—Les élections triennales de Députés du Peuple auront lieu le même jour dans chaque district.

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2.—Il y aura un lieu d'élection dans chaque paroisse à l'occasion des élections triennales de Députés du Peuple et un lieu d'élection dans chaque paroisse d'un district à l'occasion d'une élection, autre qu'une élection triennale, de Député ou Députés du Peuple pour tel district.

3.—(1) Les Connétables et Douzeniers d'une paroisse fixeront le lieu d'élection pour telle paroisse et en donneront connaissance par écrit au Registraire-Général au moins quinze jours avant l'élection.

(2) Le Registraire-Général donnera connaissance aux électeurs des lieux d'élection paroissiaux au moyen d'une annonce publiée dans la "Gazette Officielle" au moins huit jours avant la date de l'élection.

4.—Les lieux d'élection seront ouverts pendant une journée depuis onze heures du matin jusqu'à huit heures du soir dans la Paroisse de Saint Pierre Port et depuis midi jusqu'à huit heures du soir dans les autres Paroisses.

5.—(1) La revision et l'exhibition des registres avant une élection et toutes matières y ayant rapport, y inclus la clôture et la ré-ouverture des registres et la correction d'iceux, seront réglés par Ordonnance de la Cour Royale.

(2) Le jour de toute élection de Député ou Députés du Peuple et les formalités qui seront observées, tant durant l'élection que lorsqu'il s'agira de compter les votes pour en connaître le résultat, seront réglés par Ordonnance de la Cour Royale au moins vingt-huit jours d'avance."

"ARTICLE IX.

Nominations.

1.—La nomination de tout candidat à la charge de Député du Peuple sera faite et signée par deux personnes qui sont électeurs dans le district pour lequel le candidat est proposé et qui y résident.

2.—Toute nomination sera accompagnée—

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- (a) d'une déclaration par écrit signée du candidat à l'effet qu'il consent à être candidat à la charge de Député du Peuple pour le district en question : et
- (b) d'un certificat d'un des Connétables de la paroisse dans laquelle le candidat réside à l'effet que le candidat a les qualifications qui le rendent éligible, aux fins de la Loi de 1920, à la charge de Député du Peuple.

3.—Un candidat ne sera nommé que pour un seul district.”

“ ARTICLE XII.

1.—Les Connétables de chaque paroisse feront inscrire d'office sur le registre les nom, prénoms et adresse postale de tout contribuable à la Taxe sur les Occupants de telle paroisse qui

Registre
paroissial.

- (a) est sujet Britannique; et
- (b) est d'âge majeur; et
- (c) est résident dans telle paroisse; et
- (d) n'est sujet à aucune interdiction légale.

2.—Les Connétables de chaque paroisse feront aussi inscrire sur tel registre les nom, prénoms et adresse postale de toute autre personne qui—

(a) étant homme—

(i) a les qualifications énoncés dans les alinéas (a), (b) et (d) de la Section précédente; et

(ii) (a) est contribuable à la Taxe sur les Occupants de telle paroisse; ou

(b) ayant résidé dans l'Ile pendant douze mois selon les dispositions de l'Article XIII de la Loi de 1920, réside dans telle paroisse :

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ou (b) étant femme—

(i) a les qualifications énoncées dans les dits alinéas (a) et (d) de la dite Section précédente; et

(ii) (a) a atteint l'âge de trente ans, ou

(b) étant contribuable à la Taxe sur les Occupants de telle paroisse, est d'âge majeur;

et (iii) (a) est contribuable à la Taxe sur les Occupants de telle paroisse, ou

(b) ayant résidé dans l'Ile pendant douze mois selon les dispositions de l'Article XIII de la Loi de 1920, réside dans telle paroisse :

et aura fait parvenir aux Connétables de telle paroisse sa demande, dûment complétée, d'être inscrit sur tel registre.

3.—Le nom de fille de toute femme mariée inscrite sur un registre paroissial y sera inscrit à la suite de son nom de mariage.

4.—(1) Celui qui demande d'être inscrit sur un registre devra se procurer une forme de demande des Connétables de la paroisse dans laquelle il réside ou, s'il ne réside pas dans l'Ile, d'une paroisse dans laquelle il contribue à la Taxe sur les Occupants et, l'ayant complétée, devra la faire parvenir aux dits Connétables.

(2) La forme de demande est celle spécifiée dans la Cédule à cette Loi.

(3) Toute personne faisant une fausse déclaration dans une forme de demande d'être inscrite sur un registre sera coupable d'une offense et sera passible d'une amende qui n'excédera pas £20 sterling.

5.—(1) Tout registre paroissial sera tenu en trois parties distinctes—

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- (a) une partie, qui sera désignée “Part I”, qui contiendra les inscriptions faites en vertu de la Section 1 de cet Article;
- (b) une partie, qui sera désignée “Part II”, qui contiendra les inscriptions faites en vertu de la Section 2 de cet Article, en ce qui concerne des personnes résidant dans la paroisse; et
- (c) une partie, qui sera désignée “Part III”, qui contiendra les inscriptions faites en vertu de la Section 2 de cet Article, en ce qui concerne des personnes ne résidant pas dans la paroisse.

(2) Chaque partie du registre sera tenue par ordre alphabétique.

6.—Toute personne dont le nom se trouve inscrit sur un registre sera tenue—

- (a) de notifier aux Connétables tout changement de son adresse; et
- (b) à la demande des Connétables, de leur fournir tous renseignements tendant à son identification que les Connétables pourront requérir; faute de quoi son nom pourra être omis ou rayé du registre.

7.—Avant toute élection triennale de Député du Peuple—

- (a) de nouveaux registres seront confectionnés et les parties d'iceux désignées respectivement “Part II” et “Part III” ne contiendront que des inscriptions concernant les personnes qui auront fait parvenir aux Connétables la forme de demande spécifiée dans la Cédule à cette Loi, dûment complétée, pendant telle période avant l'élection qui sera spécifiée par Ordonnance de la Cour Royale:

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(b) les parties d'iceux désignées "Part I" seront revisées.

8.—Avant toute élection, autre qu'une élection triennale, de Député ou Députés du Peuple, toutes parties des registres du district dans lequel se tiendra l'élection seront revisées.

9.—Avant toute élection de Député ou Députés du Peuple, les Connétables de chaque paroisse de l'Ile ou de la paroisse ou des paroisses dont il s'agit, selon le cas, fourniront au Registraire-Général—

(a) copie du registre; et

(b) les formes de demande d'être inscrits sur le registre par eux reçues

(i) depuis l'élection précédente, s'il s'agit d'une élection pour un district quelconque: ou

(ii) depuis le commencement de la période spécifiée par Ordonnance de la Cour Royale comme la période dans laquelle les formes de demande doivent parvenir aux Connétables, s'il s'agit d'une élection triennale.

10.—Le Registraire-Général fournira aux Connétables, en ce qui les concernent, des renseignements touchant les notifications par lui reçues aux fins des Sections 4 et 5 de l'Article IV de cette Loi.

11.—Les frais encourus par les paroisses touchant les registres et les élections des Députés du Peuple seront à la charge des Etats."

Définitions. 2. Dans l'Article XIII de la Loi de 1920—

(a) la définition qui s'y trouve du mot "résidé" demeurera rappelée et y seront substituées les définitions suivantes:—

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- “(i) l’expression ‘aura résidé dans le pays pour au moins trois années’ qui paraît dans l’alinéa (a) de la Section (2) de l’Article II de cette Loi signifie que, pour les trois années qui auront immédiatement précédé la date de la nomination d’une personne comme candidat à la charge de Député du Peuple, le lieu ordinaire d’habitation de telle personne ait été en cette Ile et, que pendant telle période, telle personne n’ait pas été absente de cette Ile pendant plus de trois cents jour complets: ”
- “(ii) l’expression ‘ait résidé douze mois dans l’Ile’ qui paraît dans l’alinéa (b) de l’Article III de cette Loi signifie que, pour les douze mois qui auront immédiatement précédé la demande d’une personne d’être inscrite sur le registre, le lieu ordinaire d’habitation de telle personne ait été en cette Ile et que, pendant telle période, telle personne n’ait pas été absente de cette Ile pendant plus de cent quatre-vingts jours complets: ”
- (b) les définitions suivantes des expressions “Registraire-Général” et “Registre”, là où ces expressions paraissant dans la Loi de 1920 ainsi qu’amendée par cette présente Loi, seront incorporées, savoir:
- “(f) ‘Registraire-Général’ signifie le Supérieur des Etats, ou l’agissant Supérieur des Etats, lequel sera le Registraire-Général des Electeurs de l’Ile: ”
- “(g) ‘Registre’ signifie le registre paroissial des électeurs pour l’élection des Députés du Peuple.”
- (c) les mots “sous l’administration du Conseil dit ‘The Hospital Board of the States Public Assistance Authority’ ” seront substitués aux mots “sous l’administration des Conseils des

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Pauvres des paroisses ” là où ces derniers mots paraissent dans l’alinéa (e) du dit Article XIII : et seront telles définitions et tels mots substitués censés dorénavant former partie du dit Article XIII.

CÉDULE

Before completing this form, please read the instructions at the foot thereof.

To the Constables of

.....(a)

.....19.....(b)

GENTLEMEN,

In conformity with the requirements of the “ Loi supplémentaire relative à la Réforme des Etats (No. 2) 1938 ”, I hereby give you notice that I desire to have my name inscribed on the
.....(c) Register of Voters for the Election of Deputies.

1. My full name is(d)

2. My ordinary postal address is at

.....(e)

.....

3. I was born on the(f)

4. I am a British subject.

5. I am a (male person) (married woman) (widow) (spinster). (g)

6. My usual place of abode throughout the past twelve months has been in Guernsey, and my absences therefrom during that period do not exceed 180 days.

7. I am (not) a ratepayer in your parish. (h)

8. I am not legally disqualified from voting. (i)

9. I hereby declare that the foregoing particulars concerning myself are true in all respects.

(Signature)

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- (a) Insert name of Parish.
- (b) Fill in date.
- (c) Insert name of Parish.
- (d) Insert all Christian names and Surname (the latter in BLOCK LETTERS) *and, in the case of a married woman, or widow, after Surname add Maiden name.*
- (e) Insert *full* postal address including, if residing in Guernsey, the Parish.
- (f) Insert date of birth.
- (g) Strike out inapplicable words.
- (h) If a ratepayer in the Parish concerned, strike out the word "not".
- (i) The legal disqualifications are:—
 - (i) certification as of unsound mind.
 - (ii) being under Guardianship.
 - (iii) conviction for felony, the disqualification continuing for ten years from the completion of sentence.
 - (iv) being an inmate of a Public Assistance Institution otherwise than for medical or surgical treatment.

(Enregistré sur les Records le 19 novembre 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 4th day of November, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT	MR. SECRETARY MACDONALD
LORD PRIVY SEAL	SIR FAIRFAX LUXMOORE
VISCOUNT FINLAY	SIR RAYNER GODDARD
LORD ATKIN	SIR HERBERT DU PARCQ.

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 14th day of October, 1938, in the words following, viz.:—

The Contributory Pensions (Supplementary Provisions) Law, 1938.

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"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

' 1. That on the 30th day of March, 1938, the States of Deliberation, on the recommendation of their Insurance Authority, passed a resolution approving a modification of the Law intituled "Loi ayant rapport aux Pensions Contributives en cas d'Accident ou de Décès et pour la Vieillesse, 1935", and requested the Royal Court to prepare a Bill or Projet de Loi giving effect to the said resolution: 2. That accordingly on the 9th day of July, 1938, the Royal Court adopted a Bill or Projet de Loi intituled "Loi Supplémentaire de 1938 à la Loi ayant rapport aux Pensions Contributives en cas d'Accidents ou de Décès et pour la Vieillesse, 1935", and requested the Bailiff to submit the same to the States for their approval: 3. That on the 27th day of July, 1938, 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 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 hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi Supplémentaire de 1938 à la 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 Island of Guernsey.'

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"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.

RUPERT B. HOWORTH.

1938

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

PROJET DE LOI

INTITULÉ

LOI SUPPLÉMENTAIRE DE 1938 À LA LOI
AYANT RAPPORT AUX PENSIONS CON-
TRIBUTIVES 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.

1.—Article XIV of the Contributory Pensions Law,
1935, is hereby repealed and the following Article is
substituted therefor and shall be deemed henceforth
to form part of that Law.

“ ARTICLE XIV.

POWERS TO INVESTIGATE AND REMOVE
CAUSES OF ACCIDENTS, ETC.

Definitions.

1.—In this Article—

(a) the following expressions shall have the mean-
ings herein assigned to them respectively :—

‘ Hirer ’ and ‘ Owner ’ (except where those
expressions occur in subsection (4) of Sec-
tion 12 of this Article) include the attorney
guardian, agent or other representative of
the owner and hirer respectively.

‘ Premises ’ includes any vessel :

‘ The responsible person ’ means :—

(i) in relation to any premises, other
than a vessel, the owner of those
premises :

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- (ii) in relation to any machinery, apparatus, appliance, gear or other thing in use in or about any premises other than a vessel, the owner of that machinery, apparatus, appliance, gear or thing:
- (iii) in relation to any vessel and any machinery, apparatus, appliance, gear or thing forming part of the ordinary equipment of that vessel, the master of that vessel: and
- (iv) in relation to any machinery, apparatus, appliance, gear or thing installed temporarily in or on any vessel, the owner of such machinery, apparatus, appliance, gear or thing or, if the owner thereof is also the owner or charterer of that vessel, the master of that vessel:

Provided that, as regards any machinery, apparatus, appliance, gear or other thing to which paragraph (ii) of this definition applies and which is the subject of a hire purchase agreement, the expression 'the responsible person' means, during the currency of such agreement, the hirer thereunder to the exclusion of the person in whom the property therein vests.

Provided further that, as regards any machinery, apparatus, appliance, gear or other thing to which paragraph (iv) of this definition applies and which is the subject of a hire purchase agreement, the expression 'the responsible person' means, during the currency of such agree-

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ment, the hirer thereunder to the exclusion of the person in whom the property therein vests or, if such hirer is also the owner or charterer of the vessel wherein or whereon the same is installed temporarily, the master of that vessel.

- (b) the expression 'any machinery, apparatus, appliance, gear or other thing' in relation to a vessel shall include only such machinery, apparatus, appliances, gear or other things as, whether forming part of the ordinary equipment of that vessel or installed temporarily therein or thereon, are used in connection with the loading or unloading of that vessel.

Entry upon
premises.

2.—The Administrator or other person thereunto generally or specially authorised in writing by the Administrator, upon production on reasonable request of his authority, shall have power—

- (a) to enter at all times during ordinary working hours upon any premises whereon or wherein any person is ordinarily employed, being premises not used exclusively for the purposes of human habitation, for the purpose of:—
- (i) inspecting the premises and any machinery, apparatus, appliance, gear or other thing used in or about the same in order to ascertain whether or not the premises, machinery, apparatus, appliance, gear or thing are or is in such condition or so installed or used as to constitute a danger or potential danger of accident to any person in proximity to or lawfully upon such premises: or
 - (ii) demanding production of and inspecting wage sheets, pay-rolls and other records of wages paid to persons employed in the trade

or business therein carried on and making interrogations concerning the same in order to ensure that the provisions of this Law are being observed: and

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- (b) upon the occurrence upon or in connection with any premises of an accident involving the death of or injury to any person, to enter upon such premises, at such times as aforesaid if such premises are not used exclusively for the purposes of human habitation, and between the hours of 9 a.m. and 6 p.m. on weekdays if such premises are used exclusively for the purposes of human habitation, for the purpose of investigating the causes of such accident.

3.—Upon it appearing to the Administrator that any premises or any part thereof or any machinery, apparatus, appliance, gear or other thing in or about the same are or is in such a condition or so installed or used as to constitute a danger or potential danger of accident to any person in proximity to or lawfully upon such premises, the Administrator may deliver a notice in writing through the post or otherwise to the responsible person requiring the responsible person to show cause to the Administrator in writing, within the forty-eight hours next following the receipt by the responsible person of the notice, as to why the Administrator should not issue to the responsible person a direction as to the taking of such action as, in the opinion of the Administrator, will effectually remove such danger or potential danger.

Notice to
remove
danger.

4.—If the responsible person does not show cause as aforesaid or if the Administrator, after consideration of the cause shown by the responsible person, is not satisfied therewith, the Administrator may issue through the post or otherwise to the responsible person a direction as to the taking by the responsible person within such period as shall be spe-

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cified in the direction of such action as, in the opinion of the Administrator, will effectually remove the danger or potential danger alleged to exist.

Appeal.

5.—An appeal shall lie from any such direction issued by the Administrator to the Royal Court sitting as an Ordinary Court and the decision of that Court in the matter shall be final.

6.—Every such direction shall contain a statement informing the person to whom it is addressed of his right to appeal therefrom and of the costs to be remitted by him if he exercises that right and shall be accompanied by a form of notice of appeal for completion by such person if he so desires.

7.—To be effective, any such notice of appeal shall be completed and lodged with the Administrator within five days after the receipt by the appellant of the direction appealed from. The notice of appeal shall set forth the grounds of the appeal.

8.—Upon the receipt of a notice of appeal, the Administrator shall forthwith register the same and shall deliver a copy thereof to His Majesty's Greffier.

9.—His Majesty's Greffier shall thereupon procure the appointment of a date and hour for the hearing of the appeal and shall notify the Administrator accordingly, whereupon the Administrator shall cause notice of the date and hour of the hearing of the appeal to be served by His Majesty's Sergeant upon the appellant at his place of business or residence. Such notice shall be served not later than two clear days before the date appointed for the hearing.

10.—At the hearing of the appeal, if the appellant does not appear, the Court shall dismiss the appeal. In any other circumstances, the Court may allow or dismiss the appeal or may modify the requirements of the direction issued by the Administrator to the appellant.

11.—(1) The costs payable in connection with an appeal under this Article shall be as follows:—

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Costs.

Royal Court 5s. od.

H.M. Greffier 5s. od.

H.M. Sergeant (Service and "Relation")... 3s. 9d.

(2) Such costs shall be advanced by the appellant and a remittance in respect thereof shall accompany the notice of appeal. In default of such remittance, the notice of appeal shall be ineffective.

(3) The Court may direct that such costs as aforesaid shall be recoverable by the appellant from the Insurance Authority and may, in its discretion, award to the successful party in the appeal against the other of them such other costs, not exceeding the sum of £2 10s., as appear to the Court to have been reasonably incurred by him in connection with such appeal.

12.—(1) If any person fails to comply with a direction issued to him by the Administrator under Section 4 of this Article, being a direction from which an effective notice of appeal has not been lodged within the period specified in Section 7 of this Article, or fails to comply with an Order made by the Court upon an appeal from any such direction of the Administrator, he shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding £50 and, in addition to inflicting such fine, the Court before whom such person is convicted may—

Penalties.

- (a) empower the Insurance Authority, at the expense of the person convicted, to take the action required to be taken under such direction or Order: and
- (b) direct that, until action has been taken which fully complies with such direction or Order, the premises, machinery, apparatus, appliance, gear or thing to which the direction or Order relates, or such part thereof as may be specified by the Court, shall not be used or shall only be used in such manner as the Court may specify.

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(2) Upon the Insurance Authority being empowered by the Court to take such action as is hereinbefore in this section mentioned, it shall be lawful for the Administrator and any other person thereunto specially authorised by the Administrator, upon production on reasonable request of his authority, to enter the premises whereon or wherein such action is to be taken, at such times as are hereinbefore prescribed in this Article for the inspection of premises of the kind to which the premises entered belong, and there to take such action as the Insurance Authority is empowered by the Court to take.

(3) If, after the Court has directed that, pending the taking of action in regard to any premises, machinery, apparatus, appliance, gear or thing, the same, or some part thereof, shall not be used or shall only be used in such manner as is specified by the Court, those premises or that machinery, apparatus, appliance, gear or thing, or some part thereof are or is used in breach of the Court's direction, the responsible person shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding £50.

(4) The expenses incurred by the Insurance Authority pursuant to paragraph (a) of subsection (1) of this Section and the costs of any legal proceedings in relation to the recovery thereof shall be recoverable by the Administrator, for the account of the Insurance Authority, as a civil debt due to the Administrator by the person convicted who, if he is not the owner of the premises, or the owner, or the hirer under a hire purchase agreement, of the machinery, apparatus, appliance, gear or thing in relation to which such expenses have been incurred, shall be entitled to be reimbursed by the owner or the hirer as aforesaid thereof in respect of the amount so recovered from him by the Insurance Authority.

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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.

14.—The Insurance Authority may prescribe the Forms. forms to be used for the purposes of this Article.”

2.—This Law may be cited as The Contributory Pensions (Supplementary Provisions) Law, 1938, and The Contributory Pensions Law, 1935, The Contributory Pensions (Amendment) Law, 1937, and this Law may be cited together as The Contributory Pensions Laws, 1935 to 1938.

(Enregistré sur les Records le 26 novembre 1938.)

AT THE COURT AT BUCKINGHAM PALACE.

The 4th day of November, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
LORD PRIVY SEAL
VISCOUNT FINLAY
LORD ATKIN

MR. SECRETARY MACDONALD
SIR FAIRFAX LUXMOORE
SIR RAYNER GODDARD
SIR HERBERT DU PARCQ.

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 14th day of October, 1938, in the words following, viz. :—

States Water
Supply
(Temporary
Provisions)
Law, 1938.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

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' 1. That on the 3rd day of June, 1938, the States of Deliberation, on the recommendation of their Water Board, passed resolutions approving modifications of the Law intituled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Ile aux Habitants de la dite Ile," registered on the Records of this Island the 7th day of May, 1927, and requested the Royal Court to prepare a Bill or Projet de Loi giving effect to the said resolutions: 2. That accordingly on the 18th day of June, 1938, the Royal Court adopted a Bill or Projet de Loi intituled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Ile (1938)," and requested the Bailiff to submit the same to the States for their approval: 3. That on the 13th day of July, 1938, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same and authorizing 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 hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Ile (1938)," 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.

RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

LOI AYANT RAPPORT À LA FOURNITURE
D'EAU PAR LES ÉTATS DE CETTE ÎLE,
(1938).

LES ÉTATS 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 Île :—

ARTICLE 1.—AMENDMENT OF ARTICLE 1 OF LAW OF 1927.

Article 1 of the "Loi ayant rapport à la Fourniture d'Eau par les États de cette Île aux Habitants de la dite Île" registered on the Records of this Island

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on the 7th May, 1927, (in this Law referred to as the "Law of 1927") shall have effect as if the words "a qualified Bacteriologist" were substituted for the words "the States' Analyst" where these last-mentioned words occur in that Article, and on and after the commencement of this Law the said words so substituted shall be deemed to form part of the said Article.

* ARTICLE 2.—PARTIAL SUSPENSION OF
OBLIGATION TO SUPPLY WATER, ETC.

Until the Royal Court by Ordinance otherwise determines, pursuant to Article 3 of this Law, it shall not be obligatory upon the States Water Board (hereinafter referred to as "the Board"), otherwise than in fulfilment of

- (a) its obligations under Articles 10, 11 and 12 of the Law of 1927, or any of those Articles, or
- (b) its obligations to supply water for domestic purposes,

to extend, lay or fix pipes or apparatus for the purpose of affording a supply of water, or to supply water, in respect of any requisition or request made to the Board after the 10th day of May, 1938, any provisions of the Law of 1927 to the contrary notwithstanding.

ARTICLE 3.—POWER OF ROYAL COURT TO
TERMINATE SUSPENSION OF OBLIGATION.

The Royal Court may at any time, by Ordinance, after hearing the opinion of the Board in the matter, terminate, as from a date specified in such Ordinance, the suspension, provided for in Article 2 of this Law, of the obligations of the Board mentioned in that Article.

Amended by the States Water Supply (Temporary Provisions) Amendment Law, 1949.

ARTICLE 4.—COMMENCEMENT AND SHORT
TITLE.1938

(1) Subject to the provisions of Article 2 hereof, this Law shall come into operation upon the day on which the Order of His Majesty in Council sanctioning this Law is registered on the Records of this Island.

(2) This Law may be cited as the States Water Supply (Temporary Provisions) Law, 1938.

(Enregistré sur les Records le 26 novembre 1938.)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du quatre novembre mil neuf cent trente-huit transmettant des exemplaires de l'Acte du Parlement suivant :—

The Geneva
Convention
Act, 1937.

1 Edward VIII and 1 George VI, Chapter 15, "The Geneva Convention Act, 1937".

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 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 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.

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(Enregistré sur les Records le 26 novembre 1938.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of July, 1938.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

IN COUNCIL.

The Geneva
Convention
Act, 1937
(Channel
Islands)
Order in
Council,
1938.

WHEREAS by the Geneva Convention Act, 1937, provision was made to enable effect to be given to Article twenty-eight of the International Convention for the amelioration of the condition of the wounded and sick in armies in the field done at Geneva on the twenty-seventh day of July, nineteen hundred and twenty-nine, and for purposes connected therewith:

AND WHEREAS by Section 3 of the said Act it is provided that His Majesty may by Order in Council provide that Section 1 of the said Act shall extend, subject to such modifications (if any) as may be specified in the Order, *inter alia*, to the Channel Islands:

AND WHEREAS it is expedient that Section 1 of the said Act should be extended to the Channel Islands, and that certain modifications should be made with regard to the application of the said Section 1 to the Channel Islands:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the said Act or otherwise vested in His Majesty, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as “The Geneva Convention Act, 1937 (Channel Islands) Order in Council, 1938.”

2. Subject to the following modifications Section 1 of the Geneva Convention Act, 1937, shall extend to the Channel Islands:—

- (1) The powers by the said Section 1 vested in the Board of Trade shall be vested in the Royal Court of Jersey or the Royal Court of Guernsey as the case may be. 1938
- (2) In sub-section 2 of Section 1 the words "on Summary Conviction" shall be omitted.
- (3) For sub-section 5 of Section 1 there shall be substituted "Offences under this Section committed in the Bailiwicks of Jersey and Guernsey shall be prosecuted in the Royal Courts of the Islands."

3. This Order shall come into operation in Jersey and Guernsey on the date of its registration in the Royal Courts of the Islands.

E. C. E. LEADBITTER.

(Enregistré sur les Records le 10 décembre 1938.)

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant Gouverneur en date du six décembre mil neuf cent trente-huit transmettant des exemplaires imprimés de quatre Proclamations de Sa Majesté en date du 28 septembre mil neuf cent trente-huit, savoir:—

Proclama-
tions.

1. A Proclamation for calling out the Officers of the retired and emergency lists of the Royal Navy and Royal Marines and the Special Reserve of Engineer Officers of the Royal Navy.
2. A Proclamation for calling out men of the Royal Naval Reserve and Royal Fleet Reserve, and Officers and Men of the Royal Naval Volunteer Reserve.
3. A Proclamation for extending the Term of Service of Seamen serving in the Royal Navy and of Marines serving in the Royal Marine Forces.

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4. A Proclamation for calling out Officers of the Royal Naval Reserve.

LA COUR, après avoir eu lecture des dites Proclamations, ouies les conclusions des Officiers du Roi, à ordonné que les dites Proclamations seront enregistrées sur les Records de cette Ile par être logées au Greffe.

(Enregistré sur les Records le 10 décembre 1938.)

Proclamation.

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Monsieur le Député Lieutenant Gouverneur en date du six décembre mil neuf cent trente-huit transmettant des exemplaires imprimés d'une Proclamation de Sa Majesté en date du vingt-cinq novembre mil neuf cent trente-huit intitulée :

A Proclamation withdrawing the Proclamations of the 28th day of September, 1938, calling out Officers of the Retired and Emergency Lists of the Royal Navy and Royal Marines and the special Reserve of Engineer Officers of the Royal Navy, Officers of the Royal Naval Reserve, and Men of the Royal Naval Reserve and the Royal Fleet Reserve and Officers and Men of the Royal Naval Volunteer Reserve, and extending the term of service of Seamen serving in the Royal Navy and of Marines serving in the Royal Marine Forces.

LA COUR, après avoir eu lecture de la dite Proclamation, ouies les conclusions des Officiers du Roi, a ordonné que la dite Proclamation sera enregistrée sur les Records de cette Ile par être logée au Greffe.

(Enregistré sur les Records le 10 décembre 1938.)

Auxiliary
Air Force
and Air
Force Reserve.

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Monsieur le Député Lieutenant-Gouverneur en date du six décembre mil neuf cent

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trente-huit, transmettant des exemplaires imprimés d'un Ordre de Sa Majesté en Conseil en date du vingt-cinq novembre mil neuf cent trente-huit, fait sous l'autorité de l'Acte dit "Auxiliary Air Force and Air Force Reserve Act, 1924",—

LA COUR, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile par être logé au Greffe, et qu'un extrait des Registres de ce présent Acte avec un exemplaire du dit Ordre en Conseil 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.

1939

(Enregistré sur les Records le 11 février 1939)

The Expiring
Laws Con-
tinuance Act,
1938.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du deux février mil neuf cent trente-neuf transmettant des exemplaires de l'Acte du Parlement suivant :—

2 and 3 George VI, Chapter 1, "The Expiring Laws Continuance Act, 1938",

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 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 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 25 février 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of February, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

VISCOUNT CHILSTON.

SECRETARY SIR THOMAS INSKIP.

MR. SECRETARY COLVILLE.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

MR. R. A. BUTLER.

CAPTAIN CROOKSHANK.

SIR REGINALD DORMAN-SMITH.

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 January, 1939, in the words following, viz. :—

1939
Impôts
(Auregny),
1939.

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Frederick George French, 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-ninth day of November, 1938, the States were of opinion to renew the duties sanctioned by Your Majesty for the period ending on the 31st day of December, 1938, (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, 1939, and ending on the 31st day of December, 1939, 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.

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‘ SCHEDULE OF DUTIES REFERRED TO IN THE
ABOVE 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		7
	‘ Per lb.	
‘ Cigars ...	1	3
‘ Cigarettes ...	1	10
‘ Other Tobacco		6
‘ Tea		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, 1939, and ending on the 31st day of December, 1939, 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.

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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.

RUPERT B. HOWORTH.

(Enregistré sur les Records le 18 mars 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 9th day of March, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

MARQUESS OF ZETLAND.

LORD CHAMBERLAIN.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

SIR HUGH O'NEILL.

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 February, 1939, in the words following, viz. :—

Diphtheria
Immunisation
Law
(Guernsey),
1939.

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

“ 1. That on the 29th day of April, 1938, the States of Deliberation, on the recommendation of their Board of Health, passed a resolution approving the principle of compulsory immunisation from Diphtheria, and requested the Royal Court to prepare a Bill or “ *Projet de Loi* ” to give effect to the said resolution: 2. That accordingly on the 4th day of June, 1938, the Royal Court adopted a Bill or “ *Projet de Loi* ” intituled “ *Loi par rap-*

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port à l'Inoculation des Enfants contre la Diphtérie (1939)," and requested the Bailiff to submit the same to the States for approval: 3. That on the 29th day of June, 1938, at an adjourned sitting of the States, the said Bill or "Projet de Loi" was duly considered, and a resolution was passed approving the same and authorizing 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 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'Inoculation des Enfants contre la Diphtérie (1939)," 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.

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RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

“ LOI PAR RAPPORT À L'INOCULATION
DES ENFANTS CONTRE LA DIPHTÉRIE
(1939) ”.

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.—For the purpose of this Law and of any Regulations made thereunder— Definitions.

“ Appointed date ” means the date appointed by Ordinance of the Royal Court as the date after which inoculation in accordance with the provisions of this Law and of Regulations made thereunder will become compulsory :

“ Contravention ” includes non-observance :

“ Island of Guernsey ” includes the Islands of Herm and Jethou, which Islands shall be deemed to form part of the Parish of Saint Peter Port :

“ Inoculation ” means the administration by a qualified medical practitioner, with the object of immunising against diphtheria, of such preparation or preparations as may from time to time be prescribed

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by Ordinance of the Royal Court on such number of occasions, with such intervals of time between each of such occasions, if more than one, as may from time to time be so prescribed and, if the manner of such administration be so prescribed, in that manner.

“Medical Certificate” means a certificate signed by a qualified medical practitioner.

“Parent” means any person in whose custody, care or control a child is, whether or not that person is related to that child.

“Residing in the Island of Guernsey” applies to—

- (a) every child whose home is in the Island of Guernsey notwithstanding that that child may be periodically absent from the Island of Guernsey: and
- (b) every child attending school in the Island of Guernsey whether that child's home is in the Island of Guernsey or elsewhere: and
- (c) every other child who, during any period of three hundred and sixty-five consecutive days ending after the appointed date, has spent one hundred and eighty days in the Island of Guernsey.

“States Medical Officer of Health” includes any qualified medical practitioner for the time being acting as Medical Officer of Health.

Children to
undergo
inoculation.

2.—Every child residing in the Island of Guernsey who—

- (a) on the appointed date has already attained the age of two years but has not attained the age of ten years: or
- (b) on or after the appointed date attains the age of two years:

shall undergo inoculation:

Provided that any child as regards whom a medical certificate is presented to the States Medical Officer of Health to the effect that that child—

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- (a) has already undergone inoculation with the object of immunising that child against diphtheria whether before or after the commencement of this Law: or
- (b) is permanently unfit to undergo inoculation: or
- (c) is suffering or has suffered from diphtheria:
- (d) is not liable to contract diphtheria and has been so found by means of some test acceptable to the States' Medical Officer of Health:
- shall be exempt from inoculation:

3.—Inoculation under this Law shall be performed by medical practitioners appointed in that behalf by the States Board of Health and the cost of such inoculation and of the attendances and services of the medical practitioners so appointed shall be borne by the States:

Inoculation to be performed by medical practitioners.

Provided that it shall be lawful for the parent of a child required by this Law to undergo inoculation to have the inoculation of that child performed at his own expense by a medical practitioner selected by him.

4.—The States Board of Health is hereby empowered—

- (a) to appoint the places at which inoculation to be performed free of cost shall be performed:
- (b) to appoint the dates and times for the performance of inoculation at such places:

Board of Health to appoint places, dates and times.

and different dates, times and places may be appointed for the inoculation of children of different ages and of children residing in different districts.

5.—It shall be the duty of the parent of a child to whom the provisions of this Law apply to present that child for inoculation at the place or places, on the dates and at the times appointed in that behalf by the States Board of Health which are applicable in the case of that child:

Duty of parent.

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Provided that—

(i) in the case of a child as regards whom a medical certificate is presented to the States Medical Officer of Health to the effect that, at the dates on which that child would otherwise be required under this Law to undergo inoculation, that child is temporarily unfit to undergo inoculation, inoculation shall be deferred until that child, not having attained the age of ten years, is no longer medically certified as unfit to undergo inoculation and that child shall thereupon undergo inoculation :

(ii) as regards a child who, not being exempt, whether temporarily or otherwise, from inoculation is not inoculated on the dates appointed by the States Board of Health which are applicable as regards that child, then, notwithstanding that a penalty may or may not have been inflicted on account of the non-presentation of that child for inoculation on the date or dates so appointed, the parent of that child shall present that child for inoculation in accordance with directions from time to time issued by the States Medical Officer of Health either by way of advertisement in two daily newspapers published in the English language in the Island of Guernsey or by way of notice addressed through the post or otherwise to the parent of such child.

Ordinances.

6.—The Royal Court is hereby authorised from time to time to pass such Ordinances as it may deem expedient for the purpose of—

(a) fixing the appointed date :

(b) prescribing the preparation or preparations to be used for inoculation, the number of occasions on which the same are to be administered to a child, the interval between each of such occasions and the manner of such administration :

(c) making regulations for the purpose of carrying the provisions of this Law into effect :

- (d) prescribing forms for use for the purposes of this Law: 1939
- (e) prescribing the amount of the fees and other expenses payable by the States to medical practitioners under this Law:
- (f) prescribing penalties in respect of the contravention of the provisions of this Law and of such regulations:

Provided that no penalty so prescribed shall, in the case of a first conviction for any such contravention, exceed a fine of Five Pounds or, in default of payment of such fine, a term of imprisonment exceeding fifteen days or, in the case of a second or subsequent conviction, exceed a fine of Ten Pounds or, in default of payment of such fine, a term of imprisonment exceeding twenty-eight days and that a person sentenced to any such term of imprisonment shall not be required to undergo hard labour.

7.—This Law may be cited as the Diphtheria Short title.
Immunisation Law (Guernsey), 1939.

(Enregistré sur les Records le 25 mars 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 9th day of March, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

MARQUESS OF ZETLAND.

LORD CHAMBERLAIN.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

SIR HUGH O'NEILL.

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 10th day of February, 1939, in the words following, viz. :—

Démission
de Geoffrey
Alfred Carey,
écr., Juré.

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"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

' 1. That Geoffrey Alfred Carey, Esquire, after having at a meeting of the States of Election of Your Majesty's Island of Guernsey held on the 28th day of December, 1927, been duly elected "Juré-Justicier" or Jurat of the Royal Court of the said Island was, on the 30th day of December, 1927, sworn into office before the said Court. 2. That on the 27th day of December, 1938, the said Geoffrey Alfred Carey addressed a letter to the Bailiff, as President of the States, requesting that Body, owing to his continued ill-health, to consent to his being discharged from the said office. 3. That at a meeting of the States of Deliberation held on the 1st day of February, 1939, a resolution was passed whereby the States, in acceding to the request of the said Geoffrey Alfred Carey, 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, nevertheless allowing the said Geoffrey Alfred Carey 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 Geoffrey Alfred Carey, 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.'

“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.”

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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 thereof and His Majesty doth hereby and accordingly grant unto the said Geoffrey Alfred Carey, 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 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.

RUPERT B. HOWORTH.

(Enregistré sur les Records le 20 mai 1939)

Monsieur le Baillif ayant ce jour communiqué à la Cour une lettre de Son Excellence le Lieutenant-Gouverneur en date du 15 mai 1939, transmettant des exemplaires de Lettres Patentes sous le grand sceau du Royaume Uni en date du 5 mai 1939 ayant référence à la nomination de Conseillers d’Etat pour la transaction des affaires d’Etat pendant l’absence à

Nomina-
tion de Con-
seillers
d’Etat.

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l'étranger de Sa Majesté le Roi, — LA COUR, ouies les conclusions des Officiers du Roi, a ordonné qu'un exemplaire des dites Lettres Patentes sera logé au Greffe et qu'un extrait des Registres avec un des dits exemplaires seront transmis à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq.

(Enregistré sur les Records le 27 mai 1939))

Army and
Air Force
Act, 1939.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du cinq mai mil neuf cent trente-neuf transmettant des exemplaires de l'Acte de Parlement suivant :—

2 and 3 George VI, Chapter 17 " An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and Air Force ".

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 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 Délégué 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 5 juin 1939)

Lieutenant
Gouverneur
sermenté.

Le Major-Général ALEXANDER PATRICK DRUMMOND TELFER-SMOLLETT, C.B., D.S.O., M.C., ayant ce jour présenté à la Cour une commission de Sa Majesté qui le nomme et constitue Lieutenant Gouverneur de cette Ile et dépendances; après lecture

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et publication d'icelle commission il a été ordonné qu'elle sera enregistrée sur les Records de cette Ile, de laquelle commission la teneur suit :—

HENRY) ON BEHALF OF
GEORGE) HIS MAJESTY

GEORGE THE SIXTH, 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 Alexander Patrick Drummond Telfer-Smollett, Esquire, Companion of Our Most Honourable Order of the Bath, Companion of Our Distinguished Service Order upon whom has been conferred the Decoration of the Military Cross, Major General of Our Forces, GREETING!

WE reposing great trust and confidence in your loyalty, experience and good conduct do by these Presents appoint you to be as from the Fifth day of June proximo Our Lieutenant Governor of Our Island of Guernsey and other Islands, Forts and Appurtenances thereto belonging: To have hold and enjoy the said Place with all the Powers, Authorities, Rights, Profits and Advantages thereunto belonging, for and during Our Pleasure and to exercise and perform all Powers and Authorities appertaining to the said Office:

AND you are to observe and follow such Orders and Directions from time to time as you shall receive from Us through one of Our Principal Secretaries of State; and all and singular Our Officers, Ministers and loving subjects whom it may concern within Our said Island are to take due notice of Our Pleasure herein signified and to give due obedience thereto accordingly.

AND WE do hereby revoke as from the Fifth day of June proximo the Warrant under Our Royal Sign Manual whereby Our Right Trusty and Well beloved Sir Edward Nicholson Broadbent, Knight Commander of Our Most Excellent Order of the British

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Empire, Companion of Our Most Honourable Order of the Bath, Companion of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Distinguished Service Order, Major General of Our Forces, was appointed to the said Office :

AND We do further by these Presents reserve to Us, Our Heirs and Successors, all Ecclesiastical Patronage of any Living belonging to Our Crown in Our said Islands to be exercised by Our Secretary of State for the Home Department on Our behalf :

AND for the Government of Our said Island of Guernsey during your absence from time to time, or whenever from any cause whatsoever the duties appertaining to the Office of Lieutenant Governor of Our said Island must of necessity be performed by Deputy, We do hereby ordain that Our Bailiff, or in the event of his inability to act, the senior Jurat of the Royal Court, shall, after taking the usual oaths, discharge the duties of Lieutenant Governor on being notified by you that owing to your absence from the Island or any other cause you are unable to discharge the duties of your office until such time as you shall resume the duties, or until We signify Our further pleasure in that behalf.

Given at Our Court at Saint James's
the tenth day of May, 1939.

In the Third Year of Our Reign.

By His Majesty's Command.

SAMUEL HOARE.

Major General Alexander Patrick Drummond

Telfer-Smollett, C.B., D.S.O., M.C.,

To be Lieutenant Governor of Guernsey.

Ensuite de quoi le dit Major-Général Alexander Patrick Drummond Telfer-Smollett, C.B., D.S.O., M.C., a été sermenté à la dite charge de Lieutenant Gouverneur de cette Ile et dépendances suivant à l'ancienne forme accoutumée et usitée en cette Ile.

(Enregistré sur les Records le 17 juin 1939)

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AT THE COURT OF SAINT JAMES,

The 25th day of May, 1939.

PRESENT,

HIS ROYAL HIGHNESS THE DUKE OF GLOUCESTER.

HIS ROYAL HIGHNESS THE DUKE OF KENT.

HER ROYAL HIGHNESS THE PRINCESS ROYAL.

HER ROYAL HIGHNESS PRINCESS ARTHUR OF CONNAUGHT.

LORD PRESIDENT LORD CHATFIELD

LORD MACMILLAN MR. CHANCELLOR OF THE DUCHY
OF LANCASTER.

WHEREAS His Majesty, in pursuance of the Regency Act, 1937, was pleased, by Letters Patent dated the 5th day of May, 1939, to delegate and grant unto Her Majesty The Queen, His Royal Highness The Duke of Gloucester, K.G., K.T., K.P., G.C.M.G., G.C.V.O., His Royal Highness The Duke of Kent, K.G., K.T., G.C.M.G., G.C.V.O., Her Royal Highness The Princess Royal, C.I., G.C.V.O., G.B.E., and Her Royal Highness Princess Arthur of Connaught, or any two of them, as Counsellors of State, full power and authority during the period of His Majesty's absence from the United Kingdom to summon and hold on His Majesty's behalf His Privy Council and to signify thereat His Majesty's approval of any matter or thing to which His Majesty's approval in Council is required :

Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939.

AND 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 15th day of May, 1939, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1. That on the 10th day of December, 1938, the Royal Court adopted a Bill or “Projet de Loi”

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intituled "Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939," and requested the Bailiff to submit the same to the States of Deliberation for approval: 2. That on the 22nd day of March, 1939, the said Bill or "Projet de Loi" was duly considered by the States, when a resolution was passed approving the same with a slight modification and authorizing 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 might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey intituled "Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939," and to order and direct that the same should 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."

NOW THEREFORE, His Royal Highness The Duke of Gloucester, His Royal Highness the Duke of Kent, Her Royal Highness the Princess Royal and Her Royal Highness Princess Arthur of Connaught, being authorized thereto by the said Letters Patent, have taken the said Report into consideration, and hereby, by and with the advice of His Majesty's Privy Council, on His Majesty's behalf, approve of and ratify the said Projet de Loi, and 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 do 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.

RUPERT B. HOWORTH.

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

PROJET DE LOI
INTITULÉ
LOI SUPPLÉMENTAIRE RELATIVE AUX
AUTOMOBILES (AUTORISATIONS À
CONDUIRE), 1939.

1.—Dans cette Loi—

Définitions.

l'expression " autorisation ordinaire " signifie une autorisation à conduire un véhicule automobile autre qu'une autorisation provisionnelle :

l'expression " autorisation provisionnelle " signifie une autorisation provisionnelle à conduire un véhicule automobile accordée aux fins de cette Loi :

l'expression " autorisation à conduire " comprendra soit une autorisation ordinaire soit une autorisation provisionnelle :

l'expression " la loi principale " signifie la Loi relative aux Automobiles sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 11 décembre 1926, ainsi qu'amendée avant la date de cette présente Loi.

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Autorisation
provision-
nelle.

2.—Dans le but de permettre à un postulant pour l'octroi d'une autorisation ordinaire d'apprendre à conduire un véhicule automobile, le Conseil Administratif des Etats pourra lui octroyer une autorisation provisionnelle pour rester en vigueur pendant les trois mois à compter de la date de l'octroi de telle autorisation.

3.—Une autorisation provisionnelle permettra seulement la conduite par l'impétrant, en conformité aux conditions incorporées dans l'autorisation, d'un véhicule automobile du genre spécifié dans l'autorisation.

Dispositions
de la loi
principale
applicables
aux autorisa-
tions provi-
sionnelles.

4.—Les dispositions suivantes de la loi principale, savoir: celles de l'Article 8, ainsi qu'amendées par cette présente Loi, celles des Articles 9, 10, 11 et 12, celles de l'Article 13, ainsi qu'amendées par cette présente Loi, et celles des Articles 14, 15 et 16 seront applicables aux autorisations provisionnelles.

Amende-
ment de
l'Article 8 de
la loi princi-
pale.

5.—L'Article 8 de la loi principale aura effet désormais comme si, dans le deuxième alinéa d'icelui, les mots "sur la recommandation du Comité de la Police Salariée de l'Ile" qui s'y trouvent en furent omis et les mots "pour une raison qui leur paraîtra valable et qui sera spécifiée lors de tel refus" furent substitués aux mots "sans donner de raison" qui s'y trouvent.

Amende-
ment de
l'Article 13
de la loi prin-
cipale.

6.—L'Article 13 de la loi principale aura effet désormais comme si les mots suivants y furent incorporés dans la troisième ligne d'icelui entre le mot "automobile" et le mot "la" qui s'y trouvent:—

"et, dans le cas que le conducteur de l'automobile n'est muni que d'une autorisation provisionnelle et que la présence dans l'automobile d'une autre personne munie d'une autorisation ordinaire est requise par une condition incorporée dans l'autorisation provisionnelle du conducteur, de telle autre personne présente dans

l'automobile qui est déclaré y être présente en conformité à telle condition,"

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7.—La référence dans le dit Article 16 à l'Article 13 de la loi principale sera désormais censée être une référence à l'Article 14 de la loi principale.

Amende-
ment de
l'Article 16
de la loi prin-
cipale.

8.—La Cour Royale pourra par Ordonnance—

Ordon-
nances.

(a) prescrire les conditions quant à l'octroi et le renouvellement d'autorisations à conduire un véhicule automobile :

(b) prescrire la forme d'une autorisation provisionnelle et les conditions qui y seront incorporées :

(c) prescrire les maladies et incapacités qui priveront un postulant pour l'octroi, soit original soit par voie de renouvellement, d'une autorisation ordinaire ou pour l'octroi d'une autorisation provisionnelle du droit de demander l'octroi d'icelle et du droit de se faire soumettre à une épreuve quant à son aptitude à conduire un véhicule automobile.

9.—L'impétrant d'une autorisation provisionnelle qui ne se conformera pas à toute condition incorporée dans son autorisation sera coupable d'une offense et sera passible à une amende à discrétion de Justice qui n'excédera pas £10 sterling.

Penalités.

10.—Lorsqu'une autorisation ordinaire sera suspendue par la Cour en vertu des dispositions de l'Article 14 de la loi principale, la Cour pourra autoriser l'octroi à l'inculpé d'une autorisation provisionnelle et pourra ordonner que la période de la suspension de l'autorisation suspendue continuera

Suspension
d'autorisa-
tion ordi-
naire.

(a) soit pour une période déterminée :

(b) soit jusqu'à ce que l'inculpé produira au Supérieur des Etats un certificat de l'Inspecteur ou du Député Inspecteur de la Police Salariée à l'effet que, depuis la suspension, l'inculpé a subi avec succès l'épreuve prescrite par le

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Comité pour la Police Salariée pour s'assurer de son aptitude à conduire un véhicule automobile du genre visé par la licence suspendue :

- (c) soit pour une période déterminée et jusqu'à la production par après par l'inculpé au Supérieur des Etats du certificat visé par l'alinéa précédent.

Commence-
ment.

11.—Cette Loi viendra en force le jour de l'enregistrement sur les Records de cette Ile de l'Ordre de Sa Majesté en Conseil la sanctionnant.

(Enregistré sur les Records le 24 juin 1939)

Greffier du
Roi ser-
menté.

ALFRED JOHN ROUSSEL, écuyer, a été sermenté Greffier du Roi de la Cour Royale de cette Ile de Guernesey, comme à telle charge et office appartient, après y avoir été nommé par Sa Majesté vertu de Sa Commission en date du douze juin mil neuf cent trente-neuf, dont la teneur suit : —

HENRY) on behalf of
MARY) HIS MAJESTY.

GEORGE THE SIXTH, 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 Island of Guernsey, and to all others whom it may concern, GREETING!

WHEREAS the Office of Clerk or Greffier of Our Royal Court of Guernsey is now vacant by the resignation of Our Trusty and Well-beloved Quertier Le Pelley, Esquire, and We being satisfied of the Loyalty and Abilities of Our Trusty and Well-beloved Alfred John Roussel, Esquire, Deputy Greffier of Our Royal Court aforesaid, do hereby grant unto him the Office of Clerk or Greffier in Our Royal Court of Guernsey,

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with all Fees, Rewards, Profits, Advantages, Rights and Emoluments whatsoever to the said Office in any way belonging or appertaining: To have and to hold the same unto him the said Alfred John Roussel, by himself or his sufficient Deputy or Deputies during Our Pleasure.

PROVIDED ALWAYS that it is Our Will and Pleasure that if during your tenure of the said Office of Clerk or Greffier in Our Royal Court of Guernsey you the said Alfred John Roussel shall attain the age of seventy years you shall then cease to hold the said Office.

AND WE DO hereby Will and require you the Lieutenant Governor, the Bailiff or his Lieutenant and the Jurats of our said Isle, or either of you, to admit and receive the said Alfred John Roussel and such his Deputy or Deputies to the exercise and execution of the said Office, and to administer unto him or them the oath accustomed in that behalf to be taken by the Clerk or Greffier of Our Royal Court aforesaid for the faithful discharge of the said Office.

GIVEN at Our Court at Saint James's the twelfth day of June, 1939, in the Third Year of Our Reign.

By His Majesty's Command.

SAMUEL HOARE.

Alfred John Roussel, Esquire,
Clerk or Greffier of the
Royal Court of Guernsey.

(Enregistré sur les Records le 8 juillet 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 23rd day of June, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. R. B. BENNETT

MARQUESS OF LONDONDERRY

MR. ERNEST BROWN

MR. STUART

MR. RAMSBOTHAM

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 Guern-

Loi relative
à la Réforme
des Etats,
1939.

1939. sey and Jersey, dated the 13th day of June, 1939,
in the words following viz:—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘ 1. That on the 4th day of February, 1939, the Royal Court, in pursuance of the resolutions of the States of the 21st day of December, 1938, adopted a Bill or *Projet de Loi* intituled “*Loi relative à la Réforme des Etats, 1939,*” and requested the Bailiff to submit the same to the States of Deliberation for their approval: 2. That, in accordance with the provisions of Article XV of the “*Loi Supplémentaire à la Loi relative à la Réforme des Etats de Délibération*” registered on the Records of this Island the 30th day of October, 1920, the said Bill or *Projet de Loi* has been submitted to the States at three consecutive meetings held on the 22nd day of March, 1939, 21st day of April, 1939, and 12th day of May, 1939, respectively, at each of which meetings the said Bill or *Projet de Loi* was approved and at the last of which meetings the Bailiff was authorized 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 might 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 des Etats, 1939,*” and to order and direct that the same should 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 con-

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sideration, 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.

RUPERT B. HOWORTH.

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

PROJET DE LOI
INTITULÉ

*" LOI RELATIVE À LA RÉFORME DES
ÉTATS, 1939."

VU les Délibérations des Etats du 21 décembre,
1938:

LES ETATS ayant approuvé à trois séances consécutives les dispositions suivantes, telles dispositions auront, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, force de Loi en Ile de Guernesey.

* Law repealed by the Reform (Guernsey) Law, 1948.

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A.—Les Articles II et III de la Loi supplémentaire à la Loi relative à la Réforme des Etats de Délibération enregistrée sur les Records de cette Ile le 30 octobre, 1920, ci-après désignée “ la Loi de 1920 ” demeureront rappelés et y seront substitués les Articles numérotés II et III qui ensuivent, lesquels seront censés dorénavant former partie de la Loi de 1920.

“

ARTICLE II.

ÉLIGIBILITÉ À LA CHARGE
DE MEMBRE DES ÉTATS.

Eligibilité à
la charge de
membre des
Etats.

(1) Les qualifications à la charge de Membre des Etats de Délibération autre que la charge de Député du Peuple continueront à être réglées par les lois présentement en force.

(2) Sera éligible à la charge de Député du Peuple toute personne, soit homme ou femme, qui—

(a) aura résidé dans le pays pour au moins trois années: et

(b) ayant le droit d'avoir son nom inscrit sur le registre des Electeurs pour l'élection de Députés du Peuple, a son nom y inscrit.”

“

ARTICLE III.

LA FRANCHISE.

La Franchise.

Toute personne, soit homme ou femme, d'âge majeur aura le droit de demander l'inscription de son nom sur le Registre des Electeurs pour l'élection de Députés du Peuple pourvu que telle personne—

(a) soit Sujet Britannique; et

(b) ait résidé douze mois dans l'Ile ou soit contribuable à la Taxe sur les Occupants d'une paroisse en cette Ile; et

(c) ne soit sujette à aucune interdiction légale.”

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B.—Les Sections 2 et 4 de l'Article XII de la Loi de 1920 (tel Article ayant été incorporé dans la Loi de 1920 aux fins de la Loi Supplémentaire relative à la Réforme des Etats (No. 2), 1938) demeureront rappelées et y seront substituées respectivement les Sections numérotées 2 et 4 qui ensuivent, lesquelles Sections seront censées dorénavant être incorporées dans le dit Article XII.

ARTICLE XII.

* * * * *

“ 2. (1) Les Connétables de chaque paroisse feront aussi inscrire sur tel registre les noms, prénoms et adresse postale de toute autre personne, soit homme ou femme, qui aura fait parvenir aux Connétables de telle paroisse sa demande, dûment complétée, d'être inscrite sur tel registre et qui—

Registre
Paroissial.

(a) a les qualifications énoncées dans les alinéas (a), (b) et (d) de la Section précédente de cet Article; et

(b) (i) est contribuable à la Taxe sur les Occupants de telle paroisse; ou

(ii) ait résidé douze mois dans l'Ile et, à la date de telle demande, réside dans telle paroisse.

(2) L'expression ‘ ait résidé douze mois dans l'Ile ’ paraissant dans la sous-section précédente aura la signification accordée aux fins de l'Article XIII de cette Loi à telle expression paraissant dans l'alinéa (b) de l'Article III de cette Loi.

* * * * *

4. (1) Toute personne, dont le nom n'est pas inscrit d'office sur le registre d'une paroisse où elle a le droit d'en demander l'inscription et qui demande l'inscription de son nom sur tel registre

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devra se procurer une forme de demande des Connétables de telle paroisse et, l'ayant complétée, devra la faire parvenir aux dits Connétables.

(2) La forme de demande est celle spécifiée dans la Cédule à cette Loi.

(3) Toute personne faisant une fausse déclaration dans une forme de demande d'être inscrite sur un registre sera coupable d'une offense et sera passible d'une amende qui n'excédera pas £20 sterling."

* * * * *

Co-occupants ou co-propriétaires de prémisses.

C.—Les dispositions suivantes seront incorporées dans l'Article XIII de la Loi de 1920—

“ Pour les besoins de cette Loi, lorsque deux ou plusieurs personnes (y inclus mari et femme) sont conjointement redevables à la Taxe sur les Occupants à titre de co-occupants ou de co-propriétaires de prémisses quelconques, chacune de telles personnes sera censée être un contribuable à la Taxe sur les Occupants en ce qui concerne telles prémisses :

Pourvu—

- (a) qu'un mari ou une femme qui occupe des prémisses quelconques conjointement avec sa femme ou son mari en vertu seulement des droits à cet effet qui lui compètent en sa qualité de mari ou de femme ne sera pas censé être un contribuable à la Taxe sur les Occupants en ce qui concerne telles prémisses : et
- (b) que nulle obligation n'incombera aux Connétables d'une paroisse en vertu de cette Loi de faire aucune inscription sur le registre de telle paroisse en ce qui concerne une personne qui est co-occupant ou co-propriétaire de prémisses, en vertu de la qualification prétendue de telle personne d'être par ce fait contribuable à la Taxe sur les Occupants de

telle paroisse à moins que tels Connétables n'aient reçu preuve à leur satisfaction raisonnable de l'existence du droit de co-occupation ou de co-propriété sur lequel la qualification de contribuable à la Taxe sur les Occupants en ce qui concerne telle personne est basée."

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TRANSLATION.

LAW RELATING TO THE REFORM OF THE STATES, 1939.

In pursuance of the resolutions of the States of the 21st December, 1938:

THE STATES having, at three consecutive meetings, approved the following provisions, such provisions shall, subject to the Sanction of His Most Excellent Majesty in Council, have the force of law in the Island of Guernsey.

A.—Articles II. and III. of the Law supplementary to the Law relating to the Reform of the States of Deliberation registered on the Records of this Island on the 30th October, 1920 (hereinafter called "the Law of 1920") shall stand repealed and for them shall be substituted the following Articles numbered II. and III., which shall hereafter be deemed to form part of the Law of 1920.

“

ARTICLE II.

ELIGIBILITY FOR THE OFFICE OF MEMBER OF THE STATES.

(1) The qualifications for the office of Member of the States of Deliberation, other than the office of Deputy of the People, shall continue to be regulated by the laws at present in force.

Eligibility
for office of
member of
the States.

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(2) Any person, whether a man or a woman, shall be eligible for the office of Deputy of the People, if such person—

- (a) has resided in the country for at least three years; and
- (b) having the right to have his or her name entered in the Register of Electors for the Election of Deputies of the People, has his or her name entered therein.”

ARTICLE III.

THE FRANCHISE.

The Franchise.

Any person, whether a man or a woman, of full age, shall have the right to claim the entry of his or her name in the Register of Electors for the Election of Deputies of the People, provided that such person—

- (a) is a British subject ; and
- (b) has resided for twelve months in the Island or is a “contribuable” to the Occupiers’ Rate in a parish in this Island ; and
- (c) is not subject to any legal disability.”

B.—Sections 2 and 4 of Article XII. of the Law of 1920 (such Article having been incorporated in the Law of 1920 in pursuance of the Supplementary Law relating to the Reform of the States (No. 2), 1938) shall stand repealed and for them shall be substituted respectively the following Sections numbered 2 and 4, which shall hereafter be deemed to be incorporated in the said Article XII.

ARTICLE XII.

* * * * *

Parish Register.

“ 2. (1) The Constables of every parish shall also cause to be entered in such Register the name, Christian names and postal address of every other person, whether a man or a woman, who has had

delivered to the Constables of such parish his or her claim, duly completed, to be entered in such Register and who—

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(a) has the qualifications stated in paragraphs (a), (b) and (d) of the preceding section of this Article ; and

(b) (i) is a “contribuable” to the Occupiers’ Rate in such parish ; or

(ii) has resided for twelve months in the Island and, at the date of such claim, resides in such parish.

(2) The expression ‘has resided for twelve months in the Island,’ which appears in the preceding sub-section shall have the meaning assigned in pursuance of Article XIII. of this Law to such expression where it appears in paragraph (b) of Article III. of this Law.

* * * * *

4. (1) Any person, whose name is not entered as of course in the Register of a parish in whose Register that person has the right to claim its entry, and who claims the entry of his or her name in such Register, shall obtain a Form of Claim from the Constables of such parish and, having completed the same, shall have it delivered to the said Constables.

(2) The Form of Claim is that specified in the Schedule to this Law.

(3) Any person making a false declaration in a Form of Claim to be entered in a Register shall be guilty of an offence and shall be liable to a fine not exceeding £20 sterling.”

* * * * *

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C.—The following provisions shall be incorporated in Article XIII. of the Law of 1920—

Co-occupiers
or co-owners
of premises.

“For the purposes of this Law, when two or more persons (a husband and wife being included in this expression) are jointly liable to the Occupiers’ Rate as co-occupiers or co-owners of any premises, each of such persons shall be deemed to be a “contribuable” to the Occupiers’ Rate so far as regards such premises :

Provided—

- (a) that a husband or wife who occupies any premises jointly with his wife or her husband solely in virtue of rights to that effect which belong to him or her in his or her capacity of husband or wife shall not be deemed to be a “contribuable” to the Occupiers’ Rate so far as regards such premises ; and
 - (b) that no duty shall rest upon the Constables of a parish by reason of this Law to make any entry in the Register of such parish, as regards a person who is a co-occupier or co-owner of premises, in virtue of the qualification put forward by such person as being, by that fact, a “contribuable” to the Occupiers’ Rate of such parish, unless such Constables have received proof, to their reasonable satisfaction, of the existence of the right of co-occupancy or co-ownership on which the qualification as being a “contribuable” to the Occupiers’ Rate in respect of that person is based.”
-

*(Enregistré sur les Records le 22 juillet 1939)*1939

AT THE COURT AT BUCKINGHAM PALACE,

The 3rd day of July, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MAJOR TRYON.

EARL OF BESSBOROUGH.

MR. RAMSBOTHAM.

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 28th day of June, 1939, in the words following, viz :—

Royal Court
(Seal) Law
(Guernsey),
1939.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1. That on the 6th day of May, 1939, the Royal Court adopted a Bill or “Projet de Loi” intituled “Loi autorisant un Sceau Officiel pour la Cour Royale de Guernesey et l’Emploi d’icelui,” and requested the Bailiff to submit the same to the States of Deliberation for approval: 2. That on the 9th day of June, 1939, the said Bill or “Projet de Loi” was duly considered by the States, when a resolution was passed approving the same and authorizing 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 might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey intituled “Loi autorisant un Sceau Officiel pour la Cour Royale de Guernesey et l’Emploi d’icelui,” and to order and direct that the same have the force of Law within the Bailiwick of the Island of Guernsey.’

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“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 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.

RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

LOI AUTORISANT UN SCEAU OFFICIEL POUR
LA COUR ROYALE DE GUERNESEY ET
L'EMPLOI D'ICELUI.

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 ce Bailliage.

ARRANGEMENT OF ARTICLES.

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Article

- 1 Authorisation, Making and Form of Seal of Court.
- 2 Use of Seal and Custody thereof.
- 3 Commencement.
- 4 Short Title.

THE LAW.

ARTICLE 1.—AUTHORISATION, MAKING
AND FORM OF SEAL OF COURT.

(1) The Royal Court of Guernsey (hereinafter referred to as “the Royal Court”) shall have an official Seal (hereinafter referred to as “the Seal”), to be known as the Seal of the Royal Court.

(2) The Royal Court shall be entitled to approve a design for and procure the making of the Seal.

The Seal shall bear the Arms of the Island of Guernsey and the inscription “Sceau de la Cour Royale de Guernesey”.

(3) The Royal Court shall be entitled from time to time and at any time, in virtue of this Law, to order any modification which the said Court deems fit to be made, in the form of the Seal made in pursuance of the last foregoing paragraph of this Article, including the inscription thereon.

ARTICLE 2.—USE OF SEAL AND CUSTODY
THEREOF.

(1) The Seal may be used for the purpose of authenticating any copy of any Judgment, Decree, Order or other Act of the Royal Court or of any Division, including the Matrimonial Causes Division, thereof and may, under the general or specific authority of an Act of the Royal Court or of any Division thereof, be used for authenticating any other document or record.

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(2) His Majesty's Greffier shall be the officer authorised to affix the Seal to any copy, document, or record as aforesaid or otherwise in pursuance of the provisions of this Article.

In this Article the expression "His Majesty's Greffier" includes any Deputy-Greffier duly appointed and any person duly appointed to exercise temporarily the duties of His Majesty's Greffier.

(3) When the Seal is affixed in accordance with the provisions of this Article, His Majesty's Greffier shall authenticate the same by his signature and official designation.

(4) The Seal shall be kept in the custody of His Majesty's Greffier.

ARTICLE 3.—COMMENCEMENT.

This Law shall come into operation on the day on which it is registered on the Records of the Island of Guernsey.

ARTICLE 4.—SHORT TITLE.

This Law may be cited as the Royal Court (Seal) Law (Guernsey), 1939.

(Enregistré sur les Records le 22 juillet 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 3rd day of July, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MAJOR TRYON

EARL OF BESSBOROUGH

MR. RAMSBOTHAM

Matrimonial
Causes Law
(Guernsey),
1939.

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, 1939, in the words following, viz :—

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble petition of the States of the Island of Guernsey setting forth :—

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' 1.—That on the 27th day of March, 1935, the States of Deliberation, after considering a Petition submitted to them by several of their members passed a resolution approving in principle of a Law on Divorce: 2. That in pursuance of the said resolution the States, on the 24th day of April, 1935, named a Committee to study the question in all its aspects and to report thereon in due course: 3. That in accordance with the aforesaid resolution of the 24th day of April, 1935, the States, on the 3rd day of November, 1937, after careful consideration of the report of their Committee, passed a resolution approving the same with certain modifications and requesting the Royal Court to prepare the legislation necessary in order to give effect to their resolution on the subject: 4. That the States of the Island of Alderney at a sitting held on the 22nd day of June, 1936, passed a resolution desiring that the provisions of the Law on Divorce which the Royal Court might eventually adopt should apply to the Island of Alderney: 5. That at a sitting of the Chief Pleas of the Island of Sark held on the 30th day of September, 1936, a resolution was passed desiring that the Island of Sark be excepted from the operation of the provisions of the proposed legislation on the subject of Divorce: 6. That on the 25th day of March, 1939, in accordance with the aforesaid resolution of the States of the 3rd day of November, 1937, the Royal Court adopted a Bill or " *Projet de Loi* " intituled " *Loi ayant rapport au Divorce et à d'autres Causes Matrimoniales* " and requested

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the Bailiff to submit the same to the States for approval: 7. That on the 21st day of April, 1939, the States duly considered the said Bill or "Projet de Loi," and a resolution was passed approving the same and authorizing the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 8. That on the 25th day of May, 1939, the States of the Island of Alderney unanimously approved of the provisions of the aforesaid Bill or "Projet de Loi": 9. 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 might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" intituled "Loi ayant rapport au Divorce et à d'autres Causes Matrimoniales," and to order and direct that the same should 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 the Island 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.

RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

LOI AYANT RAPPORT AU DIVORCE ET À
D'AUTRES CAUSES MATRIMONIALES

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 ce Bailliage.

Arrangement of Articles

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- 9 Provision for reconciliation in proceedings for divorce or separation
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Article

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- 70 Amendment of Loi relative à la séparation de
mariés en police correctionnelle
71 Commencement
72 Short Title

The Law**Part I—General Provisions****ARTICLE I.—DEFINITIONS AND INTER-
PRETATION**

In this Law, unless the context otherwise requires or the contrary intention appears or it is otherwise specially provided, the following words and expressions have the meanings hereby respectively assigned to them, namely :—

“ Appeal Court ” means the Cour des Jugements et Records :

“ Bailiwick ” means the Bailiwick of Guernsey :

“ Cause ” and “ Suit ” each include any proceedings in which there is an applicant, petitioner or plaintiff :

“ Finding of fact ” includes the assessment of damages in any matrimonial cause :

“ Habitual drunkard ” means a person who habitually and intemperately drinks intoxicating liquor or habitually takes or uses, otherwise than in accordance with medical advice, opium or any other dangerous drug :

“ His Majesty’s Procureur ” and “ His Majesty’s Comptroller ” include any person duly appointed to exercise temporarily the duties of those offices respectively ; “ His Majesty’s Greffier ” includes any Deputy-Greffier duly appointed and any person duly appointed to exercise temporarily the duties of His Majesty’s Greffier ; “ His Majesty’s Sergeant ” includes any Deputy-Sergeant duly appointed and any person duly appointed to exercise temporarily the duties of His Majesty’s Sergeant :

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“ Island of Guernsey ” includes the Islands of Herm and Jethou :

The “ Law of 1930 ” means the Law entitled “ Loi relative à la Séparation de Mariés en Police Correctionnelle ” approved by Order in Council of the 28th July, 1930, and registered on the Records of the Island of Guernsey on the 21st August, 1930 :

The “ Law of 1936 ” means the Law entitled “ Loi sur les Empêchements au Mariage à cause de Parenté et sur l'Etablissement de la Juridiction Civile dans les Causes Matrimoniales, 1936 ”, approved by Order in Council of the 3rd March, 1936, and registered on the Records of the Island of Guernsey on the 21st March, 1936 :

“ Magistrate ” means the Police Court Magistrate and includes any person duly appointed to exercise temporarily the duties of the Magistrate :

“ Suit ” and “ Cause ” each include any proceedings in which there is an applicant, petitioner or plaintiff :

Words importing the masculine gender shall include females :

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

ARTICLE 2.—INSTITUTION OF COURT FOR MATRIMONIAL CAUSES AND MATTERS AND JURISDICTION THEREOF

(1) Subject to the provisions of this Article, on and from the date on which this Law comes into operation—

- (a) the original jurisdiction exercisable by the Royal Court sitting as a Full Court in virtue of the Law of 1936 ; and
- (b) the original jurisdiction exercisable by the Royal Court sitting as an Ordinary Court (hereinafter in this Law referred to as “ the

Ordinary Court ") in respect of matrimonial causes, suits and matters ; and

- (c) the appellate jurisdiction exercisable by the Ordinary Court in respect of suits for Judicial Separation and Suits for Restitution of Conjugal Rights and matters in relation thereto or arising thereout originating in the Court of Alderney and the Court of Sark

shall be vested in and exercisable exclusively by a Division of the Royal Court to be designated " The Matrimonial Causes Division of the Royal Court of Guernsey " (hereinafter in general in this Part and Part III. (entitled " Judicial Separation ") of this Law referred to as " the Court for Matrimonial Causes " and in the other Parts of this Law as " the Court ").

(2) The Court for Matrimonial Causes shall, except as provided by paragraph (3) of this Article and by Article 21 (entitled " Exclusion of Sark ") of this Law, have and exercise jurisdiction in respect of all Suits for Divorce, Suits for Judicial Separation, Suits for Restitution of Conjugal Rights, Suits of Nullity of Marriage, Applications by a Husband or Wife for a Decree of Presumption of the Death of the other Spouse and Dissolution of Marriage thereupon and all other causes, suits and matters matrimonial triable under this Law or otherwise in this Bailiwick.

(3) (a) The Court for Matrimonial Causes shall not have jurisdiction in applications for temporary separation orders and maintenance orders in pursuance of the Law of 1930 as amended by this Law and by any other Law hereafter in force, and such applications shall as heretofore be made to and determined by the Magistrate.

(b) The Court for Matrimonial Causes shall not have original jurisdiction in Suits for Judicial Separation and Suits for Restitution of Conjugal Rights

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in respect of which the Court of Alderney or the Court of Sark has heretofore had jurisdiction, and those last-named courts shall as heretofore exclusively exercise original jurisdiction in such suits.

(4) (a) Subject to the provisions of sub-paragraph (b) of this paragraph, the Ordinary Court and the Court for Matrimonial Causes shall have concurrent jurisdiction with regard to

(i) pronouncing a judicial separation in cases where the parties to a marriage consent to such judicial separation ; and

(ii) sanctioning terms of separation in such cases.

(b) Where application for a judicial separation has been made to the Ordinary Court in the exercise of its jurisdiction under sub-paragraph (a) of this paragraph and either

(i) the parties do not agree regarding the terms of their separation ; or

(ii) the Ordinary Court declines to sanction the terms of separation presented to it by the parties,

the Ordinary Court shall cease to have jurisdiction regarding the matter in difference, and the Court for Matrimonial Causes shall thereupon and thereafter be seized thereof to the exclusion of the Ordinary Court.

(5) Where a wife has been deserted by her husband or where her husband has been deported from the United Kingdom or from any of the Channel Islands under any enactment relating to the deportation of aliens, and the husband was immediately before the desertion or deportation domiciled in the Bailiwick, the Court for Matrimonial Causes shall have jurisdiction for the purpose of divorce proceedings and any other proceedings under this Law, notwithstanding that the husband has changed his domicile since the desertion or deportation :

Provided that nothing in this paragraph shall impair or abridge or otherwise limit the jurisdiction of any Court where, under this Law, such jurisdiction is exercisable irrespective of the domicile of the parties.

ARTICLE 3.—APPEALS

* (1) No appeal shall lie from any finding of fact by the Court for Matrimonial Causes, other than the assessment of damages.

* (2) On any question of law or assessment of damages, or in relation to any order made under Part VII. (entitled "Care of Children") or Part VIII. (entitled "Property and Contributions for Support") of this Law, other than an interim order, an appeal shall lie from the Court for Matrimonial Causes to the Appeal Court and thence to His Majesty in Council.

(3) Any party having a right of appeal to the Appeal Court under this Law and intending to appeal shall give notice of such intention to His Majesty's Greffier at the Greffe within seven days after the date of the decision appealed from, and if notice is not so given such right of appeal shall lapse.

(4) No appeal from a decision of the Court for Matrimonial Causes to the Appeal Court shall lie after the expiration of the six calendar months next following the date of that decision, unless within that period the matters in issue in such appeal have been brought in due form to the Appeal Court for adjudication, and it shall be the duty of His Majesty's Greffier, on the expiration of such period, to strike out of the Appeal List any appeal not so brought to the said Court within that period.

(5) Where an appeal has, in accordance with this Law, been brought before the Appeal Court, that Court may make such order as it deems just with

* New Section (1) substituted and Section (2) amended by the Matrimonial Causes Law (Guernsey), 1939, Amendment Law, 1946

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regard to costs in the suit, whether in relation to such appeal or otherwise.

(6) Where the Court for Matrimonial Causes has refused to grant a decree and an appeal lies, the Appeal Court may, after hearing an appeal in the suit, make such decree.

(7) In any proceedings under this Law in the Appeal Court, in which any of the parties thereto does not appear either in person or by counsel or other lawful representative, then, unless the Appeal Court otherwise directs, judgment shall be entered against the absent party if it appears to the Appeal Court, by a certificate of service of His Majesty's Sergeant, that a citation to appear has been duly served upon such absent party or his lawful representative ; and any such judgment of the Appeal Court shall be definitive against such absent party, any other rule of procedure to the contrary notwithstanding.

(8) (a) The provisions of this Law shall not be deemed to affect the right of any person aggrieved by a decision of the Court for Matrimonial Causes or the Appeal Court, in any matrimonial cause, suit or matter, to seek redress by way of appeal to His Majesty in Council.

(b) Any rules of law governing the initiation and prosecution of appeals to His Majesty in Council shall apply in the case of appeals in matrimonial causes, suits and matters.

ARTICLE 4.—CONSTITUTION OF COURT FOR MATRIMONIAL CAUSES AND MATTERS

The Court for Matrimonial Causes shall consist of the Bailiff or a Lieutenant-Bailiff or the Judge Delegate and of any four of the Jurats of the Royal Court.*

* Proviso added by the Matrimonial Causes Law (Guernsey), 1939, Amendment Law, 1946.

ARTICLE 5.—CAUSES ETC. PENDING AT
COMMENCEMENT OF THIS LAW1939

(1) In the case of any Matrimonial Cause or Matter listed as a "Cause en Preuve" of which, when this Law comes into operation, the trial has begun, the court which was then seized of such Cause or Matter shall remain seized thereof and shall hear, determine and deal with the same as fully and effectually as if this Law had not been enacted.

(2) The jurisdiction conferred on the Court for Matrimonial Causes by this Law shall extend to the trial of any Matrimonial Cause or Matter which is pending but of which the trial as a "Cause en Preuve" has not begun when this Law comes into operation.

ARTICLE 6.—POWER OF ROYAL COURT TO
MAKE RULES OF PRACTICE AND PRO-
CEDURE FOR MATRIMONIAL CAUSES, ETC.

The Royal Court may from time to time by Ordinance make such Rules of Court regulating the Practice and Procedure in Matrimonial Causes and Matters, including the use of prescribed Forms and the service of citations within and without the Bailiwick, as the Royal Court deems necessary.

ARTICLE 7.—POOR PERSONS

(1) Subject to the provisions of this Article, the Royal Court may from time to time, by Ordinance, make Regulations determining what persons are to be regarded as Poor Persons in matrimonial causes and matters and with regard to—

(a) the legal assistance to be afforded to poor persons and the manner of making application therefor and the conditions attaching to the grant thereof; and

(b) costs payable by poor persons;
in such causes and matters.

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(2) The Regulations made under this Article may include provisions—

- (a) requiring any poor person who desires legal assistance in instituting, prosecuting or defending a matrimonial cause or matter to apply therefor in the first instance to the Magistrate;
- (b) that upon proof to the satisfaction of the Magistrate that the poor person's circumstances are such that he is unable to pay the cost of instituting, prosecuting or defending the proceedings in such suit but not otherwise, and if the Magistrate is satisfied that there is a *prima facie* case to be laid before the Court for Matrimonial Causes, the Magistrate shall certify that the applicant is a poor person entitled to legal assistance in accordance with the said Regulations ; and
- (c) that, where the applicant is a wife, the Magistrate may grant one or more of the following certificates :
 - (i) a certificate that she is entitled to proceed as a poor person in the matrimonial suit or that she is entitled thus to proceed only in so far as may be necessary to enable her to obtain from her husband security for her costs therein ;
 - (ii) a certificate that she is entitled thus to proceed only in so far as may be necessary to obtain from her husband contribution for support *pendente lite*.

ARTICLE 8.—INVESTIGATING OFFICER

(1) The States may, on the recommendation of the Royal Court, appoint, or direct the appointment of, an Investigating Officer to the Court for Matrimonial Causes, invested with the rights and charged with the duties of making such investigations in connex-

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ion with any suit for divorce or nullity of marriage or decree of presumption of death and dissolution of marriage thereon as may be proper with a view to aiding justice or preventing abuse of process.

(2) Unless and until an Investigating Officer is appointed under paragraph (1) of this Article, and thereafter, during any vacancy in that office and any absence from duty of the holder thereof, the powers, rights, and duties of Investigating Officer shall be vested in His Majesty's Procureur and His Majesty's Comptroller jointly and severally.

(3) In any proceedings to which this Article relates, the Investigating Officer shall be entitled at any stage of the proceedings before the Court for Matrimonial Causes, to intervene in the proceedings, in such manner as he deems likely to assist the court, if, in the opinion of the Investigating Officer, such intervention is advisable in the interests of justice.

(4) Where the Court for Matrimonial Causes deems it necessary or expedient that any matter in relation to any suit for divorce or for nullity of marriage or decree of presumption of death and dissolution of marriage thereon then pending should be investigated by the Investigating Officer or where that Court or the Appeal Court deems it necessary or expedient that any such matter should be fully argued before it, the Court for Matrimonial Causes or the Appeal Court as the case may be may adjourn the proceedings pending such investigation or argument and may direct all necessary papers in the matter to be sent to the Investigating Officer and thereupon the Investigating Officer shall investigate the matter and report thereon to the court which gave such direction, or shall arrange for the matter to be argued before that court as the case may require.

(5) The Investigating Officer may, in pursuance of the provisions of this Article, employ such assist-

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ance as he deems necessary, and the cost of such assistance and all other expenses incurred by the Investigating Officer in connexion with his duties under this Article shall be defrayed by the States.

(6) Where the Investigating Officer intervenes or shows cause against a decree in any proceedings for divorce or for nullity of marriage or for presumption of death and dissolution of marriage thereon, the court adjudicating therein may make such order as to the payment by other parties to the proceedings of the costs of the services performed by or on behalf of the Investigating Officer in relation to such proceedings in virtue of this Article, as may seem just.

ARTICLE 9.—PROVISION FOR RECONCILIATION IN PROCEEDINGS FOR DIVORCE OR SEPARATION

(1) Where any person

- (i) has petitioned the Court for Matrimonial Causes for a decree of divorce or judicial separation ; or
- (ii) has applied to the Ordinary Court, or to the Court for Matrimonial Causes, for the granting of a judicial separation by consent ; or
- (iii) has applied to the magistrate for a separation order ;

then, unless the court seized of the case or the magistrate, as the case may be, is satisfied that an attempt has been made to reconcile the parties or that such an attempt is impracticable or undesirable, such court or the magistrate, as the case may be, may, for the purpose of affording an opportunity of reconciliation between the parties adjourn the case and may, with the consent of the parties, nominate one or more persons to act as mediators between the parties with a view to their reconciliation.

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(2) The Court for Matrimonial Causes shall prepare and maintain a list of persons of repute willing to serve as members of a Panel of Mediators and in that capacity to be called upon by the court or magistrate from time to time to endeavour to reconcile married persons as provided for in paragraph (1) of this Article.

(3) Any petitioner for divorce or petitioner or applicant for judicial separation or applicant for a separation order, who, in a case in which the court or magistrate is of opinion that an attempt should be made to reconcile the parties, refuses to go before a mediator shall, unless the court or magistrate, after considering the circumstances of such refusal, otherwise directs, be disentitled to proceed with the said petition or application.

(4) Where an application is made to the magistrate for a separation order and the magistrate is of opinion that an attempt should be made to reconcile the husband and wife before the application is finally adjudicated upon, he may, if he thinks fit, make a separation order to take effect during such interval as he directs for the purpose of the making of endeavours to effect such reconciliation.

ARTICLE 10.—JOINDER OF CO-RESPONDENT. DAMAGES AND COSTS

(1) In the proceedings on any petition, whether by a husband or a wife, for divorce or judicial separation on the ground of adultery, or if, in the answer to the petition the husband or wife prays by cross-petition for divorce or judicial separation on the ground of adultery, the petitioner or respondent, as the case may be, shall cause any person with whom he or she in such petition or cross-petition alleges that the other spouse has committed adultery to be cited as a co-respondent, unless such citation is excused on special grounds by the court seized of the case.

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(2) In proceedings for divorce or judicial separation on the ground of adultery, but not otherwise, the Court for Matrimonial Causes may award damages, if claimed in the petition or cross-petition, and costs, against a co-respondent, whether male or female, in favour of the party to whom a decree of divorce or judicial separation is granted, and any such award may be made, notwithstanding that such co-respondent is domiciled or resident elsewhere than in the Bailiwick. Such damages shall be compensatory and not exemplary or punitive.

(3) The court may direct in what manner such damages as it awards under paragraph (2) of this Article shall be paid or applied and may also direct that the whole or any part thereof shall be settled for the benefit of all or any of the children of the marriage or as a provision for either spouse ; and any such direction by the court shall be deemed to be the determination of a question of law on which an appeal shall lie in accordance with the provisions of paragraph (2) (relating to appeals on questions of law or assessment of damages) of Article 3 (entitled " Appeals ") of this Law.

ARTICLE 11.—POWER OF COURT TO ALLOW INTERVENTION

In every case in which any person is charged with adultery with any party to a suit or in which the Court for Matrimonial Causes considers that in the interest of any person not already a party to the suit, that person should be made a party to the suit, the court may, if it thinks fit, allow that person to intervene upon such terms as the court thinks just.

ARTICLE 12.—DECREES AND FINAL ORDERS

(1) Where a decree of divorce or a decree of nullity of marriage has been made by the Court for Matrimonial Causes or the Appeal Court, such decree

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and any order made thereupon under Part VII (entitled " Care of Children ") or Part VIII (entitled " Property and Contributions for Support ") of this Law, other than an interim order under Part VII or under paragraph (3) of Article 47 (entitled " Contributions for Support ") of this Law, shall be provisional until—

(a) a Final Order, as provided for in this Article, has been made ; or

(b) His Majesty in Council has issued an Order (i) disallowing an appeal against the granting of the decree, or (ii) allowing an appeal against a reversal by the Appeal Court of the granting of the decree.

(2) Where a decree of the kinds mentioned in paragraph (1) of this Article has been made by the Court for Matrimonial Causes or has been made or affirmed by the Appeal Court and

(a) no appeal allowable against such decree has been lodged within the time allowed for lodging such appeal ; or

(b) an appeal thus allowable and duly lodged has not been prosecuted within the time allowed for its prosecution ;

then the Court for Matrimonial Causes shall, on the application, which may be *ex parte*, of either party to the marriage to which the said decree relates, make a Final Order in the suit pronouncing—

in the case of a decree of divorce, that on and after the date of such Final Order the said marriage shall stand dissolved ;

in the case of a decree of nullity of marriage, such marriage to be and to have been null and void.

(3) Upon the making, in virtue of this Article, of a Final Order, neither the Final Order nor the decree to which it relates shall thereafter be questioned, whether for lack of jurisdiction or on any ground whatsoever.

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(4) The Court for Matrimonial Causes may refuse to make a Final Order if application for the same is not made within a period of twelve calendar months from the date on which application therefor might first have been made.

ARTICLE 13.—VARIATION OF ORDERS

(1) The Court for Matrimonial Causes may from time to time, whether before or after a decree in any matrimonial suit, vary or modify any order previously made under Part VII. (entitled “ Care of Children ”) or Part VIII. (entitled “ Property and Contributions for Support ”) of this Law, other than an order for the payment outright of a gross sum which has been fully complied with.

(2) As regards any matter of the kinds to which Part VII. (entitled “ Care of Children ”) or Part VIII. (entitled “ Property and Contributions for Support ”) of this Law relates, the Court for Matrimonial Causes shall have the like powers to vary or modify from time to time any order previously made in an extraneous jurisdiction in consequence of a decree in a matrimonial suit, wherever such decree was made, if the parties to the variation or modification proceedings are both resident within the Bailiwick at the time of the institution thereof.

(3) Any order made by the Court of Alderney or the Court of Sark, consequential upon a decree of judicial separation pronounced in either of those Courts, whether before or after the commencement of this Law, may be varied or modified by the Court by which such order was made.

ARTICLE 14.—ABATEMENT OF PROCEEDINGS

(1) (a) Without prejudice to the operation of any rule of law in force in the Bailiwick governing the abatement of any other proceedings under this Law

and subject to the provisions of paragraph (2) of this Article, the death of the petitioner or respondent in an unconcluded suit for Divorce, Judicial Separation or Nullity of Marriage shall abate the suit.

(b) For the purposes of the foregoing sub-paragraph, a suit for Divorce or Nullity of Marriage shall be deemed an unconcluded suit unless

- (i) a Decree of Divorce or Nullity of Marriage has been granted in that suit ; and
- (ii) such Decree is not merely provisional.

(2) Where, in any proceedings for divorce or judicial separation on the ground of adultery, a claim for damages is made against a person cited as a co-respondent in such proceedings, such claim may be proceeded with notwithstanding the death of the spouse with whom such co-respondent is alleged to have committed adultery and, if damages have already been awarded in such proceedings, the court seized of the case may give directions as to the disposal of the sum awarded notwithstanding the death of that spouse or of the spouse in favour of whom such damages were awarded.

(3) The provisions of the last foregoing paragraph shall not affect the continued operation of the proviso to subsection (1) of Section 1 (entitled " Effect of Death on Certain Causes of Action ") of the Law Reform (Miscellaneous Provisions) (Guernsey) Law, 1936.

Part II.—Divorce

ARTICLE 15.—CONDITIONS OF EXERCISE OF JURISDICTION WITH REGARD TO DIVORCE

Subject to the provisions of paragraph (5) (relating to certain cases of desertion and deportation) of Article 2 (entitled " Institution of Court for Matrimonial Causes," etc.) of this Law, it shall be a necessary condition of the exercise by the Court of its

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jurisdiction in divorce causes and matters that the petitioner and respondent are domiciled in the Bailiwick when the suit for divorce is instituted :

Provided that if a respondent who is absent from the Bailiwick was immediately before departing therefrom domiciled therein, such respondent shall be deemed to have retained a domicile in the Bailiwick unless the contrary is proved :

Provided also, if the petitioner, or, where the petitioner is the wife, the husband of the petitioner, though domiciled in the Bailiwick, has not been domiciled therein during the whole of the three years immediately preceding the presentation of the petition, that the petitioner or the respondent has, during that period, been actually present within the Bailiwick for at least seven hundred days ; and that, where the ground for divorce on which the petition is based is adultery or cruelty, such adultery or cruelty has occurred after the commencement of the actual presence in the Bailiwick of the petitioner or the respondent, within the said period of three years.

ARTICLE 16.—GROUNDS OF PETITION FOR DIVORCE

(1) A decree of divorce dissolving a marriage may be pronounced by the Court :

(i) on the petition of either the husband or the wife on the ground that the respondent

(a) has since the celebration of the marriage committed adultery ; or

(b) has deserted the petitioner without just and reasonable cause for a period of at least three years immediately preceding the presentation of the petition ; or

(c) has since the celebration of the marriage treated the petitioner with cruelty ; or

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(d) is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition ;
or

(e) is, and has been for a period of not less than three years since the celebration of the marriage and immediately preceding the presentation of the petition, an habitual drunkard, and by reason thereof, co-habitation of the petitioner with the respondent is a grave hardship ; or

*(f) (i) is, by reason of the commutation of a death sentence, undergoing penal servitude for life, or imprisonment for life, or in confinement as a criminal lunatic ; or (ii) is serving a sentence of not less than fifteen years' penal servitude or imprisonment :

Provided that such a decree shall only be pronounced on a ground mentioned in paragraph (f) of this Article if the petition is presented not earlier than two years nor later than ten years after the date of such sentence ; and that at the time of the decree the respondent is still undergoing penal servitude or imprisonment or in confinement as a criminal lunatic : or

(g) has since the celebration of the marriage been guilty of sodomy or bestiality ; and

(ii) on the petition of the wife, on the ground that her husband has, since the celebration of the marriage, been guilty of rape ; and a decree may be granted on this ground upon proof of rape,

* See also the Matrimonial Causes Law (Guernsey), 1939,
Amendment Law (No. 2), 1946.

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although the offence has not been charged against the husband in criminal proceedings.

(2) A petition may be presented, and the Court may pronounce a decree under the provisions of paragraph (1) of this Article, notwithstanding that the ground or grounds for divorce alleged in the petition arose or began before the date on which this Law comes into operation.

ARTICLE 17.—DIVORCE PROCEEDINGS AFTER GRANT OF JUDICIAL SEPARATION OR SEPARATION ORDER

(1) A person shall not be prevented from presenting a petition for divorce, or the Court from pronouncing a decree of divorce, by reason only that the petitioner has at any time been granted, in this jurisdiction or elsewhere, a judicial separation or a separation order upon the same or substantially the same facts as those alleged in the petition for divorce or proved in support thereof.

(2) On any such petition for divorce, the Court may treat the decree of judicial separation or the separation order as sufficient proof of the adultery, desertion or other ground on which it was granted, but the Court shall not pronounce a decree of divorce without receiving evidence from the petitioner.

(3) For the purposes of a petition for divorce on the ground of desertion—

(a) a period of desertion immediately preceding the institution of proceedings for a decree of judicial separation or a separation order having the effect of such a decree shall, if the parties have not resumed cohabitation and the decree or order has been continuously in force since the granting thereof, be deemed immediately

to precede the presentation of the petition for divorce ; and

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(b) where a decree of judicial separation or a separation order having the effect of such a decree has been granted on the ground of desertion and—

(i) the period of desertion immediately preceding the institution of proceedings for such decree or order was of less than three years duration ; and

(ii) such decree or order was granted not later than three years before the presentation of the petition for divorce and has been continuously in force since the granting thereof ; and

(iii) the parties have not resumed co-habitation :

the period of desertion immediately preceding the institution of proceedings for such decree or order shall be deemed to have been of a duration of three years.

ARTICLE 18.—DUTY OF COURT ON PRESENTATION OF PETITION FOR DIVORCE

(1) On a petition for divorce it shall be the duty of the Court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance, or condonation on the part of the petitioner and whether any collusion exists between the parties and also to inquire into any counter-charge which is made against the petitioner.

(2) If the Court is satisfied on the evidence that—

(a) the case for the petition has been proved ; and

(b) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or connived at, or condoned the adultery, or where the ground of the petition

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is cruelty the petitioner has not in any manner condoned the cruelty ; and

- (c) the petition is not presented or prosecuted in collusion with the respondent or any co-respondent ;

the Court shall pronounce a decree of divorce, but if the Court is not satisfied with respect to any of the aforesaid matters, it shall dismiss the petition :

Provided that the Court shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery or if, in the opinion of the Court, the petitioner has been guilty—

- (i) of unreasonable delay in presenting or prosecuting the petition ; or

- (ii) of cruelty towards the other party to the marriage ; or

- (iii) where the ground of the petition is adultery or cruelty, of having without reasonable excuse deserted, or having without reasonable excuse wilfully separated himself or herself from, the other party before the adultery or cruelty complained of ; or

- (iv) where the ground of the petition is adultery or habitual drunkenness or unsoundness of mind or desertion, of such wilful neglect or misconduct as has conduced to the adultery or habitual drunkenness or unsoundness of mind or desertion ; or

- (v) where the ground of the petition is desertion and the desertion, being of a duration of less than three years, is deemed, under the provisions of paragraph (3) (b) of Article 17 (entitled “ Divorce Proceedings after Grant of Judicial Separation ”, etc.) of this Law, to have been of a duration of three years, of unreasonable unwillingness to resume cohabitation.

ARTICLE 19.—RE-MARRIAGE OF DIVORCED
PERSONS

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(1) When, in proceedings for the dissolution of a marriage by divorce under this Law,

(a) a Final Order has been made therein under the provisions of Article 12 (entitled " Decrees and Final Orders ") of this Law ; or

(b) there has been registered on the records of this Island an Order of His Majesty in Council, such as is referred to in sub-paragraph (b) of paragraph (1) of the said Article 12, and having the effect of dissolving the marriage ;
either of the parties to the marriage may marry again as if the prior marriage had been dissolved by death.

(2) The expression " divorced wife ", wherever that expression occurs in Articles 2 and 3 of the Law of 1936, shall mean a wife in favour of or against whom a decree of divorce has been granted.

ARTICLE 20.—RELIEF TO RESPONDENT ON
PETITION FOR DIVORCE

If in any proceedings for divorce the respondent in his answer opposes the relief sought on the ground of the adultery, cruelty or desertion of the petitioner and, in such answer, prays by cross-petition for relief on any such ground, the Court may give to the respondent the relief sought in such cross-petition as if the cross-petition of the respondent had been an original petition.

ARTICLE 21.—EXCLUSION OF SARK

Nothing contained in this Law shall enable the Court to grant a decree of divorce dissolving the marriage of any person who, at the time of the institution of the suit, is domiciled in the Island of Sark or in any of its Dependencies.

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**Part III.—Judicial Separation (including
Separation by Consent)****ARTICLE 22.—CONDITIONS OF EXERCISE OF
JURISDICTION WITH REGARD TO JUDICIAL
SEPARATION**

Subject to the provisions of paragraph (5) (relating to certain cases of desertion and deportation) of Article 2 (entitled “Institution of Court for Matrimonial Causes”, etc.) of this Law, it shall be a necessary condition of the exercise of original jurisdiction by the Court for Matrimonial Causes and by the Ordinary Court with regard to any suit for judicial separation that both parties thereto—

- (a) are domiciled in the Island of Guernsey when the suit is instituted ; or
- (b) had a matrimonial home in that Island when their cohabitation ceased, or the events occurred on which a claim for separation is based ; or
- (c) are resident in that Island when the suit is instituted.

**ARTICLE 23.—GROUNDS OF PETITION FOR
JUDICIAL SEPARATION**

A petition by one of two married persons for judicial separation may be presented to the Court for Matrimonial Causes—

- (1) on any grounds on which a petition for divorce might have been presented ; or
- (2) on the ground that the respondent—
 - (a) has wilfully deserted the petitioner without just and reasonable cause ; or
 - (b) has failed to comply with a decree for restitution of conjugal rights ; or
 - (c) is an habitual drunkard ; or

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- (d) where a wife is the petitioner, has wilfully and continuously neglected to provide such reasonable maintenance for the petitioner or her children as he is legally liable to provide ; or
- (3) on any other ground on which such a petition might before the commencement of this Law have been presented.

ARTICLE 24.—DUTY OF COURT ON PRESENTATION OF PETITION FOR JUDICIAL SEPARATION

The provisions contained in Article 18 of this Law relative to the duty of the Court on the presentation of a petition for divorce and the circumstances in which such a petition shall or may be granted or dismissed, shall apply in like manner to a petition for judicial separation.

ARTICLE 25.—RELIEF TO RESPONDENT ON PETITION FOR JUDICIAL SEPARATION

In any proceedings for judicial separation in which, under the provisions of this Law, the court seized of the case is the Court for Matrimonial Causes, and the respondent, in his answer, opposes the relief sought, on the ground of the adultery, cruelty or desertion of the petitioner, and, in such answer, prays by cross-petition for a decree of judicial separation on any such ground, the Court for Matrimonial Causes may give to the respondent the relief sought in such cross-petition as if the cross-petition of the respondent had been an original petition.

ARTICLE 26.—EFFECT OF DECREE FOR JUDICIAL SEPARATION

(1) When a judicial separation is decreed or pronounced, it shall no longer be obligatory for the petitioner to cohabit with the respondent.

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(2) So long as a separation under a decree, pronouncement or order subsists, the husband shall not be liable in respect of any engagement or contract into which the wife enters after the separation begins, or for any wrongful act or omission by her or for any costs she incurs as plaintiff or defendant :

Provided that where, in relation to a judicial separation or a separation order, the Court or the Magistrate has ordered the husband to make a payment or payments to the wife or for her use to any other person on her behalf, for or towards her maintenance, or the maintenance of any child or children mentioned in the order, and he has not duly made such payment or payments, the husband shall be liable for necessities supplied for the use of the wife or of such child or children.

ARTICLE 27.—JUDICIAL SANCTION REQUISITE TO VALIDITY OF AGREEMENTS FOR SEPARATION

No agreement for or in relation to separation between married persons which is made after the commencement of this Law while the parties thereto are resident within the Bailiwick shall have any legal validity in the Bailiwick unless it is sanctioned pursuant to a decree or pronouncement of judicial separation by a court in the Bailiwick competent to make such decree or pronouncement.

ARTICLE 28.—REVERSAL, DISCHARGE AND VARIATION OF DECREES FOR JUDICIAL SEPARATION

(1) The Court for Matrimonial Causes may, on the application by petition of the husband or wife against whom a decree for judicial separation has been made, and on being satisfied that the material allegations in the petition are true, reverse the decree at any time after the making thereof, on the ground that

it was obtained in the absence of the person making the application and that there was good reason for such absence.

The term "absence" in this Article means non-appearance as a party in the suit and not merely that the person was not present at the proceedings.

(2) The Court for Matrimonial Causes may, at the instance of either party to the marriage, and after hearing the parties thereto, in person or by counsel, discharge a decree for judicial separation and may make such order as it thinks fit respecting the terms of separation subsisting between the parties at the time of such discharge.

(3) The Court for Matrimonial Causes may at any time vary a decree for judicial separation for any purpose necessary for giving effect to any provision in Part VII. (entitled "Care of Children") or Part VIII. (entitled "Property and Contributions for Support") of this Law.

(4) The powers of the Court for Matrimonial Causes under this Article shall extend to any judicial separation made by that Court or by the Appeal Court and to any order made in relation thereto.

(5) The Ordinary Court shall, in respect of judicial separations pronounced by that Court, whether before or after the commencement of this Law, have like powers to the powers conferred by this Article upon the Court for Matrimonial Causes.

ARTICLE 29.—PROVISIONS REGARDING TERMINATION OF SEPARATION AND THE PROTECTION OF THIRD PARTIES

(1) A judicial separation decreed or pronounced under the provisions of this Law shall, as between the parties to the marriage, be rescinded by their resumption of co-habitation but such judicial separation shall continue to be valid and effectual as regards

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the rights and remedies of other persons (and, if varied, thus valid and effectual as varied) until—

(a) in the case of a judicial separation pronounced under the provisions of sub-paragraph (a) (relating to concurrent jurisdiction) of paragraph (4) of Article 2 (entitled “ Institution of Court for Matrimonial Causes ”, etc.) of this Law, such rescission is evidenced by a Declaration of Rescission, made, dated and signed, in accordance with a Form prescribed by the Rules of Court by the said parties or their attorneys in the presence of His Majesty’s Greffier ; and

(b) in the case of a judicial separation by decree, the decree has been discharged by the court.

(2) The reversal, discharge or variation of a decree or pronouncement of judicial separation, or the rescission of a judicial separation, or an order made in virtue of paragraph (2) of Article 28 (entitled “ Reversal, discharge and variation of decrees for judicial separation ”) of this Law, shall not affect—

(a) the validity of any act or thing lawfully done by any person before the granting or making of the said reversal, discharge, variation or order, and done in virtue of, or in reliance upon, the terms of separation subsisting between the parties to the marriage when such act or thing was thus lawfully done ; or

(b) the rights or remedies which any person would have had, if the decree or pronouncement had not been reversed, discharged or varied or the judicial separation rescinded, or the said order made, in respect of any debts, contracts or acts of the husband or wife incurred, entered into or done between the time of the decree or pronouncement and the reversal, discharge or variation thereof, or the rescission of the judicial separation, or the making of the said order, as the case may be.

Part IV.—Restitution of Conjugal Rights1939

ARTICLE 30.—CONDITIONS OF EXERCISE OF JURISDICTION WITH REGARD TO RESTITUTION OF CONJUGAL RIGHTS

Subject to the provisions of paragraph (5) (relating to certain cases of desertion and deportation) of Article 2 (entitled “ Institution of Court for Matrimonial Causes”, etc.) of this Law, it shall be a necessary condition of the exercise by the Court of its jurisdiction in suits for the restitution of conjugal rights that the parties thereto—

- (1) are domiciled in the Island of Guernsey when the suit is instituted ; or
- (2) had a matrimonial home in the Island of Guernsey when their co-habitation ceased ; or
- (3) are resident in the Island of Guernsey when the suit is instituted.

ARTICLE 31.—POWER OF COURT TO DECREE RESTITUTION OF CONJUGAL RIGHTS

(1) A petition for restitution of conjugal rights may be presented to the Court by either the husband or the wife, and if the Court, after inquiring into the allegations contained in the petition is satisfied—

- (a) that the said allegations are true ;
- (b) that the petitioner *bona fide* desires a resumption of co-habitation ; and
- (c) that there is no legal ground why a decree for restitution of conjugal rights should not be granted ;

it may pronounce a decree accordingly.

(2) The powers of the Court to grant decrees for restitution of conjugal rights shall be the same as those exercisable by the Royal Court before the commencement of this Law.

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ARTICLE 32.—POWER OF COURT TO ORDER PERIODIC PAYMENTS BY RESPONDENT

The Court, at the time of making a decree for restitution of conjugal rights or at any subsequent time, may, in the event of the decree not being complied with within any time limited in that behalf by the Court, order the respondent to make to the petitioner such periodic payments as it thinks just.

Part V.—Nullity of Marriage**ARTICLE 33.—CONDITIONS OF EXERCISE OF JURISDICTION WITH REGARD TO SUITS FOR NULLITY OF MARRIAGE**

Subject to the provisions of paragraph (5) (relating to certain cases of desertion and deportation) of Article 2 (entitled “Institution of Court for Matrimonial Causes”, etc.) of this Law, it shall be a necessary condition of the exercise by the Court of its jurisdiction in suits for nullity of marriage that—

- (1) the marriage was celebrated in the Bailiwick ;
or
- (2) the parties to the marriage are domiciled in the Bailiwick when the suit is instituted :

Provided that—

- (a) where the sole ground of the petition is that the marriage in respect of which the petition is presented was bigamous on the part of the respondent, the Court may exercise jurisdiction if the petitioner is domiciled in the Bailiwick when the suit is instituted ;
- (b) in a suit for nullity of marriage on any of the grounds mentioned in paragraphs (1), (3), (4), (5) and (7) (relating respectively to impotency ; refusal of consummation ; pregnancy by a person other than the petitioner ; venereal disease ; and recurrent fits of insanity, etc.) of Article 34 (entitled “Grounds for Decree

of Nullity ") of this Law, or on any ground on which a marriage would by law in the Bailiwick have been voidable before the enactment of this Law, the Court shall exercise jurisdiction only if the parties to the marriage are domiciled in the Bailiwick when the suit is instituted.

ARTICLE 34.—GROUNDS FOR DECREE OF NULLITY

The Court may decree the nullity of a marriage on any of the grounds mentioned in paragraphs (1) to (9) of this Article, as well as on any other ground on which a marriage is by law void or voidable :—

- (1) the continuing impotency of one party or of both parties to the marriage since the celebration thereof ;
- (2) that the marriage was celebrated through fraud, threats or duress by the respondent upon or to the petitioner ;
- (3) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage ;
- (4) that the respondent was at the time of the marriage pregnant by some person other than the petitioner, unless the pregnancy resulted from intercourse which occurred between the respondent and a former husband during the subsistence of their marriage ;
- (5) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form ;
- (6) that either party to the marriage was at the time of the marriage of unsound mind or a mental defective within the meaning of the " Loi ayant rapport aux Faibles d'Esprit " of 1926 ;

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- (7) that either party to the marriage was at the time of the marriage subject to recurrent fits of insanity or epilepsy ;
- (8) that the marriage in respect of which the petition is presented was bigamous on the part of the respondent ;
- (9) (i) that the marriage has been annulled by the competent court of an extraneous jurisdiction in which the party who is the respondent in the proceedings in the Bailiwick was domiciled when the suit for such annulment was instituted in such extraneous jurisdiction, if the annulment was made upon one of the grounds mentioned in paragraphs (1), (3), (4), (5) and (7) of this Article, or upon some other ground whereby the marriage was lawfully voidable in such extraneous jurisdiction ; and
(ii) that the marriage has been annulled by the competent court of an extraneous jurisdiction in which—
 - (a) the party who is the respondent in the proceedings in the Bailiwick was domiciled when the suit for such annulment was instituted in such extraneous jurisdiction, or
 - (b) the marriage was celebrated ;if the annulment was made upon one of the grounds mentioned in paragraphs (2), (6) and (8) of this Article, or upon some other ground whereby the marriage was void *ab initio* in such extraneous jurisdiction:

Provided that—

- (a) in the cases specified in paragraphs (1), (3), (4), (5) and (7) of this Article, a decree may be granted only on the petition of a party to the marriage ; and
- (b) in the cases specified in paragraphs (4), (5), (6)

and (7) of this Article, the Court shall not grant a decree unless it is satisfied—

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- (i) that the petitioner was at the time of the marriage ignorant of the facts alleged ;
- (ii) that proceedings were instituted within a year from the date of the marriage ; and
- (iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree.

ARTICLE 35.—PRESERVATION OF LEGITIMACY OF CHILDREN IN CERTAIN CASES

Any child born of a marriage avoided pursuant to paragraphs (2), (5), (6) or (7) (relating respectively to fraud etc. ; venereal disease ; unsoundness of mind ; and recurrent fits of insanity, etc.) of Article 34 (entitled “ Grounds for Decree of Nullity ”) of this Law shall be a legitimate child of the parties thereto notwithstanding that the marriage is so avoided.

ARTICLE 36.—SAVING AS TO VOID MARRIAGES

Nothing in this Part of this Law shall be construed as validating any marriage which is by law void, but with respect to which a decree of nullity has not been granted.

ARTICLE 37.—CERTAIN EVIDENCE IN NULLITY CASES TO BE IN CAMERA

In any proceedings for nullity of marriage, evidence on the question of sexual capacity shall be heard in camera unless in any case the Court is satisfied that in the interests of justice any such evidence ought to be heard in open Court.

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**Part VI.—Presumption of Death and
Dissolution of Marriage thereon**

**ARTICLE 38.—CONDITIONS OF EXERCISE OF
JURISDICTION WITH REGARD TO PRESUMP-
TION OF DEATH AND DISSOLUTION OF
MARRIAGE THEREON**

Subject to the provisions of paragraph (5) (relating to certain cases of desertion and deportation) of Article 2 (entitled “Institution of Court for Matrimonial Causes”, etc.) of this Law, it shall be a necessary condition of the exercise by the Court of its jurisdiction with regard to the granting of decrees of presumption of death and of dissolution of marriage thereupon that—

- (1) the absentee spouse was domiciled in the Bailiwick immediately before his or her departure or disappearance therefrom, but such jurisdiction shall not be exercisable if it appears to the Court that the absentee spouse had acquired a domicile elsewhere and has not since re-acquired a domicile in the Bailiwick; and
- (2) the petitioner, if the husband of the absentee, is domiciled in the Bailiwick when the proceedings are instituted.

**ARTICLE 39.—PROCEEDINGS FOR DECREE OF
PRESUMPTION OF DEATH AND DISSOLU-
TION OF MARRIAGE THEREON**

(1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the Court to have it presumed that the other party is dead and to have the marriage dissolved, and the Court, if satisfied that such reasonable grounds exist, may make a decree of presumption of death and of dissolution of the marriage.

(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner

and the petitioner has no reason to believe that the other party has been living within that time, shall be evidence that he or she is dead until the contrary is proved.

ARTICLE 40.—PROVISIONS REGARDING REMARRIAGE AFTER DECREE OF PRESUMPTION OF DEATH

After the expiration of six calendar months from the date of the making of a decree of presumption of death and dissolution of marriage, if the decree has not been rescinded and if proceedings for the rescission of the decree are not sub-judice, the petitioner shall be entitled to marry again as if the previous marriage had been dissolved by death.

ARTICLE 41.—PROVISIONS REGARDING RE-SCISSION OF DECREE

Upon proof being given to the satisfaction of the Court at the instance of any person that a person, whose death has been presumed by decree, is alive, the Court shall rescind the decree but, notwithstanding the rescission of any such decree—

- (1) any marriage lawfully contracted by the petitioner for the decree after the granting thereof shall not be deemed to be void or voidable as a civil marriage by reason of the decree being rescinded; and
- (2) if the petitioner has lawfully contracted a marriage after the granting of such decree, the previous marriage of the petitioner shall be deemed to have been dissolved as at the date of such decree as though the person whose death was thereby presumed had died on that date.

ARTICLE 42.—DECREE IN EXTRANEIOUS JURISDICTION

Where a decree of presumption of death has been made by a Court of competent jurisdiction in the domi-

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cil outside the Bailiwick of the person whose death is thereby presumed, and such decree is proved to the Court for Matrimonial Causes in manner provided in the Rules of Court or directed by the Court, that Court shall order that the said decree shall as from the date of the decree have the same effect as a decree of presumption of death and dissolution of marriage pronounced by that Court.

Part VII.—Care of Children.

ARTICLE 43.—POWER OF COURT TO MAKE ORDERS FOR CUSTODY, MAINTENANCE ETC. OF CHILDREN

(1) The Court may from time to time, after the making in the Island of Guernsey of a decree of divorce or judicial separation or nullity of marriage, make such orders as appear just with respect to the custody, maintenance and education of the children and access to the children, the marriage of whose parents is the subject of the said decree, and the Court shall have like power, after the commencement of any proceedings in relation to any such decree, or in relation to a decree for restitution of conjugal rights, to make interim orders under this Part of this Law.

(2) Where a respondent fails to comply with a decree for restitution of conjugal rights, the Court may, from time to time, make any such order, not being an interim order under the preceding paragraph of this Article, as it is empowered to make under that paragraph.

Part VIII.—Property and Contributions for Support.

ARTICLE 44.—SUCCESSORAL INTERESTS TO CEASE ON DIVORCE ETC.

Where a marriage—

- (a) in the case of proceedings for divorce, has been dissolved, or
- (b) in the case of proceedings for nullity, has been dissolved or declared void,

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neither of the parties whose marriage is thus dissolved or declared void shall be entitled, upon the death of the other, to any legal successorial share or interest in the real or personal estates of the deceased, nor shall a divorced woman, or a woman whose marriage has been so dissolved or declared void, be entitled to any rights of dower, arising by reason of that marriage, in the real estate of any other person.

ARTICLE 45.—POWER OF COURT TO VARY SETTLEMENTS, Etc.

(1) The Court, after the making in the Island of Guernsey of a decree of divorce or nullity of marriage, may, upon the application of either party to the marriage which is the subject of such decree, or upon the application of any person beneficially interested,

(a) cancel, vary or modify, or

(b) terminate the trusts of

any marriage contract, marriage settlement, post-nuptial settlement, or terms of separation subsisting between the parties to such marriage, in any manner which, having regard to the means of the parties, the conduct of either of them or the interests of any children of such marriage appears to the Court to be just.

(2) The Court shall have jurisdiction under this Article notwithstanding that the marriage referred to in paragraph (1) of this Article was contracted, and the marriage contract, marriage settlement, post-nuptial settlement or terms of separation was or were made or entered into, in an extraneous jurisdiction.

ARTICLE 46.—POWER OF COURT TO ORDER VESTING OR DIVISION OF PROPERTY

(1) Where a decree of divorce or nullity of marriage or judicial separation has been granted, the Court may, if it thinks fit, as regards real and personal property in which each of the parties to the marriage has, notwithstanding the provisions of Article 44 (entitled "Successorial Interests to cease on Divorce etc.") of this

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Law, an interest, present, prospective or conditional, direct that their interests in such property shall be vested solely in the one or the other of the parties or shall be divided between them in such proportions as the Court directs, and, where such property is so directed to be vested solely in one of the parties or to be divided between them, order that one party shall pay to the other for his or her absolute benefit such gross sum or shall secure to the other for his or her benefit, such gross or periodic sum or both for any term not exceeding the life of the party in favour of whom the same is secured as the Court may direct, or may refrain from making any order as to payment or security.

(2) An order made under this Article, in so far as such order relates to a judicial separation, shall be deemed to be part of the terms of separation between the parties within the meaning of this Law.

ARTICLE 47.—CONTRIBUTIONS FOR SUPPORT

(1) Where a decree for divorce, judicial separation, restitution of conjugal rights or nullity of marriage has been granted, the Court may, if it thinks fit, having regard to the circumstances of the case, including the financial position and conduct of the parties, order that the one party shall pay or make provision for the payment to the other party during any term not exceeding the life of such other party of such annual or other periodic sum of money for or towards the support of such other party as the Court may deem reasonable, and that the party against whom such order is made shall secure the payments to be made under such order in manner directed by the Court.

(2) The Court may, if it thinks fit, order that a gross sum of money shall be paid or secured in lieu of or in addition to the annual or other periodic sum referred to in the preceding paragraph of this Article.

(3) On a petition for divorce, judicial separation, restitution of conjugal rights or nullity of marriage, the Court may, if it thinks fit, by interim order, direct payments to be made by the husband to the wife, for or towards her support, and any such interim order shall remain in force until it is rescinded by the Court or until the Court makes a definitive order in respect thereof, or until the relief sought in the petition is refused.

ARTICLE 48.—CONTRIBUTION ORDER AGAINST WIFE OF HUSBAND OF UNSOUND MIND

When a decree of divorce or judicial separation is granted to a wife on the ground that her husband is of unsound mind, the Court may, if it thinks fit, direct that the wife shall, for the benefit of her husband, make any payment or give any security which the Court is by Article 47 (entitled “Contributions for Support”) of this Law empowered to order a party to make or give.

ARTICLE 49.—PAYMENT OVER OF CONTRI- BUTIONS FOR SUPPORT TO PERSONS HAV- ING CHARGE OF MENTALLY AFFLICTED RESPONDENT

Where a decree of divorce or judicial separation or nullity of marriage is granted on the ground of the respondent's unsoundness of mind or mental deficiency, the Court may direct that any payments of contributions for support which it orders to be made shall be made to such persons having charge of the respondent as the Court directs.

ARTICLE 50.—POWER OF COURT TO ORDER SETTLEMENT OF WIFE'S PROPERTY IN FAVOUR OF HUSBAND AND CHILDREN

Where, on the petition of the husband, a decree of divorce or judicial separation, or nullity of marriage is granted, the Court may, if it thinks fit, order that

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such settlement as it deems reasonable shall be made of the wife's real and personal property, or any part thereof, for the benefit of the children of the marriage and for the benefit of such husband or any of them.

ARTICLE 51.—ASCERTAINMENT OF ASSETS AND LIABILITIES OF PARTIES

(1) For the purposes of this Part of this Law, the Court may require each of the parties to a suit to file a sworn detailed declaration of his or her assets and liabilities and of particulars of all charges against such assets.

(2) The Court may sit in private for the verification of the assets and liabilities of the parties and for the purpose of deciding upon the nature and extent of the order or orders, if any, proper to be made in the case in pursuance of this Part of this Law, and may refer to one or more Commissioners appointed by the Court and sitting in private the consideration of such assets and liabilities and the drafting for submission to the Court of any such orders.

ARTICLE 52.—POWER OF COURT TO AWARD PARTICULAR PRIORITY TO “HYPOTHÈQUE”

The Court may, having regard to the deprivation suffered under Article 44 (entitled “Successoral Interests to cease on Divorce etc.”) of this Law, of a successoral share or interest in real estate and to the deprivation suffered, by reason of orders made under Article 45 (entitled “Power of Court to vary settlements etc.”) and Article 46 (entitled “Power of Court to order vesting or division of property”) of this Law or either thereof, of an interest, present, prospective or conditional, in any real property, declare that, as regards any gross sum ordered to be paid or any gross sum or periodic sum ordered to be secured for a term, the “hypothèque” to which the registration of any such order for payment or the giving of security may

give rise shall, if such order be registered at any time before the Greffe closes on the day on which it is next open for general public business after the day on which the order is made, instead of having priority as at the date of its registration, have priority, as regards the sum or sums specified in the order or such part thereof as the Court directs, at such earlier date as the Court directs:

Provided that in making any such declaration as aforesaid the Court shall have regard to the rights and interests of registered creditors of the person whose realty will be affected by the "hypothèque" to which the registration of the order gives rise and that, where, at the time of the making of the decree, there is in existence any registration or priority against or over the successoral share or interest or other interest, present, prospective or conditional, of the person in whose favour such "hypothèque" will take effect, in any such realty, then, notwithstanding any such declaration as aforesaid, such "hypothèque" shall be deemed to be posterior in date to any such registration or priority.

ARTICLE 53.—COURT TO HAVE REGARD TO BENEFITS ACCRUING TO PARTY

In making any order under Article 47 or Article 48 of this Law, (which Articles relate respectively to Contributions for Support and Contribution Order against Wife of Husband of Unsound Mind), the Court shall have regard to the benefits accruing to the party in whose favour such first-mentioned order is made, under any other order made in pursuance of this Part of this Law.

ARTICLE 54.—DEATH OF PARTY AFTER DECREE

(1) In the event of the death of either of the parties to a suit for a decree of divorce or nullity of marriage, after the marriage has been dissolved or declared void

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but before any definitive order under this Part of this Law has been made, the Court may make any such order as aforesaid which it could lawfully have made if such death had not occurred, and the said order shall take effect as if it had been made immediately before the death.

(2) The Court may make an order under this Article on the application of any person who is, in the opinion of the Court, an interested person, if the Court is satisfied that notice of the proceedings has been given to every person whose interests may be affected by the order or to the Attorneys of such persons.

ARTICLE 55.—PRIORITY OF RIGHTS UNDER ORDERS OF COURT

Upon the grant of a decree of divorce or judicial separation or nullity of marriage and until the Court has made an order or orders under this Part of this Law or has refused to make any such order, any rights in real property acquired by third parties from either of the parties to the suit, or from his or her successors in title, shall be subordinated to such rights thereto as may vest under any such order or orders.

ARTICLE 56.—JURISDICTION CONSEQUENTIAL ON PAST DECREES

The powers of the Court under this Part of this Law may be exercised in any cause, suit or matter consequential upon a judicial decision made in the Island of Guernsey in a matrimonial suit before the commencement of this Law.

ARTICLE 57.—EXECUTION OF INSTRUMENTS BY ORDER OF COURT

Where any person neglects or refuses to comply with an order of the Court directing him to execute or make any conveyance, assignment, or other document or instrument or indorsement for giving effect

to any Act of Court under this Part of this Law, the Court may, on such terms and conditions, if any, as may be just, order that the conveyance, assignment, or other document or instrument or indorsement shall be executed, made or done by such person as the Court nominates for the purpose, at the cost of the person in default, or otherwise, as the Court directs, and a conveyance, assignment, document, instrument or indorsement so executed, made or done shall operate and be for all purposes available as if it had been executed, made or done by the person originally directed to execute, make or do it.

Part IX.—Private International Law.

ARTICLE 58.—PROPERTY SUBJECT TO EXTRANEIOUS LAW

In determining whether to make or decline to make an order or orders under Part VIII. (entitled “Property and Contributions for Support”) of this Law, respecting any property which, by reason of a marriage contract or other agreement, trust, arrangement or otherwise, is subject to the law of an extraneous jurisdiction, the Court shall have regard to the question of the legal effectiveness, outside the jurisdiction of the Court, of the order or orders which the Court might make.

ARTICLE 59.—DECREES IN EXTRANEOUS JURISDICTIONS

(1) A final decree of divorce made by a court of competent jurisdiction in an extraneous jurisdiction shall be recognised as a valid decree in the Bailiwick—

- (i) if the husband was domiciled in such extraneous jurisdiction when the proceedings resulting in such decree were instituted; or
 - (ii) if the competent courts of the husband's domicile would recognise the decree as valid although the extraneous jurisdiction in which the decree was made was not the jurisdiction of the husband's domicile;
- and a marriage contracted by either of the parties

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to a marriage so dissolved by divorce, whether before or after the commencement of this Law, shall not be deemed to have been or to be void or voidable by reason of the pre-existent marriage so dissolved by such divorce :

Provided that the proceedings in the forum of the decree did not, according to the principles of legal process in the Bailiwick, involve substantial injustice.

(2) Where the marriage was lawfully celebrated in the Bailiwick, a decree of nullity made by a court in an extraneous jurisdiction on the ground that some formality, not required by law in the Bailiwick, was not observed, shall not, except as a ground for the making of a decree in pursuance of Article 34 (entitled "Grounds for Decree of Nullity") of this Law, be recognised by the courts of the Bailiwick.

(3) A decree of judicial separation made by a competent court in an extraneous jurisdiction in which the parties were either domiciled or resident when the proceedings resulting in such decree were instituted shall be recognised as valid in the Bailiwick.

ARTICLE 60.—DOMICIL

(1) Subject to the provisions of paragraph (2) of this Article, a husband's domicile of choice shall be taken to be the country or place in which, in the opinion of the Court, he has last resided with the intention of there having his settled home.

(2) Where it is necessary, for the purpose of giving effect to any provision in this Law, for the Court to recognise or decline to recognise the validity of a decree made by a court in an extraneous jurisdiction and a husband's domicile is a relevant consideration for the Court, the husband's domicile shall be taken to be the country or place in which, in the opinion of the Court, he resided with the intention of there having his settled home, when the proceedings resulting in the said decree were instituted.

(3) Unless the contrary is proved, the Court shall presume the continuance of a proved domicil of origin or choice, as the case may be.

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Part X.—Miscellaneous.**ARTICLE 61.—EVIDENCE**

(1) The parties to any proceedings instituted in consequence of alleged adultery and the husbands and wives of the parties shall be competent to give evidence in the proceedings.

(2) A witness who, in a matrimonial suit, has given evidence in disproof of adultery on his or her part, shall, if such adultery is a matter in issue in that suit, but not otherwise, be liable to be asked and be bound to answer questions put, in the course of that suit, tending to show that he or she has in fact been guilty of such adultery.

ARTICLE 62.—INDECENT EVIDENCE

In any proceedings under this Law in which any evidence of an indecent character is about to be tendered, the court before which the proceedings are taking place may, if the court thinks it necessary in the interest of the administration of justice or of public decency, direct that all or any persons, not being members or officers of the court or the parties to the case or other persons directly concerned in the case, shall be excluded from the court during the taking of that evidence.

ARTICLE 63.—RELIEF FOR CLERGY OF CHURCH OF ENGLAND

(1) No clergyman of the Church of England shall be compelled to publish the banns of marriage of or to solemnise the marriage of any person whose previous marriage has been dissolved by decree of divorce either in Guernsey or elsewhere, and whose former husband or wife is still living, or to permit the marriage of any such person to be solemnised in the church or chapel of which he is the minister, or to administer the Holy Communion to any such person who has remarried.

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(2) No such clergyman shall be liable to any civil action, suit or penalty for refusing to publish the banns of marriage of, or for refusing to solemnise the marriage of, any such person, or for refusing to permit the marriage of any such person to be solemnised in the church or chapel of which he is the minister, or for refusing to administer the Holy Communion to any such person who has re-married.

ARTICLE 64.—PUBLICATION OF ACTS OF COURT, ETC.

At the end of every calendar week, His Majesty's Greffier shall cause to be exhibited on a notice board in the vestibule of the Royal Court a tabular statement giving short particulars, in respect of that week's proceedings and records, of

- (1) any Act of Court granting a decree of divorce, separation, nullity of marriage, or presumption of death and dissolution of marriage thereon, or making a temporary separation order;
- (2) any Final Order made under Article 12 (entitled "Decrees and Final Orders") of this Law;
- (3) any Order in Council such as is referred to in sub-paragraph (b) of paragraph (1) of the said Article 12;
- (4) any Declaration of Rescission of a judicial separation, made under Article 29 (entitled "Provisions regarding termination of separation" etc.) of this Law; and
- (5) any reversal or discharge of any such Act of Court.

The tabular statements provided for in this Article shall be exhibited in the manner hereby prescribed during one calendar week.

ARTICLE 65.—REGULATION OF REPORTS

(1) It shall not be lawful to print or publish, or cause or procure to be printed or published, in relation to any judicial proceedings for dissolution of marriage, for the separation of married persons, for nullity of marriage, or for restitution of conjugal rights, any particulars other than the following:—

- (a) the names, addresses and occupations of the parties and witnesses;
- (b) a concise statement of the charges, defences and countercharges in support of which evidence has been given;
- (c) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;
- (d) the summing-up, the judgment of the court and observations made by members of the court in giving judgment:

Provided that nothing in this Article shall be held to permit the publication of any details or other matter likely to injure public morals.

(2) If any person acts in contravention of the provisions of this Article, he shall, in respect of each offence, be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, with or without hard labour, or to both such fine and imprisonment:

Provided that no person, other than a proprietor, editor, master printer or publisher of the newspaper or other vehicle of publication of the matter in respect of which a prosecution is instituted shall be liable to be convicted under this Article.

(3) Nothing in this Article shall apply to the printing of any pleadings, transcript of evidence or other document for use in connexion with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the

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directions of the Court or of the Appeal Court or of His Majesty or of the Lords of His Privy Council; or to the printing or publication of any matter in any separate volume or part of any bona fide series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character bona fide intended for circulation among members of the legal or medical professions.

ARTICLE 66.—USE OF ENGLISH LANGUAGE

In all proceedings, whether oral or written, in pursuance of this Law or of any Ordinance or Rule of Court passed or made in virtue of this Law, any member of any Court and any party or person engaged or concerned in any such proceedings or giving evidence therein shall if he choose employ the English language.

ARTICLE 67.—POWER OF ROYAL COURT TO PASS ORDINANCES

The Royal Court may pass such Ordinances as it deems necessary for giving effect to this Law.

ARTICLE 68.—POWER OF COURT TO AWARD COSTS AND IMPOSE PENALTIES

The powers exercisable at its discretion by the Royal Court, sitting judicially,

(a) to award costs, and

(b) to enforce compliance with its orders by the imposition of penalties and otherwise

shall be in like manner vested in and exercisable by the Court for Matrimonial Causes in respect of the jurisdiction of the last mentioned Court.

ARTICLE 69.—COSTS AND COURT FEES
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(1) The Royal Court may by Ordinance determine the Costs and Court Fees to be chargeable in respect of proceedings taken and things done pursuant to or in virtue of this Law.

(2) Until the Royal Court otherwise determines in accordance with the provisions of paragraph (1) of this Article, the Costs and Court Fees chargeable as aforesaid shall be in accordance with the provisions of the Loi relative aux Frais Curiaux et aux Honoraires de la Cour Royale, 1931, registered on the Records of this Island on the 29th July, 1931, in so far as those provisions are applicable thereto.

(3) With regard to any such proceedings taken or things done as aforesaid to which the provisions of the Law mentioned in paragraph (2) of this Article are not applicable, and until the Royal Court otherwise determines by Ordinance as provided in this Article, the amount of the Costs and Court Fees chargeable in any particular suit shall be such as are deemed reasonable by the Law Officers of the Crown or either of them.

ARTICLE 70.—AMENDMENT OF LOI RELATIVE À LA SÉPARATION DE MARIÉS EN
POLICE CORRECTIONNELLE

The Law of 1930 shall have effect as if—

- (1) In Article 1 thereof the following paragraph were added immediately after paragraph (f)
“or (g) has been guilty of adultery;”
- (2) in Article 3 thereof the following words were inserted immediately after the word “children” where it first occurs:
“or has been guilty of adultery;” and
- (3) the following Article were added immediately after Article 5 thereof:

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“6.—On any application by a husband or wife for an order on the ground that the other party to the marriage has been guilty of adultery, the Magistrate shall not make an order unless he is satisfied that the applicant has not condoned or connived at, or by his or her wilful neglect or misconduct conduced to, the adultery and that the application is not made or prosecuted in collusion with the other party to the marriage or any person with whom it is alleged that the adultery has been committed.”

ARTICLE 71.—COMMENCEMENT

(1) On the day on which this Law is registered on the Records of the Island of Guernsey, the under-mentioned Articles and paragraph thereof shall come into operation, viz :—

Article	Title	Extent of Operation
1	Definitions and Interpretation	The whole Article
2	Institution of Court for Matrimonial Causes and Matters and Jurisdiction thereof	„ „
4	Constitution of Court for Matrimonial Causes and Matters	„ „
6	Power of Royal Court to make Rules etc.	„ „
7	Poor Persons	„ „
21	Exclusion of Sark	„ „
67	Power of Royal Court to pass Ordinances	„ „
69	Costs and Court Fees chargeable	Paragraph (1) of the Article
71	Commencement	The whole Article
72	Short Title	„ „

(2) The Articles and paragraphs of this Law other than those specified in paragraph (1) of this Article shall come into operation on such day or days as the Royal Court by Ordinance appoints. *

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ARTICLE 72.—SHORT TITLE

This Law may be cited as the Matrimonial Causes Law (Guernsey), 1939.

* See Ordinances XXVIII and XXXII of 1946.

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(Enregistré sur les Records le 15 août 1939)

The Merchant Ship-
ping (Expira-
tion of En-
actment)
Order, 1939.

Monsieur le Baillif ayant ce jour communiqué à la Cour un imprimé contenant un Ordre de Sa Majesté en Conseil dit "Satutory Rules and Orders, 1939, No. 395—The Merchant Shipping (Expiration of Enactment) Order, 1939" LA COUR, ouies les conclusions du Contrôle du Roi, a ordonné que le dit imprimé sera enregistré sur les Records de cette Ile par être logé au Greffe.

(Enregistré sur les Records le 30 août 1939)

Iceland (Ex-
tradition)
Order in
Council,
1939.

Monsieur le Baillif ayant ce jour communiqué à la Cour une copie imprimée d'un Ordre de Sa Majesté en Conseil en date du 25 juillet 1939, intitulé "Iceland (Extradition) Order in Council, 1939",—LA COUR, ouies les conclusions des Officiers du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile par être logé au Greffe.

(Enregistré sur les Records le 31 août 1939)

Emergency
Powers (De-
fence) Act,
1939.

Monsieur le Baillif ayant ce jour communiqué à la Cour des exemplaires de l'Acte du Parlement suivant :—

Emergency Powers (Defence) Act, 1939. 2 & 3 Geo. 6, Ch. 62.

LA COUR, après avoir eu lecture du dit Acte, ouies les conclusions des Officiers du Roi, a ordonné :—

1. Que le dit Acte du Parlement sera enregistré sur les Records de cette Ile par être logé au Greffe.

2. 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 31 août 1939)*1939

AT THE COURT AT BUCKINGHAM PALACE,

The 25th day of August, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. SECRETARY COLVILLE

SECRETARY SIR SAMUEL HOARE

MR. ERNEST BROWN

WHEREAS by subsection (1) of section four of the Emergency Powers (Defence) Act, 1939, it is provided inter alia that His Majesty may by Order in Council direct that the provisions of that Act other than that section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the Channel Islands:

* Emer-
gency Powers
(Guernsey
Defence)
Order in
Council,
1939.

NOW, THEREFORE, His Majesty, in pursuance of subsection (1) of section four of the said Act, and of all other powers enabling him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Emergency Powers (Guernsey Defence) Order in Council, 1939.

Short Title.

2. (1) In this Order, unless the context otherwise requires the expression "Bailiwick of Guernsey" includes the territorial waters adjacent to every part of that Bailiwick.

Interpreta-
tion.

(2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The provisions of the Emergency Powers (Defence) Act, 1939, other than section four thereof (excepting the following provisions thereof, that is to say, subsections (3) and (4) of section two, sections five, eight, nine, eleven and twelve) shall, subject to the adaptations and modifications contained in the Schedule to this Order, extend to the Bailiwick of Guernsey.

Extension to
Guernsey of
the Emer-
gency Powers
(Defence)
Act, 1939.

* Revoked by the Emergency Powers (Channel Islands) Order in Council, 1941, registered on the 11th May, 1945.

1939 Powers of Royal Court.	4. The powers conferred on the Royal Court of Guernsey (hereinafter in this Order and in the Schedule thereto referred to as "the Royal Court") by virtue of this Order shall be in addition to, and not in derogation of, any other powers possessed by the Royal Court.
Regulations.	5. No Regulation made by the Royal Court under this Order shall lapse by effluxion of time unless the Ordinance whereby such Regulation is made expressly so provides.
Power to vary or revoke regulations.	6. Any power conferred by this Order to make Regulations shall be construed as including a power to vary or revoke such Regulations.

E. C. E. LEADBITTER.

SCHEDULE.

(a) The Royal Court shall be substituted for His Majesty in Council as the authority empowered to make Defence Regulations for the Bailiwick of Guernsey.

(b) In subsection (1) of section one "the Royal Court" shall be substituted for "him".

(c) In paragraph (a) of subsection (2) of section one "the person specified in the regulation" shall be substituted for "the Secretary of State".

(d) In sub-paragraph (i) of paragraph (b) of subsection (2) of section one and in sub-paragraph (ii) of the said paragraph, after the words "His Majesty" in both places where they occur shall be inserted the words "or of the insular government" and the expression "the insular government" shall mean the States of Guernsey in relation to any property or undertaking situate in the Islands of Guernsey, Herm or Jethou, the States of Alderney in relation to any property or undertaking situate in the Island of Alderney and the Chief Pleas of Sark in relation to any property or undertaking situate in the Island of Sark.

(e) In subsection (3) of section one "the Royal Court" shall be substituted for "His Majesty in Council".

(f) In subsection (4) of section one the words "other than this Act", in both places where they occur, shall be omitted.

(g) In subsection (6) of section one for the words "includes any enactment of the Parliament of Northern Ireland" there shall be substituted the words "includes any Act of Parliament in its application to the Bailiwick of Guernsey other than the Emergency Powers (Defence) Act, 1939, any Order of His Majesty in Council in its application to the Bailiwick of Guernsey other than an Order in Council made under the Emergency Powers (Defence) Act, 1939, and any Ordinance or other law in force in the Bailiwick of Guernsey or some part thereof".

(h) In subsection (1) of section two "the Royal Court" shall be substituted for "the Treasury" in both places where the words occur and "Ordinance" shall be substituted for "order" wherever the word occurs.

(i) For subsection (2) of section two, there shall be substituted the following subsection:—

"(2) Any charges recovered by virtue of such an Ordinance as aforesaid shall be paid into a special account to be kept by the Treasurer of the States of Guernsey and there shall be payable thereout the expenses of such scheme of control certified by him as properly so payable and the balance, unless it be otherwise directed by Ordinance or agreed, shall be payable without further deduction into the general revenue of the Islands of Guernsey, Alderney and Sark in the like proportions to those in which the duties collected in Guernsey under the Import Duties Act (Bailiwick of Guernsey), 1932, are payable to those revenues respectively".

(j) In subsection (5) of section two, the words "with the approval of the Treasury" shall be omitted; and

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for the words "and all sums received by way of such fees or charges as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the Treasury so direct, be paid into such public fund or account as they may determine" there shall be substituted the words "and all sums received by way of such fees or charges as aforesaid shall be paid into a special account to be kept by the Treasurer of the States of Guernsey and there shall be payable thereout the expenses in respect of the grant or issue of any such licence, permit, certificate or other document as are certified by him to be properly so payable and the balance, unless it be otherwise directed by Ordinance or agreed, shall be applied in the manner hereinbefore directed as regards the balance of charges recovered in connection with a scheme of control contained in or authorised by Defence Regulations".

(*k*) In subsection (1) of section three "the Bailiwick of Guernsey" shall be substituted for "the United Kingdom" wherever those words occur and in paragraph (*b*) of that subsection the words "the United Kingdom and" shall be inserted between the figure "(1)" and the words "a Dominion".

(*l*) In subsection (1) of section six, "this order" shall be substituted for "this Act".

(*m*) In subsection (2) of section six, for the words "on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or, on conviction on indictment" there shall be substituted the words "on conviction".

(*n*) In subsection (3) of section six, after the words "the Official Secrets Act, 1920" there shall be inserted the words "and of any adaptations thereof for the time being in force in the Bailiwick of Guernsey" and for the words "this Act", at the end of that subsection there shall be substituted the words "this Order".

(Enregistré sur les Records le 5 septembre 1939)

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Monsieur le Baillif ayant ce jour communiqué à la Cour des Règlements dits :

Securities
(Restrictions
and Returns)
(Guernsey)
Order, 1939.

“Defence (Finance) Regulations (Guernsey),
1939.

Securities (Restrictions and Returns) (Guernsey).

Treasury Order.”

La Cour, ouies les conclusions des Officiers du Roi, a ordonné que les dits Règlements seront enregistrés sur les records de cette Ile et publiés dans les Gazettes autorisées pour les annonces officielles et qu'un extrait des registres contenant ce présent acte avec un exemplaire des dits règlements seront expédiés par le Greffier du Roi à Monsieur le Juge d'Auregny et Monsieur le Sénéchal de Sercq pour être enregistrés sur les records des dites Iles.

(Enregistré sur les Records le 5 septembre 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 23rd day of June, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section 4 of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936 (which latter Act is hereinafter referred to as “the Act of 1936”) it is enacted that His Majesty may by Order in Council direct that any of the provisions of the first mentioned Act other than that section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, any colony, any British protectorate or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom :

Air Navigation Acts
(Extension to the Channel Islands)
Order, 1939.

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AND WHEREAS by subsection (1) of section 35 of the Act of 1936 it is provided that that Act shall be construed as one with the Air Navigation Act, 1920, which as amended by the Act of 1936 is hereinafter referred to as "the principal Act":

AND WHEREAS it is expedient that the provisions of the principal Act, and the provisions of the Act of 1936 shall extend to the Channel Islands with the exceptions, adaptations and modifications specified in the Schedule hereto:

AND WHEREAS by subsection (2) of section 30 of the Act of 1936 it is enacted that an Order in Council made under any of the provisions of the principal Act and that Act may contain such incidental and supplementary provisions as appear to His Majesty in Council to be necessary or expedient for the purposes of the Order:

NOW, THEREFORE, His Majesty, in pursuance of the powers conferred upon Him by the Act of 1936, is pleased, by and with the advice of His Privy Council, to direct, and it is hereby directed, as follows:—

1. The provisions of the principal Act other than section 4 and of the Act of 1936, shall extend to the Channel Islands with the exceptions, adaptations and modifications specified in the Schedule hereto.

2. In this Order the expression "the Channel Islands" means Jersey and Guernsey, and references to Jersey and Guernsey include references to the whole Bailiwicks of Jersey and Guernsey respectively and to the territorial waters adjacent thereto.

3. This Order may be cited as the Air Navigation Acts (Extension to the Channel Islands) Order, 1939.

RUPERT B. HOWORTH.

THE SCHEDULE.

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Exceptions, Adaptations and Modifications.

PART I.

EXCEPTIONS.

The following provisions of the Principal Act shall not apply :

Paragraph (h) of section three :

Section four :

Section five :

Section eight :

Section thirteen :

Section fifteen :

Subsection three of section seventeen :

Section nineteen.

The following provisions of the Act of 1936 shall not apply :

Section one :

Subsections two and four, and paragraphs (a) and (b) of subsection five of section three :

Subsection three of section five :

Section eight :

Section nine :

Section ten :

Section eleven :

Section twelve :

Section fourteen :

Paragraph (c) of subsection four of section sixteen :

Subsection three of section twenty-four :

Section twenty-five :

Subsections one and five of section twenty-six :

Section twenty-seven :

Section thirty-one :

Section thirty-two :

Section thirty-three :

The First Schedule :

Subparagraph two (a) (iii) of paragraph one of the Third Schedule :

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Subparagraphs three and four of paragraph eight
of the Third Schedule:

The Fourth Schedule:

The Sixth Schedule.

PART II.

A.—General Adaptations and Modifications.

1. Save as herein otherwise expressly provided the following expressions in the Principal Act and in the Act of 1936 shall have the meanings hereinafter provided:—

“The United Kingdom” shall be construed as including the Channel Islands.

“The High Court” shall mean in the case of Jersey the Royal Court (Inferior Number) and in the case of Guernsey the Royal Court sitting as an Ordinary Court.

“Imprisonment” shall mean imprisonment with or without hard labour.

2. For the expression “summary conviction” wherever it occurs the expression “conviction before the Royal Court” shall be substituted.

PART II.

B.—Adaptations and Modifications of the Principal Act.

In section three the words “subject to the consent of the Treasury” in paragraph (i) shall be omitted.

For subsection three of section seven the following shall be substituted:—

“(3) Any person who suffers direct injury or loss, owing to the operation of an order of the Secretary of State under this section, shall be entitled to receive compensation from the Secretary of State, the amount thereof to be fixed, in default of agreement, by reference to arbitration wherein one arbitrator shall be appointed by the Secretary of State and the other by the person claiming to

suffer injury or loss, and before the arbitration is proceeded with an umpire shall be appointed by the Royal Court, the award of the arbitrators, if not in disagreement, or of the umpire if the arbitrators disagree, to be final and binding: and any arbitration under this subsection shall, unless the person claiming to have suffered direct injury or loss otherwise in writing agrees, be held in Jersey or Guernsey as the case may be:

Provided that no compensation shall be payable by reason of a general order under this section prohibiting flying in the United Kingdom or any part thereof."

In subsection three of section eleven the words following the word "wreck" to the end of the subsection shall be omitted.

For section twelve the following section shall be substituted:—

" 12.—(1) His Majesty may by Order in Council provide for the investigation of any accident arising out of or in the course of air navigation and occurring in or over Jersey or Guernsey.

(2) Without prejudice to the generality of the foregoing provision, an Order in Council made under this section may contain provisions—

- (a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be specified in the Order in Council;
- (b) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with any such aircraft.

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- (c) authorising or requiring the cancellation, suspension, endorsement, or surrender of any licence or certificate granted under this Act, or any order made thereunder, where it appears on an investigation that the licence ought to be cancelled, suspended, endorsed or surrendered, and for the production of any such licence for the purpose of being so dealt with :

PROVIDED that nothing in the section shall limit the powers of any authority under sections five hundred and thirty to five hundred and thirty-seven inclusive of the Merchant Shipping Act, 1894, or any enactment (including this Act) amending those sections.

- (3) If any person contravenes or fails to comply with an Order in Council under this section, he shall be liable on 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 three months."

After subsection four of section seventeen the following subsection shall be added :—

"(5) Any Order in Council under this Act and any Order or Regulations made or Directions given by the Secretary of State thereunder shall not come into force in Jersey or Guernsey until registered in the Royal Court."

PART III.

C.—Adaptations and Modifications of the Act of 1936.

For subsection three of section three the following subsection shall be substituted :—

- "(3) Any power or duty to provide for the regulation of ships or vessels exercisable by any authority in Jersey or Guernsey shall be construed as including a power or duty to provide for the regulation of seaplanes when on the surface of

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the water and a power to authorise a harbour master or other officer of the authority to exercise, as respects seaplanes on the surface of the water, all or any of the functions which he is authorised to exercise as respects ships or vessels :

PROVIDED that in no circumstances shall the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane be required or authorised by any such authority, or by a harbour master or other officer thereof."

In subsection one of section five after the words " Order in Council " there shall be inserted the words " upon the petition of the States of Jersey or Guernsey as the case may be."

In paragraph (a) of subsection one of section five, for the expression " the United Kingdom " there shall be substituted the expression " the Channel Islands."

In paragraph (f) of subsection one of section five the words " subject to the consent of the Treasury " shall be omitted.

In subsection six of section fifteen for the reference to the Carriage by Air Act, 1932, there shall be substituted a reference in the case of Jersey to the Carriage by Air (Jersey) Order, 1935, and in the case of Guernsey to the Carriage by Air (Guernsey) Order, 1935; and the words following the words " carrier thereunder " to the end of the subsection shall be omitted.

For subsection three of section sixteen the following subsection shall be substituted:—

" (3) The preceding provisions of this section shall not apply to an aircraft of which the owner is the States of Jersey or Guernsey."

In subsection two of section eighteen the words enclosed in brackets shall be omitted.

In section twenty-two for the words " as the Secre-

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tary of State may by order appoint " there shall be substituted the words " as His Majesty may by Order in Council appoint."

In subsection four of section twenty-six for the words "any land or other property" there shall be substituted the words "any property other than land."

In subsection one of section thirty-four the definitions of "statutory undertakers" and of "Workmen's Compensation Acts" shall be omitted.

In subparagraphs (2) (a) (ii) of paragraph one of the Third Schedule for the words "in the United Kingdom" there shall be substituted the words "in Jersey and Guernsey."

In subparagraph seven of paragraph two of the Third Schedule the words following the words "to his estate" to the end of the subparagraph shall be omitted.

In subparagraph one of paragraph five of the Third Schedule for the words "statutory declaration" there shall be substituted the words "declaration before a Jurat of the Royal Court or a Notary Public."

(Enregistré sur les Records le 5 septembre 1939)

Aliens
Orders, 1920
and 1939.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 1er. septembre 1939, intitulé " Aliens Order, 1939," avec des exemplaires des pièces suivantes datées le 1er. septembre, 1939 :—

1. The Aliens Order, 1920, as amended to 1st September, 1939, inclusive.
2. An order made by the Secretary of State under Article 2 (3) of the Aliens Order, 1920 (approved ports), with 3 schedules.
3. A direction of the Secretary of State under Article 14 of the Aliens Order, 1920 (wife of an alien).

4. Orders made by the Secretary of State under paragraphs (1) and (3) of Article 7 of the Aliens Order, with Schedule (registration).
5. An order made by the Secretary of State under Articles 8 and 11 of the Aliens Order, 1920 (business, trade or occupation).
6. An order made by the Secretary of State (Exemption from Articles 1 and 1b of the Aliens Order of 1920).

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LA COUR, ouies les conclusions des Officiers du Roi a ordonné que le dit Ordre en Conseil et les dites pièces seront enregistrés par être logés au Greffe.

(Enregistré sur les Records le 5 septembre 1939)

Monsieur le Baillif ayant ce jour communiqué à la Cour des exemplaires de l'Acte du Parlement suivant :—

**Ships and
Aircraft
(Transfer
Restriction)
Act, 1939.**

Ships and Aircraft (Transfer Restriction) Act, 1939.
LA COUR, après avoir eu lecture du dit Acte, ouies les conclusions des Officiers du Roi, a ordonné que le dit Acte du Parlement sera enregistré sur les Records de cette Ile, duquel Acte la teneur suit :—

SHIPS AND AIRCRAFT (TRANSFER RESTRICTION) ACT, 1939. 2 & 3 Geo. 6. Ch. 70.

Arrangement of Sections

Section

1. Restriction on transfer and mortgage of ships.
2. Restriction on transfer of registry of ships.
3. Restriction on transactions in respect of aircraft and parts of aircraft.
4. Ships and aircraft to which this Act applies.
5. Offences by corporations.
6. Penalties and legal proceedings.
7. Incidental provisions as to sanctions and approvals.

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8. Power to impose charges.
9. Exercise of powers of Secretary of State and Board of Trade.
10. Extra-territorial operation of penal provisions of Act.
11. Extent of Act.
12. Interpretation.
13. Short title and duration of Act.

Ships and Aircraft (Transfer Restriction) Act, 1939.
Chapter 70.

AN ACT to impose restrictions on certain transactions in respect of ships and aircraft and parts of aircraft ; and for purposes connected with the matter aforesaid.

BE IT 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 :—

Restriction
on transfer
and mort-
gage of ships.

1.—(1) It shall be unlawful, except under the sanction of the Board of Trade,—

- (a) to transfer any ship to which this Act applies or any share in such a ship, or
- (b) to mortgage any such ship or any share therein, or to transfer a mortgage of any such ship or share ;

and if any person purports to effect any transfer or mortgage which is unlawful by virtue of this subsection, then, in addition to the transfer or mortgage being void, he shall be guilty of an offence.

57 & 58
Vict. c. 60.

(2) Any ship or share in a ship which has been the subject of any transaction unlawful by virtue of this section shall be subject to forfeiture ; and accordingly section seventy-six of the Merchant Shipping Act, 1894, as amended by any subsequent enactment

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(which section prescribes the procedure for the forfeiture of ships) shall apply in relation to ships which have become subject to forfeiture under this section, as it applies in relation to ships which have become subject to forfeiture under Part I of that Act.

2. Notwithstanding anything in section fifty-three of the Merchant Shipping Act, 1894, an application made (whether before or after the commencement of this Act) for the transfer of the registry of a ship to which this Act applies from any port at which the ship is registered for the time being, shall not be granted except with the approval of the Board of Trade.

Restriction
on transfer of
registry of
ships.

3.—(1) It shall be unlawful, except under the sanction of the Secretary of State, to sell, transfer, let on hire (whether under charter or otherwise), or to do anything involving the creation of a charge on,—

Restriction
on transac-
tions in res-
pect of air-
craft and
parts of air-
craft.

(a) any aircraft to which this Act applies, or

(b) any air frame, air screw or aero-engine which is within any country or territory to which this Act extends ;

and if any person purports to effect any transaction which is unlawful by virtue of this section, then, in addition to the transaction being void, he shall be guilty of an offence :

Provided that the provisions of this section restricting transactions in respect of air frames, air screws and aero-engines shall not avoid, or render a person punishable in respect of, any transaction relating to an aircraft to which this Act does not apply, by reason only that any air frame forming part of the aircraft, or any aero-engine or air screw installed therein is within a country or territory to which this Act extends.

(2) This section shall come into operation on such date as the Secretary of State may by Order appoint.

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Ships and
aircraft to
which this
Act applies.

4.—(1) The ships to which this Act applies are—

- (a) all British ships, except ships registered—
 - (i) in a Dominion, or
 - (ii) in any territory administered by His Majesty's Government in a Dominion, or
 - (iii) in India or Burma ; and
- (b) all other ships being ships—
 - (i) which are registered in, or licensed under the law of, any colony or British protectorate or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom, or
 - (ii) which, in pursuance of an Order in Council under section eighty-eight of the Merchant Shipping Act, 1894, are registered at any port within which His Majesty exercises jurisdiction in accordance with the Foreign Jurisdiction Act, 1890.

53 & 54
Vict. c. 37.

(2) The aircraft to which this Act applies are—

- (a) all aircraft registered—
 - (i) in the United Kingdom,
 - (ii) in any of the Channel Islands or in the Isle of Man,
 - (iii) in Newfoundland or in any colony,
 - (iv) in any British protectorate, or
 - (v) in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom ; and
- (b) all other aircraft being aircraft which are with-
in any of the countries and territories referred to in paragraph (a) of this sub-section, and have at any time (whether before or after the commencement of this Act) been registered in

any of the said countries and territories, and are not for the time being either registered—

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- (i) in a Dominion, or
- (ii) in any territory administered by His Majesty's Government in a Dominion, or
- (iii) in India, Burma or Southern Rhodesia, or registered in a register of any foreign State.

The reference in paragraph (a) of this subsection to any colony shall be construed as a reference to any colony except Southern Rhodesia or a colony administered by His Majesty's Government in a Dominion.

5. Where a person convicted of an offence under this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or an officer of the body corporate shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Offences by corporations.

6.—(1) Any person guilty of an offence under this Act shall be liable—

Penalties and legal proceedings.

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or to both such imprisonment and a fine, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(2) Proceedings against any person for the purposes of this Act may be taken before the court having jurisdiction in the place where that person is for the time being.

(3) Any summary proceedings which may be taken against a person for an offence under this Act committed by him outside the countries and territories to which this Act extends may, notwithstanding any limitation imposed by law on the time for

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taking proceedings, be commenced in any competent court within six months from the date on which he first sets foot within the jurisdiction of that court after the commission of the offence.

(4) In any proceedings a document purporting to state that a sanction or approval has been given under this Act, and to be signed on behalf of the Secretary of State or the Board of Trade, as the case may be, or by a person who is empowered by this Act to do anything which may be done thereunder by the Board, shall be evidence of the facts stated in the document.

Incidental provisions as to sanctions and approvals.

7. For the avoidance of doubt it is hereby declared that any sanction or approval under this Act may be given either generally or in relation to a particular case ; and any such sanction or approval may be given on such terms, and subject to such conditions, as may be determined by the Secretary of State or the Board of Trade.

Power to make charges.

8.—(1) The Treasury may by order authorise the making of such charges as may be specified in the order in respect of the giving of any sanction under section one or section three of this Act and any such order may be varied or revoked by a subsequent order of the Treasury.

56 & 57
Vict. c. 66.

(2) Any such order as aforesaid shall be laid before the Commons House of Parliament as soon as may be after it is made, but, notwithstanding anything in sub-section (4) of section one of the Rules Publication Act, 1893, shall be deemed not to be a statutory rule to which that section applies.

(3) Any such order as aforesaid imposing or increasing a charge shall cease to have effect on the expiration of the period of twenty-eight days beginning with the day on which the order is made, unless at some time before the expiration of that period it has been approved by a resolution of the

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Commons House of Parliament, without prejudice, however, to the validity of anything previously done under the order or to the making of a new order.

In reckoning any period of twenty-eight days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

(4) Without prejudice to the preceding provisions of this section, there may be charged in respect of the giving of any sanction under this Act, or in respect of the approving under this Act of any transfer of the registry of a ship, such fee, not exceeding five pounds, as the Secretary of State or the Board of Trade may with the approval of the Treasury determine.

(5) All sums received by virtue of this section or of an order made thereunder shall be paid into the Exchequer of the United Kingdom.

9.—(1) The Secretary of State and the Board of Trade may respectively make arrangements whereby any sanction or approval which may be given under this Act by the Secretary of State or the Board is given on his or their behalf outside the United Kingdom by such persons, and at such places, as the Secretary of State or the Board may determine; and any sanction or approval given in pursuance of such arrangements shall be deemed for the purposes of this Act to be a sanction or approval given by the Secretary of State or the Board, as the case may be.

Exercise of
powers of
Secretary of
State and
Board of
Trade.

(2) Anything required or authorised under this Act to be done by, to or before the Board of Trade may (without prejudice to any arrangements in force under the preceding subsection) be done by, to or before the President of the Board, any secretary, under-secretary or assistant-secretary of the Board or any person authorised in that behalf by the President.

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Extra-territorial operation of penal provisions of Act.

10.—The penal provisions of this Act shall apply to all persons in any country or territory to which this Act extends or on board any ship or aircraft to which this Act applies, and to all other persons being British subjects or British protected persons, except persons in any of the following countries and territories, that is to say,—

- (a) any Dominion,
- (b) any territory administered by His Majesty's Government in a Dominion,
- (c) India, Burma and Southern Rhodesia, and
- (d) any other country or territory being a country or territory under His Majesty's protection or suzerainty, and not being a country or territory to which this Act extends ;

but nothing in this section shall be taken to restrict the operation of the provisions of this Act relating to the forfeiture of ships.

Extent of Act.

11.—(1) This Act extends to the following countries and territories, that is to say,—

- (a) the United Kingdom,
- (b) the Channel Islands and the Isle of Man,
- (c) Newfoundland, and any colony except Southern Rhodesia or a colony administered by His Majesty's Government in a Dominion,
- (d) any British protectorate, and
- (e) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom ; and also extends (in so far as His Majesty has jurisdiction therein) to any other country or territory in which for the time being His Majesty has jurisdiction, and not being a country or territory administered by His Majesty's Government in a Dominion.

(2) This Act shall, in its application to any country or territory outside the United Kingdom, have effect subject to such adaptations and modifications, if any, as may be prescribed by or under an Order of His Majesty in Council ; and any such Order may be varied or revoked by a subsequent Order of His Majesty in Council.

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12.—In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

Interpretation.

“ aircraft ” means any flying machine, glider or airship or any balloon (whether fixed or free) ;

“ Dominion ” means any Dominion within the meaning of the Statute of Westminster, 1931, except Newfoundland ; and

“ Ship ” has the same meaning as in the Merchant Shipping Act, 1894.

13.—(1) This Act may be cited as the Ships and Aircraft (Transfer Restriction) Act, 1939.

Short title and duration of Act.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the Emergency that was the occasion of the passing of this Act came to an end and shall then expire except as respects things previously done or omitted to be done.

(Enregistré sur les Records le 7 septembre 1939)

LA COUR, vu les dispositions de l'Article 1 de la “ Loi portant réglementation sur l'Admission et l'Enregistrement des Etrangers ” sanctionnée par Ordre de Sa Majesté en Conseil enregistré sur les Records de cette Ile le 29 juillet 1922, et de l'Article 1 de la “ Loi portant réglementation sur l'Admission et l'Enregistrement des Etrangers dans l'Ile d'Aur-

Aliens
Orders, 1920
and 1939
(Alderney
and Sark).

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egny ” enregistrée sur les records de l’Ile de Guernsey le 27 novembre 1926, a ordonné que copies des pièces suivantes, datées le 1 septembre 1939, savoir :

1. Order of His Majesty in Council intituled “ Aliens Order 1939 ”.
2. The Aliens Order, 1920, as amended to 1st September, 1939, inclusive.
3. An order made by the Secretary of State under Article 2 (3) of the Aliens Order, 1920 (approved ports), with 3 schedules.
4. A direction of the Secretary of State under Article 14 of the Aliens Order, 1920 (wife of an alien).
5. Orders made by the Secretary of State under paragraphs (1) and (3) of Article 7 of the Aliens Order, with Schedule (registration).
6. An order made by the Secretary of State under Articles 8 and 11 of the Aliens Order, 1920 (business, trade or occupation).
7. An order made by the Secretary of State (Exemption from Articles 1 and 1b of the Aliens Order of 1920).

seront transmises par le Greffier du Roi à Monsieur le Juge d’Auregny et à Monsieur le Sénéchal de Sercq pour être enregistrées par être logées au Greffe.

(Enregistré sur les Records le 7 septembre 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 25th day of July, 1939.

PRESENT,

THE KING’S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

LORD RUSHCLIFFE

LORD THANKERTON

MR. BURGIN

SIR PHILIP MACDONELL.

Explosive
Substances
Law, 1939.

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 11th day of July, 1939, in the words following, viz. :—

‘ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

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“ 1.—That on the 29th day of April, 1939, the Royal Court adopted a Bill or “ *Projet de Loi* ” intituled “ *Loi relative aux Substances Explosives, 1939,* ” and requested the Bailiff to submit the same to the States of Deliberation for approval : 2. That on the 9th day of June, 1939, 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 this Petition, and most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey intituled “ *Loi relative aux Substances Explosives, 1939,* ” 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

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ordered, that the same shall have the force of Law within the Bailiwick of 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.

RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

LOI RELATIVE AUX SUBSTANCES EXPLOSIVES, 1939.

LES ETATS ont approuvé les dispositions suivantes lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi dans le Bailliage de l'Ile de Guernesey.

1.—SHORT TITLE.—This Law may be cited as the Explosive Substances Law, 1939.

2.—CAUSING EXPLOSION LIKELY TO ENDANGER LIFE OR PROPERTY.—Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be guilty of felony, and on conviction

shall be liable to penal servitude for life, or for any less term (not less than the minimum term allowed by law), or to imprisonment with or without hard labour for a term not exceeding two years.

3.—ATTEMPT TO CAUSE EXPLOSION, OR FOR MAKING OR KEEPING EXPLOSIVE WITH INTENT TO ENDANGER LIFE OR PROPERTY.—Any person who within or (being a subject of His Majesty) without His Majesty's dominions unlawfully and maliciously—

- (a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance an explosion in the Bailiwick of the Island of Guernsey of a nature likely to endanger life or to cause serious injury to property ; or
- (b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in that Bailiwick, or to enable any other person by means thereof to endanger life or cause serious injury to property in that Bailiwick,

shall, whether any explosion does or does not take place, and whether any injury to person or property has been actually caused or not, be guilty of felony, and on conviction shall be liable to penal servitude for a term not exceeding twenty years, or to imprisonment with or without hard labour for a term not exceeding two years, and the explosive substance shall be forfeited.

4.—MAKING OR POSSESSION OF EXPLOSIVE UNDER SUSPICIOUS CIRCUMSTANCES.—Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a

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lawful object, be guilty of felony, and, on conviction, shall be liable to penal servitude for a term not exceeding fourteen years, or to imprisonment for a term not exceeding two years with or without hard labour, and the explosive substance shall be forfeited.

5.—PUNISHMENT OF ACCESSORIES.—Any person who within or (being a subject of His Majesty) without His Majesty's dominions by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any crime under this Law, shall be guilty of felony, and shall be liable to be tried and punished for that crime, as if he had been guilty as a principal.

6.—PROCEDURE AND SAVING.—(1) For all purposes of and incidental to arrest, trial, and punishment, a crime for which a person is liable to be punished under this Law, when committed out of the Bailiwick of the Island of Guernsey, shall be deemed to have been committed in the place in that Bailiwick in which such person is apprehended or is in custody.

(2) This Law shall not exempt any person from any indictment or proceeding for a crime or offence which is punishable at common law, or by any Law other than this Law, but no person shall be punished twice for the same criminal act.

7.—SEARCH FOR AND SEIZURE OF EXPLOSIVE SUBSTANCES.—The provisions of Articles XXIV, XXVII and XXVIII of the Law entitled "Loi relative aux Explosifs" registered on the Records of the Island of Guernsey on the 4th day of February, 1905 (hereinafter called "the Law of 1905") (which Articles relate to the search for, and seizure of explosive substances, and the forfeiture thereof) shall apply in like manner as if a crime or forfeiture under this Law were an offence or forfeiture under the Law of 1905.

8.—DEFINITIONS.—In this Law, unless the context otherwise requires— 1939

The expression “ explosive substance ” shall be deemed to include any materials for making any explosive substance ; also any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance ; also any part of any such apparatus, machine, or implement.

(Enregistré sur les Records le 13 septembre 1939)

Monsieur le Baillif ayant ce jour communiqué à la Cour cinq Proclamations de Sa Majesté le Roi en date du 1er septembre 1939, intitulées :—

Proclama-
tions (Navy,
Army and
Air Force).

1. A Proclamation for Continuing Soldiers in Army Service.
2. A Proclamation for Continuing Airmen in Air Force Service.
3. A Proclamation for Calling Out the Air Force Reserve and Embodying the Auxiliary Air Force.
4. A Proclamation for Extending the Services of Time-Expired Men in the Royal Navy.
5. A Proclamation for Calling Out the Army Reserve (including the Militia) and Embodying the Territorial Army.

LA COUR, ouies les conclusions des Officiers du Roi, a ordonné que les dites Proclamations seront enregistrées sur les Records de cette Ile par être logées au Greffe, et qu'un exemplaire de chacune des dites Proclamations sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Serq, avec ce présent acte, pour être enregistrés sur les records des dites Iles.

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(Enregistré sur les Records le 13 septembre 1939)

Proclama-
tion specifying
Articles
to be treated
as Contra-
band of War.

Monsieur le Baillif ayant ce jour communiqué à la Cour une Proclamation de Sa Majesté le Roi en date du 3 septembre 1939 intitulée :—

“ A Proclamation specifying the Articles to be treated as contraband of War.”

LA COUR, afin que les habitants de ce Bailliage aient connaissance de la dite Proclamation, ouies les conclusions des Officiers du Roi, a ordonné que la dite Proclamation sera enregistrée sur les Records de cette Ile par être logée au Greffe, et publiée dans la Gazette autorisée pour les annonces officielles, et qu'un exemplaire de la dite Proclamation sera expédiée par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Serq, avec ce présent acte, pour être enregistrés sur les records des dites Iles.

(Enregistré sur les Records le 26 septembre 1939)

The Clergy
Pensions
(Widows and
Dependants)
Measure,
1936.

Monsieur le Baillif, ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 5 septembre 1939, transmettant des exemplaires de l'Acte du Parlement suivant :—

26 Geo. 5 and 1 Edw. 8, No. 3, “ The Clergy Pensions (Widows and Dependants) Measure, 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 sera enregistré sur les Records de cette Ile.
2. Qu'un exemplaire du dit Acte du Parlement 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 et du dit Acte du Parlement sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Serq pour être enregistrés sur les Records des dites Iles.

(Enregistré sur les Records le 26 septembre 1939)

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Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 5 septembre 1939 intitulé "Ships and Aircraft (Transfer Restriction) (Channel Islands) Order in Council, 1939", transmettant des exemplaires de l'Acte du Parlement suivant :—

Ships and
Aircraft
(Transfer
Restriction)
(Channel Is-
lands) Order
in Council,
1939.

"Ships and Aircraft (Transfer Restriction) Act,
1939"

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 exemplaire du dit Acte du Parlement 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 et 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, pour être enregistré sur les records des dites Iles.

duquel Ordre la teneur suit ;—

AT THE COURT AT BUCKINGHAM PALACE,

The 5th day of September, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
EARL DE LA WARR

VISCOUNT SAMUEL
LORD MACMILLAN

WHEREAS by subsection (b) of subsection (1) of section II of the Ships and Aircraft (Transfer Restriction) Act, 1939, it is provided that that Act shall extend to the Channel Islands and the Isle of Man :

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AND WHEREAS by subsection (2) of that section it is provided that that Act shall, in its application to any country or territory outside the United Kingdom, have effect subject to such adaptations and modifications, if any, as may be prescribed by or under an Order of His Majesty in Council :

NOW THEREFORE, His Majesty, in pursuance of subsection (2) of section 11 of the said Act, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows :—

1. This Order may be cited as the Ships and Aircraft (Transfer Restriction) (Channel Islands) Order in Council, 1939.

2. The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. In its application to the Channel Islands, the Ships and Aircraft (Transfer Restriction) Act, 1939, shall have effect subject to the following modifications :—

(a) For subsection (1) of section six there shall be substituted the following subsection :—

“Any person guilty of an offence under this Act shall be liable on conviction before the Royal Court to imprisonment for a term not exceeding two years with or without hard labour or a fine or to both such imprisonment and a fine.”

(b) In subsection (3) of the said section the word “summary” shall be omitted.

4. This Order together with the said Act shall be registered in the Islands of Jersey and Guernsey.

RUPERT B. HOWORTH.

(Enregistré sur les Records le 26 septembre 1939)

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AT THE COURT AT BUCKINGHAM PALACE,

The 5th day of September, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

VISCOUNT SAMUEL

EARL DE LA WARR

LORD MACMILLAN

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 August, 1939, in the words following, viz. :—

The Mental
Treatment
Law (Guern-
sey), 1939.

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

‘ 1.—That on the 20th day of May, 1939, the Royal Court adopted a Bill or “ *Projet de Loi* ” intituled “ The Mental Treatment Law (Guernsey), 1939,” and requested the Bailiff to submit the same to the States of Deliberation for their approval: 2. That on the 7th day of July, 1939, 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 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 might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey intituled “ The Mental Treatment Law (Guernsey), 1939,” and to order and direct that the same should have the force of Law within the Bailiwick of the Island of Guernsey, the Island of Alderney excepted.’

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“ 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 the Island of Guernsey, the Island of Alderney excepted.

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.

RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

“ THE MENTAL TREATMENT LAW
(GUERNSEY) 1939 ”.

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 toutes les Iles du Bailliage, à l’exception de l’Ile d’Auregny.

Arrangement of Articles.1939

PART I.—PRELIMINARY AND GENERAL PROVISIONS.*Article.*

- 1 Interpretation.
- 2 Establishment and composition of States' Mental Health Services Board.
- 3 General powers and duties of the Board.
- 4 Meetings of the Board and Committees.
- 5 Authorisation of use of new mental hospital.
- 6 Prohibition of admission and detention, etc. of patients except in compliance with this Law.
- 7 Requirements in medical certificates.
- 8 Evidentiary effect of medical certificates.

PART II.—CERTIFICATION OF PATIENTS AND ADMISSION AND DETENTION OF CERTIFIED PATIENTS.

- 9 Proceedings preparatory to admission of certified patients.
- 10 Duty of Law Officer on presentation of petition.
- 11 Statement of facts in medical certificate accompanying petition.
- 12 Persons prohibited from signing medical certificate accompanying petition.
- 13 Usual medical attendant to sign one certificate if possible.
- 14 Time and manner of medical examination preparatory to order.
- 15 Patients not to be admitted under certificates by interested persons.
- 16 Authority for admission and detention and notices respecting certified patients.
- 17 Duration of admission orders.
- 18 Amendment of orders and certificates.
- 19 Admission and detention of certified patient elsewhere than in mental hospital.

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PART III.—GUARDIANSHIP.

Article.

- 20 Ascertainment or appointment of guardian of certified patient.

PART IV.—CLASSIFICATION OF CERTIFIED PATIENTS.

- 21 Certified patients to be classified.
22 Re-classification not to affect orders and certificates.

PART V.—TRANSFER, TEMPORARY REMOVAL, ABSENCE AND DISCHARGE OF CERTIFIED PATIENTS.

- 23 Transfer of certified patient within the Island of Guernsey.
24 Transfer of certified patient from the Island of Guernsey.
25 Transfer of patient to the Island of Guernsey from elsewhere.
26 Requirement of medical certificates for transfer of patients.
27 Temporary removal within the Island of Guernsey of certified patient.
28 Absence of certified patient on trial or for health, etc.
29 Discharge of certified patient.
30 Application of Article 19 to this Part.

PART VI.—VOLUNTARY AND TEMPORARY PATIENTS.

- 31 Admission, etc. of voluntary patients.
32 Notices, etc. respecting voluntary patients and provisions regarding their discharge.
33 Visitation of voluntary patients.
34 Admission of temporary patients and requirements regarding them.

PART VII.—SPECIAL PROVISIONS REGARDING CARE AND TREATMENT AND RECOVERY.

Article.

- 35 Orders for examination of patients.
- 36 Mechanical restraint.
- 37 Provisions respecting employment of males in controlling female patients.
- 38 Persons disqualified to be medical attendants of patients.
- 39 Recovery of patients.
- 40 Visitation of patients.

PART VIII.—MISCELLANEOUS PROVISIONS.

- 41 Escape and retaking.
- 42 Protection to persons acting according to law.
- 43 False declarations and other misstatements.
- 44 Penalties.
- 45 Discontinuance of terms “asylum,” “pauper” and “lunatic”, etc.
- 46 Power of Royal Court to pass ordinances.
- 47 Repeal.
- 48 Commencement.

The Law.

Part I.—Preliminary and General Provisions.

ARTICLE I.—INTERPRETATION.

In this Law, unless the context otherwise requires, or it is otherwise specially provided, the following expressions have the meanings hereby respectively assigned to them, namely :—

Words importing the masculine gender shall include females :

Words in the singular shall include the plural, and words in the plural shall include the singular :

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“ Assisted patient ” means a patient, whether a certified patient, a voluntary patient or a temporary patient, any part of the cost of whose care, treatment and maintenance in a mental hospital or authorised place is borne by the States’ Public Assistance Authority :

“ Authorised place ” and “ other authorised place ” each mean any place other than a mental hospital, in which, under the authority of an Act of the Royal Court, a patient may be detained :

* “ The Board ” means the States’ Mental Health Services Board constituted under this Law :

“ Certified patient ” means a patient who has been medically certified in accordance with the provisions of Part II (entitled “ Certification of Patients ”, etc.) of this Law as a person of unsound mind and as being, by reason of mental ailment, in need of care and treatment, and who has not been discharged as cured of that ailment :

“ Medical practitioner ” means a person authorised to practise the profession of medicine in the Island of Guernsey and actually engaged in the practice of that profession :

“ Medical Superintendent ” means the medical practitioner in charge of the States’ Mental Health Services and the expression includes any medical practitioner authorised by the Board to perform the duties of the Medical Superintendent as Acting Medical Superintendent :

“ Mental ailment ” means any affection of the mind in virtue of which a person may be, for the purposes of this Law, a certified patient, a voluntary patient or a temporary patient :

“ Mental hospital ” means a place provided by the States for the care and treatment of persons suffering from any mental ailment :

* The powers and duties assigned to the Board were transferred to the States Board of Health by the States Committees (Amendment) Law, 1948.

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“ Patient ” means a person suffering from a mental ailment and by reason thereof admissible under this Law to a mental hospital or authorised place :

“ Prescribed ” means prescribed by Ordinance of the Royal Court :

“ Private patient ” means a patient, whether a certified patient, a voluntary patient or a temporary patient, no part of the cost of whose care, treatment and maintenance in a mental hospital or authorised place is borne by the States’ Public Assistance Authority :

“ Royal Court ” means, except in Article 3 (entitled “ General powers and duties of the Board ”) and in Article 46 (entitled “ Power of Royal Court to pass ordinances ”) of this Law, the Royal Court sitting as an Ordinary Court :

“ Single patient ” means a patient who, not being a voluntary patient, is suffering from a mental ailment and is detained in private care and not in a mental hospital :

“ Temporary patient ” means a person susceptible of being dealt with under Part VI (entitled “ Voluntary and Temporary Patients ”) of this Law otherwise than as a voluntary patient :

“ Voluntary patient ” means a person susceptible of being dealt with under Part VI (entitled “ Voluntary and Temporary Patients ”) of this Law otherwise than as a temporary patient.

*ARTICLE 2.—ESTABLISHMENT AND COMPOSITION OF STATES’ MENTAL HEALTH SERVICES BOARD.

(1) In pursuance of this Law, there shall be established a States’ Mental Health Services Board (hereinafter referred to as “ the Board ”), which shall be invested with the powers, and charged with the duties, assigned to it by this Law :

* Repealed by the States Committees (Amendment) Law, 1948.

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Provided that such powers and duties, other than those mentioned in paragraphs (5), (6) and (8) of Article 3 (entitled "General Powers and Duties of the Board") of this Law shall not be exercised until a day (hereinafter referred to as "the appointed day") which shall be appointed by Ordinance of the Royal Court.

(2) On the appointed day, any powers and duties heretofore exercisable or to be performed by the Hospital Board of the States' Public Assistance Authority in relation to any matter for which this Law makes provision shall be transferred to the Board and shall thereupon and thereafter be exercisable and performed exclusively by the Board.

(3) The Board shall be composed of a President and nine other members.

(4) The President shall be elected by the States from among members of the States and shall, subject to the provisions of this Article, hold office for a period of three years.

(5) Six of the other members (in this Article referred to as States-elected members) of the Board shall be elected by the States from among members of the States.

(6) The remaining three members of the Board shall be persons co-opted to the Board by the President and the States-elected members thereof.

(7) The President shall appoint from time to time a Vice-President of the Board from among the States-elected members of the Board, and the person so appointed shall hold office as Vice-President of the Board until the expiration of the calendar year in which he is so appointed.

(8) Two States-elected members and one co-opted member shall retire from the Board on the 31st day of December in each year. In the case of States-elected members, the two members who, since being

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last elected to the Board, have held office longer than the other States-elected members shall be the members to retire; and the co-opted member to retire shall be the co-opted member who has held office longest since he was last co-opted to the Board. In the case of members elected or co-opted on the same date, the order of their retirement shall be determined by lot.

(9) Upon the President or any other States-elected member of the Board ceasing to be a member of the States, he shall cease to be a member of the Board.

(10) The President and every other retiring member, if not otherwise disqualified, shall be eligible for re-election or re-co-option, as the case may be.

(11) In the event of a member, other than the President, ceasing to hold office on the Board otherwise than by effluxion of time, a new member shall be elected or co-opted, as the case may require, for the unexpired portion of the term of office of the member to be replaced.

(12) No Jurat shall be eligible for membership of the Board.

(13) The Secretary to States' Committees or a deputy in his behalf shall be the Secretary of the Board.

ARTICLE 3.—GENERAL POWERS AND DUTIES OF THE BOARD.

(1) The Board shall direct the management and generally supervise the affairs and maintain the efficiency of any and every mental hospital and other institution provided by the States for the purposes of this Law and of the States' Mental Health Services.

(2) The Board may, in accordance with this Law or any Law amending the same—

(a) admit, treat, care for and detain in any such hospital or other institution as aforesaid, and

(b) treat in any authorised place,

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any patient, and may, except in the case of a criminal¹ of unsound mind, authorise the discharge from such mental hospital, institution or authorised place of any such person fit to be discharged therefrom, and, when the Board deems it necessary, determine conditions to be attached to such discharge.

(3) The Board may, within the limits of its expenditure as approved by the States, purchase all such equipment, stores and other supplies as are necessary for the efficient maintenance and conduct of any such hospital or other institution as aforesaid in its charge and of the States' Mental Health Services.

(4) The Board may

- (a) authorise the engagement of the services of a medical consultant in regard to the case of any patient if the Board is satisfied that it is proper so to do ;
- (b) make arrangements for the treatment as out-patients, either gratuitously or on such terms as to payment as it thinks fit, of persons suffering from mental illness ;
- (c) make provision for the after-care of any persons who have undergone treatment for mental illness.

(5) (a) The Board shall, as soon as may be after it is established, prepare regulations for the conduct of the affairs of the Board and the care and treatment of patients in any such hospital or other institution as aforesaid or other authorised place and such regulations shall include

- (i) regulations for ordering the management and conduct of any such hospital or institution or service as aforesaid in the charge of the Board ;
- (ii) regulations prescribing terms and conditions respecting the reception and treatment of patients and the payments to be

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made therefor either by or on behalf of the patients and the discharge of patients ;

- (iii) provisions determining the classification and number of staff to be employed in any such hospital or institution and service in the charge of the Board. The staff thus determined is in this Article referred to as the " authorised staff " ;
- (iv) provisions determining the instruments and appliances to which, in this Law, the expression " mechanical means of bodily restraint " is to apply and governing the use thereof ; and
- (v) provisions prescribing penalties for the contravention of any of its Regulations.

(b) Thereafter the Board may at any time and from time to time prepare any regulations which it deems advisable in the exercise of its powers and fulfilment of its duties.

(c) Regulations prepared as aforesaid shall have no effect until they have been submitted to and approved by 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.

(6) The Board may appoint any person who is, in the opinion of the Board, the fit and proper person to be appointed to any vacancy in the authorised staff, other than a vacancy for which the Appointments Board selects the person to be appointed.

(7) The Board shall submit to the President of the States, in the month of February in every calendar year, a report on the work of the Board during the twelve months ended on the preceding thirty-first day of December and, when the Board thinks it

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desirable may submit, and if requested by the President of the States to do so shall submit to him reports at other times on the work of the Board or on matters within the scope of the Board's powers and duties.

(8) The Board may appoint, from amongst its members, any such standing and occasional or special committees as it deems advisable, and may determine the number of members of any such committee to form a quorum thereof, or may leave to the committee the determination of the number to form its quorum.

ARTICLE 4.—MEETINGS OF THE BOARD AND COMMITTEES.

(1) The Board shall meet at least once in every calendar month.

(2) The President, or in the event of his absence from the Island or incapacity, the Vice-President, or if, in such event, the Vice-President is absent from the Island or under incapacity, any Acting-President elected by the Board, may call a meeting of the Board at any time.

(3) If three members of the Board sign a requisition for the calling of a meeting of the Board and the signed requisition is delivered to the secretary of the Board, the secretary shall, with all convenient dispatch, call a meeting accordingly. Upon receiving such a requisition, the secretary shall report it to the President, Vice-President or any Acting-President elected by the Board, as the case requires.

(4) For the purposes of a meeting of the Board, any five members shall form a quorum.

(5) (a) If the President is absent from a meeting of the Board, the Vice-President, if present, shall preside.

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(b) If both the President and Vice-President are absent from a meeting of the Board, such member of the Board present as the members present choose shall preside.

(6) (a) Any matter to be decided at a meeting of the Board or of any Committee thereof shall be decided by a majority of the members present and voting thereon.

(b) In the case of an equality of votes, the person presiding at the meeting shall, in addition to his original vote as a member of the Board or the said Committee, have a second or casting vote.

ARTICLE 5.—AUTHORISATION OF USE OF NEW MENTAL HOSPITAL.

(1) Whereas a new mental hospital is, by direction of the States, in course of construction at Le Vauquédor in the Island of Guernsey :

It is hereby provided that when, in the opinion of the States' Engineer and the Medical Superintendent, such hospital is ready for the reception of patients, the said Engineer and Superintendent shall jointly give the Board a certificate to that effect.

(2) The Board, if satisfied that the certificate provided for in paragraph (1) of this Article is justified, shall report accordingly to the Royal Court, sitting as a Full Court, and thereupon the said Court, after taking the opinion of the Board in the matter, may authorise—

- (a) the use, from a date mentioned in the Order of the Court, of the said new mental hospital for the reception of patients ; and
- (b) the transfer to such new mental hospital of all patients who, at the time of the Order, are patients in, or on leave of absence from, any other mental hospital or institution to which the Order relates and who, at the time of their intended transfer under the

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Order, are, in the opinion of the Medical Superintendent, in a fit condition to be transferred ; and any such patient whose transfer is postponed by the advice of the Medical Superintendent may be transferred in virtue of this Article and the said Order of Court so soon as the Medical Superintendent is of opinion that the patient is fit to be transferred.

(3) Upon the Royal Court making an order in accordance with the provisions of sub-paragraph (b) of paragraph (2) of this Article, any previous admission order under which any of the patients referred to in the said paragraph has been admitted to a mental hospital or institution specified in such admission order shall have effect as though the said admission order had been an order for the admission of the patient to whom it relates to the new mental hospital.

ARTICLE 6.—PROHIBITION OF ADMISSION
AND DETENTION, ETC. OF PATIENTS
EXCEPT IN COMPLIANCE WITH THIS
LAW.

(1) Except as authorised by this Law, it shall be an offence punishable as a contravention of this Law for any person—

- (a) to detain in that person's house or dwelling for more than forty-eight hours, without informing a medical practitioner of the facts of the case, any person certifiable or admissible as a temporary patient under this Law, whether that person is a member of the aforesaid person's own family, or his parent or other relation, or his guest or a stranger or any other person ; or
- (b) so to detain any such person as aforesaid for more than seven days without the

authority of the Royal Court, and the authority of the Royal Court shall be required notwithstanding that information has been given to a medical practitioner in compliance with the provisions of subparagraph (a) of this paragraph.

(2) Subject to the provisions of the foregoing paragraph of this Article, no person shall as a patient be admitted to or detained in any mental hospital or other authorised place—

(a) except as

- (i) a certified patient, or
- (ii) a voluntary patient, or
- (iii) a temporary patient ; and

(b) unless the provisions of this Law which are applicable to the case of that person have been and are being complied with.

(3) Except as provided in this Article, it shall be unlawful for any person to admit, detain, care for or treat any patient in any place other than a mental hospital or an authorised place.

ARTICLE 7.—REQUIREMENTS IN MEDICAL CERTIFICATES.

Every medical certificate under this Law shall be made and signed by a medical practitioner.

ARTICLE 8.—EVIDENTIARY EFFECT OF MEDICAL CERTIFICATES.

Every medical certificate made under and for the purposes of this Law shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the certifying medical practitioner on such facts, as if the matters therein appearing had been verified on oath.

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**Part II.—Certification of Patients and
Admission and Detention of Certified
Patients.**

**ARTICLE 9.—PROCEEDINGS PREPARATORY
TO ADMISSION OF CERTIFIED PATIENTS.**

(1) A person who has been certified as a person of unsound mind shall not be admitted or detained as a patient in any place except under an admission order made by one of the Law Officers.

(2) A Law Officer may make an admission order upon an application by way of petition accompanied by a statement of particulars and by two separate medical certificates certifying that the person to whom the certificates relate is a person of unsound mind and is, by reason of mental ailment, in need of care and treatment. Such petition, statement of particulars and medical certificates shall be in accordance with prescribed forms.

(3) The petition shall be presented, if possible, by the husband or wife or by a near relative or by the guardian of the patient. If not so presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the patient and the circumstances under which he presents the petition.

(4) No person shall present a petition unless he is at least twenty years of age and has within seven days before the presentation of the petition personally seen the patient.

(5) The petitioner shall in the petition undertake that he will personally, or by someone specially appointed by him, visit the patient once at least in every six months during the detention of the patient in a mental hospital or other authorised place.

(6) The petition shall be signed by the petitioner and the statement of particulars shall be signed by the person making the statement.

ARTICLE 10.—DUTY OF LAW OFFICER ON
PRESENTATION OF PETITION.1939

(1) Upon the presentation of the petition, the Law Officer dealing therewith shall consider the allegations in the petition and statement of particulars and the evidence of unsoundness of mind appearing by the medical certificates and, if he is satisfied that an admission order may properly be made, he may make the same accordingly.

(2) If the Law Officer declines to make an admission order, he shall deliver to the petitioner a statement in writing under his hand of his reasons for declining to make such order.

ARTICLE 11.—STATEMENT OF FACTS IN
MEDICAL CERTIFICATE ACCOMPANYING
PETITION.

(1) Every medical certificate upon which an admission order is founded shall state the facts upon which the certifying medical practitioner has formed his opinion that the patient is a person of unsound mind, distinguishing facts observed by himself from facts communicated by others; and an admission order shall not be made upon a certificate founded only upon facts communicated by others.

(2) In cases where the certifying medical practitioner considers that it is expedient for the welfare of the patient or for the public safety that the patient should be placed forthwith under care and treatment, the medical certificate shall contain a statement to that effect.

ARTICLE 12.—PERSONS PROHIBITED FROM
SIGNING MEDICAL CERTIFICATE ACCOM-
PANYING PETITION.

A medical certificate accompanying a petition for an admission order shall not be signed by the petitioner, or by the husband or wife, father or father-in-

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law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of such petitioner.

ARTICLE 13.—USUAL MEDICAL ATTENDANT TO SIGN ONE CERTIFICATE IF POSSIBLE.

One of the medical certificates accompanying a petition for an admission order shall, whenever practicable, be signed by the usual medical attendant, if any, of the patient. If for any reason it is not practicable to obtain a certificate from such usual medical attendant, the reason shall be stated in writing in the petition.

ARTICLE 14.—TIME AND MANNER OF MEDICAL EXAMINATION PREPARATORY TO ORDER.

(1) An admission order shall not be made as regards any certified patient unless each of the medical practitioners who signs a certificate relating to that patient has personally examined the patient not more than seven clear days before the date of the presentation of the petition for the admission order.

(2) An admission order shall not be made unless each of the medical practitioners signing a certificate has examined the patient separately from the other.

ARTICLE 15.—PATIENTS NOT TO BE ADMITTED UNDER CERTIFICATES BY INTERESTED PERSONS.

(1) No person shall be received or detained as a certified patient in any mental hospital or other place where any certificate accompanying the admission order has been signed by any of the following persons :—

- (a) Any member of the Board;
- (b) The Medical Superintendent;
- (c) Any member of the medical staff of the mental hospital;

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- (d) The person who is to have charge of the patient in any place other than a mental hospital;
- (e) Any person interested in the payments on account of the patient;
- (f) The husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of any of the foregoing persons.

(2) Neither of the persons signing a medical certificate in support of a petition for an admission order shall be the father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or partner or assistant, of the other of them.

ARTICLE 16.—AUTHORITY FOR ADMISSION AND DETENTION AND NOTICES RESPECTING CERTIFIED PATIENTS.

(1) An admission order signed by a Law Officer, if the same appears to be in conformity with this Law, shall be sufficient authority for the petitioner or any person authorised by him, to take the patient to whom the order refers and convey him to the place mentioned in such order and for his admission and detention therein.

(2) The admission order, together with the petition, statement of particulars, and medical certificates upon which the order was made, shall be delivered to the person on whose petition the order was made and shall by him or his agent be delivered to the person in charge of the mental hospital or authorised place in which, or to the person by whom, the patient is to be received.

(3) Where a patient is received into a place as a single patient, it shall be the duty of the person receiving the patient, within twenty-four hours after the

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reception of the patient, to deliver the admission order, petition, statement of particulars and medical certificates to the Medical Superintendent, who shall retain the same in his possession.

(4) Where a person is received as a certified patient in a mental hospital or where a person who has been received as a certified patient in a mental hospital dies in or is discharged from the hospital, notice of such reception, death or discharge, as the case may be, shall, before the expiration of the second day after the day of the reception, death or discharge, be sent to the President of the Board by the Medical Officer in charge of the hospital or other person designated by the Board and if any person fails to give any notice required to be given by him under this paragraph, he shall for each day or part of a day during which the default continues be liable to a penalty not exceeding One Pound.

ARTICLE 17.—DURATION OF ADMISSION ORDERS.

(1) Where an admission order has been made but the removal of the patient thereunder has been suspended by reason of a medical certificate that the patient is not in a fit state for removal, the patient may be received in the place named in the order within three days after the date of a medical certificate that the patient is in a fit state to be removed.

(2) In all other cases, an admission order shall cease to be of any force unless the patient has been received thereunder before the expiration of three clear days from its date.

ARTICLE 18.—AMENDMENT OF ORDERS AND CERTIFICATES.

(1) If an order or certificate relating to the admission of a certified patient is, after such admission, found to be in any respect incorrect or defective, such

order or certificate may within thirty days next after the date of such admission be amended by the person who signed the same. No amendment shall be allowed without the sanction of the Law Officer who signed the admission order or, if he be unable to deal with the matter, of another Law Officer.

(2) Every order and certificate amended under this Article shall take effect as if the amendment had been contained therein when it was signed.

ARTICLE 19.—ADMISSION AND DETENTION OF CERTIFIED PATIENT ELSEWHERE THAN IN MENTAL HOSPITAL.

(1) An Order for the admission and detention as a single patient of any person certified to be of unsound mind shall not be made by a Law Officer except under the authority of an Act of the Royal Court, and every such order shall contain a reference to the Act of Court under the authority of which it is made.

(2) Application for such authority shall be made to the Royal Court, through the intermediary of a Law Officer, in the joint names of the person who has signed the petition for the admission and detention of the patient or of the natural or legally appointed guardian of the patient and of the person in whose charge it is proposed to place the patient.

(3) Before granting the application, the Royal Court shall hear the Medical Superintendent with regard to the application and shall hear such other evidence as may be submitted to or required by the Royal Court and shall satisfy itself that the premises in which it is proposed to detain the patient are suitable for the purpose, that proper care and attention will be provided for the patient therein, and that it is in the interests of the patient that the application should be granted.

(4) The Royal Court may grant any such application upon such terms and conditions as, in the interests of the patient, may to the Royal Court seem proper.

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(5) The Medical Superintendent shall at least once in every three months, and may so much oftener as he thinks desirable, visit every patient certified to be of unsound mind who is detained in any place as a single patient.

(6) If, at any time, the Medical Superintendent deems it undesirable, in the interests of the patient or in the public interest, that a patient detained as a single patient in any authorised place should any longer be detained as a single patient in that place, the Medical Superintendent shall report the matter to one of the Law Officers and thereupon, if the Law Officer concurs in the report so made to him, he may make an order for the transfer of the patient to a mental hospital or other authorised place.

Part III,—Guardianship.

ARTICLE 20.—ASCERTAINMENT OR APPOINTMENT OF GUARDIAN OF CERTIFIED PATIENT.

(1) Upon the making of an admission order, it shall be the duty of the Law Officer making it to ascertain whether the patient is under natural or legal guardianship, and if there is no natural or legally appointed guardian to the patient, or if by reason of absence, incapacity or other cause, the natural or legally appointed guardian is unable to supervise the interests of the patient, to make arrangements for the appointment of a guardian to act generally or ad hoc to the patient, as the case may require.

(2) Such appointment shall be made at the earliest opportunity after the making of the admission order and not later than thirty days after the making thereof.

(3) Upon the appointment of a guardian under this Article, it shall be the duty of the person appointed, either personally or by someone specially appointed by him, to visit the patient once at least in every six

months during the detention of the patient in a mental hospital or authorised place and, as from such appointment, the obligation of the person (if other than the person appointed as guardian) who signed the petition on which the order for the admission of the patient was made to visit the patient, shall cease.

Part IV.—Classification of Certified Patients.

ARTICLE 21.—CERTIFIED PATIENTS TO BE CLASSIFIED.

(1) Any certified patient admitted for care and treatment to a mental hospital shall be classified as—

- (a) a private patient, or
- (b) an assisted patient.

(2) No patient shall be classified as a private patient unless there is received by the person in charge of the mental hospital an undertaking in writing by some responsible person that he will defray the whole cost, as fixed by the Board, of the care, treatment and maintenance of the patient in the mental hospital.

(3) A private patient as regards whose care, treatment and maintenance the undertaking referred to in paragraph (2) of this Article expires and is not renewed or is unfulfilled may be re-classified as an assisted patient; and an assisted patient whose circumstances appear, subsequently to his reception, to warrant or require his re-classification as a private patient may be re-classified accordingly.

(4) Where a patient is being detained in a mental hospital as an assisted patient and it appears to the President of the States' Public Assistance Authority that some person who is legally responsible for, or to contribute to, the cost of the care, treatment and maintenance of that patient, is able to pay, or to contribute to, such cost or to contribute a greater proportion of that cost than is being contributed by that person, the said President may take proceedings against that person for the purpose of obtaining an order of the

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Court directing that person to make such payments to the President of that Authority in respect of the care, treatment and maintenance of the patient as the Court deems just.

(5) Any order made under paragraph (4) of this Article may be varied by the Court from time to time at the instance of the President of the States' Public Assistance Authority or of the person against whom the order was made.

(6) Where more than one person is legally liable to contribute towards the cost of the care, treatment and maintenance in a mental hospital of an assisted patient and an order has been made by the Court directing that one or more of such persons shall contribute towards such cost, the person or persons against whom such order has been made shall be entitled to enforce the contribution by the other or others of such persons of such proportions of such cost as the Court deems just.

(7) The provisions of Section 20 of the Married Women's Property Law, 1928, shall have effect as against a married woman having separate property whose husband is or has been an assisted patient in a mental hospital in the same way as they have effect against a married woman having separate property in the circumstances set forth in that section, and the President of the States' Public Assistance Authority is empowered by this Article to take proceedings accordingly.

ARTICLE 22.—RE-CLASSIFICATION NOT TO AFFECT ORDERS AND CERTIFICATES.

An order for the admission of a patient as an assisted patient shall extend to authorise his detention though it may afterwards appear that he ought to be classified as a private patient, and an order for the admission of a private patient shall authorise his detention although it may afterwards appear that he ought to be classified as an assisted patient.

**Part V.—Transfer, Temporary Removal,
Absence and Discharge of Certified Patients.**

**ARTICLE 23.—TRANSFER OF CERTIFIED
PATIENT WITHIN THE ISLAND OF
GUERNSEY.**

Subject to the provisions of Article 5 (entitled "Authorisation of use of new mental hospital") of this Law, the transfer within the Island of Guernsey of a certified patient shall be made only on the authority of the Acts and orders respectively prescribed in the ensuing paragraphs, that is to say—

- (1) for transfer from a mental hospital to another mental hospital, an order made by a Law Officer (such order being hereinafter referred to as a "transfer order");
- (2) for transfer from detention as a single patient to a mental hospital, a transfer order;
- (3) for transfer from a mental hospital to detention as a single patient, an Act of the Royal Court and a transfer order.

**ARTICLE 24.—TRANSFER OF CERTIFIED
PATIENT FROM THE ISLAND OF
GUERNSEY.**

(1) A certified patient who is detained in any place in this Island shall not be transferred to a place outside this Island except under the authority of an Act of the Royal Court and a transfer order.

(2) Before granting such authority, the Royal Court shall hear the evidence of the Medical Superintendent and such other evidence as may be submitted to or required by the Royal Court concerning the application for the authority and may grant authority upon such terms and conditions as may to the Court appear proper.

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ARTICLE 25.—TRANSFER OF PATIENT TO
THE ISLAND OF GUERNSEY FROM
ELSEWHERE.

A patient who is a certified patient within the meaning of this Law or who has been duly certified as a person of unsound mind by the competent authority elsewhere than in this Island shall be received for care and treatment in this Island in accordance with this Law only on the authority of the Acts and orders respectively prescribed in the ensuing paragraphs, that is to say—

- (1) for transfer from an institution for the care and treatment of mental ailments elsewhere than in this Island to detention as a single patient in this Island, an admission order in pursuance of this Law and an Act of the Royal Court;
- (2) for transfer from an institution as aforesaid, or from detention as a single patient elsewhere than in this Island, to a mental hospital, an admission order in pursuance of this Law;
- (3) for transfer from detention as a single patient elsewhere than in this Island to detention as a single patient in this Island, an admission order in pursuance of this Law and an Act of the Royal Court.

ARTICLE 26.—REQUIREMENT OF MEDICAL
CERTIFICATES FOR TRANSFER OF PATIENTS.

Every application for authority for the transfer of a certified patient shall be accompanied by a certificate by a medical practitioner stating whether or not, in his opinion, the state of health of the patient is such that the transfer can be effected without ill-effect to the patient.

ARTICLE 27. — TEMPORARY REMOVAL
WITHIN THE ISLAND OF GUERNSEY OF
CERTIFIED PATIENT.

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If a patient is removed temporarily under the provisions of this Law from the place within the Island of Guernsey in which he is under care and treatment, or is transferred from one such place to another such place, the original order and certificates upon which he was received shall remain in force.

ARTICLE 28.—ABSENCE OF CERTIFIED
PATIENT ON TRIAL OR FOR HEALTH,
ETC.

(1) Any two Jurats of the Royal Court, with the advice in writing of the Medical Superintendent, may permit a certified patient of a mental hospital to be absent on trial or for the benefit of his health for so long as they think fit.

(2) The States' Public Assistance Authority may make a weekly allowance to or for the benefit of an assisted certified patient absent from the mental hospital as aforesaid, not exceeding the weekly cost to that Authority of the care, treatment and maintenance in the mental hospital of that patient.

(3) The Medical Superintendent may, of his own authority, from time to time permit any certified patient in a mental hospital to be absent from the mental hospital for a period not exceeding seventy-two hours.

(4) If a certified patient allowed to be absent on trial, or for the benefit of his health, or in virtue of paragraph (3) of this Article, for any period does not return at the expiration thereof and a medical certificate certifying that his detention as a certified patient is no longer necessary is not received by the Board, the patient may at any time within fourteen days after the expiration of the permitted period of absence be retaken as in the case of an escape.

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ARTICLE 29.—DISCHARGE OF CERTIFIED PATIENT.

(1) A certified patient may be discharged from a mental hospital or from any other place where such patient is detained—

(a) on the recommendation of the Medical Superintendent, by the authority of the Board, and such recommendation and authority shall be evidenced by an entry in a book styled “The Discharge Book” which shall be kept by the Board and wherein shall be entered particulars of the discharge of every certified patient, and such entry shall be signed by two members of the Board and by the Medical Superintendent; or

(b) by order of the Royal Court.

(2) The Secretary to the Board shall, upon the discharge of a person who considers himself to have been unjustly detained as a certified patient, furnish to him, upon his signed request and free of cost, a copy of the admission order and certificate or certificates upon which he was detained, and of the petition and statement of particulars upon which the admission order was made.

ARTICLE 30.—APPLICATION OF ARTICLE 19 TO THIS PART.

The provisions of Article 19 (entitled “Admission and detention of certified patient elsewhere than in mental hospital”) of this Law shall, so far as they are applicable to measures and proceedings under this Part of this Law, apply accordingly.

Part VI.—Voluntary and Temporary Patients.**ARTICLE 31.—ADMISSION, ETC., OF VOLUNTARY PATIENTS.**

(1) Any person suffering from mental illness who is desirous of voluntarily submitting himself to treatment for such illness and who makes a written applica-

tion to the Medical Superintendent in the prescribed form may without an admission order be received as a voluntary patient in a mental hospital.

(2) Any person under the age of sixteen whose parent or guardian is desirous of submitting him to treatment for mental illness, may, if the parent or guardian makes to the Medical Superintendent a written application in the prescribed form accompanied by a medical recommendation, be received as a voluntary patient under this Article, but such a person shall not be so received on his own application.

(3) The medical recommendation referred to in the last paragraph shall—

(a) be signed by a medical practitioner, who shall be either the usual medical attendant of the person to whom the application relates or the Medical Superintendent; and

(b) state the qualifications of the said medical practitioner, the date or dates on which he examined the said person, and that the said person is likely to be benefited by being received as a voluntary patient for treatment for mental illness under this Article.

(4) A medical recommendation shall cease to have effect for the purposes of this Article on the expiration of fourteen days from the last date on which the person to whom the recommendation relates was examined by the medical practitioner for the purposes of making the recommendation.

(5) Any person received in a mental hospital as a voluntary patient under this Article may leave the hospital upon giving to the Medical Officer in charge thereof seventy-two hours' notice in writing of his intention so to do, or, if he is a person under the age of sixteen, upon such notice being given by his parent or guardian.

(6) For the purposes of this Article, the expression "guardian" in relation to a person under the

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age of sixteen includes any person having the charge of the person under sixteen.

ARTICLE 32.—NOTICES, ETC., RESPECTING
VOLUNTARY PATIENTS AND PROVISIONS
REGARDING THEIR DISCHARGE.

(1) Where a person is received as a voluntary patient under Article 31 of this Law (entitled "Admission, etc., of Voluntary Patients"), notice of his reception shall before the expiration of the second day after the day on which he was so received be sent to the President of the Board by the Medical Officer in charge of the hospital or other person designated by the Board.

(2) If a person received as aforesaid dies in or departs from the hospital, notice of the fact shall, before the expiration of the second day after the day of the death or departure, be sent to the President of the Board by the Medical Officer in charge of the hospital or other person designated by the Board.

(3) If any person received as aforesaid becomes at any time incapable of expressing himself as willing or unwilling to continue to receive treatment, he shall not thereafter be retained as a voluntary patient for a longer period than twenty-eight days and shall, if he has not been previously discharged, be discharged on the expiration of twenty-eight days from the date on which he became incapable of so expressing himself, unless in the meantime (a) he has again become capable of so expressing himself, or steps have been taken to deal with him under Article 34 (entitled "Admission of temporary patients", etc.) of this Law as a person who is likely to benefit by temporary treatment, or (b) an order for his admission as a certified patient has been completed.

(4) If a person who is under the age of sixteen and who has been received as aforesaid ceases to have any

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parent or guardian, or if his parents or guardians are incapable of performing, or refuse or persistently neglect to perform, their duty as such, the Medical Superintendent shall send to the President of the Board a report as to the circumstances of the case and the condition of the patient, and the Board shall forthwith consider the report and give such directions with respect to the case as it thinks fit.

(5) If any person fails to give any notice required to be given by him under paragraph (1) or paragraph (2) of this Article, he shall for each day or part of a day during which the default continues be liable to a penalty not exceeding One Pound.

ARTICLE 33.—VISITATION OF VOLUNTARY PATIENTS.

(1) Any Jurat of the Royal Court may at any time visit a person received as a voluntary patient under this Part of this Law and report to the Board on the case.

(2) If the Board is of opinion that the mental state of any such voluntary patient is such as to render him unfit to remain as a voluntary patient, the Board may order the Medical Officer in charge of the hospital either to discharge the patient or to take steps to deal with him under Part II (entitled "Certification of Patients", etc.) of this Law as a person of unsound mind or under Article 34 (entitled "Admission of temporary patients", etc.) of this Law as a person who is likely to benefit by temporary treatment.

ARTICLE 34.—ADMISSION OF TEMPORARY PATIENTS AND REQUIREMENTS REGARDING THEM

(1) Subject to the provisions of this Article, a person who is suffering from mental illness and is likely to benefit by temporary treatment may, on a

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written application duly made in accordance with the provisions of this Article but without an admission order, be received as a temporary patient for the purpose of treatment—

- (i) into a mental hospital ; or
- (ii) with the consent of the Board into charge as a single patient.

(2) An application under this Article shall be made in the prescribed form to the Medical Superintendent ; and shall, if possible, be made by the husband or wife, or by a relative of the person to whom it relates, or, on the request of the husband or wife or of a relative, by a Constable of the parish in which the said person then is, and if the application is not so made, it shall contain a statement of the reason why it is not so made, of the connexion of the applicant with the person to whom it relates and of the circumstances in which he makes the application.

(3) The application shall be accompanied by a recommendation made in the prescribed form signed by two medical practitioners, of whom one shall be, if practicable, the usual medical attendant of the person to whom the application relates.

(4) Each of the medical practitioners by whom a recommendation under this Article is made shall, before signing the recommendation examine the person to whom the recommendation relates, either separately or in conjunction with the other medical practitioner, and shall specify in the recommendation the date on which he so examined the said person and the grounds on which he bases his recommendation.

(5) A recommendation shall be of no effect for the purposes of this Article if there is a greater interval than five clear days between the dates on which the person to whom the recommendation relates was examined by the two medical practitioners respectively, and any such recommendation shall cease

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to have effect on the expiration of fourteen days from the date on which the person to whom the recommendation relates was examined by the two medical practitioners, or, if he was examined by those practitioners on two different dates, on the expiration of fourteen days from the later of those dates.

(6) Where a person is received in a mental hospital as a temporary patient under this Article, notice of his reception, together with a copy of the application on which he was received and of the recommendation accompanying the application, shall, before the expiration of the second day after the day on which he was received, be sent by the Medical Officer in charge of the hospital or other officer designated by the Board to the President of the Board and to the Secretary to the Bailiff. The Board shall upon the signed request of any person who considers himself to be unjustly detained under such application and recommendation furnish to him or to his authorised representative, free of cost, a copy of such application or recommendation.

(7) If a person so received dies in or departs from the hospital, notice of the fact shall, before the expiration of the second day after the day of the death or departure, be sent by the Medical Officer in charge of the hospital or other officer designated by the Board to the President of the Board and to the Secretary to the Bailiff.

(8) If any person fails to comply with any of the provisions of paragraph (6) and paragraph (7) of this Article with which he is thereby required to comply he shall, for each day or part of a day during which the default continues, be liable to a penalty not exceeding One Pound.

(9) Within one month of the reception of any person received as a temporary patient under this Article he shall be visited by two at least of the Jurats of the Royal Court, unless he has in the meantime

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been discharged or dealt with under Part II (entitled "Certification of Patients and Admission and Detention of Certified Patients") of this Law as a person of unsound mind.

If the persons making the said visits are of opinion that it is proper that the patient should continue to be detained they shall sign a statement to that effect and shall leave it with the Medical Officer in charge of the hospital or the person in charge of the authorised place, but if they are of opinion that it is not proper that he should continue to be detained, they shall, before the expiration of the second day after the day of the said visit, send to the President of the Board a report stating their said opinion and the grounds on which it is based, together with any other observations which they think fit to make. The President shall communicate the said report to the Board, together with any observations in writing which the Medical Superintendent wishes to make thereon. If the Board, after considering the case, decides not to discharge the temporary patient, it shall cause the facts, including the report and the observations (if any) referred to above and the reasons for the decision of the Board, to be placed before a Law Officer, in order that he may take such action within the purview of this Law as he may deem to be advisable in the interest of the patient and in the public interest.

(10) Subject to the provisions of this Article a person received as a temporary patient may be detained for a period not exceeding six months, but shall not be detained as such for any longer period, without the special sanction of the Board.

(11) Where it is anticipated that a person who is undergoing treatment as a temporary patient under this Article will not recover within the period of six months, but his early recovery appears reasonably probable, that period may from time to time be extended for further periods of such length not

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exceeding three months as may be specified in directions given by the Board upon the application of one of the persons mentioned in paragraph (2) of this Article, made in such form and accompanied by such evidence or recommendations as the Board may prescribe, provided that such further periods shall in no case exceed six months in all.

(12) The Board may at any time order—

- (i) that any person received as a temporary patient shall be discharged ; or
- (ii) that steps shall be taken to deal with him under Part II (entitled “ Certification of Patients and admission and detention of certified patients ”) of this Law as a person of unsound mind.

(13) Without prejudice to the provisions of paragraphs (11) and (12) of this Article, the provisions of Article 29 (entitled “ Discharge of certified patient ”) of this Law shall apply to any person received as a temporary patient under this Article as they apply to persons detained under Part II (entitled “ Certification of Patients”, etc.) of this Law, subject, however, to such modifications and adaptations as may be prescribed by rules made by Ordinance of the Royal Court under Article 46 (entitled “ Power of Royal Court to pass ordinances ”) of this Law.

(14) Any consent granted by the Board under paragraph (1) of this Article may be granted subject to such conditions as the Board thinks proper and may be revoked at any time.

Part VII.—Special Provisions regarding Care and Treatment and Recovery.

ARTICLE 35.—ORDERS FOR EXAMINATION OF PATIENTS.

An order for the examination by two medical practitioners, authorised by the Court, of any person detained as a certified patient or as a temporary

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patient in a mental hospital or in any other place in this Island, may be obtained from the Royal Court upon the application of any person, whether a relative or friend of the patient or not, who satisfies the Court that it is proper for them to grant such an order ; and on production to that Court of the certificates of the medical practitioners so authorised, certifying that after two separate examinations, with at least seven days intervening between the first and second examination, they are of opinion that the patient may, without risk of injury to himself or the public, be discharged, the Court may order the patient to be discharged.

ARTICLE 36.—MECHANICAL RESTRAINT.

(1) Mechanical means of bodily restraint shall not be applied to any patient unless the restraint is necessary for purposes of surgical or medical treatment, or to prevent the patient from injuring himself or others.

(2) In every case where such restraint is applied a medical certificate shall, as soon as it can be obtained, be signed, describing the mechanical means used, and the reasons for the application of the same.

(3) The certificate shall be signed, in the case of a patient in a mental hospital, by the medical officer thereof, and in the case of a patient detained elsewhere, by his medical attendant.

(4) A full record of every case of restraint by mechanical means shall be kept from day to day by the master or matron of a mental hospital or by the person in charge of a patient in any other place.

ARTICLE 37.—PROVISIONS RESPECTING EMPLOYMENT OF MALES IN CONTROLLING FEMALE PATIENTS.

(1) Subject to the provisions of paragraph (2) of this Article and to any special directions given by

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the Royal Court respecting a single patient, it shall be unlawful to employ any male person in any mental hospital or other authorised place in the personal custody or restraint of any female patient ; and any person employing a male person contrary to the provisions of this Article shall be liable to a fine not exceeding twenty pounds.

(2) Notwithstanding the provisions of paragraph (1) of this Article, it shall be lawful to employ male persons in the personal custody or restraint of female patients on such occasions of urgency as, in the judgment of the person in charge of the mental hospital, or, where the female patient concerned is in some other authorised place, in the judgment of the Medical Superintendent or the medical practitioner attending the patient, render such employment necessary, but such person in charge, Medical Superintendent or medical practitioner, as the case may be, shall in each case report such employment to the visiting Jurats at their next visit.

ARTICLE 38.—PERSONS DISQUALIFIED TO BE MEDICAL ATTENDANTS OF PATIENTS.

(1) A medical practitioner who has signed a certificate upon which an admission order in the case of a certified patient has been made shall not be the regular professional attendant of the patient while detained under the order.

(2) A medical practitioner who is a member of the Board controlling a mental hospital shall not professionally attend upon a patient in that hospital.

ARTICLE 39.—RECOVERY OF PATIENTS.

(1) The Medical Officer of a mental hospital shall forthwith, upon the recovery of a patient detained therein as a certified patient or as a temporary patient, send notice thereof (hereinafter referred to as a " notice of recovery ") in the case of a private

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patient, to the person on whose petition the admission order was made or by whom the last payment on account of the patient was made, and in the case of an assisted patient, to the Secretary to the States' Public Assistance Authority.

(2) The notice of recovery shall state that unless the patient is removed within seven days of the date of the notice he will be discharged.

(3) In case the patient is not removed within seven days from the date of the notice of recovery he shall be forthwith discharged.

(4) The detention of a patient as a certified single patient shall be terminated upon the granting of a certificate by the Medical Superintendent to the effect that the patient has recovered and that his detention is no longer necessary.

ARTICLE 40.—VISITATION OF PATIENTS.

(1) During each quarterly session of the Ordinary Court it shall be the duty of two of the Jurats of the Royal Court performing duty during that session, to visit together at least once during that session every mental hospital and other place wherein any patient is detained.

(2) Previous notice of the date and hour of any such visit shall not be given.

(3) Any two Jurats of the Royal Court shall be entitled, at any time of the day or night, without previous notice, to visit together any such mental hospital or other place.

(4) On the occasion of their visit to any such mental hospital or other place, the Jurats shall be entitled to visit every part of that mental hospital or place and to interview any person detained as a patient therein, with a view to ascertaining

(a) whether such patient is properly cared for in all respects ;

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(b) whether mechanical means of bodily restraint have been or are being applied in the case of such patient and the reasons for the application thereof ;

(c) whether such patient has suffered from any maltreatment ;

and, if the Jurats so require, no person other than the Jurats and the patient interviewed shall be present during such interview.

(5) The visiting Jurats shall be entitled to inquire into the occupations and recreations provided for the patients in any mental hospital or other authorised place and generally to ascertain such facts and matters concerning such mental hospital or place, the patients therein and the administration of the hospital or place as they may deem proper.

(6) The visiting Jurats shall examine the books kept under the provisions of this Law or of Regulations made thereunder and may require the production of the documents concerning any patient whereunder that patient is detained.

(7) On the occasion of any such visit, the Jurats shall be entitled, at the cost of the States, to be accompanied by a medical practitioner appointed by them to advise them.

(8) The visiting Jurats shall address to the Board administering a mental hospital or to the person in charge of any other place wherein a patient is detained, in a book to be provided for the purpose, or otherwise, a memorandum concerning each such visit and may make therein such representations as they may deem desirable.

Part VIII.—Miscellaneous Provisions.

ARTICLE 41.—ESCAPE AND RETAKING.

If any person detained as a certified patient or as a temporary patient escapes, he may be retaken at any time within fourteen days after his escape by—

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- (a) any officer of the mental hospital in which he was detained ; or
- (b) the person in charge of such other place as he was detained in ; or
- (c) anyone authorised by any such officer or person ; or
- (d) any police officer.

ARTICLE 42.—PROTECTION TO PERSONS
ACTING ACCORDING TO LAW.

(1) Where a person has presented a petition for an admission order, or signed or carried out, or done any act with a view to signing or carrying out, an order purporting to be an admission order or any report, application, recommendation or certificate purporting to be a report, application, recommendation or certificate under this Law or any Law amending this Law, or has done anything in pursuance of this Law or any Law amending this Law, he shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground unless he has acted in bad faith or without reasonable care.

(2) No proceedings, civil or criminal, shall be brought against any person in respect of any such matter as is mentioned in paragraph (1) of this Article without the leave of the Royal Court, sitting as a Full Court, and leave shall not be given unless the Royal Court is satisfied that there is substantial ground for the contention that the person, against whom it is sought to bring the proceedings, has acted in bad faith or without reasonable care.

(3) Notice of any application to the Royal Court for leave to bring proceedings, conformably to the provisions of paragraph (2) of this Article, shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

(4) This Article shall not affect any civil or criminal proceedings pending at the commencement of this Law.

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ARTICLE 43.—FALSE DECLARATIONS AND OTHER MISSTATEMENTS.

Any person who knowingly makes a false declaration or any wilful misstatement of any material fact in any petition, statement of particulars, admission order, medical or other certificate, or in any statement or report of bodily or mental condition, under this Law, shall be guilty of an offence and shall, in respect of every such offence, be liable, on conviction, 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 fine and such imprisonment.

ARTICLE 44.—PENALTIES.

Except as otherwise provided in this Law, or in any Ordinance passed in pursuance of this Law, any person contravening any of the foregoing provisions of this Law or any of the provisions of any such Ordinance shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding twelve months, or to both such fine and such imprisonment.

ARTICLE 45.—DISCONTINUANCE OF TERMS “ASYLUM”, “PAUPER” AND “LUNATIC”, ETC.

(1) The expression “asylum” shall not henceforth be used for any official purpose in relation to any institution provided in the Island of Guernsey for the reception of persons of unsound mind, and for references in any Law or Ordinance or in any order, regulation or other document issued under

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any such Law or Ordinance to any such institution as an asylum there shall be substituted references to a mental hospital.

(2) The word "pauper" or its French equivalent shall not henceforth be used for any official purpose in relation to any person of unsound mind, or alleged to be of unsound mind, and for references in any Law or Ordinance or in any order, regulation or other document issued under any such Law or Ordinance relating to persons of unsound mind there shall be substituted for the word "pauper" or its French equivalent the expression "assisted person", "assisted patient" or "assisted", or the French equivalent thereof, as the context may require.

(3) The word "lunatic" shall not henceforth be used for any official purpose in relation to any person of unsound mind or alleged to be of unsound mind, and there shall be substituted for that word wherever it occurs in any Law or Ordinance, or in any order, regulation or other document issued under any Law or Ordinance, the expressions "person of unsound mind", "criminal of unsound mind", "person", "patient", "patient of unsound mind" or "of unsound mind" or such other expression consistent with the provisions of this Article as the context may require.

ARTICLE 46.—POWER OF ROYAL COURT TO PASS ORDINANCES.

The Royal Court shall have power to make from time to time, by Ordinance, Regulations prescribing the forms to be used for the purposes of this Law, for the government of any mental hospital or other place wherein any patient is detained or to be detained and for prescribing the books and other records to be kept in any mental hospital or other place for the purposes of this Law and to repeal and

vary any Regulations so made and generally, to make such Rules and Regulations and other provisions, as that Court may deem advisable for assuring the full and efficient operation of this Law or any Law amending the same.

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ARTICLE 47.—REPEAL.

The Law entitled “Loi relative aux Aliénés” sanctioned by Order of His Majesty in Council registered on the Records of this Island on the 9th day of July, 1910, is hereby repealed, but notwithstanding such repeal every petition, medical certificate, admission order, or Order of the Court whereunder any person is being detained as a certified patient at the time of such repeal shall continue to be as valid and effectual as if the same had been made under the provisions of this Law.

ARTICLE 48.—COMMENCEMENT.

(1) Articles 1 to 5, inclusive, and Article 46 (entitled “Power of Royal Court to pass Ordinances”) of this Law shall come into operation on the day on which the Order of His Majesty in Council giving it sanction is registered on the Records of the Island of Guernsey.

(2) The Articles of this Law other than those mentioned in paragraph (1) of this Article shall come into operation on the day or days which the Royal Court by Ordinance fixes for that purpose.

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(Enregistré sur les Records le 5 octobre 1939)

Proclama-
tions for call-
ing out
officers and
men of the
Navy and
Marines, etc

Monsieur le Baillif ayant ce jour communiqué à la Cour quatre Proclamations de Sa Majesté le Roi en date du 21 septembre 1939, intitulées :—

- (1) A Proclamation for calling out the Officers of the Retired and Emergency Lists of the Royal Navy and Royal Marines and the Special Reserve of Engineer Officers of the Royal Navy ;
- (2) A Proclamation for calling out Officers of the Royal Naval Reserve ;
- (3) A Proclamation for calling out men of the Royal Naval Reserve and Royal Fleet Reserve, and Officers and men of the Royal Naval Volunteer Reserve ; and
- (4) A Proclamation for calling out men of the Royal Naval Special Reserve ;

LA COUR, afin que les habitants de ce Bailliage aient connaissance des dites Proclamations, ouies les conclusions des Officiers du Roi, a ordonné que les dites Proclamations seront enregistrées sur les Records de cette Ile par être logées au Greffe, et qu'un exemplaire des dites Proclamations sera expédié par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq, avec ce présent acte, pour être enregistrés sur les Records des dites Iles.

(Enregistré sur les Records le 5 octobre 1939)

AT THE COURT AT BUCKINGHAM PALACE,
The 8th day of September, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
MAJOR TRYON
SIR GEORGE RANKIN

Loi de 1939
amendant la
Loi relative
aux Colpor-
teurs et aux
Marchands
Non-Rési-
dents, 1932.

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 September, 1939, in the words following, viz. :—

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“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1.—That on the 24th day of June, 1939, the Royal Court adopted a Bill or “ *Projet de Loi* ” intituled “ *Loi de 1939 amendant la Loi relative aux Colporteurs et aux Marchands non-résidents, 1932,* ” and requested the Bailiff to submit the same to the States of Deliberation for their approval : 2. That on the 2nd day of August, 1939, the said Bill or “ *Projet de Loi* ” was duly considered by the States, when a resolution was passed approving the same and authorizing 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 de 1939 amendant la Loi relative aux Colporteurs et aux Marchands non-résidents, 1932,* ” 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.

RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

LOI DE 1939 AMENDANT LA LOI RELATIVE
AUX COLPORTEURS ET AUX MARCHANDS
NON-RÉSIDENTS, 1932.

VU les Délibérations des Etats en date du 9 juin
1939 :

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.

Amende-
ments à la
Loi de 1932.

I.—La Loi relative aux Colporteurs et aux Marchands Non-Résidents, 1932, enregistrée sur les Records de cette Ile le 21 mai 1932 et ci-après désignée "la loi principale" sera modifiée dans le sens des dispositions ci-après contenues :—

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A. Dans l'Article 3 de la loi principale, l'alinéa contenant les mots " Dix Livres sterling s'il a fait acte de colporteur de deuxième classe " sera omis et dans l'alinéa contenant les mots " Vingt Livres sterling s'il a fait acte de colporteur de troisième classe " les mots " deuxième ou " seront insérés avant le mot " troisième ".

B. Dans l'Article 6 de la loi principale, l'alinéa contenant les mots et chiffres " £8 sterling pour Colporteur de deuxième ou de troisième classe " sera modifié par la substitution pour les chiffres " £8 " des chiffres " £15 ".

C. Dans l'Article 8 de la loi principale, les mots " De même une licence de colporteur de deuxième ou de troisième classe pourra être demandée et octroyée pour une période de six mois ou de douze mois et le droit payable en faisant la demande sera la moitié ou l'entier de la somme de £8 sterling mentionnée à l'Article 6 de cette Loi selon le cas " seront omis et, en substitution a tels mots, les mots " Une licence de Colporteur des autres classes ne pourra être demandée ni octroyée pour une période de moins de douze mois " seront insérés dans le dit Article 8 immédiatement après les mots " selon le cas " qui précédaient les mots à être omis.

2.—Les dispositions des alinéas B et C de l'Article précédent n'étendront pas aux licences de Colporteur de deuxième et de troisième classe octroyées ou renouvelées avant le commencement de cette présente Loi en ce qui concerne seulement le terme restant à courir du terme pour lequel telles licences ont été octroyées ou renouvelées.

Licences .
déjà octro-
yées ou re-
nouvelées.

3.—Nonobstant les dispositions de l'Article 9 de la loi principale à l'effet qu'une licence de colporteur ne sera renouvelable pour un terme qui excédera le terme d'origine de la licence une licence de Colporteur de deuxième ou de troisième classe octroyée pour un terme d'origine de moins de douze mois

Renouvelle-
ment de
licence.

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avant le commencement de cette présente Loi et dont le terme d'origine ou un terme de renouvellement n'est pas alors expiré sera désormais renouvelable de temps en temps selon les autres dispositions du dit Article pour un terme de douze mois.

Commence-
ment.

4.—Cette Loi commencera d'avoir effet à compter de la date de l'enregistrement sur les Records de cette Ile de l'Orde de Sa Majesté en Conseil la sanctionnant.

(Enregistré sur les Records le 10 octobre 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 8th day of September, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MAJOR TRYON

SIR GEORGE RANKIN

The Teachers (Superannuation) Law (Guernsey), 1939.

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 August, 1939, in the words following, viz. :—

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—

‘ 1.—That on the 6th day of May, 1939, the Royal Court adopted a Bill or “ *Projet de Loi* ” intituled “ The Teachers (Superannuation) Law (Guernsey), 1939,” and requested the Bailiff to submit the same to the States of Deliberation for approval ; 2. That on the 9th day of June, 1939, 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

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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 " The Teachers (Superannuation) Law (Guernsey), 1939 ", 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.

RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

*“ THE TEACHERS (SUPERANNUATION) LAW
(GUERNSEY), 1939.”

LES ETATS ont approuvé les dispositions suivantes, lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en l'Ile de Guernesey.

Certain provisions of English Act and Rules to apply.

1.—The provisions of Section 1 of the Teachers (Superannuation) Act, 1937 (1 Edw. 8 & 1 Geo. 6, c. 47) and of the Teachers Superannuation (Allocation of Pension) Rules, 1937, made by the Board of Education under that Section of that Act shall apply in the case of a teacher to whom an annual superannuation allowance in respect of service in Guernsey is granted as from a date not earlier than the date of the registration of the Order in Council sanctioning this Law upon the Records of the Island of Guernsey, under the School Teachers (Superannuation) Act, 1918, or under the Teachers (Superannuation) Act, 1925, or under a scheme made under section twenty-one of the latter Act, otherwise than by reason of infirmity of mind or body (not being a teacher to whom a superannuation allowance has at any previous time been payable otherwise than by reason of infirmity of mind or body).

Interpretation.

2.—References in this Law and in Section 1 of the Teachers (Superannuation) Act, 1937, and in the Teachers Superannuation (Allocation of Pension) Rules, 1937, as applied by this Law, to the School Teachers (Superannuation) Act, 1918, and to the Teachers (Superannuation) Act, 1925, shall be construed as references to those Acts as applied, with modifications, to the Island of Guernsey.

* Repealed by the Teachers' (Superannuation) Law (Guernsey), 1948.

3.—The States Education Council shall pay such sums as may be payable to the teacher or other beneficiary under the Rules aforesaid in respect of service in Guernsey, in such manner as the said Council and the Board of Education shall agree upon.

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Payments.

(Enregistré sur les Records le 11 octobre 1939)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre en date du 2 octobre 1939 dit :

“ Securities (Restrictions and Returns) (Guernsey) Amendment Order, 1939 ”

Securities
(Restrictions
and Returns)
(Guernsey)
Amendment
Order, 1939.

La Cour, ouies les conclusions des Officiers du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile et publié dans la Gazette autorisée pour les annonces officielles et qu'un extrait des Registres contenant ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Sercq pour être enregistrés sur les Records des dites Iles.

(Enregistré sur les Records le 12 octobre 1939)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre en date du 3 octobre 1939 dit :

“ Currency Restrictions Exemption (Guernsey) Order, 1939 ”

Currency Re-
strictions
Exemption
(Guernsey)
Order, 1939.

La Cour, ouies les conclusions des Officiers du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile et publié dans la Gazette autorisée pour les annonces officielles et qu'un extrait des Registres contenant ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Juge d'Auregny et à Monsieur le Sénéchal de Serq pour être enregistrés sur les Records des dites Iles.

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(Enregistré sur les Records le 28 octobre 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 13th day of October, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

LORD ALNESS

LORD HANKEY

MR. RAMSBOTHAM

Increase in
Alderney
Impôts.

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 10th day of October, 1939, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Frederick George French, Judge and President of the States of the Island of Alderney, setting forth :—

‘ That on the 2nd day of February, 1939, Your Majesty was graciously pleased by Your Majesty’s Order in Council to grant to the States of Alderney power to levy Impôt duties on certain commodities imported and consumed in the Island of Alderney during the period commencing the 1st January, 1939, and ending 31st December, 1939. That in view of expenditure to be made from the States’ Local Account, it was considered advisable that some increase should be made in the duties now levied on certain of the commodities now dutiable in order to meet the liabilities chargeable to the Impôt Account. That at a Meeting of the States of Alderney holden before Your Petitioner on the 30th day of March, 1939, the States were of opinion to increase the Impôt duty on Spirits from Eight shillings to Ten shillings per gallon the duty on Tobacco from Sixpence to Ninepence per pound ; and the duty on Cigarettes

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from One shilling and tenpence to Two shillings and sixpence per pound ; and to authorise Your 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 that Your Majesty would be graciously pleased to grant the States of Alderney power to levy the said duties from the date of the registration of Your Majesty's Order in Council sanctioning the same on the Records of the Island of Alderney and ending on the 31st day of December, 1939, the proceeds thereof to be applied to the purposes and under the conditions already sanctioned by Your Majesty.'

" 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 increased duties specified in the said Petition during the period commencing on the date of the registration of this Order on the Records of the Island of Alderney and ending on the 31st day of December, 1939, 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.

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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.

RUPERT B. HOWORTH.

(Enregistré sur les Records le 1er. décembre 1939)

The Control
of Trade by
Sea (No. 2)
Order, 1939.

Monsieur le Baillif ayant ce jour communiqué à la Cour un exemplaire d'un Ordre en date du 22 novembre 1939 fait par le Département du Gouvernement de Sa Majesté dit " Ministry of Shipping " et intitulé " The Control of Trade by Sea (No. 2) Order, 1939 " (Statutory Rules and Orders, 1939, No. 1671, Emergency Powers (Defence), Control of Trade by Sea), LA COUR, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné :—

1. Que le dit Ordre sera enregistré sur les Records de cette Ile.
2. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Juge d'Auregny pour être enregistrés sur les Records de la dite Ile.
3. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Sénéchal de Serk pour être enregistrés sur les Records de la dite Ile.
4. Que copie d'une annonce du dit Département aux fins du dit Ordre sera publiée dans la Gazette Officielle de cette Ile de Guernesey.

(Enregistré sur les Records le 9 décembre 1939)

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Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre en date du 29 novembre 1939 fait par le Maître-Général des Postes de Sa Majesté et intitulé :—

Possession of
Wireless
Transmitters.

Emergency Powers (Defence) Act, 1939.

Post Office.

Possession of Wireless Transmitters.

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

1. Que le dit Ordre sera enregistré sur les Records de cette Ile.
2. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Juge d'Auregny pour être enregistrés sur les Records de la dite Ile.
3. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Sénéchal de Serk pour être enregistrés sur les Records de la dite Ile.

(Enregistré sur les Records le 9 décembre 1939)

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre en date du 29 novembre 1939 fait par le Maître-Général des Postes de Sa Majesté et intitulé :

Regulation
of Use of
Wireless
Transmitters

Emergency Powers (Defence) Act, 1939.

Post Office.

Regulation of use of Wireless Transmitters.

LA COUR, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné:--

1. Que le dit Ordre sera enregistré sur les Records de cette Ile.

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2. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Juge d'Auregny pour être enregistrés sur les Records de la dite Ile.
 3. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Sénéchal de Serk pour être enregistrés sur les Records de la dite Ile.
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(Enregistré sur les Records le 16 décembre 1939)

Currency
Restrictions
Exemption
(No. 2)
(Guernsey)
Order, 1939.

Monsieur le Baillif ayant ce jour communiqué à la Cour un exemplaire d'un Ordre en date du 27 novembre 1939, fait par la Trésorerie de Sa Majesté et intitulé "Currency Restrictions Exemption (No. 2) (Guernsey) Order, 1939," LA COUR, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné :—

1. Que le dit Ordre sera enregistré sur les Records de cette Ile.
 2. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Juge d'Auregny pour être enregistrés sur les Records de la dite Ile.
 3. Qu'un extrait des Registres de ce présent acte avec un exemplaire du dit Ordre seront expédiés par le Greffier du Roi à Monsieur le Sénéchal de Serk pour être enregistrés sur les Records de la dite Ile.
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(Enregistré sur les Records le 16 décembre 1939)

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AT THE COURT AT BUCKINGHAM PALACE,

The 23rd day of November, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
EARL OF ONSLOW

CAPTAIN MARGESSON
CAPTAIN CROOKSHANK

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 November, 1939, in the words following, viz:—

Police Court
Appeals Law,
1939.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘ 1. That on the 24th day of June, 1939, the Royal Court adopted a Bill or Projet de Loi intituled “Loi par rapport aux Appels des sentences rendues en Police Correctionnelle (1939)”, and requested the Bailiff to submit the same to the States of Deliberation for approval: 2. That on the 25th day of October, 1939, 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 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 aux Appels des sentences rendues en Police Correctionnelle (1939),” and to order and direct that the same shall have the force of Law within the Island of Guernsey.’

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‘ 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.

RUPERT B. HOWORTH.

PROJET DE LOI
INTITULÉ
LOI PAR RAPPORT AUX APPELS DES
SENTENCES RENDUES EN POLICE
CORRECTIONNELLE (1939).

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.

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I.—DEFINITIONS.—In this Law, where the context permits, the following expressions shall have the meanings hereinafter respectively assigned to them, viz. :—

“ Appellate Court ” means the Royal Court sitting as a Full Court ;

“ Police Court ” means the Ordinary Court or the Magistrate or Acting Magistrate sitting as a Police Court ;

“ Sentence ” means an order of the Police Court whereby punishment is awarded on conviction of a criminal or quasi-criminal offence ;

“ the Greffier ” means His Majesty’s Greffier and includes any Deputy appointed by him ;

“ the Law Officer ” means His Majesty’s Procureur, His Majesty’s Comptroller, or either of them.

Words importing the singular shall include the plural and vice versa.

Words importing the masculine gender shall include females.

2.—RIGHT OF APPEAL.—Subject to the provisions of this Law, after the hearing and determination by the Police Court on or after the date on which this Law comes into operation of any case which the Police Court, by any Law or Ordinance now in force or hereafter to be made, has power to hear and determine, there shall be a right of appeal to the Appellate Court—

(a) if such case results in the conviction of any person, at the instance of the person convicted—

(i) against such conviction ; or

(ii) against such conviction and the sentence pronounced in the case ; or

(iii) against such sentence only ;

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- (b) if such case results in the acquittal of any person, at the instance of the prosecution, against such acquittal.

3.—LIMITATIONS ON RIGHT OF APPEAL.—(1) No right of appeal shall arise under this Law—

- (a) in any case where it is expressly provided by any other Law or by any Ordinance that the decision of the Police Court shall be final and conclusive : or
- (b) against the conviction of any person for an offence to which that person has pleaded guilty : or
- (c) against the sentence pronounced against any person, where the punishment awarded does not exceed one or more of the following penalties :—

- (i) imprisonment, with or without hard labour, for a term of seven days ; or
- (ii) a fine of £2, with or without costs ; or
- (iii) payment of damages in an amount of £2, with or without costs ; or
- (iv) confiscation of goods of the value of £2, with or without costs ; or
- (v) suspension for seven days of any licence or permit, with or without costs ;

or (d) against the conviction of any person, if the punishment awarded in respect of such conviction does not exceed one or more of the penalties mentioned in clause (c) of this Section unless, upon the application of the person convicted, the Police Court gives a direction that there be made in the record of the case an entry to the effect that there was in contest in the case a question of law or of mixed law and fact which it would be proper and desirable to have decided by the Appellate Court : or

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- (e) against the acquittal of any person, unless upon the application of the prosecution, the Police Court gives a direction for the making of such an entry as is mentioned in clause (d) of this Section.

(2) Upon the Police Court giving a direction for the making of such an entry as is hereinbefore mentioned, notice of appeal shall be deemed to have been given by the person making application for the giving of such direction and a record shall be made accordingly.

4.—NOTICE OF APPEAL.—(1) Notice of appeal shall be given and application for the giving of such direction as is mentioned in Section 3 of this Law shall be made to the Police Court at the sitting at which the conviction or acquittal or sentence appealed from occurred or was pronounced or at any sitting occurring within seven days thereafter. On the giving of any such notice or the making of any such application, the person giving or making the same shall make a statement (in writing, if so required by the Police Court,) of the general grounds on which the notice is given or the application is made and such statement shall be inserted in the record made concerning such notice or application.

(2) The Police Court shall not give such a direction as is mentioned in Section 3 of this Law nor shall the giving of notice of appeal be effectual or be recorded unless and until the person applying for the giving of such a direction or giving notice of appeal has—

- (i) if so required by the Police Court, elected and named an address in this Island at which summonses and notices respecting such appeal may be validly served on him :

- (ii) given or found, within such period following the date of the application for the giving

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of such a direction as aforesaid or of the giving of notice of appeal, not exceeding seven days, as the Police Court may prescribe, such security payable in ready money to the Greffier as to the Police Court may seem proper and, in addition or in substitution for such security, bound himself by oath thereupon to be administered to him, that he will remain in this Island, if so required by the Police Court, until the appeal has been disposed of and that he will attend before the Appellate Court at the hearing of the appeal ;

- (iii) taken such oath, given such undertaking or given or found such security payable in ready money to the Greffier as the Police Court may require that he will not consort with or molest any designated person or persons pending the disposal of the appeal.

Provided that the above conditions shall not be required to be fulfilled in any case where the prosecution is the appellant.

(3) If any person shall act wilfully in contravention of any oath or undertaking taken or given under the provisions of this Section, he shall be guilty of an offence and may be prosecuted summarily before the Royal Court sitting as a Full Court and shall on conviction be liable to a fine not exceeding Twenty-five 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 to pay the costs of the prosecution. Upon any such conviction or, if the person liable to prosecution under this subsection cannot be apprehended, within the three months next following the contravention rendering him so liable to prosecution, upon an application made at any time after the expiration of such last mentioned period, the Royal Court sitting as a Full Court may direct that the

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security in connection with the oath or undertaking contravened given by or found for the person convicted or so liable to prosecution shall be forfeited to the States or may, if such security was found by some person other than the person convicted or so liable to prosecution and that Court thinks it proper in the circumstances so to do, direct that the security given or some part thereof shall be returned to the person by whom the same was given.

(4) Upon any such conviction as aforesaid the Appellate Court may dismiss any appeal under this Law pending at the instance of the person convicted without proceeding with the hearing thereof and, in case of such dismissal, the sentence appealed from shall stand to take effect as from such date as may be appointed by the Appellate Court.

5.—EFFECT OF NOTICE OF APPEAL.—Upon notice of appeal being given or being deemed to have been given by a convicted person and upon compliance by that person with the conditions contained in Section 4 of this Law, the sentence pronounced upon that person shall be suspended until the disposal of the appeal and, if that sentence be a sentence of imprisonment with or without hard labour, without the option of a fine, that person shall be set at liberty unless the Police Court directs that he be retained in custody.

Provided that where the sentence or part of the sentence is an order for the confiscation of goods or the suspension or withdrawal of a driving permit, delivery of the goods or of the permit in question shall be made to His Majesty's Sheriff by the convicted person for safe keeping pending the disposal of the appeal and, as regards any driving permit in respect of which an order of suspension or withdrawal has been made, such order shall remain in operation pending the disposal of the appeal.

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6.—PROVISIONS AS TO LEGAL AID.—(1) Where a person—

- (a) has been convicted of an offence by the Police Court ; or
- (b) has been acquitted of a charge by the Police Court and such acquittal has been appealed against by the prosecution ;

and that person desires to appeal against the conviction or the sentence or to contest the appeal against the acquittal, as the case may be, but has not sufficient means to enable him to obtain legal aid for the purpose, he may make an application to the Police Court for free legal aid.

(2) If, on an application made to the Police Court under the preceding subsection, it appears to the Police Court that the means of the applicant are insufficient to enable him to obtain legal aid, and that, by reason of the nature of the offence of which the applicant was convicted or of the charge of which the applicant was acquitted, or by reason of the sentence imposed upon the applicant or of other circumstances, it is desirable in the interests of justice that the applicant should have free legal aid in the preparation and conduct of his appeal or, as the case may be, in resisting the appeal, the Police Court may grant in respect of him a certificate (in this section referred to as “ an appeal aid certificate ”).

(3) Where, on an application made to the Police Court under this section, the Police Court has refused to grant an appeal aid certificate, the applicant may make an application for the same purpose—

- (i) by letter addressed to the Greffier and setting out the facts of the case and the grounds of the application ; or
- (ii) in person to the Ordinary Court ;

and the Ordinary Court shall have the like power, exercisable on the like grounds, of granting an appeal aid certificate as the Police Court.

(4).—(a) The Advocate chosen by a person in respect of whom an appeal aid certificate has been granted to represent that person in an appeal under this Law shall be entitled to remuneration in respect of his services in connection with that appeal in an amount which shall be determined by the Law Officer.

Provided that such amount shall not, save in cases involving exceptional services, exceed £3 3s. od. and shall not in any case exceed £5 5s. od.

(b) Where a person in respect of whom an appeal aid certificate has been granted is unable to secure the services of an Advocate in connection with an appeal under this Law, the Ordinary Court may, on the application of that person, assign to him an Advocate for the purpose and thereupon the Advocate assigned to that person shall represent that person accordingly and shall be entitled to the same remuneration in respect of his services as if he had been chosen by that person.

(5) The remuneration of an Advocate under this section shall be paid in the first instance by His Majesty's Receiver General out of moneys belonging to the Crown and His Majesty's Receiver General shall be entitled to be reimbursed in respect of one half of any amounts so paid by the Treasurer of the States.

(6) So soon as the amount of an Advocate's remuneration has been determined in accordance with the provisions of this section, the Law Officer shall transmit to that Advocate a certificate as to the amount thereof and that certificate shall entitle that Advocate to recover from His Majesty's Receiver General (subject to reimbursement as aforesaid) the amount stated therein.

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(7) Where an order for the payment of costs has been made in favour of a person in respect of whom an appeal aid certificate has been granted. His Majesty's Receiver General shall be entitled to the benefit of such order and to enforce the same, to the extent to which the costs payable thereunder do not exceed the amount paid by His Majesty's Receiver General by reason of that appeal aid certificate, and the amount of the costs so recovered by His Majesty's Receiver General shall be credited by the latter to the Crown and the States in equal proportions.

7.—PROCEEDINGS UPON NOTICE OF APPEAL.—(1) Upon notice of appeal in any case being recorded, the Greffier shall, as soon as may be, procure from the Court Shorthand Reporter nine copies, certified as correct by the latter, of the transcript of the shorthand report of the proceedings in that case and shall deliver two of such copies to the Law Officer together with two certified copies of the Act of the Police Court concerning that case and shall deliver a certified copy of that Act and the remaining copies of such transcript to the Bailiff's Secretary for the use of the Appellate Court.

(2) Upon the receipt of copies of the transcript and of the Act of the Police Court, the Law Officer shall forthwith apply to the Bailiff for the appointment of a date and time for the hearing of the appeal and, upon such date and time being appointed, the Law Officer shall—

(i) Forthwith cite the appellant or, if the prosecution be the appellant, the respondent to appear before the Appellate Court on the date and at the time appointed for the hearing of the appeal by summons served upon such appellant or respondent, to which summons there shall be annexed a copy of the Act of the Police Court and a copy of

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the transcript of the shorthand report :

- (ii) appear before the Appellate Court on the date and at the time appointed for the hearing of the appeal and there table a cause against the appellant or respondent, as the case may be, in such appeal and represent the prosecution therein.

Provided that where, as regards any case in respect of which notice of appeal has been recorded, there exists no shorthand report of the proceedings therein, or, although such shorthand report is in existence, it is not possible to procure an accurate transcript thereof then, in substitution for the delivery and service as aforesaid of copies of the transcript of the proceedings, the Greffier shall apply to the Police Court for a copy of the notes taken by the Police Court concerning the case and, upon receiving the same, shall make three copies thereof and shall deliver one such copy to the Bailiff's Secretary for the use of the Appellate Court and two such copies to the Law Officer and one of such copies shall be annexed to the summons served upon the appellant or the respondent, as the case may be, at the instance of the Law Officer. In any such case as is mentioned in this proviso the Greffier shall also supply to the Law Officer the names and addresses of the witnesses who gave evidence in the Police Court on behalf of the accused person.

(3) Where a transcript of the proceedings in any case is not available and it appears to the Law Officer that the notes of the Police Court are not sufficiently ample to inform the Appellate Court of the evidence given in the case, the Law Officer may cause summonses to be served on such of the witnesses, whether for the prosecution or for the defence, with regard to whose evidence given in the Police Court no note or an insufficiently ample note was taken by the Police Court, to appear before the Appellate Court on the date and time appointed for the hearing of the appeal.

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8.—ABANDONMENT OF APPEAL.—(1) In the case of an appeal to which this Law applies, the appellant may at any time, not less than two clear days before the date fixed for the hearing of such appeal, abandon the appeal by giving notice in writing to the Greffier and, if such notice is given, the Greffier shall forthwith so inform the Law Officer and the Bailiff's Secretary.

(2) Where an appeal has been so abandoned then—

- (a) subject to anything already suffered or done by the appellant under the decision appealed from, such decision shall be enforceable forthwith by due process of law ; and
- (b) the Police Court may, on the application of the other party to the appeal, order the appellant (and, if the appeal was instituted by the prosecution against the acquittal of a person, the expression "appellant" shall, for the purposes of this paragraph, mean the States) to pay to such other party such costs, not exceeding the sum of £5, as appear to the Police Court to be just and reasonable in respect of expenses properly incurred by such other party in connection with the appeal before notice of the abandonment was given ; and
- (c) the Police Court may, if it appears proper so to do, release any security given or found in connection with such appeal, and any oath taken by the appellant to the effect that he will remain in the Island until the appeal has been disposed of and that he will attend before the Appellate Court at the hearing of the appeal shall be deemed to have been fulfilled if the appellant remains in the Island until the abandonment of the appeal and then duly surrenders himself to His Majesty's Sheriff.

(3) Costs ordered to be paid under the last preceding subsection may be recovered as a civil debt by the party to whom they are ordered to be paid and shall not be recoverable in any other manner.

9.—PROCEEDINGS IN THE APPELLATE COURT.—(I)
After the reading of the cause before the Appellate Court, the appellant (or his counsel) shall be heard as to the grounds on which the appeal is made and may address the Court on the evidence and generally on the subject matter of the appeal and thereafter the respondent (or his counsel) shall be entitled to show cause why the appeal should not be allowed.

Provided that in any case where the prosecution is not the respondent, the Law Officers of the Crown shall be entitled to the right of reply to the speech made by or on behalf of the respondent.

(2) In the Appellate Court the burden of proof of any fact, matter, point or thing shall rest on the party on whom such burden rested or ought to have rested in the Police Court.

(3) If it shall appear to the Appellate Court that—

(a) some material error exists in the transcript of the proceedings in the case before the Police Court and the parties to the appeal are not in agreement as to the accurate rendering of the matter as regards which such error exists : or

(b) there being no transcript of such proceedings available, it is desirable that one or more of the witnesses who gave evidence in the Police Court should be heard by the Appellate Court : or

(c) further material evidence not available to one or other of the parties at the time of the Police Court proceedings is obtainable :

the Appellate Court may direct that witnesses shall be heard before it in relation to any such error or for

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the amplification of the notes of the Police Court or in respect of such further material evidence and may adjourn the appeal proceedings for so long as may be necessary to enable any of such witnesses as have not been cited to attend to be served with a citation to attend before the Appellate Court.

(4) The Appellate Court may order the production of any document, exhibit or other thing the production of which may appear to the Appellate Court to be necessary for the determination of the case.

(5) It shall be competent to the Appellate Court on any appeal to adjudicate in regard to the admissibility of any evidence and to hear or to exclude any evidence whether the question of the admissibility of such evidence was raised in the Police Court or not.

(6) If at any stage of the proceedings before the Appellate Court, that Court is of opinion that the appeal is frivolous or vexatious, it may forthwith dismiss the appeal.

(7) If on any appeal against conviction, the Appellate Court finds that the appellant was wrongly convicted on any count or head the appeal shall be allowed and the conviction on such count or head shall be quashed, and the sentence pronounced by the Police Court in respect thereof shall be revoked or amended as justice may require.

(8) On an appeal against conviction or sentence, the Appellate Court shall have power, in substitution for the punishment awarded by the Police Court, to award any punishment, whether more or less severe than that awarded by the Police Court, which the Police Court might have awarded.

(9) If on any appeal at the instance of the prosecution, the Appellate Court finds that the acquittal of an accused person arose out of the erroneous determination by the Police Court of the question of

law or of mixed law and fact with regard to which the appeal has been brought, the Appellate Court may remit the case to the Police Court together with a direction that the Police Court shall record a conviction against such accused person and thereupon the Law Officer shall summon such accused person to attend at the next convenient sitting of the Police Court and the Police Court shall record such conviction accordingly and shall pronounce such sentence in regard thereto as to the Police Court shall seem just. The provisions of this Law with regard to the right of appeal against sentence shall apply to such sentence.

(10) In any other case the Appellate Court shall dismiss the appeal and thereupon the sentence of the Police Court shall stand and shall take effect as from such date as the Appellate Court shall appoint.

10.—COSTS. (1) On the hearing and determination of an appeal under this Law—

- (a) if the appeal was brought against the acquittal of any person, then, whether such appeal is successful or unsuccessful, no costs in relation to the appeal shall be awarded against that person but the Appellate Court may direct that such amount of costs, not exceeding £5, as may appear reasonably sufficient to cover the out-of-pocket expenses of that person in relation to such appeal, shall be paid to that person by the States.
- (b) if the appeal was brought against conviction and sentence or against sentence only, then—
 - (i) if the appeal is successful, the Appellate Court may direct that such amount of costs, not exceeding £5, as may appear reasonably sufficient to cover the out-of-pocket expenses of that person in relation to such appeal, shall be paid to the appellant by the States : or

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(ii) if the appeal is unsuccessful, the Appellate Court may direct that such amount of costs, not exceeding £5, as may appear reasonably sufficient to cover the cost of the services rendered by Officers of the Court in relation to that appeal, shall be paid by the appellant to the States.

(2) Costs ordered by the Appellate Court to be paid on any such appeal as aforesaid may be recovered as a civil debt by the party to whom they are ordered to be paid and shall not be recoverable in any other manner.

11.—ORDINANCES.—The Royal Court is hereby empowered from time to time by Ordinance to provide such rules and regulations as it may deem requisite or expedient for the purpose of giving effect to this Law.

12.—RESERVATION.—This Law shall not affect the provisions of Article 10 of the Law intituled “Loi relative à l’Entretien des Enfants Illégitimes, 1927”.

13.—COMMENCEMENT.—This Law shall come into operation as from the commencement of the day next following the date on which the Order of His Majesty in Council sanctioning this Law is registered on the Records of this Island.

14.—This Law may be cited as the Police Court Appeals Law, 1939.

*(Enregistré sur les Records le 23 décembre 1939)*1939

AT THE COURT AT BUCKINGHAM PALACE,

The 11th day of December, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

VISCOUNT HAILSHAM

LORD PRIVY SEAL

MR. OLIVER STANLEY

LORD HANKEY

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 8th day of December, 1939, in the words following, viz. :—

The Contributory Pensions (Emergency Provisions) Law (Guernsey), 1939.

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1.—That for the reasons set forth in the preamble thereto, the Royal Court, on the 26th day of September, 1939, adopted a Bill or *Projet de Loi* intituled “ The Contributory Pensions (Emergency Provisions) Law (Guernsey), 1939,” and requested the Bailiff to submit the same to the States of Deliberation for approval. 2. That on the 25th day of October, 1939, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorizing 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

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States of Guernsey intituled " The Contributory Pensions (Emergency Provisions) Law (Guernsey), 1939," and to order and direct that the same shall have the force of Law in 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 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.

RUPERT B. HOWORTH.

PROJET DE LOI

1939

INTITULÉ

“THE CONTRIBUTORY PENSIONS (EMERGENCY PROVISIONS) LAW (GUERNSEY),
1939”

WHEREAS it is provided by sub-section (a) of Section 8 of Article V of The Contributory Pensions Law, 1935, that there shall be paid out of moneys provided by the States into the Insurance Fund Account of the States Insurance Authority—

- (a) the sum of £5,475 on every calendar quarter-day occurring during the period from the 29th day of September, 1935, to the 24th day of June, 1943, both dates inclusive ; and
- (b) the sum of £9,975 on every calendar quarter-day occurring during the period from the 29th day of September, 1943, to the 24th day of June, 1985, both dates inclusive :

AND WHEREAS the requirements of the above mentioned provisions have been fulfilled as regards all sums falling payable thereunder up to and including the 29th day of September, 1939 :

AND WHEREAS the States, on the advice of the States Finance Committee, deem it expedient to seek power to withhold payment into the Insurance Fund Account hereinbefore referred to of the sums payable under the above-recited provisions on the calendar quarter-days falling after the 29th day of September, 1939, during the period of the present hostilities and on the 29th day of September, 1939, resolved accordingly :

NOW THEREFORE the States have approved of the following provisions which, upon being sanctioned by His Most Excellent Majesty in Council, shall have force of Law in the Islands of Guernsey, Herm and Jethou :—

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Withholding
of payments
by States
into Insur-
ance Fund.

1. The States may by resolution withhold payment of every or any sum payable out of moneys provided by the States into the Insurance Fund Account of the States Insurance Authority under the provisions of sub-section (a) of Section 8 of Article V of The Contributory Pensions Law, 1935, as would otherwise become payable, after the 29th day of September, 1939, during the period of the present hostilities :

Provided that after the termination of the period of the present hostilities such financial provisions shall be made by the States as will ensure that the amount standing to the credit of the Insurance Fund Account aforesaid as on the 24th day of June, 1985, shall be not less than the amount which, but for the provisions of this Law, would have stood to the credit of that Account.

Definition.

2. For the purposes of this Law, the expression "the period of the present hostilities" means the period terminating on the one hundred and eightieth day following the day on which an Order of His Majesty in Council appointing the date to be deemed the date of the termination of the present war between His Majesty and Germany is registered on the Records of the Island of Guernsey.

(Enregistré sur les Records le 23 décembre 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 11th day of December, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

VISCOUNT HAILSHAM

LORD PRIVY SEAL

MR. OLIVER STANLEY

LORD HANKEY

Income Tax
(Amend-
ment) Law,
1939.

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 8th day of December, 1939, in the words following, viz. :—

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

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' 1.—That on the 18th day of November, 1939, the Royal Court adopted a Bill or "Projet de Loi" intituled "Loi portant modification aux Lois de 1920, 1924 et de 1936 ayant rapport à la Taxe sur le Revenu (1939)," and requested the Bailiff to submit the same to the States for their approval: 2. That on the 1st day of December, 1939, the said Bill or "Projet de Loi" was duly considered by the States, when a resolution was passed approving the same and authorizing 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 portant modification aux Lois de 1920, 1924 et de 1936 ayant rapport à la Taxe sur le Revenu (1939)," and to order and direct that the same shall have the force of Law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

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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.

RUPERT B. HOWORTH.

PROJET DE LOI

INTITULÉ

“ LOI PORTANT MODIFICATION AUX LOIS DE 1920, 1924 ET DE 1936 AYANT RAPPORT À LA TAXE SUR LE REVENU (1939). ”

VU la délibération des Etats en date du 7 juillet 1939 :

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 :—

Modification
of Article 2
of Income
Tax Law of
1920.

1.—Article 2 of the Law entitled “ Loi ayant rapport à la Taxe sur le Revenu ” registered on the Records of this Island on the 10th day of January, 1920 (the said Law hereinafter called “ the principal Law ”) shall be modified in manner following that is to say :—

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- (a) The words “ and shall be at a rate per pound, to be fixed in or for each year of assessment by the States of Deliberation on the amount of profits or income chargeable under this law ” shall be omitted from that Article and the following words and figures shall be substituted therefor and shall henceforth form part of that Article :—

“ and shall, for the year of assessment 1940 and every subsequent year of assessment, instead of being charged at a single rate, be charged at the rate prescribed by Resolution of the States of Deliberation as the standard rate of Income Tax in respect of that year of assessment (such rate being hereinafter in this Law referred to as ‘ the standard rate ’) on the total statutory profits and income of a taxpayer and, in the case of a taxpayer, being an individual who is not a non-resident and whose total statutory profits and income exceeds the amount specified in any such Resolution operative as regards that year of assessment, at such rate or rates in excess of the standard rate as is or are prescribed in any such Resolution in respect of any part or parts of that individual’s income exceeding that amount as are specified in any such Resolution so operative, such Income Tax as is chargeable at a rate or rates in excess of the standard rate being hereinafter, in Articles 15, 15 (A), 15 (B), 15 (C), 16, 19 and 27, referred to as ‘ sur-tax ’ ”, and

- (b) the following words shall be omitted from that Article at the end thereof :—

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“ provided nevertheless that profits or income other than profits or income arising from sources in or connected with the Island of Guernsey upon which English Income Tax has been paid or deducted at the source shall be exempt from the tax imposed by this Law in so far only as the tax so imposed by this Law if paid could not be recovered from the English Inland Revenue.”

Repeal of
Articles 14,
15 and 16 of
Income Tax
Law of 1920.

2.—Articles 14 and 15 of the principal Law, being the Articles so numbered which, under the provisions of the Laws entitled respectively “ *Loi portant modification à la Loi sur la Taxe sur le Revenu, 1924* ” hereinafter called “ the Law of 1924 ” and “ *Loi portant modification à la Loi sur la Taxe sur le Revenu, 1936* ”, were substituted for the Articles so numbered and originally contained in the principal Law, and Article 16 of the principal Law, are hereby repealed.

Incorporation in
Income Tax
Law of 1920
of new
Articles.

3.—The following Articles numbered respectively 14, 15, 15 (A), 15 (B), 15 (C), 16 and 16 (A) shall henceforth be deemed to form part of the principal Law :—

“ ARTICLE 14.

Allowances.

Commencing with the year of assessment 1940, the allowance or allowances which shall be claimable by an individual by way of relief from liability to Income Tax in any year of assessment shall be such allowance or allowances as are prescribed by Resolution of the States of Deliberation as regards that year of assessment and any such allowance or allowances shall only be claimable by an individual who is not a non-resident and no such allowance or allowances shall be claimable otherwise than by way of relief from liability to Income Tax at the standard rate.”*

* Proviso added by the Income Tax (Amendment) Law, 1946

“

ARTICLE 15.

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With a view to preventing the avoidance of the payment of sur-tax through the withholding from distribution of income of a company which would otherwise be distributed, the following provisions shall have effect :—

Sur-tax on undistributed profits and income of certain companies.

(1) Where it appears to the Administrator of Income Tax that any company to which this Article applies has not, within a reasonable time after the end of any year or other period ending on any date subsequent to the 31st day of December, 1938, for which accounts have been made up, distributed to its members in such manner as to render the amount distributed liable to be included in the returns to be made by the members of the company of their total profits and income for the purposes of Income Tax, a reasonable part of its actual income from all sources for the said year or other period, the Administrator of Income Tax may, by notice in writing to the company, direct that for purposes of assessment of sur-tax, the said income of the company shall, for the year or other period specified in the notice, be deemed to be the income of the members, and the amount thereof shall be apportioned among the members and sur-tax shall be assessed and charged under the provisions of this Article in respect of the sum so apportioned after deducting in the case of each member any amount which has been distributed to him by the company in respect of the said year or period in such manner that the amount distributed falls to be included in the statement of total profits and income to be made by that member for the purposes of Income Tax.

Provided that, in determining whether any company has or has not distributed a reasonable part of its income as aforesaid, the Administrator of Income Tax shall have regard not only to the current requirements of the company's business but also to

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such other requirements as may be necessary or advisable for the maintenance and development of that business.

For the purpose of this section any such sum as is hereinafter described shall be regarded as income available for distribution among the members of the company and not as having been applied or being applicable to the current requirements of the company's business or to such other requirements as may be necessary or advisable for the maintenance and development of that business, that is to say :—

(A) Any sum expended or applied, or intended to be expended or applied, out of the income of the company—

(i) in or towards payment for the business undertaking or property which the company was formed to acquire or which was the first business, undertaking or property of a substantial character in fact acquired by the company ; or

(ii) in redemption or repayment of any share or loan capital or debt (including any premium on such share or loan capital or debt) issued or incurred in or towards payment for any such business, undertaking or property, or issued or incurred for the purpose of raising money applied or to be applied in or towards payment therefor ; or

(iii) in meeting any obligations of the company in respect of the acquisition of any such business, undertaking or property ; or

(iv) in redemption or repayment of any share or loan capital or debt (including any premium on such share or loan capital or debt) issued or incurred otherwise than for adequate consideration :

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- (B) Any sum expended or applied, or intended to be expended or applied, in pursuance or in consequence of any fictitious or artificial transaction.

For the purposes of this section share or loan capital or debt shall be deemed to be issued or incurred otherwise than for adequate consideration if—

- (A) it is issued or incurred for consideration the value of which to the company is substantially less than the amount of the capital or debt (including any premium thereon) : or
- (B) it is issued or incurred in or towards, or for the purpose of raising money applied or to be applied in or towards, the redemption or repayment of any share or loan capital or debt which itself was issued or incurred for such consideration as is mentioned in the last foregoing paragraph or which represents, directly or indirectly, any share or loan capital or debt which itself was issued or incurred for such consideration.

References in this section to money applied or to be applied for any purpose shall be deemed to include references to money applied or to be applied in or towards the replacement of that money.

Provided that this section shall not apply as respects any company unless it appears to the Administrator of Income Tax, not only that income of the company has been or is to be expended or applied for one or more of the purposes mentioned in this section, but also that the company has not in fact distributed a reasonable part of its actual income in such manner as to render the amount distributed liable to be included in the returns to be made by the members of the company of their total profits and income for the purposes of Income Tax.

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(2) (a) Any sur-tax chargeable under this Article in respect of the amount of the profits and income of the company apportioned to any member of the company, shall be assessed upon that member in the name of the company, and, subject as hereinafter provided, shall be payable by the company, and all the provisions of this Law and any Ordinances made thereunder relating to sur-tax assessments and the collection of sur-tax shall, with any necessary modification, apply to sur-tax assessments and to the collection of sur-tax charged under this Article.

(b) Where sur-tax charged in respect of any member of a company has been assessed upon that member in the name of the company and has been paid by the company, the company shall be entitled to recover the sur-tax so paid by deduction from any sum or sums payable by or through the company to that member or by any other means.

(3) A notice of charge to sur-tax under this Article shall in the first instance be served on the member of the company on whom the tax is assessed, and if that member does not within twenty-eight days from the date of the notice elect to pay the tax a notice of charge shall be served on the company and the tax thereupon become payable by the company ;

Provided that nothing in this section shall prejudice the right to recover from the company the sur-tax charged in respect of any member who has elected as aforesaid but who fails to pay the tax by the 30th day of September in the year of assessment or within twenty-eight days of the date on which he so elected, whichever is later.

Where a notice of charge is served on a company or the liquidator of a company under this section and the tax thereupon becoming payable is not paid by the company by the 30th day of September in the year of assessment or within twenty-eight days of the date of the notice, the tax shall thereupon,

without prejudice to the right to recover it from the company, be recoverable from the member on whom the tax was assessed.

(4) Any undistributed income which has been assessed and charged to sur-tax under this Article shall, when subsequently distributed, be deemed not to form part of the total profits and income from all sources for the purposes of sur-tax of any individual entitled thereto.

Where a member of a company has been assessed to and has paid sur-tax otherwise than under this Article in respect of any profits or income which has also been assessed and upon which sur-tax has been paid under this Article, he shall, on proof to the satisfaction of the Administrator of Income Tax of the double assessment, be entitled to repayment of so much of the sur-tax so paid by him as was attributable to the inclusion in his total profits and income from all sources of the first-mentioned profits or income.

(5) This Article shall apply to any company which is under the control of not more than five persons and which is not a subsidiary company nor a company in which the public are substantially interested.

For the purpose of this section—

- (i) A company shall be deemed to be a subsidiary company if, by reason of the beneficial ownership of shares therein, the control of the company is in the hands of a company not being a company to which the provisions of this section apply, or of two or more companies none of which is a company to which those provisions apply ;
- (ii) A company shall be deemed to be a company in which the public are substantially interested if shares of the company (not being shares entitled to a fixed rate of dividend,

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whether with or without a further right to participate in profits) carrying not less than twenty-five per cent. of the voting power have been allotted unconditionally to, or acquired unconditionally by, and are at the end of the year or other period for which the accounts of the company have been made up as aforesaid beneficially held by, the public (not including a company to which the provisions of this Article apply).

(iii) The expression 'company' means a company incorporated under the provisions of the Guernsey Companies Law, 1908.

(iv) A company shall be deemed to be under the control of not more than five persons—

(a) if any five or fewer persons together exercise, or are able to exercise, or are entitled to acquire, control, whether direct or indirect, over the company's affairs, and in particular, but without prejudice to the generality of the foregoing words, if any five or fewer persons together possess, or are entitled to acquire, the greater part of the share capital or voting power of the company ; or

(b) if any five or fewer persons together possess, or are entitled to acquire, either the greater part of the issued share capital of the company, or such part of that capital as would, if the whole of the income of the company were in fact distributed to the members, entitle them to receive the greater part of the amount so distributed ; or

(c) if, on the assumption that the company is a company to which this Article applies, more than half of its income (including

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any income which has been apportioned to it, or could on that assumption be apportioned to it, under this Article) could be apportioned among not more than five persons.

Notwithstanding anything in this section, a company which is deemed for the purposes of this section to be under the control of not more than five persons shall not be deemed to be a subsidiary company, unless it can be deemed to be under the control of not more than five persons only by including among the persons mentioned in sub-paragraph (a), (b) or (c) of the last foregoing paragraph or in section (3) of Article 15(C) of this Law, a company to which the provisions of this Article do not apply and which is not the nominee of any other person.

In determining for the purposes of this section whether a company is or is not under the control of not more than five persons, persons who are relatives of one another, persons who are nominees of any other person together with that other person, persons in partnership, and persons interested in any shares or obligations of the company which are subject to any trust or are part of the estate of a deceased person, shall respectively be treated as a single person and for the purposes of this paragraph—

- (a) the expression 'relative' means a husband, wife, ancestor, lineal descendant, brother or sister ;
- (b) a person shall be deemed to be the nominee of another person if, whether directly or indirectly, he possesses on behalf of that other person, or may be required to exercise on the direction of or on behalf of that other person, any right or power which, by virtue of any of the provisions of this Law, is material in determining whether a company is or is not to be deemed to be under the control of not more than five persons.

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(6) In this Article the expression 'member' shall include any person having a share or interest in the capital or profits or income of a company."

" ARTICLE 15(4)

Application
of Article 15
as respects
companies
in liquida-
tion.

(1) Where an order has been made or a resolution passed for the winding-up of a company to which Article 15 applies, the income of the company for the period from the end of the last year or other period for which accounts of the company have been made up to the date of the order or resolution for winding-up shall, for the purposes of the said Article, be deemed to be income of that period available for distribution to the members of the company, and, as respects that period and the next preceding year or other preceding period or periods ending within that next preceding year for which accounts have been made up, the said Article shall apply as if the words 'within a reasonable time' in section (1) of the said Article were omitted therefrom.

(2) Any notice required under the provisions of the said Article to be served upon a company may, where the company is in liquidation, be served upon the liquidator of the company, and the liquidator shall be responsible for doing all matters or things required to be done by or on behalf of the company, and the liquidator shall be responsible for the due payment of any sur-tax payable by or recoverable from the company under the provisions of the said section.

(3) The income apportioned to a member of a company for the period from the end of the last year or other period for which accounts have been made up to the date of the order or resolution for winding-up shall, for the purposes of sur-tax, be deemed to have been received by him on the date of that order or resolution."

“

ARTICLE 15(B)

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(1) Where a member of a company (in this Article referred to as ‘the first company’), the income of which for any year or period has been deemed to be the income of its members and has been the subject of an apportionment (in this Article referred to as ‘the original apportionment’) under Article 15 of this Law, is itself a company (in this Article referred to as ‘the second company’) to which the provisions of that Article apply, the excess of the amount so apportioned to the second company over the amount, if any, which has been received by the second company out of the income as aforesaid of the first company in such manner as would, in the case of an individual, render the amount so received liable to be included in the return of his profits and income for the purposes of sur-tax, shall for the purposes of the said Article be deemed to be income of the members of the second company and shall be apportioned among them in accordance with their respective interests in that company, and the provisions of the said Article shall, with any necessary modifications, apply accordingly.

Application
of Article 15
as respects
intercon-
nected com-
panies.

(2) The second company shall, on being required by notice in writing to that effect given to it by the Administrator of Income Tax, furnish the Administrator with a statement showing the names and addresses and particulars of the respective interests of all its members as on the last day of the year or other period the income of which formed the subject of the original apportionment, and the income apportioned as aforesaid to the members of the second company shall, for the purposes of sur-tax, be deemed to have been received by those members on the date on which the income apportioned as aforesaid to the members of the first company is deemed to have been received by them.

(3) Any sur-tax chargeable by reference to the provisions of the said Article 15 in respect of the amount of the income of the first company apportioned to any

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member of the second company shall be assessed upon that member in the name of the first company, and shall, subject to the provisions of the said Article as to payment by the member, be payable by the first company, and the provisions of the said Article as to the assessment, collection and recovery of sur-tax chargeable in respect of the income of a company apportioned to any member thereof shall, with any necessary modifications, apply accordingly.

(4) Where a member of any such second company as aforesaid is itself a company to which the said Article 15 applies, the income apportioned to it under the foregoing provisions of this Article shall in turn be deemed to be the income of its members and apportioned to them, for the purposes of assessment to sur-tax, in accordance with their respective interests, and so on successively where any member to whom income of a company has been apportioned is itself a company to which the said Article applies, so that successive apportionments shall in like manner be made until the entire amount of the income which was apportioned under the provisions of this Article among the members of the second company has been apportioned to persons other than a company to which the said Article applies, and the said Article shall with any necessary modifications apply to such successive apportionments and to the furnishing of statements and to the assessment, collection and recovery of sur-tax in respect of income apportioned thereunder, and, in particular, the date on which any such income is to be deemed to have been received by the member to whom it is apportioned shall be the date mentioned in section (2) of this Article, and any sur-tax which is chargeable in respect of income apportioned to a member being an individual shall be assessed and charged upon that member in the name of the first company."

Application
of Article 15
as respects
investment
companies.

“

ARTICLE 15(C).

(1) The following provisions of this Article shall have effect as respects companies (hereafter in this

Article referred to as 'investment companies') the income whereof consists mainly of investment income, that is to say, income which, if the company were an individual, would not be earned income as defined in section (8) of this Article.

Provided that, for the purposes of this section, any income apportioned to a company under Article 15 of this Law, shall be deemed to be income of the company and to be investment income.

(2) For the purpose of section (1) of the said Article 15 the sums which are to be regarded as income available for distribution among the members of an investment company, and not as having been applied or being applicable to the current requirements of the company's business or to such other requirements as may be necessary or advisable for the maintenance and development of that business, shall include any sum expended or applied, or available to be expended or applied, out of the income of the company in or towards the redemption, repayment, or discharge of any loan capital or debt (including any premium thereon) in respect of which any person is a loan creditor of the company.

(3) Without prejudice to the provisions of Article 15 of this Law, an investment company shall be deemed for the purposes of section (5) of that Article to be under the control of not more than five persons if any five or fewer persons would, if the company were wound up, be entitled as members or loan creditors of the company to receive more than half of the assets of the company which would be available for distribution to members and loan creditors.

(4) Where an investment company is deemed by virtue of the last foregoing section to be under the control of not more than five persons by reason that any five or fewer persons would, if the company were wound up, be entitled as loan creditors to receive more

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than one-half of the assets therein referred to (whether or not it would otherwise be deemed to be under such control)—

- (a) the definition of the expression 'member' shall, for the purposes of the said Article 15 and any provisions of this or any other Law relating thereto, be extended so as to include any loan creditor of the company; and
- (b) a loan creditor shall be deemed to have an interest in any income of the company to be apportioned under the said Article 15 to the extent that that income, or assets representing it, has or have been expended or applied or is or are available to be expended or applied in redemption or repayment or discharge of the loan capital or debt (including any premium thereon) in respect of which he is a loan creditor :

Provided that—

- (i) where by virtue or in consequence of any settlement, a loan creditor has been or could be required by some other person (hereafter referred to as a 'beneficiary') to pay to the beneficiary the whole of any sums which have been or might be paid to that loan creditor by the company in redemption, repayment or discharge of the loan capital or debt (including any premium thereon) in respect of which he is a loan creditor, or to pay or transfer to the beneficiary the whole of any sums or assets representing directly or indirectly any such sums as aforesaid, the beneficiary and not the loan creditor shall be deemed, for the purposes of the said Article 15 of this Law and any provisions of this or any other Law relating thereto, to be a member of the company and to have the interest in the income of the company which the loan creditor would, but for this provision, be deemed to have by virtue of the foregoing provisions of this section; and

- (ii) where a loan creditor has been or could be required as aforesaid to pay or transfer to the beneficiary a part only of any such sums or assets as aforesaid, the beneficiary, as well as the loan creditor, shall be deemed to be a member of the company for the purposes of the said Article 15 of this Law and any provisions of this or any other Law relating thereto, and the interest which the loan creditor is deemed to have in the income of the company and by virtue of the foregoing provisions of this Article shall be apportioned by the Administrator of Income Tax between the beneficiary and the loan creditor.

(5) In relation to an investment company Article 16 of this Law shall have effect as if references to shares included references to loan capital.

(6) Where an order has been made or a resolution passed for the winding-up of an investment company to which Article 15 of this Law applies, the following provisions shall have effect:—

- (a) the actual income of the company from all sources since the date of the order or resolution shall, for purposes of assessment to sur-tax, be deemed to be the income of the members;
- (b) the Administrator of Income Tax shall from time to time by notice in writing to the liquidator direct that the amount of that income for the year or period specified in the notice shall be deemed for those purposes to be the income of the members for that year or period, and the amount thereof shall be apportioned and sur-tax assessed and charged accordingly;
- (c) the provisions of the said Article 15 and any provisions of this or any other Law relating thereto shall, with any necessary modifications, apply in relation to any such directions, apportion-

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ments and assessments as they apply in relation to directions, apportionments and assessments under section (1) of the said Article 15.

(7) For the purpose of this Article, the expression 'loan creditor' means a creditor in respect of any debt incurred by the company—

- (a) for any money borrowed or capital assets acquired by the company; or
- (b) for any right to receive income created in favour of the company; or
- (c) for consideration the value of which to the company was (at the time when the debt was incurred) substantially less than the amount of the debt (including any premium thereon) or in respect of any redeemable loan capital issued by the company:

Provided that a person carrying on the business of banking shall not be deemed to be a loan creditor in respect of any loan capital or debt issued or incurred by the company for money lent by him to the company in the ordinary course of that business.

(8) The expression 'earned income' means—

- (a) any profits or income arising in respect of any remuneration from any office or employment of profit held by the individual, or in respect of any pension, superannuation, or other allowance, deferred pay, or compensation for loss of office, given in respect of the past services of the individual or of the husband or parent of the individual in any office or employment of profit, or given to the individual in respect of the past services of any deceased person, whether the individual or husband or parent of the individual shall have contributed to such pension, superannuation allowance, or deferred pay, or not, including any annuity, pension or annual payment of a voluntary nature or which is capable of being discontinued; and

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- (b) any income from any property which is attached to or forms part of the emoluments of any office or employment of profit held by the individual; and
- (c) any profits or income, excluding profits or income assessable in accordance with the provisions of Article 5 of this Law, immediately derived by the individual from the carrying on or exercise by him of his trade, profession, or vocation, either as an individual, or, in the case of a partnership, as a partner personally acting therein."

“

ARTICLE 16.

The provisions contained in this Article shall have effect as to the computation of the actual income from all sources of the company, the apportionment thereof amongst members of the company, and otherwise for the purpose of carrying into effect, and in connection with Articles 15, 15(A), 15(B) and 15(C) of this Law (such Articles being hereinafter in this Article referred to as ‘the said Articles’):—

Provisions for carrying into effect, and in connection with, Articles 15—15 (C).

(1) A Company which is aggrieved by any direction given under any of the said Articles may appeal to the Income Tax Authority against the direction by giving notice of appeal to the Income Tax Administrator within 21 days after the date of the notice, and the Income Tax Authority shall hear and determine the appeal, and the provisions of this Law relating to appeals against assessments shall, with any necessary modification, apply for the purposes of an appeal under this Article.

(2) The Administrator of Income Tax may, at any time by notice in writing, require any company which appears to him to be a company to which any of the said Articles applies, to furnish him with—

- (a) a statement of the actual income of the company from all sources, together with a copy of the company’s accounts for any year or other

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period for which the company's accounts have been made up and such particulars as the Administrator may reasonably require as to the income of the company and the manner in which the income has been dealt with; and

(b) a statement for the same period of the names and addresses and particulars of the respective interests of all members of the company.

(3) (a) Where the Administrator of Income Tax has—

(i) issued a notice requiring any company to furnish him with any particulars under Section (2) of this Article as respects any year or other period; or

(ii) given a direction under Section (1) of Article 15 of this Law as respects any year or other period in relation to any company to which no such notice has been issued as respects that year or period;

the directors of the company, if they are of opinion that there has not been and will not be any avoidance of the payment of sur-tax through failure to distribute to the members of the company a reasonable part of its income for that year or period, may make a declaration in writing to that effect stating the facts and circumstances upon which their opinion is based and send such declaration to the Administrator of Income Tax within twenty-eight days of the issue of such a notice or the giving of such a direction as aforesaid.

(b) Upon the receipt of such a declaration as is mentioned in the last preceding subsection, the Administrator of Income Tax shall consider the same and, if he is satisfied that the opinion expressed therein is well founded, he shall take no further action in the matter but, where the Administrator of Income Tax is not so satisfied, he shall notify the Company in writing accordingly and, thereupon, the notice or direction aforesaid shall have effect as if it had been issued

or given on the date on which notification under this sub-section is given to the Company.

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(4) In computing the actual income from all sources of a company for any year or period, the income from any source shall be arrived at in accordance with the provisions of this Law relating to the computation of income from that source.

(5) If any company fails or refuses on being so required in accordance with the provisions of this Article to furnish a statement of actual income from all sources or renders a statement with which the Administrator of Income Tax is not satisfied, the Administrator may make an estimate of that income to the best of his judgment.

(6) The apportionment of the actual income from all sources of the company shall be made by the Administrator of Income Tax in accordance with the respective interests of the members, and the income as apportioned to each member, (so far as assessable and chargeable to sur-tax under the said Articles) shall, for the purposes of sur-tax, be deemed to represent income from his interest in the company for the year or other period and shall be included in the return of his total income or in an amended return of total income which the Administrator of Income Tax is hereby authorised to require and shall be deemed to be the highest part of that income.

(7) The income apportioned to a member of a company so far as assessable and chargeable to sur-tax under the said Articles shall for the purposes of that tax be deemed to have been received by him on the date to which the accounts of the company for the year or period were made up, or are deemed to be made up, or if an application in that behalf is made by the company to the Administrator of Income Tax at any time within the period limited by this Law for giving notice of appeal to the Income Tax Authority against the direction, on such date as the Administrator of In-

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come Tax determines to be just, having regard to the dates on which distributions of income have been made by the company, and so as to avoid, as far as possible, the inclusion for the purposes of sur-tax for any year of income referable to more than one year. Notice of such determination shall be given by the Administrator of Income Tax, and such determination shall be subject to appeal to the Income Tax Authority.

(8) Notice of any apportionment made by the Administrator of Income Tax shall be given by serving on the company a statement showing the amount of the actual income from all sources adopted by him for the purposes of the said Articles, or any of them, and either the amount apportioned to each member or the amount apportioned to each class of shares, as he thinks fit.

A company which is aggrieved by any notice of apportionment shall be entitled to appeal to the Income Tax Authority on giving notice to the Administrator of Income Tax within twenty-one days after the date of the notice, and the Income Tax Authority shall hear and determine the appeal and all the provisions of this Law relating to appeals against assessments and to the reference of disputes to the Royal Court for determination shall, with any necessary modification, apply for the purposes of any such appeal.

(9) Any person in whose name any shares of a company are registered shall, if required by a notice in writing by the Administrator of Income Tax, state whether or not he is the beneficial owner of those shares, and if not the beneficial owner of those shares or any of them shall furnish the name and address of the person or persons on whose behalf the shares are registered in his name.

If any person, on being so required, neglects or fails to comply with the notice within the time limited by the notice, he shall, on proceedings before the Income

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Tax Authority brought at any time by the Administrator of Income Tax, be liable to a penalty not exceeding £10 or three times the amount of sur-tax that would be chargeable at the highest rate in respect of the amount of the income apportioned to such shares whichever is the greater."

" ARTICLE 16(A).

(1) Any company to which Article 15 of this Law applies, may at any time after the general meeting at which the accounts of the company made up for any year or other period are adopted, forward to the Administrator of Income Tax for his consideration a copy of the said accounts, together with a copy of the report, if any, of the directors for that year or period, and such further information, if any, as it may think fit, and the Administrator of Income Tax shall, subject to the provisions of this Article, on receiving the said accounts and other documents, if any, proceed to consider the position of the company in relation to the said Article 15.

Further provisions in connection with Article 15.

(2) The Administrator of Income Tax may as soon as reasonably may be, but not later than twenty-eight days after the receipt of the said accounts and other documents, if any, call upon the company to furnish to him within twenty-eight days, or such extended period as he may subsequently allow, such further particulars as he may reasonably require :

Provided that if the particulars so required are not furnished to the Administrator of Income Tax within the period or extended period allowed for the purpose he may proceed under this Article upon the information before him.

(3) Where a company has under subsection (1) of this Article forwarded to the Administrator of Income Tax the accounts of the Company for any

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year or other period, whether with or without any other documents, the following provisions shall have effect :—

- (a) unless within three months after the receipt of the said accounts and other documents, or, if further particulars have been required as aforesaid, within three months after the receipt of those particulars, or the expiration of the period within which those particulars are to be furnished, as the case may be, the Administrator of Income Tax intimates to the company his intention to take further action in the case of the company under the said Article 15 in respect of that year or other period, the power of the Administrator of Income Tax to take any such further action in respect of that year or other period shall absolutely cease and determine ; and
- (b) notwithstanding that the Administrator of Income Tax has given such an intimation as aforesaid, he shall not after the expiration of six months from the date of the intimation have power in relation to that company to issue a notice under Section (2) of Article 16 of this Law with respect to that year or period or, unless such a notice has been issued before the expiration of the said period of six months, to give a direction in relation to the company under section (1) of Article 15 of this Law."

4.—Article 19 of the principal Law is hereby repealed and the following Article designated " Article 19 " shall be substituted therefor and shall henceforth form part of the principal Law :—

“

ARTICLE 19.

(1) Subject to the provisions of Sections 3 and 4 of this Article, where neither a married woman nor her husband is a non-resident and the married

**Married
women**

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woman is not judicially separated nor permanently living apart from her husband, the profits and income of that married woman shall be deemed the profits and income of the husband and shall be assessed and charged in his name and the tax payable thereon under the provisions of this Law shall be payable by him.

(2) In any other case, subject to the provisions of Article 21 of this Law, the profits and income of a married woman chargeable to tax under the provisions of this Law shall be assessed and charged in her name as if she were not married and the tax payable thereon shall be payable by her.

(3) If an application is made for the purpose in such manner and form as may be prescribed by the Administrator of Income Tax, either by a husband or wife living with his wife or her husband and who and whose wife or husband is not a non-resident, on or before the 31st day of March in any year of assessment—

- (a) tax chargeable under this Law for that year of assessment shall be assessed, charged and recovered on the profits and income of the husband and on the profits and income of the wife as if they were not married, and all the provisions of this Law with respect to the assessment, charge and recovery of tax, and the penalties for failure to make a return of profits and income or to render information authorised to be required under this Law or for evading or attempting to evade payment of tax, shall apply as if they were not married ; and
- (b) the income of the husband and wife shall be treated as one in arriving at total income for the purpose of sur-tax, and the amount of sur-tax payable in respect of the total income shall be divided between and shall be recoverable from the husband and wife in proportion

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to their respective incomes, and the total amount of income tax (including sur-tax) payable shall not be less than it would have been if an application had not been made under this section ; and

- (c) any such application shall be deemed to apply not only to the year of assessment in which it is made but to every succeeding year of assessment in which such application remains unrevoked during the first three calendar months thereof.

(4) Where, on an application made for the purpose under the last foregoing section, income tax for any year of assessment is assessable and chargeable on the incomes of a husband and wife respectively as if they were not married—

- (a) all the provisions of this Law and of any States' Resolution passed thereunder relating to claims for allowances by way of relief from liability to tax and the proof to be given in relation thereto, shall apply as if they were not married ; and
- (b) the income of the husband and wife shall be aggregated in arriving at the amount of such allowances and such amount shall not exceed the total amount claimable in respect of such allowances if such application as aforesaid had not been made ; and
- (c) the benefit of any such allowances shall be apportioned to the husband and the wife according to the amounts of their respective total incomes.

Provided that in the case of an allowance in respect of a child or in respect of a dependent relative, the allowance shall be made to that one of the married persons by whom the child or relative is maintained."

5.—In Article 20 of the principal Law, the words and figures “ provided by Articles 14 and 15 ” shall be omitted and the words and figures “ prescribed under the provisions of Article 14 ” shall be substituted therefor.

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Minor amendment of Article 20.

6.—At the end of Article 27 of the principal Law, there shall be inserted the following paragraph which shall be deemed henceforth to form part of that Article :—

Payment of Sur-tax.

“ The provisions of this Article as respects the dates on or before which Income Tax shall be payable shall not be applicable as regards sur-tax which shall be payable in one amount on or before the 30th day of September in the year of assessment for which such sur-tax is charged or within twenty-eight days of the date of the notice to the taxpayer showing the amount of the assessment for the purpose of sur-tax applicable to the taxpayer in respect of such year of assessment, whichever is later.”

7.—The provisions of the principal Law whereby—

(a) in the case of a non-resident, the agent or other person, persons, company or other body, corporate or not corporate, receiving or paying such profits or income on behalf of or to such non-resident shall be charged on behalf of such non-resident and shall be liable to pay the Income Tax on such profits or income as if such profits or income belonged to such agent, person, persons, company or other body and whereby the Income Tax so charged or agreed with the Administrator of Income Tax to be chargeable in due course may be recovered by such agent, person, persons, company or other body by deduction from any sum or sums payable by or through such agent, person, persons, company or other body to the non-resident or by any other means ; and

Payment of Income Tax by non-residents and recovery thereof.

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- (b) a Company registered under the Guernsey Companies' Law shall be liable in any year of assessment to pay the Income Tax on the dividends and interest paid or payable by that Company during the calendar year preceding that year of assessment to non-residents and is empowered to deduct that Income Tax from such dividends and interest :

shall apply in respect of Income Tax at the standard rate but not further or otherwise.

Repeal of
final clause
of Law of
1924.

8.—The words “ The abatements and exemptions provided for in this law commence to be operative in respect of the year of assessment One thousand nine hundred and twenty-four ” which appear at the end of the Law of 1924 are hereby repealed.

Savings.

9.—The repeals and modifications effected by this Law shall not—

- (a) affect the previous operation of the provisions repealed or modified or anything duly done or suffered thereunder ; or
- (b) affect any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder ; or
- (c) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, or liability as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if such repeals and modifications had not been effected.

Short Title,
etc.

10.—(1) This Law may be cited as “ The Income Tax (Amendment) Law, 1939 . ”

(2) This Law shall be construed as one with the principal Law and the Law of 1924, and the principal Law, the Law of 1924 and this Law may be cited together as “ The Income Tax Laws, 1920 to 1939 ”.

ARRANGEMENT OF PROVISIONS.

- 1.—Modification of Article 2 of the Income Tax Law of 1920.
- 2.—Repeal of Articles 14, 15 and 16 of the Income Tax Law of 1920.
- 3.—Incorporation in the Income Tax Law of 1920 of new Articles, namely :—
 - Article 14. Allowances.
 - Article 15. Sur-tax on undistributed profits and income of certain companies.
 - Article 15(A) Application of Article 15 as respects companies in liquidation.
 - Article 15(B). Application of Article 15 as respects interconnected companies.
 - Article 15(C). Application of Article 15 as respects investment companies.
 - Article 16. Provisions for carrying into effect, and in connection with, Articles 15, 15(A), 15(B) and 15(C).
 - Article 16(A). Further provisions in connection with Article 15.
- 4.—Substitution of new Article for Article 19 of Income Tax Law of 1920.
- 5.—Minor amendments in relation to Article 20 of Income Tax Law of 1920.
- 6.—Insertion of new paragraph concerning the payment of sur-tax in Article 27 of Income Tax Law of 1920.
- 7.—Limitation of application of provisions of Income Tax Law of 1920 regarding the payment of Income Tax by non-residents and the recovery thereof.
- 8.—Repeal of final clause of Income Tax Law of 1924.
- 9.—Savings.
- 10.—Short Title, etc.

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(Enregistré sur les Records le 27 décembre 1939)

AT THE COURT AT BUCKINGHAM PALACE,

The 11th day of December, 1939.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

LORD PRIVY SEAL

VISCOUNT HAILSHAM

MR. OLIVER STANLEY

LORD HANKEY

Loi autori-
sant le re-
haussement
des Droits
sur les mar-
chandises
importées, de
certains Im-
pôts, de la
Taxe sur les
Divertisse-
ments, de la
Taxe sur les
Valeurs
Locatives et
du droit de
Timbre sur
les Chèques.

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 8th day of December, 1939, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your general Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1. That on the 20th day of September, 1939, the States of Deliberation, on the recommendation of their Committee of Finance, passed the following resolution, viz :—

“To request the Royal Court to prepare a Projet de Loi empowering the States: (a) to increase by not more than 100 per cent. the present rates of all Duties on Goods, Impôts (other than Beer), Entertainments Tax and Stamp Duty on cheques; (b) to increase by not more than 150 per cent. the Impôt on Beer and the Tax on Rental Values.”

2. That in accordance with the aforesaid resolution, the Royal Court, on the 26th day of September, 1939, adopted a Projet de Loi intituled “Loi autorisant le rehaussement des Droits sur les Marchandises Importées, de certains Impôts, de la Taxe sur les Divertissements, de la Taxe sur les Valeurs Locatives et du Droit de Timbre sur les Chèques,”

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and requested the Bailiff to submit the same to the States for approval. 3. That on the 25th day of October, 1939, the said *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 *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 *Projet de Loi* of the States of Guernsey intituled "*Loi autorisant le rehaussement des Droits sur les Marchandises Importées, de certains Impôts, de la Taxe sur les Divertissements, de la Taxe sur les Valeurs Locatives et du Droit de Timbre sur les Chèques,*" 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

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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.

RUPERT B. HOWORTH.

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

PROJET DE LOI

INTITULÉ

LOI AUTORISANT LE REHAUSSEMENT DES
DROITS SUR LES MARCHANDISES IMPOR-
TÉES, DE CERTAINS IMPÔTS, DE LA TAXE
SUR LES DIVERTISSEMENTS, DE LA TAXE
SUR LES VALEURS LOCATIVES ET DU DROIT
DE TIMBRE SUR LES CHÈQUES.

Les Etats ont approuvé les dispositions suivantes
lesquelles, moyennant la Sanction de Sa Très Excel-
lente Majesté en Conseil, auront force de Loi dans l'Île
de Guernesey.

States
authorised
to increase
rates of cer-
tain Duties,
Impôts and
Taxes.

1. The States may, by Resolution, increase the rate
at which the several Duties, Impôts and Taxes men-
tioned in the First Column of the Schedule to this Law
or any thereof are at present leviable to the extent
specified in the Second Column of that Schedule.

SCHEDULE

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Column 1.	Column 2.
Duties on Goods Imported.	100% of the Maximum Rate leviable before the passing of the Law to which this Schedule is appended
All Impôts (other than the Impôt on Beer and the Impôts leviable under the Import Duties Act [Bailiwick of Guernsey], 1932).	
Tax on Entertainments.	
Stamp Duty on Cheques.	
Impôt on Beer.	150% of the Maximum Rate leviable before the passing of the Law to which this Schedule is appended
Tax on Rental Values.	