

ORDERS IN COUNCIL

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

Compiled under the authority of the Royal Court
BY
W. H. ARNOLD, H.M. PROCUREUR.

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ORDERS IN COUNCIL.

(Registered on the Records on the 13th January, 1949.)

1949

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of December, 1948.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL OF LISTOWEL.

MR. SECRETARY HENDERSON.

MR. ALEXANDER.

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 December, 1948, in the words following, viz. :—

Income Tax
Law, 1948.

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

‘ 1. That, in pursuance of their Resolution of the 21st day of April, 1948, the States of Deliberation at a meeting held on the 22nd day of September, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ *Loi de 1948 portant amendement à la Loi ayant rapport à la Taxe sur le Revenu de 1920* ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed.

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And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "Loi de 1948 portant amendement à la Loi ayant rapport à la Taxe sur le Revenu de 1920," and to order and direct that the same shall have force of Law in the Islands of Guernsey and Herm.'

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

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

1949

PROJET DE LOI

ENTITLED

*** “Loi de 1948 portant amendement
à la Loi ayant rapport à la Taxe sur
le Revenu de 1920 ”**

LES ETATS, vu leur Délibération en date du 21 avril 1948, ont approuvé les dispositions suivantes, lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de loi en cette Ile et l'Ile de Herm :—

1. Articles 17 and 18 of the Loi ayant rapport à la Taxe sur le Revenu, registered on the Records of this Island on the 10th day of January, 1920, are hereby repealed, and the following Articles are substituted therefor :—

Commence-
ments;
Cessations
and Appor-
tionments.

ARTICLE 17.

Commencements

The assessable income from a business, trade, profession or vocation carried on in Guernsey or deemed to be carried on in Guernsey for the year of assessment in which the business, trade, profession or vocation is commenced or is commenced to be so carried on, or the assessable income from any other source for the year of assessment in which the income first arises to a taxpayer and for the two following years of assessment, which years of assessment are in this article respectively referred to as “ the first year ”, “ the second year ” and “ the third year ” shall be computed in accordance with the following provisions :—

(a) Business, Trade, Profession or Vocation.

* Repealed by the Income Tax (Guernsey) Law, 1950.

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- (i) The basis of assessment for the first year shall be the actual profits arising within the year of assessment.
 - (ii) The basis of assessment for the second year shall be the profits for twelve months from the date of commencement of the business.
 - (iii) The basis of assessment for the third year shall be the profits of twelve months up to the end of the trading year ending in the year preceding the year of assessment **but** where the trading period or periods preceding the year of assessment constitutes a period or periods of less than twelve months or where no trading period ends in the first or second years of assessment the basis for the third year of assessment shall be the profits of twelve months preceding the year of assessment.
 - (iv) At any time within two years after the end of the second year the taxpayer may, by notice in writing under his hand given to the Administrator of Income Tax, elect to have the assessments of both the second and the third years but not of one or other only of those years, based on the profits of those years. A taxpayer may further, at any time within twelve months after the end of the third year, in the like manner revoke the notice so given, in which case his assessable income for both the second and the third years shall be computed as if the first notice had never been given.
- (b) Other Classes of Income.
- (i) The basis of assessment for the first year shall be the actual income of the year of assessment.

- (ii) The basis of assessment for the second year shall be the actual income of the second year. 1949
- (iii) The basis of assessment of the third year shall be the income of the year preceding the year of assessment.
- (iv) The taxpayer may claim within twelve months from the end of the third year that the assessment for the year be reduced to the actual income thereof.
- (v) Where in any year of assessment a new source, or an addition to an existing source, of income is acquired by any taxpayer the income attributable to that source or to the addition, as the case may be, shall for the purposes of this article be treated as income which first arose to that taxpayer in that year.

ARTICLE 18.

Cessations.

- (a) Where in any year of assessment a business, trade, profession or vocation carried on in Guernsey, or deemed to be carried on in Guernsey, permanently ceases to be carried on or to be so carried on or the income from any other source permanently ceases to be the income of the taxpayer the basis of assessment for the said year of assessment shall be the profits or income from the first day of the year of assessment to the date of cessation.
- (b) The Administrator of Income Tax shall be entitled to make an additional assessment for the penultimate year of assessment so as to increase the assessment for that year to the actual amount of the profit or income thereof.
- (c) Where in any year of assessment any taxpayer ceases to possess any source, or part of any source, of income, the income from that source

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or attributable to that part shall for the purpose of this article be treated as income which permanently ceased to be income of that taxpayer in that year.

ARTICLE 18A

Apportionments.

Where it is necessary, in order to arrive at the assessable profits or losses of any year of assessment, to divide and apportion to specific periods the profits or losses for any period for which accounts have been made up, or to aggregate any such profits or losses or any apportioned parts thereof, it shall be lawful to make such a division and apportionment or aggregation, and any apportionment under this Article shall be made in proportion to the number of months or fractions of months in the respective periods."

Effect of
Repeals.

2. The repeals effected by this Law shall not—
- (a) affect the previous operation of the provisions repealed 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 had not been effected.

Commence-
ment.

3. This Law shall be deemed to have come into operation on the 1st day of January, 1948.

Citation.

4. This Law shall be construed together with the Income Tax Laws, 1920 to 1946, and may be cited as the Income Tax Law, 1948, and this Law and the Income Tax Laws, 1920 to 1946, may be cited together as the Income Tax Laws, 1920 to 1948.'

(Registered on the Records on the 13th January, 1949.)

1949

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of December, 1948.

PRESENT,
 THE KING'S MOST EXCELLENT MAJESTY.
 LORD PRESIDENT.
 EARL OF LISTOWEL.
 MR. SECRETARY HENDERSON.
 MR. ALEXANDER.

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 December, 1948, in the words following, viz. :—

Trustee Savings Banks (Increase of Superannuation Allowances) (Guernsey) Law, 1948.

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

‘ 1. That, in pursuance of their Resolution of the 21st day of July, 1948, the States of Deliberation at a meeting held on the 22nd September, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ The Trustee Savings Banks (Increase of Superannuation Allowances) (Guernsey) Law, 1948 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey entitled “ The Trustee Savings Banks (Increase of Superannuation Allowances) (Guernsey) Law, 1948,” and to order and direct that the same shall have force of Law in 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty’s Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER

Projet de Loi referred to in the foregoing Order in Council.

PROJET DE LOI

ENTITLED

“ THE TRUSTEE SAVINGS BANKS (INCREASE OF SUPERANNUATION ALLOWANCES) (GUERNSEY) LAW, 1948 ”.

WHEREAS under and by virtue of section 14 of the Savings Banks Act, 1929, certain annual allowances and gratuities were made payable to or on

behalf of certain officers of trustee savings banks, as was in that section more particularly set forth :

1949

AND WHEREAS the Savings Banks Act, 1929, was extended to the Channel Islands, and was duly registered by the Royal Court of Guernsey :

AND WHEREAS by the Pensions (Increase) Act, 1944, certain pensions, payable in respect of public service, but not including pensions payable to officers of trustee savings banks, or gratuities payable to their legal personal representatives, were increased in such manner as was in that Act provided :

AND WHEREAS by the Pensions (Increase) Act, 1947, it was, inter alia, provided that the Lords Commissioners of His Majesty's Treasury might by Regulation extend the classes of persons eligible to benefit under the Pensions (Increase) Act, 1944 :

AND WHEREAS on the 3rd day of September, 1947, the said Lords Commissioners duly made the Increase of Pensions (Extension) Regulations, 1947, whereby, inter alia, Trustees of a Bank certified under the Trustee Savings Banks Act, 1863, were authorised, with the consent of the Inspection Committee established under the Savings Banks Act, 1891, as from the 21st day of February, 1947, to pay the like increases, of pensions payable by them or in respect of pensions otherwise payable by reference to service with them or to such service and other service, as would have been payable if those pensions were pensions specified in the First Schedule to the Pensions (Increase) Act, 1944 :

AND WHEREAS neither the Pensions (Increase) Act, 1944, nor the Pensions (Increase) Act, 1947, nor the Increase of Pensions (Extension) Regulations, 1947, were extended to the Channel Islands :

1949

AND WHEREAS it is desirable that trustees of trustee savings banks established in this Island should have the like powers and discretion as respects the grant of pensions and gratuities as trustees of savings banks established in the United Kingdom have in relation thereto, and that the Inspection Committee established by the Savings Banks Act, 1891, should likewise have in relation to such banks established in this Island the like power of giving consents as that Committee has in relation to such banks established in the United Kingdom.

THE STATES, in consideration of the foregoing, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island :—

The Trustees of a trustee savings bank established in this Island and certified under the Trustee Savings Banks Act, 1863, may, with the consent of the Inspection Committee established under the Savings Banks Act, 1891, pay to any person, or to the legal personal representatives of any such person, as the case may be, any annual sum, pension or gratuity which they would be or would have been entitled to pay to him or to his legal personal representatives if that trustee savings bank were, and had since the 21st day of February, 1947, been a trustee savings bank established in the United Kingdom and certified under the Trustee Savings Banks Act, 1863.

(Registered on the Records on the 13th January, 1949.)

1949

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of December, 1948.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL OF LISTOWEL.

MR. SECRETARY HENDERSON.

MR. ALEXANDER.

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 December, 1948, in the words following, viz. :—

Industrial
Disputes and
Conditions
of Employ-
ment (Con-
tinuance)
Law, 1948.

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

‘ 1. That, in pursuance of their Resolution of the 22nd day of September, 1948, the States of Deliberation at a meeting held on the 20th day of October, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ The Industrial Disputes and Conditions of Employment (Continuance) Law, 1948 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey entitled “ The Industrial Disputes and Conditions of Employment (Continuance) Law, 1948,” and to order and direct that the same shall have force of Law in the Island of Guernsey.’

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

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taken the said Pctition 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 Pctition 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 and Commander-in-Chief of the Island of Guernsey, the Bailifi and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order in Council.

PROJET DE LOI

ENTITLED

“ THE INDUSTRIAL DISPUTES AND CONDITIONS OF EMPLOYMENT (CONTINUANCE) LAW, 1948 ”.

(THE STATES, in pursuance of their Resolution of the 22nd day of September, 1948, have approved the following provision which, subject to the

Sanction of His Most Excellent Majesty in Council shall have force of law in the Island of Guernsey.

1949

Notwithstanding the provisions of Article 22 of the Industrial Disputes and Conditions of Employment Law (1947), the said Law shall continue in force until the 31st day of December, 1950.

(Registered on the Records on the 13th January, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of December, 1948.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT.
EARL OF LISTOWEL.
MR. SECRETARY HENDERSON.
MR. ALEXANDER.

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 December, 1948, in the words following, viz. :—

Loi de 1948
portant
amendement
à la Loi de
1929 relative
à la Sodomie.

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

‘ 1. That, in pursuance of their Resolution of the 22nd day of September, 1948, the States of Deliberation at a meeting held on the 20th day of October, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ *Loi de 1948 portant amendement à la Loi de 1929 relative à la Sodomie* ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for your Royal Sanction thereto: 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth

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in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "Loi de 1948 portant amendement à la Loi de 1929 relative à la Sodomie," and to order and direct that the same shall have force of Law in the Island of Guernsey.'

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council. 1949

PROJET DE LOI

ENTITLED

“LOI DE 1948 PORTANT AMENDEMENT À
LA LOI DE 1929, RELATIVE À LA SODOMIE”.

THE STATES, in pursuance of their Resolution of the 22nd day of September, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have the force of law in this Island :—

1. In Article I of the Law entitled “Loi relative à la Sodomie”, registered upon the records of this Island on the first day of June, 1929, (hereinafter referred to as “the principal Law”) the word “sur” shall be deleted wherever it occurs, and the word “avec” substituted therefor. Amendment
of Article I
of 1929 Law

2. The principal Law and this Law shall be read as one, and the principal Law and this Law may be cited together as “Lois relatives à la Sodomie, 1929 et 1948”. Citation

(Registered on the Records on the 13th January, 1949.)

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 22nd day of December, 1948, directing the registration of an Act of Parliament entitled “Criminal Justice Act, 1948”,—the Court, after the reading of the said Order in Council and after having heard His Majesty’s Comptroller thereon, ordered :— Criminal
Justice Act,
1948.

1. That the said Order in Council be registered on the records of this Island.

2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.

1949

3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be transmitted by His Majesty's Greffier to the Judge of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 25th January, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of December, 1948.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL OF LISTOWEL.

MR. SECRETARY HENDERSON.

MR. ALEXANDER.

Loi relative
au retrait
lignager, aux
appropriements, et à la
lecture de
contrats aux
Plaids
d'Héritage
(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 14th day of December, 1948, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Frank Henry Cufaude Wiltshire, Knight Bachelor, M.C., Judge and 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 11th day of June, 1948, the States were of opinion that it was desirable to restrict in some measure the right of “ retrait lignager ” and to request that a Projet de Loi should be prepared giving effect thereto ; That at a Meeting of the States of Alderney holden before Your Petitioner on the 30th day of July, 1948, the States considered and adopted a Projet de Loi intituled “ Loi relative au retrait

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lignager, aux appropriations, et à la lecture de contrats aux Plaids d'Héritage (Auregny)," and Your Petitioner was authorised to present in the name of the States a most humble Petition to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said Projet de Loi (a copy whereof is hereunto annexed), and to order the same to have the force of Law in Your Majesty's said Island of Alderney.'

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

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

AND His Majesty doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney,

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and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

LOI RELATIVE AU RETRAIT LIGNAGER, AUX APPROPRIEMENTS, ET À LA LECTURE DE CONTRATS AUX PLAIDS D'HÉRITAGE (AUREGNY).

ARTICLE I.

Droit de
Retrait
lignager aboli.
Exceptions.

Le droit de retrait lignager est aboli, sauf

- (a) dans le cas d'Immeubles (Acquêts) aliénés— les descendants de celui qui a aliéné auront le droit de retrait lignager.
- (b) dans le cas d'Immeubles (Propres) aliénés— les descendants, les frères, les sœurs et les neveux et nièces par affinité de sang de celui qui a aliéné, auront selon leur priorité de degré le droit de retrait lignager.

ARTICLE II.

Prescription.

Le droit de retrait lignager sera prescrit à l'expiration de trois mois calendriers à compter de la date de l'enregistrement du contrat d'aliénation.

ARTICLE III.

Appropriement.

Tout acquéreur d'Immeubles sera de plein droit approprié à l'expiration de trois mois calendriers à compter de la date de l'enregistrement du contrat d'acquêt, à moins qu'une action en retrait lignager soit intentée avant l'expiration des dits trois mois aux fins de l'Article IV de cette Loi.

ARTICLE IV.

Action en
retrait
lignager.

Une action en retrait lignager contiendra narration des détails nécessaires relevant de la transaction dont il s'agit, et devra être intentée dans le délai prescrit à

l'Article II de cette Loi. L'action sera intentée devant la Cour en Corps et sera entendue sommairement, à moins que la Cour n'en ordonne autrement.

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Il y aura droit d'appel devant la Cour Royale de l'Île de Guernesey, siégeant en Cour Ordinaire.

Droit
d'appel.

ARTICLE V.

Celui qui aura aliéné de la propriété immobilière en son propre nom, ne pourra intenter une action en retrait lignager de telle propriété en qualité de garde-naturel, tuteur, ou curateur-aux-biens d'une personne.

Aliénation
en propre
nom.

ARTICLE VI.

Celui qui aura aliéné de la propriété immobilière en qualité de garde-naturel, tuteur, curateur-aux-biens ou fidéi-commissaire, ne pourra intenter une action en son propre nom en retrait lignager de telle propriété.

Aliénation
en qualité
de garde-
naturel etc.

ARTICLE VII.

La procédure en retrait lignager commençant par enrôlement, est abolie.

Procédure
par
Enrôlement
abolie.

ARTICLE VIII.

La lecture de contrats aux Plaids d'Héritage est abolie.

Lecture de
contrats en
Plaids
d'Héritage
abolie.

ARTICLE IX.

La Cour est autorisée à passer de temps à autre toutes et telles Ordonnances qu'elle croira nécessaires pour la mise à exécution de cette Loi.

Cour
autorisée
à passer
Ordonnances.

ARTICLE X.

Cette Loi viendra en force à la date de l'enregistrement de l'Ordre de Sa Majesté en Conseil la sanctionnant, mais s'appliquera également à tous contrats d'aliénation d'immeubles enregistrés avant la dite date à l'égard desquels le droit de retrait lignager existera encore à telle date, comme si tels contrats

Date ou
cette Loi
viendra
en force.

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avaient été enregistrés à la dite date et aussi à tous enrôlements faits et passés avant la dite date. Pourvu toujours que les dispositions de la présente loi ne prolongeront point le terme pendant lequel le droit de retrait lignager aurait pu être exercé si cette loi n'était pas venue en force.

(Registered on the Records on the 25th January, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of December, 1948.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

EARL OF LISTOWEL.

MR. SECRETARY HENDERSON.

MR. ALEXANDER.

Alderney
(Forms of
Oath) Order,
1948.

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 December, 1948, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Charles Henry Richards, 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 1st day of December, 1948, the States considered and adopted a Projet de Loi intituled “ The Government of Alderney Law, 1948,” and Your Petitioner was authorised to present in the name of the States a most humble Petition to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant thereto

Your Royal Sanction. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said Projet de Loi (a copy whereof is hereunto annexed), and to order the same to have the force of Law in Your Majesty's said Island of Alderney.'

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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 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."

AND WHEREAS His Majesty, having taken the said Report into consideration, has been pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order that the same shall have the force of Law within the Island of Alderney :

AND WHEREAS the said Projet de Loi, amongst other things, provides for reconstitution of the Court of Alderney and the States of Alderney and for the taking by Jurats appointed to the Court and by the President and Members of the States of an oath in a form prescribed by His Majesty in Council :

NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered as follows :—

1. Without prejudice to the provisions of Section eight of the said Projet de Loi, the form of oath to be taken by a Jurat, by the President of the States, and by a Member of the States shall be that set out hereunder under those respective headings.

Forms of
Oath.

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Jurat of the Court of Alderney.

I,....., do swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors according to law, that I will well and faithfully discharge the duties of the Office of Jurat of the Court of the Island of Alderney and that I will do right to all manner of people in accordance with the laws and usages in force in that Island, without fear or favour, affection or illwill.

So help me God.

President of the States of Alderney.

I,....., do swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors according to law and that I will well and faithfully discharge the duties of the Office of President of the States of Alderney.

So help me God.

Members of the States of Alderney.

I,....., do swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors according to law and that I will well and faithfully discharge the duties of the Office of Member of the States of Alderney.

So help me God.

Citation, etc.

2. This Order may be cited as the Alderney (Forms of Oath) Order, 1948, and shall be entered upon the Registers of the Islands of Guernsey and Alderney and observed accordingly, and the Lieutenant-Governor, the Bailiff, the Judge, the Jurats, and all other persons whom it may concern, shall take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

(Registered on the Records on the 22nd February, 1949.)

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The Bailiff having this day placed before the Court an Order of His Majesty in Council dated January 28th, 1949, directing the registration of the following Acts of Parliament entitled respectively :—

British
Nationality
Act, 1948.
Expiring
Laws
Continuance
Act, 1948.

1. The British Nationality Act, 1948.
2. The Expiring Laws Continuance Act, 1948.

The Court, after the reading of the said Order in Council and having heard His Majesty's Procureur, ordered :—

1. That the said Order in Council be registered on the Records of this Island.
2. That a copy of the said Acts of Parliament be registered on the said Records by being filed at the Greffe.
3. That an extract of this Act of Court together with a copy of the said Order in Council and of the said Acts of Parliament be sent by His Majesty's Greffier to the Judge of Alderney and to the Seneschal of Sark for registration on the Records of those Islands.

(Registered on the Records on the 19th March, 1949.)

The Bailiff having this day communicated to the Court an Order of His Majesty in Council dated the 4th day of March, 1949, transmitting copies of an Order in Council also dated the 4th day of March, 1949, entitled " The Copyright (Rome Convention) (Belgian Congo and Ruandu Urundi) Order, 1949",— the Court, after the reading of the said communicated Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Orders in Council be registered on the records of this Island and that an extract of this present Act

Copyright
(Rome
Convention)
(Belgian
Congo and
Ruandu
Urundi)
Order, 1949.

1949

with a copy of the said Orders in Council be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 26th March, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 4th day of March, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Summer
Time Order,
1949.

HIS MAJESTY, in pursuance of subsection (2) of section one of the Summer Time Act, 1947, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

Citation.

1. This Order may be cited as the Summer Time Order, 1949.

Summer
Time in
1949.

2. Subject to the provisions of subsection (3) of the said section one of the Summer Time Act, 1947 (which provides that nothing in any Order in Council under that section shall affect the definition of the hours of darkness for the purposes of section one of the Road Transport Lighting Act, 1927) the period of summer time for the purposes of the Summer Time Acts, 1922 and 1925, shall, in relation to the year nineteen hundred and forty-nine, be the period beginning at two o'clock, Greenwich mean time, in the morning of the third day of April and ending at two o'clock, Greenwich mean time, in the morning of the thirtieth day of October.

E. C. E. LEADBITTER.

(Registered on the Records on the 1st April, 1949.)

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AT THE COURT AT BUCKINGHAM PALACE,

The 4th day of March, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD HAILEY.

LORD PAKENHAM.

MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

MR. NESS EDWARDS.

MR. MARQUAND.

DR. EDITH SUMMERSKILL.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 2nd day of March, 1949, in the words following, viz :—

Compulsory
Acquisition
of Land
(Guernsey)
Law, 1949.

“ YOUR MAJESTY having been pleased by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee (1) the humble Petition of the States of the Island of Guernsey most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or ‘ *Projet de Loi* ’ entitled ‘ *Compulsory Acquisition of Land (Guernsey) Law, 1949* ’ and to order and direct that the same should have force of Law in the Islands of Guernsey, Herm and Jethou ; and (2) the humble Petition of certain Members of the States of the Island of Guernsey and other inhabitants of the said Island most humbly praying that Your Majesty would see fit to refuse Your Royal Sanction to the said ‘ *Projet de Loi* ’ becoming Law in its present form in the said Island of Guernsey :

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

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the prayer of the said Petition of the States of the Island of Guernsey and to approve of and ratify the said Projet de Loi.”

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ COMPULSORY ACQUISITION OF LAND
(GUERNSEY) LAW, 1949 ”.

THE STATES, in pursuance of their Resolution of the 22nd day of September, 1948, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and in the Islands of Herm and Jethou.

1. Where the States are satisfied that it is expedient for the carrying out of any public purpose, that any land should be owned by the States, they may by Resolution declare that land to be vested in the States by virtue of the provisions of this Law, whereupon all right, title and interest in or over such land, other than feudal rights and rights in respect of a "rente, rente hypothèque" or other "droit hypothécaire" shall vest in the States, together with the benefit of any covenant, contract, right of support or other easement or profit à prendre relating to such land or usually enjoyed therewith, and freed and discharged from any right to life or other enjoyment or occupation thereof or of any part thereof, and, to such extent as that Resolution or any subsequent Resolution may appoint, from the burden of any easement or profit à prendre, other than an existing right of support enjoyed by adjacent land or the natural passage of water over or under the land acquired.

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Acquisition
of land.

2. (1) From and after the date of the vesting in the States of any land by virtue of the last preceding section, that land shall not be subject to any "rente, rente hypothèque" or other "droit hypothécaire" or to any "recours en garantie" previously affecting the same but the compensation payable by way of "rente" in respect of the acquisition of that land in accordance with the provisions of this Law shall thenceforth be alone subject thereto in substitution for that land.

Transfer of
rights from
land to
compensa-
tion.

(2) In case the States, after redeeming any sum of compensation expressed as a "rente" are sued as "affieffeurs" in any "saisie" proceedings by reason of such redemption, and the States elect not to become "tenant" of such "saisie", the States may, in lieu of renouncing their "affieffement" pay to the "tenant" of the "saisie" the amount stated in the redemption contract, or such less sum as shall suffice for the payment to him of the amount of his claim,

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costs and expenses, so far as the value of the property of the "saisie" of which he has become "tenant" is insufficient to meet that amount.

(3) In case the States, after redeeming any sum of compensation expressed as a "rente" are sued for any claim in "usufruit", dower or other enjoyment affecting the same, the States may satisfy such a claim by paying the claimant, during the period of such "usufruit", dower or other enjoyment, an annual sum equal to the annual value thereof on the date of redemption.

**Retrait
Lignager.**

3. An action "en retrait lignager" shall not lie in respect of the acquisition of any land under section 1 of this Law.

**Temporary
possession
by the
States.**

4. Where the States are satisfied that it is expedient for the carrying out of any public purpose that the States should temporarily take possession of any land, they may by Resolution so declare, whereupon it shall be lawful for the States and for any person authorised by them to enter and take possession of such land to the exclusion of any other persons for such period as may in the Resolution have been specified and to make such alterations and generally to do such things on that land as may be requisite for the carrying out of the public purpose.

**Control of
use of and
access to
land.**

5. Where the States are satisfied that it is expedient for the carrying out of any public purpose that the use of or the right of access to or over any land should be controlled by the States, they may by Resolution so declare, and in such case may indicate in the Resolution what control it is expedient to impose, and for what period, whereupon the imposition of that control shall have effect :

PROVIDED ALWAYS that the States may by any such Resolution delegate to the Board the exercise of such control of use or access, or of both use and access, as the case may be, and,

where such control is to be intermittent and not continuous or is to be of varying character or in respect of varying areas of the land, authorise the Board to prescribe from time to time the period of operation of such control, the extent of such control and the area of the land subject thereto and thereupon such control shall have effect to such extent and during such period or periods and as respects such areas of the land as shall be specified in an announcement inserted by the Board in the "Gazette Officielle" not earlier than thirty days nor later than three days before the commencement of any such period of control.

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6. (1) A Resolution proposed under any of sections 1, 4 or 5 of this Law shall designate the land to which it relates by reference to a map, either with or without descriptive matter, to be signed by the President of the States and deposited at the Greffe, a copy of which map shall be exhibited by His Majesty's Greffier in the Vestibule of the Royal Court for not less than one week prior to the date of the passing of the Resolution.

Resolution to designate the land affected.

(2) Any such Resolution as aforesaid shall be registered by His Majesty's Greffier in the Livre des Contrats immediately on the passing thereof.

7. The States may at any time, subject to compliance with the formalities required by the last preceding section, vary or rescind any Resolution passed under either of sections 4 or 5 of this Law, and may at any time sell, exchange or let any land acquired under section 1 of this Law, or otherwise part with the possession thereof, whether for value or not.

Variation of Resolutions and dealings with acquired land.

8. (1) When a Resolution has been passed affecting any estate or interest in land under this Law, the Board shall give notice thereof in writing to all persons interested in the land concerned, or such of

Notices to be given by the Board.

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the said persons as shall, after diligent inquiry, be known to the Board, and by such notice shall demand from such persons the particulars of their estate and interest in such land, and of the claims made by them in respect thereof ; and every such notice shall state the particulars of the Resolution, and that the Board, acting on behalf of the States, are willing to treat in respect of compensation.

(2) All notices required by the last preceding sub-section to be served shall either be served personally on such persons, or left at, or sent through the post by registered letter to, their last known place of abode, or in the case of a corporation, its usual office of business, if any such can be found, or if any such person or office cannot be found after diligent inquiry, notice shall be published on at least two occasions in the " Gazette Officielle ", and such publication shall constitute sufficient service of the notice on any such person.

Compensation.

9. If for twenty-one days after the service of such notice any person shall fail to state the particulars of his claim, or to treat with the Board in respect thereof, or if such person and the Board shall not agree as to the amount of the compensation, such amount shall be valued in accordance with the provisions of the Schedule to this Law, and the States shall compensate such person accordingly. In respect of land acquired under section 1 of this Law, interest calculated at the rate of three per centum per annum from the date of the Resolution giving rise to the claim for compensation shall be payable on any " rente " created as compensation under this Law until the redemption thereof, and on any outstanding sum of money agreed or awarded as compensation. Sums of money payable periodically shall bear interest at the like rate from the dates on which they respectively became payable.

Interpretation.

10. In this Law and in the Schedule thereto, unless the context otherwise requires—

the expression " the Board " means the States Board of Administration ;

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the expression " claimants " means all the persons claiming compensation in respect of land or an interest in land affected by virtue of the provisions of this Law, other than persons who have accepted the compensation offered by the States, and the expression " claimant " shall be construed accordingly ;

the expression " land " includes houses and buildings, parts of houses or of buildings, land covered with water, highways and public and private rights of way and any easement or other right to use, or do work in relation to, land ;

the expression " public purposes " includes any purpose of public utility, and in particular includes any naval, military or air force purpose, or any civil defence purpose, and any educational or other charitable purpose, whether or not such purpose is or is intended to be carried out by a public authority ;

the expression " Royal Court " means the Royal Court sitting as an Ordinary Court.

11. The " Loi qui autorise l'Expropriation Forcée pour Cause d'Utilité Publique " registered on the Records of this Island on the 4th day of March, 1922, is hereby repealed :

Repeal.

SAVE THAT such repeal shall not—

- (a) affect the previous operation of that Law 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 proceeding already instituted thereunder ;

and any such proceeding may be continued as if this repeal had not been effected.

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Power
to make
Ordinances.

12. Ordinances may from time to time be made for the enforcement of the provisions of this Law.

SCHEDULE.

Assessment of Compensation.

1. (1) Where any question of disputed compensation required by this Law to be settled in accordance with the provisions of this Schedule shall have arisen, each party shall nominate and appoint in writing an arbitrator, to whom the dispute shall be referred. Every appointment of an arbitrator shall be made, on behalf of the States, by the President of the Board, and, on behalf of the claimants, by all the claimants or, failing agreement among them and notification of such agreement and of the name and address of the agreed arbitrator to the Law Officers of the Crown or either of them, within one month of the date of service of the last of the notices required by section 8 of this Law, then by the Royal Court on the application of the said Law Officers or either of them.

(2) The Law Officers of the Crown shall, before making application to the Court for the appointment by the Court of an arbitrator under the provisions of the last preceding sub-paragraph, cause to be published in the "Gazette Officielle" not less than one week prior to the date of the application, a notice of their intention so to apply, and of the intended date of application. At the making of any such application any interested party shall be entitled to be heard.

(3) If an appointment of an arbitrator be made by the claimants, that appointment shall be delivered to him, and the claimants shall not have power to revoke the same without the consent of the President of the Board, nor shall the death of any of the claimants operate as a revocation.

2. If before the matter referred to arbitration shall be determined any arbitrator appointed by

either party or by the Royal Court die, or become incapable, or refuse or for seven days neglect to act, the party, or the Court, as the case may be, by whom that arbitrator was appointed, may nominate and appoint some other person to act in his place, and if for the space of seven days after notice in writing from the remaining arbitrator for that purpose no appointment be made, the Royal Court shall make an appointment on the application of the remaining arbitrator ; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability or refusal or neglect to act as aforesaid :

PROVIDED ALWAYS that a notice to be given under this paragraph to the Royal Court shall be given to the Law Officers of the Crown or either of them, who shall inform the Court thereof.

3. The arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they differ ; and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and if the arbitrators shall refuse or shall for seven days after request of either party to the arbitration neglect to appoint an umpire, the Royal Court, sitting as an Ordinary Court, shall, on the application of either party, appoint an umpire.

4. (1) The arbitrators shall sit and determine the matters referred to them—

(a) In the case of land affected by a Resolution under either section 1 or section 4 of this Law, subject to the provisions of clause (b) of sub-paragraph (2) of paragraph 9 of the Schedule, as soon as possible after their appointment ;

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(b) in the case of land affected by a Resolution under section 5 of this Law, at such times as they shall think fit, not being less often than once in every calendar year during which the land in question has been affected by the Resolution.

(2) In the cases referred to in clause (b) of the last preceding sub-paragraph, a separate award shall be made in respect of each of the periods envisaged by that clause.

(3) If the arbitrators shall fail to make their award—

(a) in the case of land affected by a Resolution under either section 1 or section 4 of this Law, within twenty-eight days after the last of such arbitrators shall have been appointed or as regards an arbitration in respect of a diminution of value caused during temporary possession, within twenty-eight days after the termination of that possession ; and

(b) in the case of land affected by a Resolution under section 5 of this Law, within twenty-eight days after the termination of the period for which an award is to be made ;

or, in case there shall be a reference to the Royal Court under the provisions of paragraph 6 of this Schedule, then within twenty-eight days after the Royal Court shall have given its decision thereon, or if appeal be made from that decision, then within twenty-eight days after the decision of that appeal the matters referred to them may be determined by the umpire to be appointed as aforesaid.

5. The arbitrators or the umpire may call such witnesses as they or he may think necessary and may call for the production of any documents in the possession or power of either party, which they or he

may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

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6. The decision of the arbitrators or of the umpire upon any question of fact shall be final and binding on the parties and the persons claiming under them respectively, but the arbitrators or the umpire, as the case may be, may, and shall at the request either of the President of the Board or of any of the claimants, state at any stage of the proceedings, in the form of a special case for the opinion of the Royal Court, any question of law or of mixed law and fact arising in the course of the proceedings, and may state their or his award as to the whole or part thereof in the form of a special case for the opinion of the Royal Court.

7. The arbitrators, or the umpire, as the case may be, shall deposit their or his final award, in writing under their or his hand, with the Law Officers of the Crown, who shall cause the same to be registered in the Livre des Contrats at the Greffe.

8. Moneys payable under the provisions of this Law to any person who, whether by reason of absence from this Island or otherwise, is unable to give a valid receipt therefor, may be paid by the Board to His Majesty's Sheriff, who shall retain the same until those moneys shall be applied in payment to any party entitled thereto.

9. In assessing compensation, the arbitrators, or the umpire, as the case may be, shall act in accordance with the following rules :—

- (1) No allowance shall be made, save as is in these rules provided, on account of the acquisition or injurious affection of the land being compulsory.
- (2)(a) The value of land acquired by virtue of a Resolution under Section 1 of this Law

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- shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise, plus fifteen per centum of such amount.
- (b) Temporary possession taken by virtue of a Resolution under Section 4 of this Law shall be compensated as though the possession had been taken under a lease at a rent made between a willing Lessor and a willing Lessee, and fifteen per centum shall be added to the amount so found due. Compensation shall also be payable in respect of any diminution in the value of the land caused by the States or any person holding under the States during such possession, and such compensation shall be assessed on the termination of such possession.
- (c) Any interference with an easement or a profit à prendre under Section 1 of this Law or with an interest in land under Section 5 of this Law shall be compensated to such an extent as shall reasonably recoup to the claimant any loss or expenditure attributable to the interference, but no account shall be taken of inconvenience not involving pecuniary loss or expenditure or depreciation in value to property.
- (3) The special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of powers granted by enactment, or for which there is no market apart from the special needs of a particular purchaser or the requirements of the States.
- (4) Where the value of the land is increased by

reason of the use thereof or of any premises thereon in a manner which could be restrained by any Court, or is contrary to law, or is detrimental to the health of the inmates of the premises or to the public health, the amount of that increase shall not be taken into account.

- (5) Where land is, and but for the compulsory acquisition or disturbance, would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, in the case of an acquisition under Section 1 of this Law, if the arbitrators, or umpire, as the case may be, are or is satisfied that reinstatement in some other place is *bona fide* intended, be assessed on the basis of the reasonable cost of equivalent reinstatement, or in case possession is acquired under Section 4 of this Law, compensation shall be assessed on the basis of a letting to a Lessee intending to carry out a like purpose.
- (6) Compensation shall be assessed and paid in respect of any depreciation in value of any land retained by a person having land or an interest in land affected by the operation of this Law, provided that such depreciation is directly attributable to the parcelling of that person's land.
- (7) The provisions of rule (2) of this paragraph shall not affect the assessment of compensation for disturbance, loss of earnings or loss of goodwill, which assessment shall be separately made, and compensation paid accordingly in cash.
- (8) (a) The compensation payable in respect of the value of any land or interest in land acquired by the States under a

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Resolution in accordance with Section 1 of this Law shall be expressed in "rente" at the rate of one quarter of rente to each twenty pounds of the amount.

- (b) The "rente" so expressed—
- (i) 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 on the day after the date of the relevant Resolution ;
 - (ii) shall be redeemable by the States at any time at the rate of twenty pounds per quarter and upon payment of the proportion accrued in respect of the year then current at the time of such redemption ;
 - (iii) shall be redeemed by the States (payment of the proportion accrued to date in respect of the year then current being made at the time of such redemption) upon the States being required by the "créditiers" to redeem the same and upon clearance to the reasonable satisfaction of the States of the charges (if any) secured against such "rente".
- (g) For the purposes of this paragraph the arbitrators or the umpire, as the case may be, shall be entitled to be furnished with such returns and assessments as they or he may require.

10. (1) Notwithstanding any of the provisions of paragraph 9 of this Schedule, German-altered properties which are acquired by the States during a period of three years from the commencement of this Law shall be acquired at a value equal to the

total of the amounts calculated under the three following heads—

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- (a) the price which would be payable as between a willing vendor and a willing purchaser at the date of acquisition, save that where a property or part thereof has increased in value by reason of work performed thereon, or on any land adjacent thereto, by or at the instance of the German authorities during the occupation of this Island, the increased value attributable to such work shall not be taken into account ;
- (b) the amount of any war damage grant in respect of the land not then paid ; and
- (c) a sum equal to fifteen per centum of the total of the amounts calculated under heads (a) and (b) hereof.

(2) For the purposes of this paragraph the expression " German altered properties " shall mean land on which work of a permanent nature was performed by or at the instance of the German authorities during the occupation of this Island, and land the character or value of which has been permanently and substantially altered since the 30th day of June, 1940, by reason of any such work performed on other land adjacent thereto.

11. (1) In any proceedings before the arbitrators or the umpire, as the case may be, not more than one expert witness on either side shall be heard unless the arbitrators or umpire, as the case may be, otherwise direct.

(2) The arbitrators or the umpire, as the case may be, shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

(3) The arbitrators or the umpire, as the case

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may be, and any person authorised by them or him, shall be entitled to enter on and inspect any land which, or an interest in which, is the subject of proceedings before them or him.

(4) Proceedings under this Schedule shall be heard by the arbitrators or the umpire, as the case may be, sitting in private, unless either party shall require the sitting to be in public.

(5) The fees to be charged in respect of proceedings before the arbitrators or the umpire, as the case may be, shall be such as may from time to time be prescribed by Ordinance.

(6) Subject as aforesaid, rules may from time to time be made by Ordinance regulating the procedure before arbitrators or before an umpire.

12. (1) Where the States have made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded to that claimant does not exceed the sum offered, the arbitrators or the umpire, as the case may be, shall, unless for special reasons they or he think proper not to do so, order the claimant to bear his own costs and to pay the costs of the States so far as such costs were incurred after the offer was made.

(2) If the arbitrators or the umpire, as the case may be, are satisfied that a claimant has failed to deliver to the Board a notice in writing of the amount claimed by him giving sufficient particulars and in sufficient time to enable the Board to make a proper offer, the foregoing provisions of this paragraph shall apply as if an unconditional offer had been made by the Board at the time when in the opinion of the arbitrators or the umpire, as the case may be, sufficient particulars should have been furnished, and the claimant had been awarded a sum not exceeding the amount of such offer.

The notice of claim shall state the exact nature of the interest in respect of which compensation is

claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated.

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(3) Where a claimant has made an unconditional offer in writing to accept any sum as compensation, and has complied with the provisions of the last preceding sub-section, and the sum awarded is equal to or exceeds that sum, the arbitrators or the umpire, as the case may be, shall, unless for special reasons they or he think proper not to do so, order the Board to bear their own costs and to pay the costs of the claimant so far as such costs were incurred after the offer was made.

(4) Subject as aforesaid the costs of an arbitration under this Schedule shall be in the discretion of the arbitrators or the umpire, as the case may be, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and they or he may in any case disallow the cost of an advocate.

(5) The arbitrators or the umpire, as the case may be, shall tax the amount of costs ordered to be paid.

(6) Where the arbitrators or the umpire, as the case may be, order the claimant to pay the costs, or any part of the costs, of the Board, the Board may deduct the amount so payable by the claimant from the amount of the compensation payable to him.

(7) Without prejudice to any other method of recovery, the amount of costs ordered to be paid, or, in the case of costs payable to the Board, such part thereof as is not covered by such deduction as aforesaid, shall be recoverable by the Board or by the claimant, as the case may be, as a civil debt.

(8) For the purposes of this paragraph, costs include any fees, charges and expenses of the arbitration or award.

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(Registered on the Records on the 9th April, 1949.)

**Exchange
Control
(Payments)
(Western
Zones of
Germany
and Saar
Territory)
Order, 1949.**

The Lieutenant Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Payments) (Western Zones of Germany and Saar Territory) Order, 1949" (No. 540)—the Court, after having heard His Majesty's Procureur, ordered that the said Order be registered on the Records of this Island and that an extract of this present Act together with a copy of the said Order be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the Records of those Islands.

(Registered on the Records on the 23rd April, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of March, 1949.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT.
LORD PRIVY SEAL.
SIR ALAN LASCELLES.
MR. HALL.

**Stamp Duty
Amendment
Law, 1949.**

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, 1949, in the words following, viz. :—

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

' 1. That, in pursuance of their Resolutions of the 20th day of October, 1948, and of the 17th day of November, 1948, the States of Deliberation at a meeting held on the 4th day of February, 1949, approved a Bill or "Projet de

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Loi " entitled "Loi de 1949 portant amendement à la Loi relative aux Droits de Timbre de 1922" and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "Loi de 1949 portant amendement à la Loi relative aux Droits de Timbre de 1922" and to order and direct that the same shall have force of Law in the Island of Guernsey.'

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and

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Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

“*Projet de Loi*” referred to in the foregoing Order in Council.

PROJET DE LOI

ENTITLED

LOI DE 1949 PORTANT AMENDEMENT
LA LOI RELATIVE AUX DROITS DE
TIMBRE DE 1922.

THE STATES, in pursuance of their Resolutions of the 20th day of October, 1948, and of the 17th day of November, 1948, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

**Amendments
to Schedule
of 1922 Law.**

1. The Schedule to the *Loi relative aux Droits de Timbre*, registered on the Records of this Island on the 16th day of January, 1922 (which Law is hereinafter in this Law referred to as “the 1922 Law”) being the Schedule thereto prescribed by the *Loi établissant une nouvelle Cédule (en substitution à la Cédule du 30 août 1924) à la Loi relative aux Droits de Timbre*, registered on the Records of this Island on the 7th day of March, 1931, (which Law is hereinafter referred to as “the 1931 Law”) shall be amended as follows—

- (1) in each of paragraphs 2 and 3 of the said Schedule there shall be substituted for the words “*n’être pas moins que celle portée au Cadastre Général*” the words “*être au moins vingt fois la valeur locative portée de temps à autre au Cadastre Général*”;

- (2) where in the said Schedule duty is made payable on a copy of a document liable to duty, or which, but for exemption from duty, would be so liable, such duty shall, unless the copy be itself exempt from duty, be the sum of five shillings or an amount equal to the duty borne, or which, but for the exemption, would have been borne, by the original document, whichever sum shall be the lesser.

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2. This Law may be cited as the Stamp Duty Amendment Law, 1949, and this Law, the 1922 Law and the 1931 Law may be cited together as the Stamp Duty Laws, 1922 to 1949. Citation

(Registered on the Records on the 23rd April, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of March, 1949.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT.
LORD PRIVY SEAL.
SIR ALAN LASCELLES.
MR. HALL.

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, 1949, in the words following, viz.:—

Tribunals
of Inquiry
(Evidence)
(Guernsey)
Law, 1949.

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

‘1. That, in pursuance of their Resolution of the 12th day of January, 1949, the States of Deliberation at a meeting held on the 28th day of January, 1949, approved a Bill or “Projet de Loi” entitled “The Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949” and requested

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the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949," and to order and direct that the same shall have force of Law in the Island of Guernsey.'

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

“Projet de Loi” referred to in the foregoing
Order in Council.

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PROJET DE LOI

ENTITLED

“THE TRIBUNALS OF INQUIRY (EVIDENCE) (GUERNSEY) LAW, 1949.”

THE STATES, in pursuance of their Resolution of the 12th day of January, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island

1. (1) Where it has been resolved (whether before or after the commencement of this Law) by the States that it is expedient that a tribunal be established for inquiring into a definite matter described by the Resolution as of urgent public importance, this Law shall, unless the Resolution otherwise directs, apply so as to confer on the tribunal all such powers, rights and privileges as are vested in the Royal Court on the occasion of an action in respect of the following matters:—

Powers with respect to the taking of evidence, etc., before certain tribunals of inquiry.

- (a) The enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise ;
- (b) The compelling the production of documents ;
- (c) Subject to rules of court, the issuing of a commission or request to examine witnesses out of this Island ;

and a summons signed by one or more of the members of the tribunal may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

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(2) If any person—

- (a) on being duly summoned as a witness before a tribunal makes default in attending ; or
- (b) being in attendance as a witness refuses to take an oath legally required by the tribunal to be taken, or to produce any document in his power or control legally required by the tribunal to be produced by him, or to answer any question to which the tribunal may legally require an answer ; or
- (c) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of court ;

the chairman of the tribunal may certify the offence of that person under his hand to the Royal Court, and the Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the Court.

(3) A witness before any such tribunal shall be entitled to the same immunities and privileges as if he were a witness before the Royal Court.

Appointment
of tribunals.

2. A tribunal shall consist of such persons as the President of the States Advisory Council shall specify, and shall be appointed in writing under his hand.

Powers of
tribunals as
to exclusion
of public
and granting
of right of
audience.

3. A tribunal to which this Law is applied—

- (a) shall not refuse to allow the public or any portion of the public to be present at any of the proceedings of the tribunal unless in the opinion of the tribunal it is in the public interest expedient so to do for reasons connected with the subject-matter of the

inquiry or the nature of the evidence to be given ; and

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- (b) shall have power to authorise the representation before them of any person appearing to them to be interested, by an Advocate or otherwise, or to refuse to allow such representation.

(Registered on the Records on the 25th April, 1949.)

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 29th day of March, 1949, directing the registration of an Act of Parliament entitled " The Savings Banks Act, 1949 ",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered :—

Savings
Banks Act,
1949.

1. That the said Order in Council be registered on the records of this Island.
2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 30th April, 1949.)

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 28th day of January, 1949, entitled " The Criminal Justice Act, 1948 (Date of Commencement) Order, 1949 ",—the Court, after the reading of the said

Criminal
Justice Act,
1948 (Date
of Commencement)
Order, 1949.

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Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island by being filed at the Greffe and that an extract of this present Act together with a copy of the said Order in Council be transmitted by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 30th April, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of April, 1949.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CITRINE.

MR. BEVAN.

MR. SILKIN.

Export of
Tomatoes
Law, 1949.

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 April, 1949, 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, at a meeting held on the 4th day of February, 1949, the States of Deliberation approved a Bill or “ *Projet de Loi* ” entitled “ *Export of Tomatoes Law, 1949* ”: 2. That, at a meeting held on the 15th February, 1949, the States of Deliberation amended the said Bill or “ *Projet de Loi* ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to

the said Bill or "Projet de Loi" as so amended :
3. That the said Bill or "Projet de Loi" as so amended is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "Export of Tomatoes Law, 1949" and to order and direct that the same shall have force of law in 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

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Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ EXPORT OF TOMATOES LAW, 1949 ”.

THE STATES have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

Regulation
of export of
tomatoes,
etc.

1. (1) The States Committee for Horticulture (hereafter in this Law referred to as “ the Committee ”) may by Order regulate the collection for the purposes of export and the export from Guernsey of tomatoes.

(2) Without prejudice to the generality of the provisions of the foregoing subsection the Committee may by Order in particular provide—

- (a) that the export of tomatoes shall take place only by or through such organisation or organisations as may be prescribed in the Order and to such places and persons as the Committee shall direct or as such organisation or organisations may, subject to the approval of the Committee, select ;
- (b) for giving effect to a scheme for compensating in whole or in part, out of monies realised by the sale of tomatoes exported, any person who—
 - (i) was conducting on his own account the business of tomato export agent during the month of June, 1940 ;
or
 - (ii) by transfer *inter vivos* has become or becomes the owner of such a business conducted during the month of June, 1940 ; or

- (iii) by transmission on the death of such a person as is mentioned in sub-paragraph (i) or sub-paragraph (ii) of this paragraph has become or becomes the owner of such a business conducted as aforesaid ; and
- (iv) satisfies the Committee that, but for the operation of any scheme of control governing the export of tomatoes from Guernsey having had effect before the commencement of this Law or of any Order made by the Committee in pursuance of paragraph (a) of this subsection, that person would in 1949 be conducting on his own account the business of tomato export agent ;

for the loss of the business reasonably likely to have been dealt with by that person during 1949,* were he conducting such business as aforesaid, on the assumption that his business in 1949* would embrace the same proportion of the total island exports of tomatoes as was embraced by that business in 1939, of which he is deprived as a result of any Order made by the Committee in pursuance of paragraph (a) of this subsection.

- (c) for prohibiting or limiting the export of tomatoes.

(3) No Order shall be made by the Committee for the purposes of this section save for the purpose of ensuring the orderly and expeditious marketing of tomatoes.

(4) No Order shall be made by the Committee of a nature specified in paragraphs (a) or (b) of sub-

* 1952 substituted for 1949 by the Export of Tomatoes Law, 1949 (Continuance) Law, 1951.

1949 section (2) of this section save with the prior approval of the States.

Offences and Penalties. 2. (1) If any person contravenes any Order made under this Law or any direction given or requirements† imposed under any such Order, he shall be guilty of an offence under this Law.

(2) Subject to any special provisions in any such Order limiting the penalties which may be imposed under this Law, a person guilty of an offence under this Law, shall be liable on conviction before the Police Court, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Duration. 3. This Law and any Order made thereunder shall have effect only until the 31st day of December, 1949:*

PROVIDED that nothing in this section shall prejudice the institution or prosecution of proceedings arising out of an offence under this Law.

(Registered on the Records on the 14th May, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of April, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CITRINE.

MR. BEVAN.

MR. SILKIN.

Entertainment Tax Amendment (Guernsey) Law, 1949.

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 21st day of April, 1949, in the words following, viz. :—

† "requirement" substituted for "requirements" by the Export of Tomatoes Law, 1949 (Continuance) Law, 1951.

* Extended to 31st December, 1950, by the Export of Tomatoes Law, 1949 (Continuance) Law, 1949, and to 31st December, 1951, by the Export of Tomatoes Law, 1949 (Continuance) Law, 1950. Sections 1 and 2 continued in force until the 31st March, 1953, and section 3 repealed by the above Law of 1951.

“ 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, in pursuance of their Resolution of the 20th day of October, 1948, the States of Deliberation at a meeting held on the 9th day of March, 1949, approved a Bill or “ Projet de Loi ” entitled “ Loi de 1949 portant amendement à la Loi amplifiant les Pouvoirs de Réglementation par Ordonnance de la Perception de la Taxe sur la Recette des Divertissements de 1934 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “ Projet de Loi ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ Projet de Loi ” of the States of Guernsey entitled “ Loi de 1949 portant amendement à la Loi amplifiant les Pouvoirs de Réglementation par Ordonnance de la Perception de la Taxe sur la Recette des Divertissements de 1934 ” and to order and direct that the same shall have force of Law in the Islands of Guernsey and Herm.’

“ 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

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His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey and Herm.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

LOI DE 1949 PORTANT AMENDEMENT À LA LOI AMPLIFIANT LES POUVOIRS DE RÉGLEMENTATION PAR ORDONNANCE DE LA PERCEPTION DE LA TAXE SUR LA RECETTE DES DIVERTISSEMENTS DE 1934.

Exemptions.

1. Sub-paragraph (ii) of paragraph (a) of the Loi amplifiant les Pouvoirs de Réglementation par Ordonnance de la Perception de la Taxe sur la Recette des Divertissements, registered on the Records of this Island on the 5th day of June, 1934, (hereinafter called " the Principal Law ") shall have effect, and shall be deemed to have had effect after the 19th day of December, 1948, as though there were inserted after the words " social utility " the words " or consisting of a stage play, ballet, musical performance

(whether vocal or instrumental), marionette performance, or of a sporting or athletic contest or performance or other entertainment wholly or mainly provided by personal performance in the presence of the audience ”.

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2. This Law may be cited as the Entertainment Tax Amendment (Guernsey) Law, 1949, and this Law and the Principal Law may be cited together as the Entertainment Tax (Guernsey) Laws, 1934 and 1949.

Citation.

(Registered on the Records on the 14th May, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of April, 1949.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY
LORD PRESIDENT.
LORD CITRINE.
MR. BEVAN.
MR. SILKIN.

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 21st day of April, 1949, in the words following, viz. :—

Liquor
Licensing
(Taxation)
(Guernsey)
Law, 1949.

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

‘ 1. That, in pursuance of their Resolution of the 20th day of October, 1948, the States of Deliberation at a meeting held on the 28th day of January, 1949, approved a Bill or “ Projet de Loi ” entitled “ Liquor Licensing (Taxation) (Guernsey) Law, 1949,” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal

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Sanction thereto: 2. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "Liquor Licensing (Taxation) (Guernsey) Law, 1949" and to order and direct that the same shall have force of Law in the Islands of Guernsey, Alderney, Herm and Jethou."

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council

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PROJET DE LOI

ENTITLED

* " LIQUOR LICENSING (TAXATION)
(GUERNSEY) LAW, 1949.

THE STATES, in pursuance of the Resolution of the 20th day of October, 1948, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and in the Islands of Alderney, Herm and Jethou.

1. The States may by Ordinance prescribe—

Licence
Fees.

(1) The amount of the licence fees and the method by which, and the basis upon which, as the case may be, the said fees shall be levied in respect of licences.

(2) The manner and the times at which the amounts of such licence fees shall be paid to the States.

2. The Laws specified in the first column of the Schedule to this Law are hereby repealed to the extent specified in the second column of the said Schedule.

Repeals.

3. In this Law the expression " licence " means a licence for the sale of intoxicating liquor.

Definition
of " licence "

SCHEDULE.

Section 2.

Law.	Extent of Repeal.
Règlement pour le Debit de la Bière et du Cidre. (Registered on the Records of the Island of Guernsey on the 28th day of November, 1856).	The whole Law.

* Repealed by the Liquor Licensing (Taxation) (Guernsey) No. 1 Law, 1949.

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Law.	Extent of Repeal.
Loi relative à la Vente en détail de la Bière et du Cidre en bouteilles. (Registered on the Records of the Island of Guernsey on the 28th day of November, 1889).	Article 2 and Article 3.

(Registered on the Records on the 17th May, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of April, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CITRINE.

MR. BEVAN.

MR. SILKIN.

Non-Contributory Old Age and Blind Persons Pensions Law, 1931, Supplementary Law, 1949.

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 21st day of April, 1949, in the words following, viz. :—

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

‘ 1. That, in pursuance of their Resolution of the 22nd day of September, 1948, the States of Deliberation at a meeting held on the 17th day of November, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ *The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, Supplementary Law, 1949* ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed. And

most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, Supplementary Law, 1949," and to order and direct that the same shall have force of Law in the Islands of Guernsey and Herm.'

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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 Islands of Guernsey and Herm.

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

E. C. E. LEADBITTER.

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Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

* “ THE NON-CONTRIBUTORY OLD AGE
AND BLIND PERSONS PENSIONS LAW, 1931,
SUPPLEMENTARY LAW, 1949 ”.

THE STATES, in pursuance of their Resolution of the 22nd day of September, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council shall have force of law in the Islands of Guernsey and Herm.

Modification
of Article III
of 1931 Law
repealed.

1. So much of the Fifth Schedule of the Contributory Pensions Law of 1935 as modifies Article III of the Non-Contributory Old Age and Blind Persons Pensions Law, 1931, (hereinafter referred to as the principal Law) is hereby repealed and the said Article III shall henceforth have effect free from such modification.

Blind
Pension age.

2. In paragraph (1) of Part III of Article III of the principal Law the word “ fifty ” shall be deleted and the word “ forty ” substituted therefor.

Property.

3. In sub-paragraph (a) of paragraph (1) of Article VI of the principal Law the words “ annual rental value ” shall be deleted and the words “ rateable value ” shall be substituted therefor:

PROVIDED THAT in the case of a person entitled to a pension under the principal Law prior to the coming into force of this Law the weekly rate of that pension shall not be reduced by reason of the provisions of this Section.

* Repealed by the Old Age and Blindness Pensions (Guernsey) Law, 1950.

4. The first weekly instalments of Pensions payable under the principal Law as amended by this Law shall become due on the Pension Day which shall next occur after this Law is registered on the Records of the Island of Guernsey.

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 Payment of
 Pensions.

5. The principal Law shall be read as one with this Law, and the principal Law and this Law may be cited together as the Non-Contributory Old Age and Blind Persons Pensions Laws, 1931 and 1949.

Citation.

(Registered on the Records on the 21st May, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day April, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by subsection (5) of section fifty-four of the Sea Fish Industry Act, 1938 (*a*), it is provided that His Majesty may by Order in Council extend the provisions of subsection (4) of section fifty-four of the said Act and of section five of the Fisheries Act, 1891 (*b*), to the Channel Islands :

Fisheries
 (Channel
 Islands)
 Order, 1949.

AND WHEREAS it is expedient that the said provisions shall extend to the Channel Islands :

NOW, THEREFORE, His Majesty, in pursuance of the power conferred upon Him by subsection (5) of section fifty-four of the Sea Fish Industry Act, 1938, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. The provisions of subsection (4) of section fifty-four of the Sea Fish Industry Act, 1938, and of section five of the Fisheries Act, 1891, shall extend to the Channel Islands.

(a) 1 & 2 Geo. 6 c.30.

(b) 54 & 55 Vict. c.37.

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2. This Order may be cited as the Fisheries (Channel Islands) Order, 1949, and shall come into force on the 1st day of June, 1949.

E. C. E. LEADBITTER.

Explanatory Note

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order extends to the Channel Islands certain provisions relating to penalties for contraventions of section seven of the Sea Fisheries Act, 1883, which relates to foreign sea-fishing boats entering within exclusive fishery limits and itself extends to the Channel Islands.

(Registered on the Records on the 21st May, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of April, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CITRINE.

MR. BEVAN.

MR. SILKIN.

Island Police
Force
Establish-
ment
(Guernsey)
Law, 1949.

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 25th day of April, 1949, 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, in pursuance of their Resolution of the 4th day of February, 1949, the States of Deliberation at a meeting held on the 9th day of March, 1949, approved a Bill or " *Projet de Loi* " entitled " The Island Police Force Establishment (Guernsey) Law, 1949 " and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or " *Projet de Loi* " is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or " *Projet de Loi* " of the States of Guernsey entitled " The Island Police Force Establishment (Guernsey) Law, 1949 " and to order and direct that the same shall have force of Law in the Island of Guernsey.'

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said *Projet de Loi* (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order in Council.

PROJET DE LOI

ENTITLED

“ THE ISLAND POLICE FORCE ESTABLISHMENT (GUERNSEY) LAW, 1949 ”.

THE STATES, in pursuance of their Resolution of the 4th day of February, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

Repeal of
part of 1920
Law.

1. (1) Paragraph 1 of Article III of the Loi ayant rapport à la Police Salariée pour l'Ile entière, registered on the Records of this Island on the 10th day of January, 1920, (as amended by the Loi supplémentaire ayant rapport à la Police Salariée de l'Ile de Guernsey, 1947), is hereby repealed.

(2) In Paragraph 3 of the said Article, the words from “ Dorénavant les pouvoirs ” to the end of the paragraph are hereby repealed.

Establishment of
Police Force

2. The establishment of the Island Police Force shall be such as the States may from time to time by Resolution determine, or may have, prior to the commencement of this Law, determined.

*(Registered on the Records on the 28th May, 1949.)*1949

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of April, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CITRINE.

MR. BEVAN.

MR. SILKIN.

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 25th day of April, 1949, in the words following, viz. :—

Alderney
Land and
Property, etc.
Law, 1949.

“ 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 Sydney Peck Herivel, 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 13th day of April, 1949, the States considered and adopted a Projet de Loi intituled “ Alderney Land and Property, etc. Law, 1949,” and Your Petitioner was authorised to present in the name of the States a most humble Petition to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said Projet de Loi (a copy whereof is hereunto annexed), and to order the same to have the force of Law in Your Majesty’s said Island of Alderney.’

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

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

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

AND His Majesty doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and 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 Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to in foregoing Order
in Council.

PART I.

ARRANGEMENT, INTERPRETATION AND CITATION.

Arrangement
of Parts.

- I. This law is divided into Parts as follows :—
 - I. Interpretation, &c.
 - II. Rebounding of Land.
 - III. The Alderney Land Register.
 - IV. Rehabilitation of Damaged Property.

- V. Compulsory Purchase : Damaged Buildings.
- VI. Compensation for Airfield Land.
- VII. Provisions Supplementary to Parts II to VI.
- VIII. Right of Access to the States.
- IX. Law Reform : Married Women, Wills, and Intestate Succession.
- X. Compulsory Purchase : General.

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2.—(1) In this law unless the context otherwise requires words and expressions which are defined in section two of the Government of Alderney Law, 1948, or in this section have the meanings respectively assigned to them by that section or this section as the case may be, and in particular

Interpretation.

“ charge ” means an *obligation, rente*, or other charge issuing out of or affecting or intended to issue out of or affect land ;

“ Commissioner ” means a Land Commissioner appointed under Part II or a Commissioner appointed under Part VI of this law ;

“ the Register ” means the Alderney Land Register established under Part III of this law, and “ the Registrar ” means the Land Registrar acting thereunder ;

“ registered interest ” means an interest of which the ownership is vested in accordance with section fourteen or shown in the Register in accordance with section sixteen of this law, and “ registered charge ” means a charge so vested or a charge registered in accordance with section eighteen of this law ;

“ vested ” and “ contingent ” when used in relation to a right of dower or of *franc veu* denote respectively the position after the death and during the lifetime of the spouse upon whose death the right becomes exercisable ; and

1949 words importing the masculine gender include the feminine.

(2) For the purposes of Parts II and III of this law a reference to a person as "owner" of an interest in land shall be deemed to include a person who holds land in freehold tenure, or holds a lease of land granted for a period not less than twenty-one years, or for a period renewable at his option so as to extend to a period not less than twenty-one years, or is entitled to a *rente* issuing out of land, or is entitled to a charge enforceable against land, whether or not it secures a *rente*, and the expression "ownership" shall be construed accordingly.

(3) For the purposes of Parts IV and V of this Law a person shall be deemed owner of a building if he holds the land comprising the building in freehold tenure, or if he holds a lease of that land granted for a period not less than twenty-one years or for a period renewable at his option so as to extend to a period not less than twenty-one years, of either of which periods of not less than twenty-one years there were on the first day of January one thousand nine hundred and forty-nine not less than seven years unexpired, or if he holds a lease of that land granted on or after the said first day of January for a period not less than twenty-one years or for a period renewable at his option so as to extend to a period not less than twenty-one years, and the expression "ownership" shall be construed accordingly.

(4) If rules of court provide for the Register to be kept upon the loose-leaf system, consisting of a sheet or sheets for each separate property, references to the Register shall where the context so requires include the sheet or sheets for a particular property.

(5) References to the Register or to entries in the Register include where the context so requires plans annexed to the Register or to the sheet or sheets for a particular property.

(6) References in connexion with the Register to a change of ownership include where the context so requires the coming into existence of an interest which by virtue of subsection (2) of this section is deemed ownership, notwithstanding the existence of another ownership or other ownerships in the same land.

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3. This law may be cited as the Alderney Land and Property, &c., Law, 1949. Citation.

PART II

REBOUNDING OF LAND.

4.—(1) It shall be lawful for the Secretary of State to appoint a person as Land Commissioner for the purpose of delimiting the boundaries of land in Alderney. Appointment and sittings of Commissioner.

(2) The Commissioner shall as soon as may be after his appointment give publicly in Alderney, and publish in at least one London daily newspaper and in a newspaper published in Jersey and in a newspaper published in Guernsey which circulates in Alderney, notice of the date when he will begin his sittings, and on and from that date shall sit publicly in Alderney as often as is necessary for the purpose of receiving claims and taking evidence until he has completed awards in respect of all the land in Alderney.

5. Claims may be made to the Commissioner in pursuance of this Part of this law :— Claims to land, etc.

- (a) by a person in respect of ownership or in respect of the boundaries of land as existing at the time when the claim is made, and
- (b) by a person claiming under heading (a) who for the purpose of ensuring the more effective use of land by the consolidation of scattered holdings or otherwise desires

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that the boundaries of land shall be re-arranged or altered, or that by agreement between himself and other owners there may be an exchange of lands.

Evidence.

6.—(1) The evidence which the Commissioner receives may be documentary or oral and no rules concerning the admissibility of evidence shall oblige him to exclude evidence which he considers material but, upon the written request of a person who declares himself aggrieved by the admission of or refusal to admit any evidence tendered to the Commissioner, the Commissioner shall state a case for decision by the Court upon the admissibility of such evidence and the decision of the Court upon a case so stated shall be final.

(2) The Commissioner shall have power to administer an oath, and to require a person claiming to be an owner to take an oath in support of the matters in his claim, and in particular to state his identity on oath or to prove his identity by the oaths of witnesses or by documentary evidence, and to state on oath whether to his knowledge the land is subject to any charge, and whether there is in existence any person who has a vested or contingent right to dower or a vested right to *franc veuvage* out of the land or any tenancy of the land or any part thereof, and the name of every person known to the person claiming to be entitled to a charge or tenancy and the date when the charge was effected or the marriage took place or the tenancy began.

Scope of awards.

7.—(1) The Commissioner shall upon every claim submitted to him under heading (a) in section five of this law make an award :—

- (i) naming the person whom he finds to be the owner of the subject matter of the claim, and
- (2) in case of a claim to a freehold or leasehold describing the boundaries of the land affected,

and shall annex to the award a plan delimiting the land to which the award relates.

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(2) If an award for the purpose of ensuring the more effective use of land re-arranges or alters a boundary or consolidates holdings the Commissioner shall annex to the award a statement of the compensation, if any, to be paid and the persons to whom and by whom it is to be paid and within what period :

Provided that no such statement shall require payment of compensation at the cost of the revenue of Alderney unless the award so far as concerns that part of it which gives rise to compensation is, in pursuance of this law, made in favour of the States.

(3) A plan annexed to an award in pursuance of sub-section (1) of this section shall be deemed to be, and a statement annexed to an award in pursuance of sub-section (2) of this section shall not be deemed to be, part of the award for the purposes of so much of this law as requires registration of awards.

(4) A charge not amounting to ownership of land, an easement over land and a profit arising out of land, and a tenancy not amounting to ownership of land, shall not be impliedly extinguished by an award made under this law but unless expressly extinguished by an award as a consequence of other provisions thereof shall continue to apply to the same land, and in case of appendant or appurtenant rights shall remain appendant or appurtenant to the same land, notwithstanding the effect of an award upon ownership, and a personal right collateral to a right mentioned in this sub-section shall continue as if this law had not been made.

(5) All public rights in or over land shall continue to apply to the same land, notwithstanding the effect of an award upon ownership.

(6) In this section the expression " compensation " includes both pecuniary compensation and compensation by awarding the ownership of an interest

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in land or a charge and where pecuniary compensation is awarded the Commissioner may provide in his award for the payment of such compensation in a lump sum or by instalments and for payments to be secured by a charge enforceable against land to which the award applies without the necessity of a conveyance or other document apart from the award.

Awards to
the States.

8. In respect of any freehold interest in land to which—

- (a) no claim is made within a period determined by the Secretary of State and embodied in the notice published by the Commissioner ; or
- (b) no claim is established to the satisfaction of the Commissioner or of the Court upon appeal,

the Commissioner shall make an award with a plan annexed in accordance with section seven of this law, based upon such evidence as he can secure of the boundaries of and title to the land, and if he is not satisfied in regard to the title to the said interest shall award the ownership thereof to the States.

Objections
to awards.

9.—(1) When the Commissioner has completed awards in respect of so much land as in his opinion may conveniently be dealt with under this section, and so on from time to time until he has dealt with all land in Alderney, he shall cause public notice to be given of the place in Alderney where the awards and plans and statements annexed thereto may be inspected, and any person aggrieved by an award may lodge an objection with the Court within such period as the Secretary of State shall fix, and shall at the same time give written notice of his objection to the Commissioner.

(2) The Commissioner shall thereupon give written notice to every other person whose title to ownership may in his opinion be affected by the objection or who may in his opinion become liable to pay

or entitled to receive compensation under an award relating to ownership which is the subject of the objection.

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(3) On the lodging with the Court of an objection the Court shall give to the objector and to the Commissioner notice of the date upon which it will proceed to determine the objection, and the objector and the Commissioner and every person to whom notice is by this section required to be given by the Commissioner shall be entitled to be heard by the Court in accordance with rules of court.

(4) If the Court considers that an objection is well founded it may amend the award or the plan annexed thereto or may substitute a new award or plan.

10. As soon as possible after the expiry of the period appointed for the lodging of objections or after the decision of the Court on an objection as the case may be, awards to which no objection has been made and awards upon which an objection has been determined by the Court together with the plans annexed thereto shall be lodged by the Commissioner with the Clerk of the Court.

Deposit
of awards
with Court.

11.—(1) If upon an application made within two years from the date of the award a person satisfies the Court—

Late Claims.

(a) that an interest in land or in a charge which has been awarded to another person or to the States under this law was on the day before the date of the award vested in him for an interest or charge equal to or greater than the interest or charge so awarded, and

(b) that—

(i) because he was absent from Alderney when the notice first mentioned in this law was published by the Commissioner, and did not become aware of

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the publication of that notice until after the expiry of the period fixed by the Secretary of State for lodging objections ; or

- (ii) for some other reason approved by the Court,

he was unable to submit a claim to the Commissioner or to lodge an objection, the Court after giving the other person or the States as the case may be an opportunity to be heard in accordance with rules of court may order that the ownership be divested from the States or other person and vested in the person first mentioned in this section. Any such order shall take effect as a disposition of the ownership without the necessity of a conveyance, and shall be dealt with by the Registrar accordingly.

(2) The validity of an award shall not after the award is made be questioned in any legal proceedings upon the ground that the Commissioner has omitted to give any notice which by this law he is required to give, or has not received evidence from or on behalf of any person.

Costs of awards.

12.—(1) The expenses other than those defrayed by His Majesty's Government which are incurred by the Commissioner in preparing his awards and in appearing or being represented in accordance with this law before the Court or before the Royal Court shall be taxed and defrayed from the revenue of Alderney in such manner as the said Court directs, and no fee shall be required from claimants in respect of their having made a claim, or charged by the Registrar in respect of registering an award.

(2) Costs incurred by a person other than the Commissioner in any proceedings before the Court or the Royal Court arising out of an award shall be defrayed as directed by the said Court, but if no direction is given shall be defrayed in accordance with sub-section (1) of this section.

PART III.

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THE ALDERNEY LAND REGISTER.

13.—(1) The Clerk shall compile a register of awards lodged with him in pursuance of section ten of this law, as they are so lodged, and shall thereafter maintain it, with such new entries as are necessary to constitute a permanent register of ownership.

Formation
of Register.

(2) The said register shall be styled the Alderney Land Register, and in relation thereto the Clerk of the Court shall be styled Land Registrar.

(3) The Register shall be in such form as the Court by rules directs :

Provided that the rules shall ensure :—

- (i) that ownership is distinguished from interests less than ownership ; and
- (ii) that there is a nominal index of owners, and an index to properties by reference to a map.

(4) The Registrar shall comply with any directions of the Court in regard to employing a surveyor or a competent draftsman in the compilation and maintenance of the Register, and providing a strong room or otherwise ensuring the safety of the register.

(5) The necessary expenses of compiling and maintaining the Register shall be part of the expenses of the Court and section twenty-six of the Government of Alderney Law, 1948, shall apply to those expenses as it applies to the expenses of administering justice.

14.—(1) An interest or charge awarded to a person other than the States in pursuance of this law shall vest in that person as soon as the award is registered, without the necessity of a conveyance.

Vesting
upon first
registration.

(2) An interest awarded to the States in pursuance of this law :—

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- (a) shall vest in the States as soon as the award is registered without the necessity of a conveyance, but until the expiry of two years from the date of the award shall be registered in a section of the Register separate from the land of other owners ;
- (b) shall not before the expiry of the said period be alienable by the States, but this enactment shall not preclude the States from letting land for a term not extending beyond that date, and an agreement for a letting in accordance with this paragraph shall not be invalidated by proceedings successfully taken against the States under section eleven of this law.

Inspection
of Register.

15.—(1) The Register shall be open to inspection by any person upon his paying an inspection fee determined by rules made by the Court.

(2) The right of inspection does not include a right of copying or taking extracts.

(3) A person inspecting the Register shall be entitled upon his paying a fee determined by rules made by the Court to receive an extract from the Register, certified by the Registrar as correct.

Changes in
Register.

16.—(1) When the Clerk has in accordance with subsection (1) of section thirteen of this law compiled so much of the Register as relates to an owner's interest, no change of ownership shall be effective until the Register has been altered to show the effect of the change.

(2) Where after so much of the Register as relates to an owner's interest has been compiled as aforesaid a person desires in pursuance of an agreement made on or after the day on which this law is registered on the records of the Island of Alderney, or in consequence of the death of an owner, to give effect upon the Register to a change of ownership the Registrar

upon payment to him of the proper fee shall so alter the Register as to show the change :—

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- (a) in any case if so directed by the Court or on appeal by the Royal Court ; or
- (b) in case of an agreement, upon written application made by one of the parties to the agreement, or upon written or oral application made jointly by those parties, and upon the production if he so requires of evidence of the agreement ; or
- (c) in case of death where the owner has made a will which deals with the said interest, upon application made either by the legal personal representative or by the person to whom the interest to which the application relates has passed under the will and upon the production of the will duly proved, or upon application made in virtue of a right of dower or *franc veuvage* ; or
- (d) in case of intestacy, upon application made to him by the person in whom has beneficially vested the interest in respect of which the application is made, not being an interest which by any provision of this law has vested in the Clerk of the Court, and production to him of evidence which he considers satisfactory of that person's right to have a change made in the Register.

(3) Where by virtue of any provision of this law a registered interest has vested in the Clerk of the Court, effect shall be given upon the Register to such vesting as a change of ownership, without the necessity of an application by any other person.

(4) Rules may be made by the Court fixing the manner in which alterations shall be made in pursuance of this section, the nature of the evidence which the Registrar may accept as *prima facie* satisfactory in any class of case, the form of certificate to

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be given by the Registrar showing that such an alteration has been made, and the fees to be charged for the alteration and certificate.

(5) In this section the expression "the proper fee" means the fee fixed by rules under the next foregoing subsection, together with:—

- (a) an amount determined by ordinance of the States, in substitution for and not less than the *congé* fee hitherto payable to the Crown Receiver, and
- (b) any further sum by way of fee or duty upon changes of ownership which may from time to time be lawfully chargeable.

Register to be exclusive title.

17. After the date upon which an award is in pursuance of section ten of this law lodged with the Clerk of the Court no evidence of ownership or of boundaries other than the Register shall be of any legal effect in relation to the interest to which the award relates :

Provided that this section shall not extend to proceedings under section eleven of this law.

Entry of charges and minor interests subsequently created.

18.—(1) After so much of the Register as relates to an owner's interest has been compiled in accordance with section thirteen of this law, a person may apply to the Registrar:—

- (a) to be registered in respect of a *rente* issuing out of land or of an *obligation* enforceable against land or of a judgment for an amount certain, which *rente* or *obligation* has been created or which judgment has been obtained since the award relating to the first named interest was made in pursuance of this law, or
- (b) to have a note of an interest in land which is less than ownership made against an entry in the Register, which note shall constitute notice of the interest so noted to

all persons deriving title under the owner of the interest to which the said entry refers.

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(2) If every person registered as owner of an interest which will be affected by an application made by virtue of the foregoing subsection concurs in writing in the application, or if a direction in that behalf is given by the Court by virtue of the next following subsection, the Registrar shall as the case may be register the interest or make the note to which the application relates.

(3) If the person registered as owner does not concur in writing in such an application the difference between him and the applicant shall be determined by the Court, and the Court or upon appeal the Royal Court may direct the form of entry, if any, to be made in the Register for the purpose of giving effect to the application.

(4) Rules made by the Court for the purposes of this section may make the same provisions as under subsection (4) of section sixteen of this law.

19.—(1) The date of the registration of the conveyance of realty mentioned in Article II and Article III of the law entitled *Loi relative au retrait lignager, aux appropriements, et a la lecture de contrats aux Plaids d'Héritage (Auregny)* which was sanctioned and ratified by an Order of His Majesty in Council on the twenty-second day of December one thousand nine hundred and forty-eight shall for the purpose of calculating the period during which the right of *retrait* is exercisable in accordance with those Articles be the date of registration in the Register of the change of ownership in relation to which the right of *retrait* is exercisable.

Period for
retrait

(2) Every registration of a change of ownership of a freehold interest or of a *rente* shall be provisional until the expiry of the period within which the right of *retrait* is exercisable in relation to that interest or that *rente*.

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 Parties to
 be informed
 of retraits.

20.—(1) When application is made to the Registrar to register a change of ownership of freehold land or of a *rente* it shall be his duty to inform the parties of the existence in the law of Alderney of the right of *retrait*, and of the purport of sub-section (2) of the foregoing section, and if to his knowledge the purchaser is not resident in Alderney to inform the purchaser of the nature of the right.

(2) If the Registrar is made aware that a person has instituted proceedings for exercise of the right of *retrait*, he shall make a note of the fact upon the Register.

(3) If the person who has instituted proceedings for exercise of the right of *retrait* succeeds in those proceedings, the Registrar shall upon application by that person cancel the provisional registration previously made, and substitute an entry in which the person who has exercised the right is shown as entitled to the interest in respect of which the right has been exercised.

(4) If the aforesaid proceedings are abandoned or are unsuccessful the Registrar shall on becoming aware of the fact cancel the note made under sub-section (2) of this section.

(5) No action shall lie against the Registrar in respect of failure or omission by him to comply with subsection (1) of this section, and it shall not be a defence to any proceedings arising out of an agreement for the sale of an interest that there was such failure or omission by the Registrar.

Powers and
 duties of
 Registrar.

21.—(1) The Registrar shall for the purpose of his functions as Registrar have power to administer an oath, and in particular to call upon a person whose identity is material for any purpose of this law to state his identity on oath or to prove his identity by the oaths of witnesses or by documentary evidence, and to call upon a person who desires registration of a change of ownership of realty to state on oath

whether to his knowledge there exists a person who has a vested or contingent right to dower or a vested right to *franc veuwege* out of that realty.

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(2) The duties of the Clerk of the Court as Registrar shall be taken into account in the fixing of his salary, and fees paid to him in pursuance of the provisions of this Part of this law shall be accounted for by him in like manner as the fees mentioned in section twenty-five of the Government of Alderney Law, 1948.

22.—(1) Where doubt, dispute, or difficulty arises upon any matter affecting the Register, the Registrar or any other person interested in that matter may apply for directions to the Court, and the Registrar shall comply with directions given by the Court or on appeal by the Royal Court upon such an application.

Directions by
Court and
rules of
court.

(2) Rules of court shall provide for the manner of applying for a direction or order of the Court for any purpose of this law and for the procedure on appeal to the Royal Court, and may in particular provide for *ex parte* applications to the Court and that fees incurred in or in consequence of applications to the Court shall be added to any costs recoverable by an applicant for such a direction or order.

23. The Court shall subject to the approval of the States obtain a policy or policies of insurance against loss to any person resulting from errors or omissions in the Register or in a certified extract from the Register, the premiums upon which policy or policies shall be paid as part of the expenses of compiling and maintaining the Register, and to the extent that a loss is proved to the satisfaction of the Court to have resulted from an error or omission in the Register and to be covered by such a policy the person who has suffered loss shall be indemnified.

Insurance
and
indemnity.

24.—(1) The Court shall provide for performance of the functions of the Registrar during any period

Acting
Registrar.

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when the office is vacant or when the Registrar by reason of illness or absence is unable to perform those functions.

(2) A person acting in pursuance of this section as temporary Registrar shall have all powers conferred by law upon the Registrar, and this Part of this law and section twenty-six of the Government of Alderney Law, 1948, shall apply as if he were the Registrar.

Rectification. 25.—(1) The Register may be rectified in pursuance of an order of the Court, or by the Registrar subject to an appeal to the Court, where

- (a) as a consequence of a decision of the Court, the Court is of opinion that rectification is required, and makes an order to that effect ; or
- (b) the Court on the application of any person who is aggrieved by an entry in or by the omission of an entry from the Register, or by a default or delay in the making of an entry in the Register, makes an order for rectification ; or
- (c) all persons interested consent to the rectification ; or
- (d) the Court or the Registrar is satisfied that an entry in the Register has been obtained by fraud ; or
- (e) two or more persons are by mistake registered as owners of the same registered interest or as entitled to the same charge ; or
- (f) the Registrar is made aware of a clerical error in the Register which can in his opinion be corrected without detriment to any person's interest ; or
- (g) in any other case, by reason of an error or omission in the Register, or by reason of an entry made under a mistake, it is deemed by the Court to be just to rectify the Register.

(2) The Registrar shall forthwith give notice in writing to every person whose name appears in the Register in connexion with an entry which has been rectified.

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PART IV.

REHABILITATION OF DAMAGED PROPERTY.

26.—(1) This Part of this law shall have effect where by reason of damage to a building occurring on or after the twenty-third day of June one thousand nine hundred and forty His Majesty's Government undertake the work of reconstructing or repairing that building and either :—

Scope of liability to repay.

- (i) the States have agreed to repay the cost, or
- (ii) a person other than the States has accepted liability in accordance with this Part of this law for repayment of the whole or part of the said cost.

(2) This Part of this law shall not apply in respect of a building owned by a person other than the States unless he has before the first day of June one thousand nine hundred and forty-nine given written notice to the States of his wish that this Part of this law shall apply, and signed an undertaking by which he accepts liability for repayment.

(3) The cost of reconstructing or repairing a building, and the date on which the work of so doing is completed, shall be certified by a person nominated for the purpose by the Secretary of State and a certificate by that person shall be conclusive for the purposes of this Part of this law.

(4) In this Part of this law a condition of a person's ownership of a building or residence in a specified place at a specified time shall be satisfied by ownership of that building or by residence in that place as the case may be at that time by a person from whom the first mentioned person has derived title to the ownership by will or by intestate succession or by way of dower or *franc veuwege*.

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 Liability
of States.

27. Where no person other than the States has accepted liability the States shall be deemed to have agreed that they will repay the said cost not later than the thirty-first day of March, one thousand nine hundred and fifty-three.

 Liability
of private
persons.

28. Where a person other than the States has accepted liability for any repayment of the said cost, his liability shall be determined by the following rules :—

- (a) where the said person was owner of the building on the twenty-third day of June one thousand nine hundred and forty and had his ordinary place of residence in Alderney on the twenty-fifth day of September, one thousand nine hundred and forty-eight, the part for which he is liable shall be fifteen per cent. to be paid within six months of the date on which the work of reconstructing or repairing the building is completed ;
- (b) where the foregoing rule does not apply, but the said person was owner of the building on the twenty-third day of June one thousand nine hundred and forty and gives notice to the States before the first day of June one thousand nine hundred and forty-nine that he intends to reside in the building as soon as the work of reconstructing or repairing the building is completed, the part for which he is liable shall be fifteen per cent., to be paid within six months of the date on which the work is completed, and eighty-five per cent. to be paid within a further twelve months :

Provided that there shall be no liability for payment of the last mentioned eighty-five per cent. if throughout the said period of twelve months, except for an interval which

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in case of death may have been necessary to establishing ownership and taking up residence, the building has been the ordinary place of residence of the said person or of the said person and a person deriving title from him by will or by intestate succession or by way of dower or *franc veuvage*.

- (c) In any other case, he shall be liable to repay the whole cost within six months of the date on which the work of reconstruction or repair is completed.

29.—(1) Where in accordance with the foregoing provisions of this Part of this law a sum of money is due to His Majesty by reason of the re-erection or repair of a building not owned by the States, the undertaking signed in accordance with subsection (2) of section twenty-six of this law shall without the necessity of any further contract constitute an agreement by the person who has signed it, and :—

Enforcement
of under-
taking.

- (i) without the necessity of any further agreement and without prejudice to any other method of recovering the money there shall be an *obligation* enforceable against the land comprising the building ;
- (ii) the States shall be deemed to have undertaken to collect the money as agent for His Majesty and shall for the purpose of so doing have all the powers of a creditor under the aforesaid *obligation* ;
- (iii) the owner for the time being of the land comprising the building shall be deemed the person liable to pay the said money ; and
- (iv) the Treasurer shall procure the registering of the *obligation* in the Register ; and
- (v) the Treasurer shall for the purpose of enforcing the said *obligation* have power to sell the land as if he held an irrevocable

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power of attorney granted to him by the person liable to pay the said money.

(2) An *obligation* deemed by reason of this section to have come into existence shall as soon as it is registered have priority over all other charges on the same land, and if as provided by this section the land is sold for the purpose of enforcing such an *obligation* the title acquired by the purchaser shall be free of such other charges.

(3) The States shall have power on behalf of His Majesty to agree to vary the period of repayment fixed by an agreement which is deemed to have taken effect by virtue of subsection (1) of this section.

Money
collected by
States.

30.—(1) It shall be the duty of the States to provide for the payment to His Majesty of all sums due to be collected by them as agents by virtue of this Part of this law, not later than three months from the end of the year in which those sums are so due, or would have been so due if the period of repayment under an agreement had not been prolonged by virtue of subsection (3) of the next foregoing section.

(2) If upon a sale of land under the next foregoing section the purchase price received by the Treasurer exceeds what is due from the States to His Majesty under subsection (1) of this section, the balance after recoupment to the States of any expenses incurred by them in acting as agent under the next foregoing section shall :—

- (a) be applied by the States in discharge according to their priorities of registered charges from which by subsection (2) of the next foregoing section the sale has freed the land, and
- (b) if the said balance is not thereby exhausted be paid to the person deemed to have granted the power of attorney under which the sale took place.

(3) Any question of the priority of charges arising in connexion with a payment or as to the person entitled to a payment under the next foregoing subsection shall on application by the States be decided by the Court, whose decision thereon shall be conclusive.

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PART V.

COMPULSORY PURCHASE : DAMAGED BUILDINGS

31. In this Part of this law :—

**Definitions
for Part V.**

the expression “ building ” when used in relation to purchase includes part of a building and the site and curtilage of a building ;

the expression “ costs of the award ” includes the remuneration of the arbitrator ;

the expression “ land ” includes all interests in or over or appendant or appurtenant to land ;

the expression “ serve ” in relation to a notice or order means that the notice or order is served by hand upon the person to whom it is addressed, or sent to him by post by registered letter, and a notice or order served by registered letter shall for the purpose of computing time be deemed to have reached the addressee of the letter in due course of post.

32.—(1) Where the States pass a resolution that reconstruction or repair of a building to which this section applies is desirable for the purpose of improving the accommodation available for housing, the building may be acquired by the States for the said purpose in accordance with the provisions of this Part of this law, unless :—

**Purposes of
purchase.**

- (i) the owner of the building is occupying it as a residence, at the date on which the States pass the resolution, or
- (ii) reconstruction or repair of the building has been begun before that date, or

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(iii) before that date the owner has given notice to the States that he desires the building to be reconstructed or repaired in accordance with this law.

(2) This section applies to every building which has suffered destruction or damage since the twenty-third day of June, one thousand nine hundred and forty.

Notice of
intended
purchase.

33.—(1) In a case to which the next foregoing section applies, the States may serve upon the owner of the building a notice informing him that they desire to purchase the building, and requiring him to state in writing within fourteen days the price at which he will sell the building.

(2) Where there are more owners than one of a building, notice under this section shall be served upon each owner and the following sections of this Part of this law shall apply in respect of the interest of each owner.

Valuation
and
purchase by
agreement.

34.—(1) If the owner in compliance with the notice under the next foregoing section states a price in writing his statement shall be deemed an irrevocable offer to sell at that price to the States.

(2) Upon receipt of such a statement, or upon the expiry of fourteen days from service of a notice under the foregoing section with which the owner has not complied, the Treasurer shall obtain from a qualified person a valuation of the owner's interest in the building in its existing condition, based on the assumption that the cost of reconstruction or repair will fall upon the owner.

(3) If the owner in compliance with the aforesaid notice has stated a price and that price is not higher than the amount of the valuation obtained under this section the States shall serve upon the owner a notice that they accept his offer, whereupon an agreement binding on the States and on the owner shall be deemed to have been made.

35.—(1) If the price stated by the owner is higher than the amount of the valuation, or if within fourteen days of service upon him of notice under section thirty-three of this law the owner has not stated a price in writing, the States may serve upon the owner an order for compulsory purchase, and the said order shall forthwith be communicated to the Registrar and by him be noted in the Register against the entry of the land comprising the building as if it were a charge upon the land to which it relates.

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Compulsory
purchase
order.

(2) If the aforesaid order is withdrawn, the Registrar shall cancel the note made under the foregoing subsection.

(3) If within one month after service upon him of an order for compulsory purchase the owner intimates to the States in writing that he is prepared to sell the building to which the order relates for the amount of the aforesaid valuation, such intimation together with the order shall be deemed to constitute an agreement for the sale of the building at that amount, with immediate possession of the owner's interest in the building, upon the footing that the vendor and the purchaser pay their own costs.

36. If within one month after the service upon him of an order for compulsory purchase the owner does not give the intimation mentioned in the next foregoing section the States may on the expiry of the said month serve upon him a notice to go to arbitration and thereupon :—

Notice of
arbitration.

- (a) the States shall on the day on which the last mentioned notice is served be deemed to have purchased the owner's interest in the building to which the order for compulsory purchase relates ;
- (b) a person authorized by the States may enter on the land comprising the building and may subject to the following paragraph do

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all such things as are necessary for the purpose mentioned in section thirty-two of this law ;

- (c) where a person other than the vendor is occupying a part of the land any agreement between such person and the vendor which is in force on the said day shall as from the said day have effect with the substitution of the States for the vendor, so however that no liability shall attach to the States in respect of a breach of covenant by the vendor before that day ; and
- (d) the Registrar upon receiving a certificate from the Treasurer that the building has been purchased as aforesaid shall cancel the note made in the Register against the entry of the land comprising the building in pursuance of subsection (1) of the next foregoing section, and shall register the States as transferee of the vendor's interest in the building :

Provided that if the owner within fourteen days of service upon him of notice under section thirty-three of this law gives notice to the States in writing that he intends to reconstruct or repair the building, the order for compulsory purchase shall not be followed by the notice mentioned in this section until the expiry of six months from the date of the notice under section thirty-three of this law, and if within the said six months the reconstruction or repair of the building has been begun, and they are satisfied that the work will be completed within a reasonable time, the States shall withdraw their first mentioned notice.

**Appointment
of arbitrator.**

37. Arbitration under this Part of this law shall be by a single arbitrator, not being a member of the States or the person or a partner of the person who has made the valuation under section thirty-four

of this law, and the arbitrator shall be selected by agreement or in default of agreement shall be selected by the President of the Guernsey States Board of Administration.

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38.—(1) The value determined by the arbitrator shall be upon the footing of a sale by agreement between a willing vendor and a willing purchaser, on the assumption stated in section thirty-four of this law, and if the order for compulsory purchase relates to less than the whole of the land in which the owner has an interest no allowance for severance of his interest shall be made.

Basis of value.

(2) The arbitrator when he draws up his award shall add the costs of the award to the value determined by him, or deduct those costs from the said value, according as the value determined by him does or does not exceed by more than ten per cent. the amount of the valuation obtained under section thirty-four of this law. The value determined by the arbitrator, with the addition or after the deduction required by this subsection to be made, is hereinafter called the awarded price.

39. Rules of court may determine the procedure at an arbitration under this Part of this law and the circumstances in which a case for the opinion of the Court shall or may be stated by the arbitrator, so however that no such case shall be stated except upon a point of law.

Rules of court.

40. An award of an arbitrator under this Part of this law shall be conclusive as regards all questions of value and amount.

Award conclusive.

41.—(1) When an agreement is deemed to have come into existence under section thirty-four or section thirty-five, or an awarded price is fixed under section thirty-eight, of this law :—

Consequences of vesting.

(a) the price under the agreement or the awarded price shall be a debt due from the

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States to the vendor or to the person entitled to receive it in accordance with the following paragraph, lettered (c) in this subsection, and when due to the vendor shall carry interest at the rate of four per cent., from the date when the said agreement is deemed to have come into existence, or from the date when notice to go to arbitration was served, as the case may be, and

- (b) the right of *retrait lignager* shall not be exercisable in respect of the purchase by the States in pursuance of this Part of this law of the owner's interest in the land to which the agreement relates or for which the awarded price has been fixed, and
- (c) the States shall acquire a title free of any charges which attached to the land in the hands of the vendor, but they shall apply the purchase money due from them under paragraph (a) of this subsection first in discharge according to priority of registered charges from which the land has been freed by this paragraph and secondly in payment to the vendor.

(2) Any question of the priority of charges arising in connexion with a payment or as to the person entitled to a payment under paragraph (c) of the next foregoing subsection shall on application by the States be decided by the Court, whose decision thereon shall be conclusive.

(3) If an order is under section eleven of this law made vesting in a person who makes an application under that section land which under Part II of this law had vested in a person other than the States and under this Part of this law becomes vested in the States, the Court shall as a condition of the said order require the first mentioned person to repay to the States, either in a lump sum or by such instalments (with such interest on and such security for unpaid

instalments) as the Court thinks reasonable, the amount of all expenditure upon the land incurred by the States after the land vested in them under this Part of this law and of any moneys applied in pursuance of paragraph (c) of subsection (1) of this section in discharge of registered charges for which such first mentioned person was responsible.

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(4) Upon the making of such an order as is mentioned in the next foregoing subsection :—

- (a) the States shall be entitled to recover from the persons to whom the same were paid any sums paid to or for the account of the vendor in pursuance of paragraph (c) of subsection (1) of this section ;
- (b) any agreement deemed to have come into existence under section thirty-four or section thirty-five of this law shall cease to have effect ; and
- (c) paragraph (a) of subsection (1) of this section shall cease to have effect.

PART VI.

COMPENSATION FOR AIRFIELD LAND.

42.—(1) The money which on the first day of January one thousand nine hundred and forty-nine was held for the purpose of compensating persons whose land was acquired for the construction of the Airfield shall be distributed in accordance with the provisions of this Part of this law.

Scope of
Part VI.

(2) The provisions of this Part of this law shall take effect in substitution for any provisions relating to the distribution of the said money among claimants thereto, which are contained in the Acquisition of Improved Properties Law (Alderney), 1947.

43. It shall be lawful for the Secretary of State to appoint a Commissioner, who shall for the purposes of this Part of this law have the same powers of

Appointment
of Com-
missioner.

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receiving evidence and administering an oath as are by Part II of this law conferred upon the Commissioner appointed thereunder, and sections six and fifty-one of this law shall apply accordingly.

Sittings by
Commis-
sioner.

44.—(1) The provisions of section four of this law with regard to notices and sittings shall apply to claims under this Part of this law.

(2) The notices published in pursuance of the foregoing subsection shall include a statement that the Commissioner will in addition to claims arising under this Part of this law be prepared to adjudicate where any person alleges that he is entitled to a claim, hypothecary right, or encumbrance, enforceable against a *rente* by virtue of article three of and the second Schedule to the Acquisition of Improved Properties Law (Alderney), 1947.

Awards.

45. As soon as practicable after completing the hearing of all claims which are lodged with him within the time fixed in pursuance of the next foregoing section, or of so many of such claims as from time to time can in his opinion conveniently be dealt with under this section, the Commissioner shall:—

- (a) eliminate claims which are in his opinion not supported by sufficient evidence ;
- (b) publish a list of claimants who have in his opinion supported their claims by sufficient evidence, which claims are hereinafter in this section called “ good claims ” ;
- (c) ascertain what portion if any of the land acquired for the Airfield is not covered by good claims ;
- (d) unless the whole of the land is covered by good claims, divide the amount of the money mentioned in section forty-two of this law into two parts, assigning one part for distribution in respect of good claims and one part as a reserve fund against claims lodged with him but not yet heard

- and against future claims in respect of land not covered by good claims, which parts shall as nearly as may be stand in the same proportion as the land covered by good claims and the land not so covered ; and
- (e) issue in respect of each good claim an award declaring :—
- (i) to what sum the claimant is entitled, on the footing of the area of the land in respect of the acquisition of which the claim is made, and
 - (ii) to what claims, hypothecary rights, or encumbrances (all of which are hereafter in this law called “ encumbrances ”) the said sum is subject by virtue of the provisions mentioned in sub-section (2) of section forty-four of this law.

Provided that in respect of a good claim upon which the Commissioner considers that further evidence is necessary of the extent of the last-mentioned area, the Commissioner may :—

- (i) award a smaller sum than he would have awarded if such further evidence had been adduced, and make a corresponding increase in the amount assigned as a reserve fund in pursuance of this section, and
- (ii) award a further sum, and make a corresponding reduction in the amount assigned as a reserve fund as aforesaid, if before all awards have been deposited in accordance with section forty-seven of this law he becomes satisfied that a larger sum than he first awarded may be properly awarded in respect of the said claim.

46. A person who is aggrieved by the list published in accordance with paragraph (b) or by an award issued under paragraph (e) of the foregoing Objections.

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section shall have the like right of objection and of being heard by the Court as is given by section nine of this law in respect of an award to which Part II of this law refers, and the provisions of subsections (1), (3), and (4) of that section shall apply accordingly.

Deposit and
payment of
awards.

47.—(1) As soon as the time within which objections may be made by virtue of the next foregoing section has expired, the Commissioner shall deposit in duplicate with the Clerk of the Court and with the Treasurer all awards against which no objection has been made, and as soon as an objection has been determined shall deposit with the Treasurer a copy of the award as made or as altered on objection as the case may be.

(2) The sum named in an award deposited in accordance with this section shall be a debt due from the States.

(3) Money due under the next foregoing subsection shall be applied by the Treasurer for the purpose of satisfying any encumbrances to which under sub-paragraph (ii) of paragraph (e) of section forty-five of this law the sum named in the award has been declared to be subject, and so far as not required for that purpose shall be paid to the claimant.

Reserve for
future
claims.

48.—(1) The amount of the reserve fund if any which is mentioned in paragraph (d) of section forty-five of this law shall be certified by the Commissioner, and shall be held by the Treasurer in a suspense account until the expiry of twelve months from the date fixed in pursuance of section forty-four of this law for the making of claims.

(2) Within the said twelve months a person may make before the Court a claim on the reserve fund :—

(i) if he satisfies the Court of one of the matters which, in regard to applications with respect

to land, are set out in subsection (1) of section eleven of this law, or

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- (ii) if in a case to which the proviso to section forty-five of this law applies, he satisfies the Court by evidence which was not adduced to the Commissioner that the area of land in respect of which a claim was made by him was of greater extent than the extent upon the footing of which the award was made,

and upon any such claim the Court, after giving the States an opportunity of being heard in accordance with rules of court, and requiring the claimant to publish an advertisement approved by the Court stating that the Court when adjudicating upon his claim will be prepared to adjudicate also upon such encumbrance upon the sum represented by that claim as is mentioned in subsection (2) of section forty-four of this law, may make an order embodying any award which could have been made by the Commissioner.

(3) An order so made shall be communicated to the Treasurer, who shall proceed upon it in like manner as by section forty-seven of this law he is required to proceed upon an award made by the Commissioner.

49. Section twelve of this law shall apply in regard to claims under this Part of this law as it applies in regard to applications under Part II of this law.

Cost of awards.

PART VII.

PROVISIONS SUPPLEMENTARY TO PARTS II TO VI.

50. Rules of court mentioned in Parts II to VII of this law and directions given by the Court by virtue of the said Parts may be challenged in the Royal Court, but such rules shall not be deemed rules formulated for the purpose of regulating the

Rules of court and directions for Parts II to VII.

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procedure of the Court within the meaning of section twenty-two of the Government of Alderney Law, 1948.

**False oath
to be
perjury.**

51. The taking for purposes of this law of an oath which is false in any material particular shall constitute perjury, and the production for purposes of this law of a document which is false in any material particular shall be an offence punishable by imprisonment for a term not exceeding twelve months or by a fine not exceeding one hundred pounds or by both such imprisonment and such fine.

**Boundary
marks.**

52.—(1) It shall be lawful for the Commissioner or the Registrar or for a surveyor or other person authorized in writing generally or specially by the Commissioner or Registrar to enter with or without assistants upon land and to place thereon boundary marks corresponding to an award or to an entry in the register.

(2) The nature of the boundary marks to be so placed by or under the authority of the Registrar shall be determined by rules of court or by direction of the Court.

(3) Removal or covering over or mutilation of a boundary mark which has been placed on land by or under the authority of the Commissioner or Registrar shall be an offence punishable by imprisonment for a term not exceeding twelve months or by a fine not exceeding one hundred pounds or by both such imprisonment and such fine.

PART VIII.

RIGHT OF ACCESS TO THE STATES.

**Private
persons may
address two
meetings at
least in
each year.**

53.—(1) The States shall at not less than two meetings in each year, which unless the States by ordinance otherwise determine or in a particular year otherwise resolve shall be the meeting next after the Annual Meeting and a meeting in September, so

arrange their business that an opportunity is given for any person whose name is included in the register of voters to bring personally before the States any matter of public interest which that person requests shall be considered, and to address the States not more than once except by special leave of the States in support of his request.

(2) When the aforesaid opportunity is to be given, the Billet d'Etat shall so state, and the person presiding at the people's meeting called in pursuance of section fifty-one of the Government of Alderney Law, 1948, shall so inform that meeting.

(3) The person who intends to address a meeting of the States in accordance with this section shall three clear days at least before the date of such meeting give to the Clerk of the States written notice of his intention, which notice shall set out the matter of public interest which he requests shall be considered.

(4) The order of speaking among persons who bring matters before a meeting of the States in accordance with this section shall be decided by the President or other person presiding at that meeting.

(5) The matter so brought before the States shall, without discussion, stand referred for consideration at the next following meeting of the States.

PART IX.

LAW REFORM.

54.—In this Part of this law :—

the expression "proceeds" means net proceeds after deduction of all expenses and outgoings lawfully chargeable thereon or directed or approved by the Court, which expenses shall without prejudice to the generality of this provision include payment of Court fees on a scale fixed by rules of court ;

Definitions,
etc., for
Part IX.

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the expression " child " means legitimate child and other expressions indicating relationship shall be construed accordingly ;

references to a child or other descendant include a person *en ventre sa mere* ; and

a direction to pay money to a person imports a direction to pay that money to the legal personal representative of that person, if that person has died after his right to the money has accrued by virtue of this Part of this law.

Married Women.

Married women's property.

55. The Married Women's Property Law, 1928, which was registered upon the records of Guernsey on the eighth day of September, one thousand nine hundred and twenty-eight, shall apply in Alderney as if it formed part of this law, with the substitution of references to the Court for references to the Royal Court sitting as the Ordinary Court, and with the substitution of the date whereon the Order of the King's most Excellent Majesty in Council sanctioning this law is registered on the records of Alderney for the date of the commencement of that law.

Wills.

Disposition of land by will.

56.—(1) If a person who dies on or after the day on which this law is registered on the records of the Island of Alderney has made a will disposing of real property, that will subject to any right of dower or *franc veuvage* shall if otherwise valid take effect notwithstanding that the said person is survived by persons to whom the said property would have passed under the law hitherto in force.

(2) The law of dower or *franc veuvage* does not invalidate a disposition of realty by will in conflict therewith, if either :—

(a) the widow or widower agrees in writing to surrender the dower or *franc veuvage*, or

(b) the Court on the application of a person having a legal interest in the realty directs that the realty be sold, and the proceeds disposed of as the will directed that the realty should be disposed of, subject to provision for the widow or widower which the Court considers an adequate satisfaction of the right to dower or to *franc veufrage*.

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Intestate succession.

57.—(1) When a person owning real estate dies without having disposed or without having wholly disposed by will of that estate, the estate or such part thereof as he has not disposed of (which estate or part is hereafter in this section called “ the estate ”) shall forthwith vest for the purposes of this section in the Clerk of the Court, and be disposed of as provided by this and the next following seven sections.

Vesting and sale of real estate upon intestacy.

(2)—(a) If there is not more than one person who under the five next following sections would upon sale of the estate be entitled to the proceeds of the sale, and that person is not less than twenty years of age and applies to the Court to direct the transfer of the estate to him, the Court shall comply with his application.

(b) If there are two or more persons who under the five next following sections would upon sale of the estate be entitled to share in the proceeds of the sale, and those persons concur in applying to the Court to direct the transfer to them of the estate in shares specified in the application, the Court shall comply with the application unless where the estate comprises agricultural land the Court is of opinion that to do so would by creating units too small to be properly worked be against the public interest.

(c) If there are two or more persons who under the five next following sections would upon sale of

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the estate be entitled to share in the proceeds of the sale, and an application is made to the Court by less than the whole number of the said persons for the transfer of the estate to an applicant or for the transfer to more applicants than one of the estate in shares specified in the application, the Court may comply with the application if :—

- (i) after giving an opportunity to all the said persons to be heard, it is of opinion that the interests of such of them as have not concurred in the application can be safeguarded by a money payment, and
 - (ii) where the estate comprises agricultural land, the Court is of opinion that compliance with the application will not by creating units too small to be properly worked be against the public interest.
- (3) The power of the Court under paragraphs (b) and (c) of the next foregoing subsection to direct transfer of the estate to an applicant or applicants shall include power to order the applicant or applicants to make such payments in cash or by way of *rente* as to the Court seem just by way of compensation to persons who otherwise would have been entitled under the five next following sections to share in the proceeds of sale of the estate.

(4) The Clerk shall for the purposes and subject to the provisions of this section have all powers of selling, letting, or managing the estate which belonged to the deceased person (hereafter in this section called “ the intestate ”), which powers he shall exercise under the directions of the Court, and also where the intestate left a widow or a widower having a right of *franc veuvage* a power of applying to the Court to authorize sale free of the right to dower or *franc veuvage*, upon the making of equivalent provision for the widow or widower to the satisfaction of the Court :

Provided that in case of *franc veuvage* the powers of this sub-section shall not be exercised unless the widower informs the Court of his concurrence.

(5)—(a) Subject to the provisions of this section, the Clerk shall sell the estate not later than the expiry of twelve months after the death of the intestate or of such longer period as the Court allows, and pending such sale may, for a term not extending beyond the expiry of the said twelve months or longer period, let any land which is unlet and shall otherwise manage the estate and pay over all proceeds of letting or management to the Treasurer :

Provided that :—

- (i) the proviso to the next foregoing subsection shall apply to this subsection ; and
- (ii) the Clerk may with the approval of the Court from time to time make advances on account for the benefit of persons who will on distribution in accordance with this Part of this law be entitled to a share of the said proceeds.

(b) A sale under this section shall be by public auction unless the Court otherwise directs.

(6) The Treasurer shall keep an account of all moneys paid to him under the foregoing subsection, and shall by reference to the name of the intestate distinguish that account from the accounts of the revenue of Alderney.

(7) The proceeds of sale of the estate and all moneys standing to credit of the account kept under the next foregoing subsection shall as soon as the sale has been completed be aggregated and dealt with in accordance with the following sections of this law, in which the amount so to be dealt with is called “ the aggregate.”

(8) The Clerk shall for the purpose of his duties under this section have power at the cost of the

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estate, subject to any directions given by the Court, to obtain proper advice and engage proper assistance, and in the performance of his said duties he shall not be liable for any loss to the estate unless such loss arises through his improperly failing to take the directions of the Court or otherwise through his own default.

(9) Rules may be made by the Court determining fees to be charged on an estate in respect of the performance of the Clerk's duties under this section, and subsection (2) of section twenty-one of this law shall apply to the said duties and to the said fees in like manner as to the duties and the fees therein mentioned.

Surviving spouse.

58.—(1) If the intestate left a widow or widower and no person of a class entitled to share in the aggregate by virtue of the four following sections of this law, the aggregate shall subject as hereinafter in this section provided be transferred to the said widow or widower.

(2) If the intestate left a widow and also a person of a class entitled to share in the aggregate by virtue of the four following sections of this law:—

- (a) one third of the aggregate shall be invested in the joint names of the Clerk and the Treasurer in securities approved by the Court, and the income therefrom shall be paid to the widow during her life, and
- (b) the remaining two thirds shall be dealt with in accordance with the four following sections of this law.

(3) If the intestate left a widower entitled to *franc veuvage*, and left also a person of a class entitled to share in the aggregate by virtue of the four following sections of this law, then save as provided by the next following subsection the aggregate shall be invested in securities approved by the Court, and

the income therefrom shall be paid to the widower during his life or until he remarries.

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(4) Where by reason of the proviso to subsections (4) and (5) of the next foregoing section realty affected by *franc veuvage* has been retained unsold, subsection (1) of this section shall be satisfied by transferring that realty instead of the aggregate, and subsection (3) of this section shall be satisfied by the widower's retention of the realty.

(5) Upon the death of a widow to whom income has been paid under subsection (2) of this section or the death or remarriage of a widower to whom income has been paid under subsection (3) of this section or who has retained realty as therein provided, the securities or realty there mentioned shall be sold under the direction of the Court, and the proceeds shall be divided among the persons who if there had been no widow or widower would in pursuance of the four following sections have received the capital corresponding to those securities.

59. If the intestate left no widow or widower and one descendant only, the aggregate shall be paid to that descendant, and if the intestate left no widow or widower and more than one descendant every child of the intestate and the descendants of a deceased child of the intestate shall within each stock of descent take an equal share, but in each degree below children of the intestate the amount divisible within each stock shall be that which the deceased child or other deceased descendant of the intestate would have taken had he survived the intestate.

Descendants.

60. If the intestate left no widow or widower and no descendants, but left a parent or parents, the aggregate shall be paid to the parent or to the parents in equal shares.

Parents.

61.—(1) If the intestate left no widow or widower and no descendants and no parents, but left a

Brothers and
sisters and
their
descendants.

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brother or sister or brothers or sisters of the whole blood, or descendants of such brothers or sisters who are deceased, the aggregate shall be paid to the said persons in manner laid down in section fifty-nine of this law.

(2) If the intestate left no widow or widower and no descendants and none of the persons mentioned in the foregoing subsection, but left a brother or sister or brothers or sisters of the half blood or descendants of deceased brothers or sisters of the half blood, the aggregate shall be paid to the said persons in manner laid down in section fifty-nine of this law.

**Grand-
parents,
etc., uncles
and aunts.**

62. Failing persons to whom the aggregate can be paid by virtue of the four foregoing sections, it shall be paid to the surviving grandparents, if any, of the intestate in equal shares, failing whom to his surviving great-grandparents, if any, in equal shares, failing whom—

- (a) in equal shares to his surviving uncles and aunts of the whole blood and to each stock of descent from a deceased uncle or aunt of the whole blood, persons in the same degree within each stock of descent sharing equally the amount appropriate to that degree within that stock, and failing persons so entitled,
- (b) to his surviving uncles and aunts of the half blood and to each stock of descent from a deceased uncle or aunt of the half blood, persons in the same degree within each stock of descent sharing equally the amount appropriate to that degree within that stock.

**Persons
under age.**

63. Where a person to whom under the foregoing sections a sum of money would be paid is under the age of twenty, that sum shall for his benefit be paid

to such other person and under such conditions or restrictions as the Court directs.

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64. Failing persons to whom the aggregate mentioned in this Part of this law can be paid in pursuance of the foregoing sections, the said aggregate shall belong to His Majesty, and the Treasurer shall pay it to such person on behalf of His Majesty as the Secretary of State directs.

Ultimate
Right of
His Majesty.

General.

65. Section fifty of this law applies to rules of court mentioned in this Part of this law and to orders made and directions given by the Court for the purpose of this Part as it applies to rules made and directions given for the purposes of Parts II to VII of this law.

Rules of
court, etc.,
for Part IX.

PART X.

COMPULSORY PURCHASE : GENERAL.

66. This Part of this law applies where the States pass a resolution that it is in the public interest to acquire for some specified public purpose land named in the resolution, not being land to which Part V of this law applies.

Scope of
Part X.

67. In this Part of this law :—

the expression “ costs of the award ” includes the remuneration of the arbitrator ;

the expression “ land ” includes buildings upon land and all interests in or over or appendant or appurtenant to land ;

the expression “ owner ” means a person who holds land in freehold tenure, or holds a lease of land granted for a period not less than twenty-one years or for a period renewable at his option so as to extend to a period not less than twenty-one years, of either of which

Definitions
for Part X.

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periods of not less than twenty-one years there were on the first day of January one thousand nine hundred and forty-nine not less than seven years unexpired, or holds a lease of land granted on or after the said first day of January for a period not less than twenty-one years or for a period renewable at his option so as to extend to a period not less than twenty-one years ;

the expression " serve " in relation to a notice or order means that the notice or order is served by hand upon the person to whom it is addressed, or sent to him by post by registered letter, and a notice or order served by registered letter shall for the purpose of computing time be deemed to have reached the addressee of the letter in due course of post.

Notice of intended purchase.

68.—(1) In a case to which section sixty-six of this law applies, the States may serve upon the owner of the land a notice informing him that they desire to purchase the land, and requiring him to state in writing the price at which he will sell the land.

(2) Where there are more owners than one of the land, notice under this section shall be served upon each owner and the following sections of this Part of this law shall apply in respect of the interest of each owner.

Offer by owner to sell.

69. If the owner on receipt of the notice mentioned in the foregoing section states a price in writing his statement shall be deemed an irrevocable offer to sell at that price to the States, and the Treasurer shall thereupon obtain from a qualified person a valuation of the owner's interest in the land in its existing condition, and if the price stated by the owner is not higher than the amount of the valuation so obtained the States shall serve upon the owner a notice that they accept his offer, whereupon an agreement binding on the States and on the owner shall be deemed to have been made.

70.—(1) If the price stated by the owner is higher than the amount of the valuation, or if within fourteen days of service upon him of notice under section sixty-eight of this law the owner does not state a price in writing, the States may serve upon the owner an order for compulsory purchase, and the said order shall forthwith be communicated to the Registrar and by him be noted in the Register against the entry of the land as if it were a charge upon the land to which it relates.

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 Compulsory
 purchase
 order.

(2) If the aforesaid order is withdrawn, the Registrar shall cancel the note made under the foregoing subsection.

(3) If within one month after service upon him of an order for compulsory purchase the owner intimates to the States in writing that he is prepared to sell the land to which the order relates for the amount of the aforesaid valuation, such intimation together with the order shall be deemed to constitute an agreement for the sale of the land at that amount, with immediate possession of the owner's interest in the land, upon the footing that the vendor and the purchaser pay their own costs.

71.—(1) If within one month after the service upon him of an order for compulsory purchase the owner does not give the intimation mentioned in the next foregoing section the States may on the expiry of the said month serve upon him a notice to go to arbitration and thereupon:—

Notice of
 arbitration,
 and purchase
 of
 subordinate
 interests.

- (a) the States shall on the day on which the last mentioned notice is served be deemed to have purchased the owner's interest in the land to which the order for compulsory purchase relates ;
- (b) a person authorised by the States may enter on the land and may subject to the following

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paragraph do all such things as are necessary for the purpose specified in the resolution passed under section sixty-six of this law ;

- (c) where a person other than the vendor is occupying the land or a part of the land any agreement between such person and the vendor which is in force on the said day shall as from the said day have effect with the substitution of the States for the vendor, so however that no liability shall attach to the States in respect of a breach of covenant by the vendor before that day ; and
- (d) the Registrar upon receiving a certificate from the Treasurer that the land has been purchased as aforesaid shall cancel the note made in the Register against the entry of the land in pursuance of subsection (1) of the next foregoing section, and shall register the States as transferee of the vendor's interest in the land :

(2) As soon as they are so registered the States if they consider it necessary for the purpose for which they have acquired the land may give notice to a person occupying the land or part thereof to terminate his interest at a specified date, and such notice shall have effect notwithstanding paragraph (c) of the foregoing subsection, but if the said person is thereby required to go out of occupation earlier than could have been required by the vendor the States shall compensate him for so doing and for the purpose of determining the amount of compensation, if not agreed between the said person and the States, the following provisions of this Part of this law in regard to arbitration, except subsection two of section seventy-three, shall apply as if the States were acquiring the interest of an owner.

72. Arbitration under this Part of this law shall be by a single arbitrator, not being a member of the States or the person or a partner of the person who has made the valuation under section sixty-nine of this law, and the arbitrator shall be selected by agreement or in default of agreement shall be selected by the President of the Guernsey States Board of Administration.

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**Appointment
of arbitrator.**

73.—(1) The value determined by the arbitrator shall be upon the footing of a sale by agreement between a willing vendor and a willing purchaser.

**Basis of
value.**

(2) The arbitrator when he draws up his award shall add the costs of the award to the value determined by him, or deduct those costs from the said value, according as the value determined by him does or does not exceed by more than ten per cent. the amount of the valuation obtained under section sixty-nine of this law. The value determined by the arbitrator, with the addition or after the deduction required by this subsection to be made, is hereinafter called the awarded price.

74. Rules of court may determine the procedure at an arbitration under this Part of this law and the circumstances in which a case for the opinion of the Court shall or may be stated by the arbitrator, so however that no such case shall be stated except upon a point of law.

**Rules of
court.**

75. An award of an arbitrator under this Part of this law shall be conclusive as regards all questions of value and amount.

**Award
conclusive.**

76. When an agreement is deemed to have come into existence under section sixty-nine or section seventy, or an awarded price is fixed under section seventy-three, of this law :—

**Consequences
of vesting.**

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- (a) the price under the agreement or the awarded price shall be a debt due from the States to the vendor and shall carry interest at the rate of four per cent. from the date when the said agreement is deemed to have come into existence, or from the date when notice to go to arbitration was served, as the case may be, and
- (b) the right of *retrait lignager* shall not be exercisable in respect of the purchase by the States in pursuance of this Part of this law of the owner's interest in the land to which the agreement relates or for which the awarded price has been fixed.

(Registered on the Records on the 28th May, 1949.)

Exchange
Control
(Payments)
Orders.

The Bailiff having this day placed before the Court two Orders of His Majesty's Treasury entitled respectively :—

1. The Exchange Control (Payments) (French Somali Coast) Order, 1949. (No. 890).
2. The Exchange Control (Payments) (Lebanon) Order, 1949. (No. 895).—

The Court, after having heard His Majesty's Procureur, ordered that the said Orders be registered on the records of this Island and that an extract of this present Act together with a copy of the said Orders be transmitted by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively.

*(Registered on the Records on the 4th June, 1949.)*1949

AT THE COURT AT BUCKINGHAM PALACE,

The 31st day of May, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MR. SECRETARY NOEL-BAKER.

MR. GAITSKELL.

SIR FRANK SOSKICE.

SIR DAVID JENKINS.

SIR CYRIL RADCLIFFE.

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 4th day of May, 1949, in the words following, viz. :—

States of
Guernsey
(Representa-
tion of
Alderney)
Law 1949.

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

‘ 1. That, in pursuance of their Resolution of the 5th day of November, 1948, the States of Deliberation at a meeting held on the 30th day of March, 1949, considered a Bill or “ *Projet de Loi* ” entitled “ The States of Guernsey (Representation of Alderney) Law, 1949 ”, which Bill is designed to apply to the Islands of Guernsey and Alderney, 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 : 2. That the States of the Island of Alderney at a meeting held on the 11th day of March, 1949, considered the said Bill or “ *Projet de Loi* ” when a resolution was passed approving the same : 3. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed. And

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most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The States of Guernsey (Representation of Alderney) Law, 1949", and to order and direct that the same shall have force of law in the Islands of Guernsey and Alderney'.

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Law referred to in the foregoing
Order in Council

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PROJET DE LOI

ENTITLED

THE STATES OF GUERNSEY
(REPRESENTATION OF ALDERNEY) LAW,
1949.

THE STATES, in pursuance of their Resolution of the 5th day of November, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of Law in the Islands of Guernsey and Alderney.

1. The people of the Island of Alderney shall, for so long as the Alderney (Application of Legislation) Law, 1948, continues in force, be entitled to be represented in the States of Deliberation of the Island of Guernsey and, as respects the election of Conseillers, in the States of Election of that Island, by representatives styled "Alderney Representatives".

Representa-
tion of
Alderney in
States of
Deliberation
and of
Election.
2. (1) The Alderney Representatives shall—

Rights,
etc. of
Representa-
tives.

 - (a) in the States of Deliberation of the Island of Guernsey, be two in number ; and
 - (b) in respect of meetings of the States of Election of that Island for the election of Conseillers, be four in number.
- (2) Each of the Alderney Representatives in the States of Deliberation shall be a Member of that Assembly and each of the Alderney Representatives in the States of Election shall, as respects meetings thereof for the election of Conseillers, be a Member of that Assembly, and they shall be entitled to exercise and enjoy all the rights and privileges of membership accordingly.

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Appointmen-
and qualifi-
cations.

- (3) The provisions of Article 19 of the Reform (Guernsey) Law, 1948, (which requires the taking of an oath of office and the oath of allegiance before the Royal Court by every Member of the States of Deliberation before entering office) shall not apply to the Alderney Representatives in the States of Deliberation.
3. The Alderney Representatives shall be appointed by the States of Alderney and the qualifications for appointment, the period of office and the disqualifications for continuing to hold office, of the Alderney Representatives shall be such as are provided by or in pursuance of the Government of Alderney Law, 1948.
4. The first appointment of Alderney Representatives shall be made by the States of Alderney as soon as practicable after the commencement of this Law and such appointment shall be as valid and effectual, for the purposes of Section 47 of the Government of Alderney Law, 1948, as if the same had been made at the annual meeting of the States of Alderney in pursuance of that Section.

(Registered on the Records on the 4th June, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 31st day of May, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MR. SECRETARY NOEL-BAKER.

MR. GAITSKELL.

SIR FRANK SOSKICE.

SIR DAVID JENKINS.

SIR CYRIL RADCLIFFE.

Sark
(Licensing
of Vessels)
Law, 1949.

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 25th day of May, 1949, 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, Esquire, Seigneur, William Baker, Esquire, Sénéchal, and Philip Guille, Esquire, Prévôt, of the Island of Sark, setting forth :—

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‘ 1. That the inhabitants of the Island of Sark are, to a great extent, dependent for the provision of their necessary traffic, both of imports and exports, on the existence of a regular shipping service which can be relied upon to run at all seasons of the year between that Island and the Island of Guernsey ; 2. That at present numerous Shipping Companies run services to Sark from Guernsey during the summer months, when the seasonal traffic is heavy, but that no Company is willing to provide a satisfactory service during the winter months, when such traffic is greatly diminished, unless in consideration for so doing, the Company is granted certain exclusive advantages in respect of the summer traffic ; 3. That the Tenants and Deputies of the Chief Pleas of Sark assembled on the 19th day of January, 1949, to consider the question of the provision of a regular shipping service at all seasons, and resolved that the Chief Pleas be granted such powers of licensing shipping between Guernsey and Sark as should enable an agreement to be made with a suitable Company for the provision of such a service ; 4. That in pursuance of their said resolution of the 19th day of January, 1949, they approved, at a meeting held on the 23rd day of March, 1949, a Bill or Projet de Loi entitled “ The Sark (Licensing of Vessels) Law, 1949 ”, and requested Your Petitioners 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

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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 Chief Pleas of Sark entitled " The Sark (Licensing of Vessels) Law, 1949 ", and to order and direct that the same shall have force of Law in the Island of Sark '.

" 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 Sark.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy of which is hereunto annexed) be entered upon the Registers of the Islands of Guernsey and Sark and observed accordingly.

AND the Lieutenant Governor and 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.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council.

1949

PROJET DE LOI

ENTITLED

*“ THE SARK (LICENSING OF VESSELS)
LAW, 1949 ”.

The Court of Chief Pleas of Sark have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Sark.

1. A person shall not, without a licence in that behalf previously obtained from the Chief Pleas of Sark, do any act of trade from or in connection with a vessel lying at or in any harbour in the Island of Sark or lying off the coast of that Island. **Licence for doing act of trade.**

2. A licence granted under the last preceding section may be for such period and on such terms and conditions as the Chief Pleas may therein specify. **Licences.**

3. A person who infringes any of the provisions of this Law, or any term or condition of a licence granted hereunder shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred pounds for every such infringement. **Penalty.**

4. For the purposes of this Law, a person shall be deemed to do an act of trade from or in connection with a vessel if he, being the owner, charterer or other person having control over, or being the master or other person in charge of, that vessel, causes or permits the embarkation thereon or disembarkation therefrom of passengers or the loading thereon or unloading therefrom of cargo other than the transshipment of fish from a fishing boat to a vessel, and the expression “ vessel ” shall not include His Majesty’s ships, ships of war belonging to the Navy **Definitions.**

* Repealed by the Alderney and Sark (Licensing of Vessels) Law, 1951.

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of or ships not being engaged in trade belonging to any sovereign state, yachts *bona fide* used exclusively for pleasure, vessels belonging to or under the control of any Department of His Majesty's Government or of the States of Guernsey or any Harbour or Navigational authority or body, being vessels used exclusively for the purposes of such Department, authority or body other than the carrying of passengers or the transport of cargo for hire or reward, vessels plying directly between Jersey and Sark and between Alderney and Sark, vessels licensed by the Guernsey States Board of Administration to carry not exceeding twelve passengers between Guernsey and Sark, or fishing vessels not carrying passengers or merchandise other than fish.

(Registered on the Records on the 18th June, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 31st day of May, 1949.

PRESENT,
 THE KING'S MOST EXCELLENT MAJESTY.
 LORD PRESIDENT.
 MR. SECRETARY NOEL-BAKER.
 MR. GAITSKELL.
 SIR FRANK SOSKICE.
 SIR DAVID JENKINS.
 SIR CYRIL RADCLIFFE.

Court of
 Appeal
 (Channel
 Islands)
 Order, 1949.

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 Jersey and Guernsey, dated the 2nd day of March, 1949, 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) a letter from the Greffier of the States of the Island of Jersey, transmitting a Scheme for Establishing the Channel Islands Court of Appeal,

approved by the States of that Island on the 5th day of October, 1948, and

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(B) the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1. That by an Order of Your Majesty in Council dated the 4th day of June, 1946, Your Majesty did appoint a Committee of Your Majesty’s Privy Council to inquire (*inter alia*) into proposals in relation to Judicial Reform which had been under review by the Royal Court and the States both in Jersey and in Guernsey. 2. That the States of Deliberation, by Resolution dated the 26th day of June, 1946, approved of certain recommendations of the Royal Court of Guernsey relating to the establishment of a Channel Islands Court of Appeal. 3. That the Committee of Your Majesty’s Privy Council visited Guernsey from the 21st September, 1946, to the 29th September, 1946, and reported to Your Majesty in March, 1947, which report included recommendations regarding the constitution of a joint Court of Appeal for the whole of the Channel Islands. 4. That the States of Deliberation, at a meeting held on the 22nd day of September, 1948, acquiesced in the provisions of a Scheme for Establishing the Channel Islands Court of Appeal laid before them that day and authorised the President to present a most humble Petition to Your Majesty in Council praying that Your Majesty may be pleased to direct that the said Scheme shall have force of Law in the Bailiwick of Guernsey. 5. That the said Scheme 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 direct that the said Scheme for Establishing the Channel Islands Court of Appeal shall have force of Law in the Bailiwick 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 Scheme and 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 make provision for a Court of Appeal in the Channel Islands in accordance with the said Scheme.”

HIS MAJESTY, having taken the said Report into consideration was pleased, by and with the advice of His Privy Council, to approve thereof, and to order, as it is hereby ordered, as follows :—

PART I.

Constitution of the Court of Appeal.

- Constitution.** 1. There shall be a Court of Appeal in the Channel Islands (in this Order referred to as “the Court of Appeal”) with such jurisdiction as is conferred upon the Court by this Order,
- Composition.** 2.—(1) The Court of Appeal shall be constituted of ex-officio judges and of ordinary judges.
- (2) The ex-officio judges of the Court of Appeal shall be the Bailiff of Jersey and the Bailiff of Guernsey.
- (3) The ordinary judges of the Court of Appeal shall be such person or persons as may be appointed to that office by His Majesty for any particular case or cases, or class of cases, or generally.
- (4) The ordinary judges of the Court of Appeal shall be styled “Judges of Appeal” and shall, subject to the provisions of this Order, stand, as to rank and other privileges, in the same position as the Bailiffs of Jersey and of Guernsey.
- Qualifications for appointment as Ordinary Judge** 3. Any person—
- (a) who has held high judicial office in the British Commonwealth ; or

- (b) who has been at least ten years in practice at the Bar in Jersey or in Guernsey, whether as a Law Officer of the Crown or otherwise ; or
- (c) who has been at least ten years in practice at the Bar in England, Scotland or Northern Ireland ;

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shall be qualified for appointment as an ordinary judge of the Court of Appeal :

PROVIDED that preference shall, wherever practicable, be given to a person having knowledge of the laws and customs of the Channel Islands.

4.—(1) An ordinary judge of the Court of Appeal shall hold office during good behaviour and subject to the terms and conditions of the instrument whereby His Majesty was pleased to appoint him to his office. Period of office, etc.

(2) No ordinary judge of the Court of Appeal shall during his continuance in office practise at the Bar in any of the Channel Islands or be concerned directly or indirectly as a solicitor or arbitrator or referee in any matter arising within the Channel Islands.

5. Every judge of the Court of Appeal, whether ex-officio or ordinary, shall, upon taking office in the Court of Appeal, subscribe to the oath set out in the Schedule to this Order. Oath.

6.—(1) There shall be paid to the ordinary judges of the Court of Appeal such salaries and other emoluments as may be prescribed by Acts passed by the States of Jersey and of Guernsey and confirmed by Order of His Majesty in Council Salaries, etc.

(2) There shall be paid to the judges of the Court of Appeal, whether ex-officio or ordinary, travelling expenses and other expensess incidental

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to their attendance at the sittings of the Court of Appeal in accordance with such scale or scales as may be prescribed by rules of Court.

(3) The salaries, emoluments and expenses payable to the judges of the Court of Appeal under this Article shall be paid out of the Joint Court Fund.

Venue.

7. The Court of Appeal shall hear an appeal in the Bailiwick in which such appeal arises :

PROVIDED that where, under this Order, the powers of the Court of Appeal may be exercised by a single judge of the Court, such powers may be exercised in any place whether within or without the Channel Islands.

Convening
and
Quorum.

8. The Court of Appeal shall be convened by the Bailiff of the Island in which the appeal does not arise, or, failing him, by the person for the time being exercising the functions of Bailiff in that Island and shall be duly constituted if it consists of an uneven number of judges, but not less than three:

PROVIDED that no judge of the Court of Appeal shall sit as a judge on the hearing of an appeal from a judgment, order, conviction or sentence, made or pronounced by any Court of which he was a member, or on the hearing of any proceedings preliminary or incidental to any such appeal.

Presidency.

9.—(1) Subject to the provisions of this and of the foregoing Article of this Order, at every sitting of the Court of Appeal in the Bailiwick of Jersey the Bailiff of Jersey or, if he is unable to do so, the Bailiff of Guernsey shall act as President of the Court ; and at every sitting thereof in the Bailiwick of Guernsey the Bailiff of Guernsey or, if he is unable to do so, the Bailiff of Jersey shall act as President thereof.

(2) If at any sitting of the said Court neither the Bailiff of Jersey nor the Bailiff of Guernsey is able to act as President thereof, the members of the Court (including, if possible, the aforesaid Bailiffs) shall select another member thereof to act as President at that sitting, and the member selected shall act accordingly.

(3) The Bailiff of Jersey or the Bailiff of Guernsey may decline to act as President of the said Court in accordance with the provisions of this Article in any case in which he thinks it undesirable or inconvenient that he should so act, and in any such case the provisions of this Article shall have effect as if he were unable so to act.

10.—(1) Subject to rules of court, His Majesty's Viscount of the Island of Jersey and His Majesty's Sheriff and His Majesty's Sergeant of the Island of Guernsey shall, for all purposes of and incidental to the hearing of all appeals arising within the Bailiwick of Jersey and the Bailiwick of Guernsey respectively and the execution and enforcement of any judgment or order made thereon, discharge duties analogous to those discharged by them respectively in relation to proceedings in the Royal Court of Jersey and the Royal Court of Guernsey. Officers of
the Court.

(2) Subject to rules of Court, the Judicial Greffier of the Royal Court of Jersey and His Majesty's Greffier of the Royal Court of Guernsey, for all purposes of and incidental to the hearing of all appeals arising within the Bailiwick of Jersey and the Bailiwick of Guernsey respectively, shall act as Registrars of the Court of Appeal.

(3) His Majesty's Viscount of the Island of Jersey and the Judicial Greffier of the Royal Court of Jersey shall be assisted in the discharge of their duties under this Article by the members of their respective departments.

(4) His Majesty's Greffier, His Majesty's Sheriff and His Majesty's Sergeant of the Island of

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Guernsey shall be assisted in the discharge of their duties under this Article by the members of their respective departments, and, if need be, by His Majesty's Sheriff and His Majesty's Sergeant of the Island of Alderney or by the Prévôt of the Island of Sark.

**Right to
practise.**

11.—(1) Subject to the provisions of paragraph (3) of this Article, as respects any appeal arising in the Bailiwick of Jersey or in the Bailiwick of Guernsey and any proceedings preliminary or incidental thereto, and irrespective of the Bailiwick in which such appeal or such preliminary or incidental proceedings arise, the following persons—

His Majesty's Attorney General for Jersey ;
 His Majesty's Attorney General for Guernsey ;
 His Majesty's Solicitor General for Jersey ;
 His Majesty's Solicitor General for Guernsey ;
 an Advocate of the Royal Court of Jersey ;
 an Advocate of the Royal Court of Guernsey ;
 a Solicitor of the Royal Court of Jersey ;

shall alone have the right to practise in the Court of Appeal :

PROVIDED that a Solicitor of the Royal Court of Jersey shall not have any right of audience either before the Court of Appeal or before any single judge of the Court of Appeal upon any such appeal or proceedings.

(2) For the purposes of this Article, the word " practise " shall include the doing in any office which is connected with the Court of Appeal or in which any business connected with the Court of Appeal is conducted and the transacting with any officer who is attached to the Court of Appeal or with any judge of the Court of Appeal of any act or thing required or necessary to be done in connection with any such appeal or proceedings.

(3) Notwithstanding the foregoing provisions of this Article, it shall be lawful for a party to an appeal under Part II of this Order or for an appellant under Part III of this Order to address the Court of Appeal or any single judge thereof both on the hearing of the appeal or upon any proceedings preliminary or incidental to the appeal and to do in any such office or to transact with any such officer as is mentioned in paragraph (2) of this Article any act or thing required or necessary to be done in connexion with any such appeal or proceedings.

(4) Nothing in this Article shall be deemed to modify or remove any restriction on the right to practise imposed by any enactment or otherwise upon any Law Officer of the Crown or upon any Advocate or Solicitor who holds any official appointment in the Royal Court or States of Jersey or in the Royal Court or States of Guernsey.

PART II.

Appeals in Civil Causes and Matters.

12. As from the coming into force of this Order, there shall be vested in the Court of Appeal all jurisdiction and powers then hitherto vested in—

- (a) the Superior Number (" Nombre Supérieur ") of the Royal Court of Jersey ; and
- (b) the Royal Court of Guernsey, sitting as a Full Court ;

when exercising appellate jurisdiction in any civil cause or matter :

PROVIDED that the Royal Court of Guernsey, sitting as a Full Court, shall continue to have the same jurisdiction as hitherto to hear and determine appeals from—

- (i) any judgment or order of the Guernsey Petty Debts Court ; and

Transfer of appellate jurisdiction of Royal Courts of Jersey and Guernsey.

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- (ii) any decision of any Board, Council, Committee or Authority of the States of Guernsey susceptible of appeal to the Royal Court, sitting as a Full Court.

Jurisdiction.

13.—(1) Subject as otherwise provided in this Order and to rules of court, the Court of Appeal shall have jurisdiction to hear and determine appeals from any judgment or order of—

- (a) the Inferior Number (“*Nombre Inférieur*”) of the Royal Court of Jersey ;
- (b) the Royal Court of Guernsey, sitting as an Ordinary Court, which expression shall include the Court of “*Plaids d’Héritage*” and the Matrimonial Causes Division of that Royal Court ;
- (c) the Superior Number (“*Nombre Supérieur*”) of the Royal Court of Jersey when exercising original jurisdiction ; and
- (d) the Royal Court of Guernsey, sitting as a Full Court, when exercising original jurisdiction ;

and for all the purposes of and incidental to the hearing and determination of any appeal, and the amendment, execution and enforcement of any judgment or order made thereon, the Court of Appeal shall have all the power, authority and jurisdiction of the Royal Court of Jersey or of the Royal Court of Guernsey, as the case may be, and shall have power, if it appears to the Court of Appeal that a new trial ought to be had, to order, if it thinks fit, that the verdict and judgment be set aside and that a new trial shall be had.

(2) The Court of Appeal shall exercise such additional appellate jurisdiction as may be conferred upon the Court by any enactment passed by the States of Jersey or of Guernsey and confirmed by Order of His Majesty in Council.

14.—(1) No appeal shall lie under this Part of this Order

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Limitation
on Appeals.

- (a) from any decision which it is provided, under any enactment, is to be final ;
- (b) from a final order for the dissolution or nullity of marriage, by any party who, having had time and opportunity to appeal from the decree on which the final order was founded, has not appealed from that decree ;
- (c) without the leave of the Court making the order, from any order made with the consent of the parties or as to costs only which by law are left to the discretion of the Court ;
- (d) without the leave of the Royal Court of Jersey or the Royal Court of Guernsey, as the case may be, or of the Court of Appeal where the matter in dispute, being a sum of money or something whereof the value is determinable, does not exceed in value the sum of fifty pounds sterling, unless there was in contest in the suit a question of law or of mixed law and fact ;
- (e) without the leave of the Royal Court of Jersey or of the Royal Court of Guernsey, as the case may be, or of the Court of Appeal, from any interlocutory order or interlocutory judgment, except in the following cases :—
 - (i) where the liberty of the subject or the custody of infants is concerned ;
 - (ii) in the case of a decree in a matrimonial cause or a judgment or order in an admiralty action determining liability ;
 - (iii) in such other cases, to be prescribed by Rules of Court, as are in the opinion of the Court of Appeal, of the nature of final decisions:

(2) This Part of this Order shall apply to “ causes mixtes ” as it applies to civil causes and matters.

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 Appeal from
 decision of
 Court of
 Appeal.
15. No appeal shall lie from a decision of the Court of Appeal under this Part of this Order without the special leave of His Majesty in Council or without the leave of the Court of Appeal.
- Procedure
 and practice.
16. The jurisdiction vested in the Court of Appeal under this Part of this Order shall, so far as regards procedure and practise, be exercised in the manner provided by this Order or by rules of court, and, where no special provision is contained in this Order or in rules of court with reference thereto, any such jurisdiction shall be exercised as nearly as may be in the same manner as that in which it might have been exercised by the court to which it formerly appertained.
- Costs.
17. The costs of and incidental to all proceedings in the Court of Appeal under this Part of this Order shall be in the discretion of the Court, and the Court shall have full power to determine by whom and to what extent the costs are to be paid.
- Reference
 to experts.
- 18.—(1) Subject to rules of court, the Court of Appeal may refer to any person or persons selected by the Court for inquiry and report any question arising in any appeal under this Part of this Order.
- (2) In all cases of reference under paragraph (1) of this Article, the person or persons selected by the Court as aforesaid shall be deemed to be an officer or officers of the Court, and, subject to rules of court, shall have such authority and conduct the reference in such manner as the Court may direct.
- (3) The remuneration to be paid to any person or persons to whom any matter is referred under an order of the Court shall be determined by the Court and be recoverable costs of the proceedings.
- Powers of
 single judge.
- 19.—(1) In any appeal pending before the Court of Appeal under this Part of this Order, any matter

incidental thereto not involving the decision of the appeal may be decided by a single judge of the Court, and a single judge may at any time make any interim order to prevent prejudice to the claims of any parties pending an appeal, as he may think fit.

(2) Every order made by a single judge of the Court of Appeal in pursuance of this Article may be discharged or varied by any judges of that Court having power to hear and determine the appeal.

20.—(1) Under this Part of this Order, rules of court may be made by the Court of Appeal—

Rules of Court.

- (a) for regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the Court of Appeal in all appeals whatsoever in or with respect to which the Court has for the time being jurisdiction (including the procedure and practice to be followed in the offices of the Registrars of the Court) and any matters incidental to or relating to any such procedure or practice, including (but without prejudice to the generality of the foregoing provision) the manner in which, and the time within which, any applications which under this Part of this Order or any enactment are to be made to the Court of Appeal shall be made ;
- (b) for regulating and prescribing the procedure on appeals from any court to the Court of Appeal ;
- (c) for regulating the sittings of the Court of Appeal and of the judges thereof whether sitting in court or elsewhere ;
- (d) for regulating any matters relating to the costs of proceedings in the Court of Appeal ;
- (e) for repealing any enactments which relate to matters with respect to which rules are made under this Article ;

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- (f) for regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings or on any application in connexion with or at any stage of any proceedings ;
- (g) for taxing costs on any appeal or upon any proceedings preliminary or incidental to any such appeal ;
- (h) for regulating or making provision with respect to any other matters which may require to be regulated or with respect to which provision may require to be made under this Part of this Order.

(2) Rules of court under this Article shall apply to all proceedings by or against the Crown.

Fees and percentages.

21.—(1) All fees and percentages to be taken under this Part of this Order in the Court of Appeal or in any office which is connected with the Court of Appeal or in which any business connected with the Court of Appeal is conducted or by any officer paid wholly or partly out of public funds who is attached to the Court of Appeal or to any judge of the Court of Appeal shall be paid into the Joint Court Fund.

(2) The Court of Appeal shall by Rules of Court fix the fees and percentages to which reference is made in paragraph (1) of this Article and determine the manner of their collection and may from time to time by rules of court increase, reduce or abolish, all or any of such fees and percentages and appoint new fees and percentages to be taken in the Court of Appeal or in any of the said offices or by any of the said officers, and may from time to time by rules of court modify or amend the manner of the collection of all or any of such fees and percentages.

22.—(1) In any proceedings in the Royal Court of Jersey or in the Royal Court of Guernsey in which an appeal lies to the Court of Appeal under this Part of this Order, a shorthand note of the proceedings shall be taken, and on any appeal a transcript of the note or of so much thereof as the Royal Court concerned or the Court of Appeal shall direct shall be made for the use of the Court of Appeal.

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 Shorthand
 note and
 transcript of
 proceedings
 in court
 of first
 instance.

(2) The cost of the transcript of such shorthand note, in accordance with scales of payment fixed for the time being by rules of court, shall be included in the recoverable costs of the proceedings.

(3) In any case in which an appeal lies to His Majesty in Council, the depositions of the witnesses in the Royal Court of Jersey shall be transcribed from the shorthand note of the proceedings taken in pursuance of this Article, and shall not be taken down in the manner prescribed by the "Loi modifiant la procédure en rédaction de dépositions en matières civiles et mixtes", passed by the States of Jersey on the fifth day of February, 1885, and confirmed by Order of Her Majesty in Council of the twenty-sixth day of March, 1885.

(4) A transcript of the shorthand note taken in pursuance of this Article shall be furnished to any party to the proceedings upon payment of such charges as are fixed for the time being by rules of court.

(5) Rules of court as respects Jersey shall be made under this Article by the Superior Number of the Royal Court of Jersey, sitting whether in public or in private, and such rules shall be laid before the States of Jersey as soon as possible after they are made, and, if the Assembly of the States, within the period of twenty-one days beginning with the day on which any such rules are laid before it, resolves that they be annulled, they shall cease to have effect, but without pre-

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judice to anything previously done thereunder or to the making of any new rules.

(6) Until rules of court are made superseding any enactment operative in Guernsey concerning the taking of a shorthand note of proceedings in the Royal Court of Guernsey and the making and provision of transcripts thereof in the event of an appeal, such enactment shall have effect as regards appeals to the Court of Appeal.

PART III.

Appeals in Criminal and Quasi-Criminal Matters.

Right of
appeal.

23. A person convicted on indictment by the Royal Court of Jersey or by the Royal Court of Guernsey may appeal under this Part of this Order to the Court of Appeal—

- (a) against his conviction, on any ground of appeal which involves a question of law alone; and
- (b) with the leave of the Court of Appeal or upon the certificate of the judge who presided at his trial that it is a fit case for appeal against his conviction, on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, or on any other ground which appears to the Court of Appeal to be a sufficient ground of appeal; and
- (c) with the leave of the Court of Appeal, against the sentence passed on his conviction, unless the sentence is one fixed by law.

Powers of
Court.

24.—(1) The Court of Appeal on any such appeal against conviction shall allow the appeal if it thinks that the verdict should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence, or that the judgment of the Court before whom the appellant was convicted should be set aside on the ground of a wrong

decision of any question of law or that on any ground there was a miscarriage of justice, and in any other case shall dismiss the appeal :

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PROVIDED that the Court of Appeal may, notwithstanding that it is of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice has actually occurred.

(2) Subject to the special provisions of this Part of this Order, the Court of Appeal shall, if it allows an appeal against conviction, quash the conviction and direct a judgment and verdict of acquittal to be entered.

(3) On an appeal against sentence, the Court of Appeal shall, if it thinks that a different sentence should have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in law by the verdict (whether more or less severe) in substitution therefor as it thinks ought to have been passed, and in any other case shall dismiss the appeal.

25—(1) If it appears to the Court of Appeal that an appellant, though not properly convicted on some count or part of the indictment, has been properly convicted on some other count or part of the indictment, the Court may either affirm the sentence passed on the appellant at the trial, or pass such sentence in substitution therefor as it thinks proper or may be warranted in law by the verdict on the count or part of the indictment on which the Court considers that the appellant has been properly convicted.

(2) Where an appellant has been convicted of an offence and the jury could on the indictment have found him guilty of some other offence, and on the finding of the jury it appears to the Court of Appeal that the jury must have been satisfied

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of facts which proved him guilty of that other offence, the Court of Appeal may, instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty of that other offence, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law for that other offence, not being a sentence of greater severity.

(3) In the application of paragraph (2) of this Article to appeals from conviction by a court sitting without a jury, the word "court" shall be substituted for the word "jury" wherever the word "jury" appears.

(4) If on any appeal it appears to the Court of Appeal that, although the appellant was guilty of the act or omission charged against him, he was insane at the time the act was done or the omission made so as not to be responsible according to law for his actions, the Court may quash the sentence passed at the trial and order the appellant to be detained during His Majesty's pleasure.

Majority
decision.

26.—(1) The determination of any question before the Court of Appeal under this Part of this Order shall be according to the opinion of the majority of the members of the Court hearing the case.

(2) Unless the Court directs to the contrary in cases where, in the opinion of the Court, the question is a question of law on which it would be convenient that separate judgments should be pronounced by the members of the Court, the judgment of the Court under this Part of this Order shall be pronounced by the President of the Court or such other member of the Court hearing the case as the President of the Court directs, and no judgment with respect to the determination of any question shall be separately pronounced by any other member of the Court.

(3) The Court of Appeal shall for the purposes of and subject to the provisions of this Part of this

Order, have full power to determine, in accordance with this Part of this Order, any questions necessary to be determined for the purpose of doing justice in the case before the Court

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27.—(1) The operation of any order as to the disposal of any property on a conviction on indictment shall (unless the court before which the conviction takes place directs to the contrary in any case in which, in its opinion, the title to the property is not in dispute) be suspended—

Order as to disposal of property.

- (a) in any case, until the expiration of ten days after the date of the conviction ; and
- (b) in cases where notice of appeal or leave to appeal is given within ten days after the date of the conviction, until the determination of the appeal ;

and, in cases where the operation of any such order is suspended until the determination of the appeal, the order shall not take effect as to the property in question if the conviction is quashed on appeal.

Provision may be made by rules of court for securing the safe custody of any property pending the suspension of the operation of any such order.

(2) The Court of Appeal may by order annul or vary any order made on a trial for the disposal of any property although the conviction is not quashed ; and the order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

28.—(1) Where a person convicted desires to appeal under this Part of this Order to the Court of Appeal, or to obtain the leave of that Court to appeal, he shall give notice of appeal or notice of his application for leave to appeal in such manner as may be directed by rules of Court—

**Notice of Appeal ;
Suspension of sentence.**

- (a) in the case of a conviction involving sentence of death, within twenty-one days of the date of conviction ; and

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(b) in every other case, within ten days of the date of conviction.

Such rules shall enable any convicted person to present his case and his arguments in writing instead of by oral argument if he so desires. Any case or argument so presented shall be considered by the Court. Except in the case of a conviction involving sentence of death, the time within which notice of appeal or notice of an application for leave to appeal may be given, may be extended at any time by the Court of Appeal.

(2) In the case of a conviction involving sentence of death or corporal punishment—

(a) the sentence shall not in any case be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this Article ; and

(b) if notice is so given, the appeal or application shall be heard and determined with as much expedition as practicable, and the sentence shall not be executed until after the determination of the appeal, or, in cases where an application for leave to appeal is finally refused, of the application.

Notes of
trial, etc.

29. The President of the court before which a person is convicted shall, in the case of an appeal under this Part of this Order against the conviction or against the sentence, or in the case of an application for leave to appeal under this Part of this Order, furnish to the Court of Appeal, in accordance with rules of court, his notes of the trial, and shall also furnish to the Court of Appeal in accordance with rules of court a Report giving his opinion upon the case or upon any point arising in the case.

Supplemental
Powers of
Court.

30. For the purposes of this Part of this Order, the Court of Appeal may, if it thinks it necessary or expedient in the interests of justice—

- (a) order the production of any document, exhibit or other thing connected with the proceedings, the production of which appears to it necessary for the determination of the case ; and
- (b) if it thinks fit, order any witnesses who would have been compellable witnesses at the trial to attend and be examined before the Court, whether they were or were not called at the trial, or order the examination of any such witnesses to be conducted in manner provided by rules of court before any judge of the Court or before any officer of the Court or any other person appointed by the Court for the purpose, and allow the admission of any depositions so taken as evidence before the Court ; and
- (c) if it thinks fit, receive any evidence, if tendered, of any witness (including the appellant) who is a competent but not compellable witness and, if the appellant makes an application for the purpose, of the husband or wife of the appellant, in cases where the evidence of the husband or wife could not have been given at the trial except on such an application ; and
- (d) where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which cannot in the opinion of the Court conveniently be conducted before the Court, order the reference of the question in manner provided by rules of court, for inquiry and report to a special commissioner appointed by the Court, and act upon the report of any such commissioner so far as it thinks fit to adopt it ; and
- (e) appoint any person with special expert knowledge to act as assessor to the Court

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in any case in which it appears to the Court that such knowledge is required for the proper determination of the case ;

and exercise in relation to the proceedings of the Court any other powers which may for the time being be exercised by the Court of Appeal on appeals in civil matters under this Order, and issue any warrants necessary for enforcing the orders or sentences of the Court :

PROVIDED that in no case shall any sentence be increased by reason of or in consequence of any evidence which was not given at the trial.

Legal
assistance.

31. Subject to the provisions of paragraph (1) of Article 11 of this Order, the Court of Appeal may at any time assign to an appellant an advocate and solicitor, or an advocate only, in any appeal under this Part of this Order or in proceedings preliminary or incidental to an appeal in which, in the opinion of the Court, it appears desirable in the interests of justice that the appellant should have legal aid, and that he has not sufficient means to enable him to obtain that aid.

Presence of
appellant.

32.—(1) An appellant, notwithstanding that he is in custody, shall be entitled to be present, if he desires it, on the hearing of his appeal under this Part of this Order, except where the appeal is on some ground involving a question of law alone, but, in that case and on an application for leave to appeal and on any proceedings preliminary or incidental to an appeal, shall not be entitled to be present, except where rules of court provide that he shall have the right to be present, or where the Court gives him leave to be present.

(2) The power of the Court to pass any sentence under this Part of this Order may be exercised notwithstanding that the appellant is for any reason not present.

33.—(1) It shall be the duty of His Majesty's Attorney General for the Bailiwick in which proceedings under this Part of this Order arise to appear for the Crown on the hearing of every appeal to the Court of Appeal and on any application for leave to appeal and on any proceedings preliminary or incidental to an appeal, and provision shall be made by rules of court for the transmission to the Attorney General concerned of all such documents, exhibits and other things connected with the proceedings as he may require for the purposes of his duties under this Article.

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 Duty of Law
 Officers.

(2) It shall be the duty of the Registrar of the Court of Appeal in the Bailiwick concerned to give to the Attorney General concerned notice of the day and hour upon which the Court of Appeal will sit for the purpose of hearing and determining any such appeal, application or proceedings.

(3) His Majesty's Attorney General for Jersey may in any proceedings under this Part of this Order delegate his duty under paragraph (1) of this Article to His Majesty's Attorney General for Guernsey, or to His Majesty's Solicitor General for Jersey, or to His Majesty's Solicitor General for Guernsey.

(4) His Majesty's Attorney General for Guernsey may in any proceedings under this Part of this Order delegate his duty under paragraph (1) of this Article to His Majesty's Attorney General for Jersey, or to His Majesty's Solicitor General for Guernsey, or to His Majesty's Solicitor General for Jersey.

34.—(1) On the hearing and determination of an appeal or any proceedings preliminary or incidental thereto under this Part of this Order, no costs shall be allowed on either side.

Costs and
 expenses.

(2) The expenses of any legal aid assigned to an appellant under this Part of this Order, and the

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expenses of any witnesses attending on the order of the Court or examined in any proceedings incidental to the appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the Court for the purpose, or any reference of a question to a special commissioner appointed by the Court, or of any person appointed as assessor to the Court, shall be defrayed out of the Joint Court Fund, up to an amount allowed by the Court, but subject to any rules of court as to rates and scales of payment made by the Court of Appeal.

Bail, etc.

35.—(1) An appellant who is not admitted to bail shall, pending the determination of his appeal, be treated in such manner as may be directed by the rules of the prison in which he is detained.

(2) The Court of Appeal may, if it sees fit, on the application of an appellant, admit the appellant to bail pending the determination of his appeal.

(3) The time during which an appellant, pending the determination of his appeal, is admitted to bail, and, subject to any directions which the Court of Appeal may give to the contrary on any appeal, the time during which the appellant, if in custody, is specially treated as an appellant under this Article, shall not count as part of his sentence, and, in the case of an appeal under this Part of this Order, any sentence, whether it be a sentence passed by the court of trial or the sentence passed by the Court of Appeal, shall, subject to any directions which may be given by the Court as aforesaid, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody, as from the day on which the appeal is dismissed, and, if he is not in custody, as from the day on which he is received into prison under the sentence.

(4) Provision shall be made by prison rules for the manner in which an appellant, when in

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custody, is to be brought to any place at which he is entitled to be present for the purposes of this Part of this Order, or to any place to which the Court of Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that Court, and for the manner in which he is to be kept in custody whilst absent from prison for the purpose ; and an appellant whilst in custody in accordance with those rules shall be deemed to be in legal custody.

36.—(1) The Registrar of the Court of Appeal in the Bailiwick concerned shall take all necessary steps for obtaining a hearing under this Part of this Order of any appeals or applications, notice of which is given to him under this Part of this Order, and shall obtain and lay before the Court in proper form all documents, exhibits and other things relating to the proceedings in the court before which the appellant or applicant was tried which appear necessary for the proper determination of the appeal or application.

Duties of
Registrar.

(2) Any documents, exhibits or other things connected with the proceedings on the trial of any person on indictment, who, if convicted, is entitled or may be authorised to appeal under this Part of this Order, shall be kept in the custody of the court of trial in accordance with rules of court made for the purpose, for such time as may be provided by the rules, and subject to such power as may be given by the rules for the conditional release of any such documents, exhibits or things from that custody.

(3) The Registrar shall furnish the necessary forms and instructions in relation to notices of appeal or notices of application under this Part of this Order to any persons who demand the same, to the Governor of His Majesty's Prison in the Bailiwick concerned and such other officers and persons as he thinks fit, and the Governor of His

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Majesty's Prison shall cause such forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under this Part of this Order and shall cause any such notice given by a prisoner in his custody to be forwarded on behalf of the prisoner to the Registrar concerned.

(4) The Registrar concerned shall report to the Court of Appeal, or a judge thereof, any case in which it appears to him that, although no application has been made for the purpose, legal aid should be assigned to an appellant under the powers given to the Court of Appeal under this Part of this Order.

Rules of
court.

37.—(1) Rules of court for the purposes of this Part of this Order shall be made, subject, so far as the rules affect the governor or any other officer of a prison in the Channel Islands, to the approval of the competent authority, by the Court of Appeal. Rules so made may make provision for regulating the sittings of the Court of Appeal and of a judge of the Court of Appeal, whether sitting in court or elsewhere, and with respect to any matter for which provision is to be made under this Part of this Order by rules of court, and may regulate generally the practice and procedure under this Part of this Order, and the officers of any court before which an appellant has been convicted, and the governor or other officers of any prison in the Channel Islands, and any other officers or persons, shall comply with any requirements of those rules so far as they affect those officers, or persons, and compliance with such rules may be enforced by order of the Court of Appeal.

(2) The expression "competent authority" in paragraph (1) of this Article means—

(a) in relation to the Bailiwick of Jersey, the Jersey Prison Board ; and

(b) in relation to the Bailiwick of Guernsey, the Guernsey Prison Board, or, until that Board be constituted, the States Board of Administration.

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38. The powers of the Court of Appeal under this Part of this Order to give leave to appeal, to extend the time within which notice of appeal or of an application for leave to appeal may be given, to assign legal aid to an appellant, to allow the appellant to be present at any proceedings in cases where he is not entitled to be present without leave, and to admit the appellant to bail, may be exercised by any single judge of the Court of Appeal in the same manner as they may be exercised by the Court, and subject to the same provisions ; but, if the judge refuses an application on the part of the appellant to exercise any such power in his favour, the appellant shall be entitled to have the application determined by the Court of Appeal as duly constituted for the hearing and determining of appeals under this Order.

Powers which may be exercised by single judge.

39.—(1) A shorthand note shall be taken of the proceedings at the trial of any person on indictment who has pleaded not guilty and who, if convicted, is entitled or may be authorised to appeal under this Part of this Order, and, on any appeal or application for leave to appeal, a transcript of the note or any part thereof shall be made if the Registrar concerned so directs, and furnished to such Registrar for the use of the Court of Appeal or any judge thereof, of the Attorney General concerned and of the appellant :

Shorthand note, etc.

PROVIDED that a transcript shall be furnished to any party interested, upon the payment of such charges as may be fixed by rules of court.

(2) The Bailiff of the Bailiwick concerned, if so requested by the Secretary of State, shall direct

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a transcript of the shorthand note to be made and furnished to him for the use of the Secretary of State.

(3) The cost of the transcript of any such shorthand note shall be defrayed, in accordance with scales of payment fixed for the time being by rules of court, out of the Joint Court Fund, and rules of court may make such provision as is necessary for securing the accuracy of the note to be taken and for the verification of the transcript.

(4) Any money received from an interested party under the proviso to paragraph (1) of this Article shall be paid into the Joint Court Fund.

(5) In relation to the criminal and quasi-criminal proceedings to which reference is made in Article 41 of this Order, a shorthand note shall only be taken in cases in which there has been a denial of the facts alleged by the Crown.

**Prerogative
of mercy.**

40. Nothing in this Part of this Order shall affect the prerogative of mercy, but the Secretary of State, on the consideration of any petition for the exercise of His Majesty's mercy, having reference to the conviction of a person on indictment or to the sentence (other than sentence of death) passed on a person so convicted, may, if he thinks fit, at any time either—

- (a) refer the whole case to the Court of Appeal, and the case shall then be heard and determined by the Court of Appeal as in the case of an appeal by a person convicted ; or
- (b) if he desires the assistance of the Court of Appeal on any point arising in the case with a view to the determination of the petition, refer that point to the Court of Appeal for its opinion thereon, and the Court shall consider the point so referred and furnish the

Secretary of State with its opinion thereon accordingly.

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41.—(1) This Part of this Order shall apply in the case of conviction by the Royal Court of Jersey or by the Royal Court of Guernsey in any criminal or quasi-criminal proceedings, otherwise than by way of indictment, as it applies in the case of convictions on indictment.

Convictions otherwise than on indictment.

(2) The Court of Appeal shall exercise such further and additional appellate jurisdiction in criminal or quasi-criminal cases or matters arising within the Channel Islands as may be conferred upon the Court by any enactment which, having been passed by the States of Jersey or the States of Guernsey after the making of this Order, has been confirmed by Order of His Majesty in Council.

42. In this Part of this Order, unless the context otherwise requires—

Definitions.

the expression “appellant” includes a person who has been convicted and desires to appeal under this Part of this Order ;

the expression “sentence” includes any order of the Court (including an order of banishment) made on conviction with reference to the person convicted or his wife or children, and the power of the Court of Appeal to pass a sentence includes a power to make any such order (including an order of banishment).

PART IV.

General.

43. Rules of court made by the Court of Appeal under this Order may be amended or revoked by subsequent rules and shall be laid before the States of Jersey and the States of Guernsey as soon as possible after they are made, and, if either or

Amendment and revocation of Rules of Court.

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both of those Assemblies, within the period of twenty-one days beginning with the day on which any such rules are laid before them, resolve that they be annulled, they shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new rules.

Saving.

44. Nothing in this Order shall affect the Prerogative of His Majesty or the jurisdiction of His Majesty in Council.

Interpretation.

45. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“ Joint Court Fund ” means the Fund which the States of Jersey and the States of Guernsey have resolved to create for the purposes of this Order ;

“ judgment ” includes decree ;

“ matter ” includes “ ex parte ” proceedings ;

“ party ” includes every person served with notice of or attending any proceedings ;

“ prescribed ” means prescribed by rules of court ;

“ rules of court ” includes forms ;

“ solicitor ” means Solicitor of the Royal Court of Jersey.

Commencement.

46.—(1) The following provisions of this Order, namely, Part I, in Part II Articles 20 (1), 21 (2) and 22 (5), in Part III Articles 35 (4) and 37, and in Part IV Articles 43, 44, 45 and this Article, shall come into force upon the registration of this Order by the Royal Courts of Jersey and of Guernsey.

(2) The other provisions of this Order shall come into force at such time or times as his Majesty may by Order in Council prescribe and different times may be prescribed for the coming into force of different provisions of this Order.

47. This Order may be cited as the Court of Appeal (Channel Islands) Order, 1949.

1949
Short Title.

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

AND the Lieutenant-Governors and Commanders-in-Chief, the Bailiffs and Jurats, and all other His Majesty's Officers, for the time being, in the said Island of Jersey and the said Bailiwick of Guernsey, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

E. C. E. LEADBITTER.

SCHEDULE.

“ Je jure et promets sur la foi et serment que je dois à Dieu que j'exercerai bien et fidèlement la charge de Juge dans la Cour d'Appel des Bailliages de Jersey et de Guernesey ; que je maintiendrai l'avancement de la gloire de Dieu, et l'honneur de Sa Majesté notre Souverain Sire Georges VI par la Grâce de Dieu Roi de la Grande Bretagne et d'Irlande et de toutes les Possessions Britanniques au delà des Mers, Défenseur de la Foi ; et qu'à Sa dite Majesté je serai vrai et loyal sujet ; que je garderai et maintiendrai bien et loyalement et de tout mon pouvoir tous les lois, libertés, usages et anciennes coutumes des dits Bailliages, m'opposant à quiconque les voudrait enfreindre ; et que j'administrerai bonne et brève justice à un chacun, sans acception de personne. Je promets ainsi. Ainsi Dieu m'aide.

DIEU SAUVE LE ROI.”

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(Registered on the Records on the 2nd July, 1949.)

Army and
Air Force
(Annual)
Act, 1949.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 31st day of May, 1949, directing the registration of an Act of Parliament entitled "Army and Air Force (Annual) Act, 1949,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered:—

1. That the said Order in Council be registered on the records of this Island.

2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.

3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be transmitted by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 16th July, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 30th day of June, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR.

LORD PRESIDENT.

EARL OF LISTOWEL.

LORD MORRISON.

MR. SECRETARY WOODBURN.

MR. RINFRET.

Prison
Sentences
(Reception
of Alderney
Prisoners)
Law, 1949.

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 June, 1949, 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, in pursuance of their Resolution of the 13th day of April, 1949, the States of Deliberation at a meeting held on the 27th day of May, 1949, approved a Bill or Projet de Loi entitled “ The Prison Sentences (Reception of Alderney Prisoners) Law, 1949 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 2. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey entitled “ The Prison Sentences (Reception of Alderney Prisoners) Law, 1949 ”, and to order and direct that the same shall have force of Law in the Island of Guernsey.’

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the

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Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

“ THE PRISON SENTENCES (RECEPTION
OF ALDERNEY PRISONERS) LAW, 1949 ”.

THE STATES, in pursuance of their Resolution of the 13th day of April, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of Law in this Island.

Alderney
prisoners
to serve
sentence in
Guernsey.

1. Where, in pursuance of any Law in force in the Island of Alderney, the Court of Alderney orders that a sentence of imprisonment imposed by that Court on any person shall be served wholly or partially in Guernsey, that person shall, when removed to Guernsey in pursuance of the Order of that Court and upon production to the Governor of the Guernsey Prison of a copy of that Order, certified under the hand of the Clerk to the Court of Alderney, be received and detained in the Guernsey Prison.

Discipline
and rights,
etc.

2. Such person shall, while so detained, be subject to the like discipline and shall enjoy the same rights and privileges as though he were serving a like sentence, or the same part of a like sentence, imposed by the Royal Court of Guernsey.

(Registered on the Records on the 16th July, 1949.)

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AT THE COURT AT BUCKINGHAM PALACE.

The 30th day of June, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR.

LORD PRESIDENT.

EARL OF LISTOWEL.

LORD MORRISON.

MR. SECRETARY WOODBURN.

MR. RINFRET.

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 June, 1949, in the words following, viz. :—

States
Employees
(Ineligibility
for Member-
ship of the
States of
Deliberation)
Law, 1949.

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

1. That in pursuance of their Resolution of the 4th day of March, 1949, the States of Deliberation at a meeting held on the 13th day of April, 1949, approved a Bill or “*Projet de Loi*” entitled “*The States Employees (Ineligibility for Membership of the States of Deliberation) Law, 1949*” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto:

2. That the said Bill or “*Projet de Loi*” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de Loi*” of the States of Guernsey entitled “*The States Employees (Ineligibility for Membership of the States of Deliberation) Law, 1949*” and to order and direct that the same shall have force of Law in 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty’s Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

THE STATES EMPLOYEES (INELIGIBILITY
FOR MEMBERSHIP OF THE STATES OF
DELIBERATION) LAW, 1949.

THE STATES, in pursuance of their Resolution of the 4th day of March, 1949, have approved the following provisions, which, subject to the Sanction

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of His Most Excellent Majesty in Council, shall have force of Law in this Island.

1. The Loi relative à l'Inéligibilité du Personnel Salarié des Etats aux Charges Paroissiales et à celle de Député du Peuple, registered on the Records of this Island on the 20th day of July, 1925, is hereby repealed.

Repeal.

2. A States Employee shall not be eligible for membership of the States of Deliberation.

Ineligibility for Membership of States.

3. In this Law the expression " States Employee " means a person employed by the States of Guernsey in such circumstances that the States have the right to require that he shall devote the whole of his services to such employment during all the hours of work normally applicable thereto.

Definition.

(Registered on the Records on the 16th July, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 30th day of June, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR.

LORD PRESIDENT.

EARL OF LISTOWEL.

LORD MORRISON.

MR. SECRETARY WOODBURN.

MR. RINFRET.

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 May, 1949, in the words following, viz. :—

Prison Administration (Guernsey) Law, 1949

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the

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humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1. That in pursuance of their Resolutions of the 26th day of March, 1947, and of the 4th day of June, 1948, the States of Deliberation at a meeting held on the 9th day of March, 1949, approved a Bill or “*Projet de Loi*” entitled “*The Prison Administration (Guernsey) Law, 1949*” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto :
2. That the said Bill or “*Projet de Loi*” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de Loi*” of the States of Guernsey entitled “*The Prison Administration (Guernsey) Law, 1949*” and to order and direct that the same shall have force of Law in the Island of Guernsey.’

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

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

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

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ THE PRISON ADMINISTRATION
(GUERNSEY) LAW, 1949 ”.

WHEREAS His Majesty's Government of the United Kingdom have relinquished the control and administration of His Majesty's Prison in this Island, and the States, by Resolution dated the 26th day of March, 1947, have accepted the responsibility for such control and administration :

WHEREAS Regulations for the said Prison have heretofore been made by Ordinance of the Royal Court :

WHEREAS the States have on the 4th day of June, 1948, resolved in the exercise of such control to set up a Prison Board and a Panel of Visitors, as is hereinafter provided, in respect of the said Prison :

WHEREAS, in consequence thereof, it is necessary and expedient that the functions heretofore respectively exercised by His Excellency the Lieutenant Governor and Commander in Chief

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and by the Royal Court and the Jurats thereof in relation to the control and administration of the said Prison shall be transferred to the said Prison Board, and that the functions heretofore exercised by the said Jurats in relation to the periodic inspection of the said Prison shall be transferred to the said Panel of Visitors :

THE STATES, in pursuance of their said Resolutions have approved the following provisions which subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

Constitution
of States
Prison
Board.

1. There shall be set up a Board, to be known as " the States Prison Board ", which Board shall be constituted in accordance with the provisions of any States Resolution in that behalf for the time being in force.

Transfer of
powers to
the Board.

2. The functions in relation to the control and administration of the Prison heretofore respectively exercised by His Excellency the Lieutenant Governor and Commander in Chief and the Royal Court and the Jurats thereof are hereby transferred to the States Prison Board.

Power to
Board to
make
Regulations.

3. (1) In particular, and without prejudice to the generality of the last foregoing section, the States Prison Board may from time to time make Regulations for the government of the Prison and for defining the powers, duties and functions of the Governor thereof.

(2) Regulations made by the States Prison Board shall be submitted to the States for approval and the States may approve the same with or without amendment.

(3) Regulations approved by the States shall be made operative by Ordinance of the States.

Governor.

4. The States Appointments Board shall from time to time appoint a person to be Governor of the Prison for such period and on such terms and

conditions as that Board shall specify, who shall be responsible to and shall obey the orders of the States Prison Board in respect of the maintenance of discipline in the Prison and generally in respect of the operation of the Regulations from time to time in force for the government thereof, save that he shall not be dismissed from his appointment as such Governor except by the States Board of Administration.

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5. (1) All property and rights held or enjoyed immediately before the coming into force of this Law in connection with any of the functions hereby transferred, and all liabilities to which any of them was then subject in connection therewith, are hereby transferred to the States of Guernsey.

Consequen-
tial provi-
sions.

(2) In the construction and for the purposes of any judgment, order, deed, contract or other document given or made before the coming into force of this Law, any reference to His Excellency the Lieutenant Governor and Commander in Chief, to His Majesty's Sheriff or to His Majesty's Receiver General shall so far only as may be necessary for or in consequence of the transfer of functions effected by this Law, be constructed as a reference to the States Prison Board.

(3) The transfer of functions effected by this Law shall not prejudice the operation of any order, appointment, direction, instruction, approval, requirement or other thing made, given or done by His Excellency the Lieutenant Governor and Commander in Chief, His Majesty's Sheriff or by His Majesty's Receiver General or by any person acting on behalf of the States of Guernsey in relation to the functions transferred by this Law and before the coming into force thereof, but any such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the States Prison Board.

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(4) Anything commenced before the coming into operation of this Law by or under the authority of His Excellency the Lieutenant Governor and Commander in Chief, His Majesty's Sheriff or His Majesty's Receiver General or by any person acting on behalf of the States of Guernsey may, so far as it relates to the functions transferred by this Law, be carried on by or under the authority of the States Prison Board.

(5) Where at the coming into force of this Law any legal proceeding is pending to which His Excellency the Lieutenant Governor and Commander in Chief, His Majesty's Sheriff or His Majesty's Receiver General is a party and the proceeding has reference to any of the functions transferred by this Law, the States Prison Board shall be substituted in the proceeding for His said Excellency, the said Sheriff or the said Receiver General, as the case may be, and the proceeding shall not abate by reason of the substitution.

Constitution
of Panel of
Visitors.

6. There shall be set up a Panel, to be known as "the Panel of Visitors", which Panel shall be constituted in accordance with the provisions of any States Resolution in that behalf for the time being in force.

Transfer of
powers to
the Panel.

7. There shall be transferred to the Panel of Visitors the powers and duties in respect of the inspection of the Prison heretofore exercisable by and devolving upon the said Jurats of the Royal Court.

Saving of
powers of
inspection of
the Lieute-
nant Govern-
or and
Commander
in Chief and
the Bailiff.

8. His Excellency the Lieutenant Governor and Commander in Chief and the Bailiff shall each be entitled at all times to visit and inspect the Prison.

Operation of
this Law.

9. This Law shall come into force on such day as the States may by Resolution appoint.

*(Registered on the Records on the 23rd July, 1949.)*1949

AT THE COURT AT BUCKINGHAM PALACE,

The 30th day of June, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR.

LORD PRESIDENT.

EARL OF LISTOWEL.

LORD MORRISON.

MR. SECRETARY WOODBURN.

MR. RINFRET.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 27th day of June, 1949 in the words following, viz. :—

Contributory
Pensions
Supple-
mentary
Law, 1949.

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

‘ 1. That, in pursuance of their Resolution of the 22nd day of September, 1948, the States of Deliberation at a meeting held on the 15th day of December, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ The Contributory Pensions Supplementary Law, 1949 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed, and most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey entitled “ The Contributory Pensions Supplementary Law, 1949,” and to order and direct that the same shall have force of Law in the Islands of Guernsey, Herm and Jethou ’.

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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 Islands of Guernsey, Herm and Jethou.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council

PROJET DE LOI

ENTITLED

* “ THE CONTRIBUTORY PENSIONS
SUPPLEMENTARY LAW, 1949 ”.

THE STATES, in pursuance of their Resolution of the 22nd day of September, 1948, have approved the following provisions which, subject to the

Sanction of His Most Excellent Majesty in Council, shall have the force of Law in the Islands of Guernsey, Herm and Jethou.

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1. In Article III of the Contributory Pensions Law, 1935, (hereinafter referred to as the "principal Law") subsection (b) of section 2 shall be deleted and the following subsection substituted therefor:—

Voluntary
Contributors.

"(b) All persons who, after the coming into force of this Law, cease to be workers, if, within three calendar months next succeeding the date on which they cease to be workers, they give notice in the manner prescribed by the Insurance Authority of their desire to become voluntary contributors under this Law, and they pay to the Administrator the full arrears of contribution as voluntary contributors for the period between the date on which they ceased to be workers and the date on which such notice is given, whereupon such persons shall be deemed to have been continuously insured throughout that period."

2.—Notwithstanding any provisions to the contrary contained in or prescribed under the Contributory Pensions Laws, 1935 to 1947, if, in respect of any person who ceased on or after the 29th day of March, 1947, to be insured under the Contributory Pensions Laws, 1935 to 1947, solely by reason of the fact that he failed to satisfy the condition as to continuous insurance in respect of voluntary contributors prescribed in the principal Law before the coming into force of this Law, there be paid to the administrator within forty days of the coming into force of this Law a sum equal to the unpaid amount of contributions which would have been payable by him had he been such a voluntary contributor during the period (save as respects any period during which he again became a worker)

* Repealed by the National Insurance (Guernsey) Law, 1951.

- 1949 beginning on the date on which he so ceased to be so insured (or, if he shall have so ceased on more than one occasion, upon the date of the first such occasion) and ending on the date of such payment or on the date of his attaining the age of 70, or on the date of his death, whichever is the earliest, such contributions shall be deemed to have been paid on the proper dates and in the proper manner, and such person shall be deemed to have been a voluntary contributor throughout such period, and benefits shall be payable in respect of any incident occurring during that period to such person, or in the case of his death during that period, to his dependants.
- Amendments to 1935 Law.** 3.—The amendments specified in the second column of the Schedule to this Law, being amendments of the principal Law, shall be made in the provisions of that Law specified in the first column of that Schedule.
- Amendment to 1947 Law.** 4.—In Part II of the First Schedule of the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947, the words “or whilst entitled to become voluntary contributors”, contained in the sentence immediately preceding the Table in that Part of that Schedule, shall be deleted.
- Commencement, etc.** 5.—This Law shall come into force on the day of its registration on the Records of the Island of Guernsey and shall be constructed as one with the principal Law and with the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947.
- Citation.** 6.—The Contributory Pensions Laws, 1935 to 1947 and this Law may be cited together as “The Contributory Pensions Laws, 1935 to 1949”.

SCHEDULE

Article 3.

Article.	Amendment.
I	In the definition of a compulsory contributor, the whole of paragraph (c) shall be deleted.
V	<p>In subsection (a) of section 2 the words " who has not become entitled to be a voluntary contributor " shall be deleted.</p> <p>In subsection (d) of section 2 the words " or is entitled to become a voluntary contributor " shall be deleted.</p>
VI	<p>In section 2 the words " who has not become entitled to be a voluntary contributor " shall be deleted.</p> <p>In subsection (b) of section 4 the words " (if the worker be a compulsory contributor)" shall be deleted.</p>
XXV	In section 2, as amended by Article 10 of the Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947, immediately following the words " caused by the war of 1939 to 1945 ", there shall be added the words " and save sums which shall hereafter be paid by virtue of Article 2 of the Contributory Pensions Supplementary Law, 1949.

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(Registered on the Records on the 23rd July, 1949.)

Exchange
Control
(Import and
Export)
Order, 1949.

The Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Import and Export) Order, 1949," (No. 1293),—the Court, after having heard His Majesty's Comptroller, ordered that the said Order be registered on the Records of this Island and that an extract of this present Act together with a copy of the said Order be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the Records of those Islands.

(Registered on the Records on the 23rd July, 1949.)

Industrial
Assurance
and Friendly
Societies
Act, 1948.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 30th day of June, 1949, directing the registration of an Act of Parliament entitled "The Industrial Assurance and Friendly Societies Act, 1948,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered :—

1. That the said Order in Council be registered on the records of this Island.
2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 27th August, 1949.)

Exchange
Control
Orders.

The Bailiff having this day placed before the Court two Orders of His Majesty's Treasury entitled

respectively :—

1. The Exchange Control (Payments) (Czechoslovakia) Order, 1949 (No. 1554) :

2. The Exchange Control (Specified Currency) Order, 1949 (No. 1563),
the Court, after having heard His Majesty's Comptroller, ordered that the said Orders be registered on the records of this Island and that an extract of this present Act together with a copy of the said Orders be transmitted by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively.

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(Registered on the Records on the 3rd September, 1949.)

The Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Prescribed Securities) Order, 1949," (No. 1564)—the Court, after having heard His Majesty's Comptroller, ordered that the said Order be registered on the Records of this Island and that an extract of this present Act together with a copy of the said Order be transmitted by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively.

Exchange
Control
(Prescribed
Securities)
Order, 1949.

(Registered on the Records on the 3rd September, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of July, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
LORD PAKENHAM.
MR. ALEXANDER.
SIR ALAN LASCELLES.
LORD PATRICK.
SIR OLIVER FRANKS.
MR. DUGDALE.

IT is this day ordered by His Majesty, by and with the advice of His Privy Council, that printed copies of the following named Order in Council be

Clergy
Pensions
(Channel
Islands)
Order, 1949.

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transmitted to the Royal Court of the Island Guernsey, viz.:—

Order in Council dated the 28th day of July, 1949, made in pursuance of the Channel Islands (Church Legislation) Measure, 1931.

AND it is hereby further ordered that the said Order in Council be registered and published in the Island of Guernsey, not as being essential to its operation therein, but that His Majesty's subjects in the Bailiwick may have notice of the said Order in Council having passed, and that they are bound thereby.

AND the Lieutenant Governor and Commander-in-Chief for the time being of the Island of Guernsey, and its Dependencies, and all other persons whom it may concern, are to take notice of His Majesty's pleasure hereby signified, and govern themselves accordingly.

E. C. E. LEADBITTER.

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of July, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by section two of the Channel Islands (Church Legislation) Measure, 1931 (*a*), it is provided that any Measure receiving the Royal Assent after the passing of that Measure, which contains an express provision that it may be applied to the Channel Islands, or either of them, in accordance with that Measure, may, within two years after its passing, be so applied in accordance with the procedure set out in the Schedule to that Measure:

And Whereas by section sixty-four of the Clergy Pensions Measure, 1948 (*b*), it is provided that that Measure may be applied to the Channel Islands, or either of them, in accordance with the provisions of the Channel Islands (Church Legislation) Measure, 1931:

And Whereas the Bishop of Winchester has come

(*a*) 21 & 22 Geo. 5. No. 4.

(*b*) 11 & 12 Geo. 6. No. 1.

to the conclusion that the Clergy Pensions Measure, 1948, ought to be applied, with certain variations, to the Channel Islands and has prepared in accordance with the provisions of paragraphs 1, 2 and 3 of the Schedule to the Channel Islands (Church Legislation) Measure, 1931, and has presented to the Church Assembly, the Scheme set out in the Schedule to this Order :

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And Whereas the Church Assembly has, in accordance with the provisions of paragraph 4 of the Schedule to the Channel Islands (Church Legislation) Measure, 1931, by resolution approved the said Scheme :

Now, therefore, His Majesty, in pursuance of the Channel Islands (Church Legislation) Measure, 1931, is pleased, by and with the advice of His Privy Council, to order and direct as follows :—

1. The Scheme set out in the Schedule to this Order is hereby confirmed.
2. The Clergy Pensions Measure, 1948, shall apply to the Channel Islands in accordance with the provisions of the said Scheme.
3. This Order may be cited as the Clergy Pensions (Channel Islands) Order, 1949, and shall come into operation on the first day of January, 1950.

E. C. E. LEADBITTER.

SCHEDULE.

SCHEME PREPARED BY THE BISHOP OF WINCHESTER IN PURSUANCE OF THE CHANNEL ISLANDS (CHURCH LEGISLATION) MEASURE, 1931, FOR APPLYING THE CLERGY PENSIONS MEASURE, 1948, TO THE CHANNEL ISLANDS.

The Clergy Pensions Measure, 1948, shall apply to the Channel Islands subject to the following variations, that is to say :—

- (1) In section fifty-four of the Clergy Pensions Measure, 1948, there shall be substituted

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“Decanal Conferences of the Islands” for “Parochial Church Councils” wherever those words occur.

- (2) In subsection (4) of section eleven of the said Measure, and in sub-paragraph (a) of paragraph five of the Sixth Schedule thereto the expression “the National Insurance Act, 1946, or any Act amending or replacing that Act” shall be construed as including any Law for a similar purpose which is or may hereafter become operative in the Channel Islands, or either of them.
- (3) In subsection (3) of section thirty-three of the said Measure the expression “the Lunacy and Mental Treatment Acts, 1890 to 1930, as amended by any enactment” shall be construed as including any Law for a similar purpose which is or may hereafter become operative in the Channel Islands, or either of them.
- (4) In subsection (2) of section sixty-five of the said Measure for the date “the first day of January One thousand nine hundred and forty-eight” there shall be substituted “the first day of January One thousand nine hundred and fifty”.

Any reference in this Scheme to the Channel Islands or either of them or to the Decanal Conference shall have the same meaning as has such a reference in the Channel Islands (Church Legislation) Measure, 1931.

(Registered on the Records on the 15th October, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of September, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MR. GRIFFITHS.

MR. STRACHEY.

MR. WILSON.

SIR LIONEL LEACH.

Education
Law
(Guernsey),
1935, Amend-
ment Law,
1949.

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 August, 1949, 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, in pursuance of their Resolution of the 6th day of May, 1949, the States of Deliberation at a meeting held on the 22nd day of June, 1949, approved a Bill or “ Projet de Loi ” entitled “ The Education Law (Guernsey), 1935, Amendment Law, 1949 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “ Projet de Loi ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ Projet de Loi ” of the States of Guernsey entitled “ The Education Law (Guernsey), 1935, Amendment Law, 1949 ”, and to order and direct that the same shall have force of Law in the Islands of Guernsey and Alderney.’

“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi 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 Islands of Guernsey and Alderney.

AND HIS MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council

PROJET DE LOI.

ENTITLED

“ THE EDUCATION LAW (GUERNSEY),
1935, AMENDMENT LAW, 1949 ”.

THE STATES, in pursuance of their Resolution of the 6th day of May, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and in the Island of Alderney.

**Definition
of child of
school age.**

1. In section 1 of the Education Law (Guernsey), 1935, the definition of “ a child of school age ” shall be amended by repealing the words from “ attaining the age of fourteen years ” to “ last day of that half-term ” and substituting therefor the words “ a child (a) who attains the age of fourteen years during any Elementary School term shall be deemed not to have attained that age until the close of school on the last day of that term ; and (b) who attains that age during a holiday between two school terms shall be deemed

to have attained that age at the close of school on the last day of the term preceding that holiday".

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2. This Law, the Education Law (Guernsey), 1935, and the Education (Amendment) Law (Guernsey), 1938, may be cited together as the Education Laws (Guernsey), 1935 to 1949.

Citation.

(Registered on the Records on the 15th October, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 29th day of September, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MR. GRIFFITHS.

MR. STRACHEY.

MR. WILSON.

SIR LIONEL LEACH.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 9th day of August, 1949, in the words following, viz. :—

Passenger
Transport
Licensing
Authority
(Guernsey)
Law, 1949.

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

‘ 1. That, in pursuance of their Resolution of the 28th day of January, 1949, the States of Deliberation at a meeting held on the 22nd day of June, 1949, approved a Bill or “Projet de Loi” entitled “ The Passenger Transport Licensing Authority (Guernsey) Law, 1949 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “ Projet de Loi ” is in the words and figures set forth in the Schedule hereunto annexed. And

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most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Passenger Transport Licensing Authority (Guernsey) Law, 1949," and to order and direct that the same shall have force of Law in the Island of Guernsey.'

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

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

AND HIS MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

1949

PROJET DE LOI

ENTITLED

THE PASSENGER TRANSPORT LICENSING AUTHORITY (GUERNSEY) LAW,

1949.

THE STATES, in pursuance of their Resolution of the 28th day of January, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council shall have force of law in this Island

1. (1) There shall be established an authority styled the Passenger Transport Licensing Authority (hereafter in this Law referred to as "the Authority"), consisting of such persons as the States shall elect thereto.

Constitution,
proceedings
and meetings
of the
Authority.

(2) The constitution of the Authority shall be such as the States may from time to time by Resolution determine or may so have determined prior to the commencement of this Law.

(3) Meetings of the Authority for the purpose of considering and determining questions relating to maximum fares, routes or termini shall be held in public, and not less than two clear days prior notification of the date, time and place on and at which a meeting is to be held, and of the matters to be considered thereat, shall be given in La Gazette Officielle. When considering any question relating to omnibus time-tables or stopping-places the Authority may exclude the public from that meeting during such consideration, and if at any meeting there be no business other than consideration of such questions, the Authority shall not be bound in respect of that meeting to give the notification hereinbefore specified.

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 Duty of the Authority.

2. (1) It shall be the duty of the Authority generally to control the use of public vehicles.

(2) Such books and documents shall be kept in relation to any public vehicle or public vehicle service as the Authority may from time to time require.

(3) The States may make such Ordinances as may be requisite for the carrying out by the Authority of its duties under this Law.

Authority to hear views of Police Committee.

3. On hearing any application in connection with a road service licence, the Authority shall hear the opinion of the Island Police Committee in respect thereof, which opinion shall be stated verbally to the Authority by a person appointed to represent that Committee, and no such hearing shall be concluded by the Authority until such statement has been heard.

Powers of Authority to require information.

4. (1) It shall be the duty of any person having in his custody or power books or documents relating to the operation of a public vehicle or a public vehicle service to produce them or any of them to the Authority when required in writing so to do.

(2) The Authority may examine on oath any person concerned with such operation as aforesaid in relation to such operation, and may administer an oath accordingly.

(3) If a person refuses to produce to the Authority any book or document which it is his duty under this section so to produce, or refuses to answer any question which is put to him hereunder by the Authority, the Authority may certify the refusal under the hand of a member of the Authority to the Royal Court, and the Court may thereupon inquire into the case, and after hearing any witnesses who may be produced against or on behalf of the alleged offender and after hearing any statement which may be offered in defence, punish the offender in like manner as if he had been guilty of contempt of the Court.

5. Nothing in this Law shall affect the validity of existing licences in respect of public vehicles or public vehicle service, but conditions attached to any such licence shall be enforceable by the Authority in like manner as if they were conditions imposed by the Authority under the provisions of an Ordinance made in pursuance of this Law, and the provisions of any such Ordinance in relation to renewal, revocation, suspension and modification shall be applicable to such licences and to any conditions thereto attached.

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Saving for
current
licences.

6. In this Law, the expression " public vehicle " shall mean a vehicle used or intended to be used on the roads for the carriage of fare-paying passengers.

Definition.

(Registered on the Records on the 5th November, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of October, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CHAMBERLAIN.

MR. SECRETARY CREECH JONES.

MR. KEY.

WHEREAS His Majesty deemed it expedient that a Committee of His Privy Council should enquire into the state of the Island of Alderney, with particular reference to its form of government and its relationship with the neighbouring Islands, its financial position and its economic prospects and report thereon, and was pleased, by Order in Council dated the 3rd day of July, 1947, to appoint the Lord Ammon, the Right Honourable James Chuter Ede (Chairman) and the Right Honourable Osbert Peake, to be a Committee of the Privy Council for the purposes of the said inquiry:

Alderney—
Privy Council
Committee
Report.

AND WHEREAS by the resignation of the Lord Ammon a vacancy occurred amongst the members of

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the said Committee and His Majesty was pleased, by Order in Council dated the 8th day of August, 1947, to appoint The Viscount Stansgate, D.S.O., in the room of the said Lord Ammon:

AND WHEREAS the said Committee, having completed their inquiries, have reported to His Majesty in Council their findings and conclusions:

AND WHEREAS the said Report was this day read at the Board:

NOW THEREFORE His Majesty has taken the said Report into consideration and has noted the recommendations and suggestions contained therein, and does hereby, by and with the advice of His Privy Council, order, and it is hereby ordered, that the said Report be published and transmitted to be registered and published in the Islands of Guernsey and Alderney:

AND the Right Honourable James Chuter Ede, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

E. C. E. LEADBITTER.

(Registered on the Records on the 12th Novemeber, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of October, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CHAMBERLAIN.

MR. SECRETARY CREECH JONES.

MR. KEY.

Export of
Tomatoes
Law, 1949,
(Con-
tinuance)
Law, 1949.

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 October, 1949, 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 in pursuance of their Resolution of the 27th day of July, 1949, the States of Deliberation at a meeting held on the 21st day of September, 1949, approved a Bill or “Projet de Loi” entitled “The Export of Tomatoes Law, 1949, (Continuance) Law, 1949” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Export of Tomatoes Law, 1949, (Continuance) Law, 1949,” and to order and direct that the same shall have force of Law in the Island of Guernsey.’

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

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

“THE EXPORT OF TOMATOES LAW, 1949,
(CONTINUANCE) LAW, 1949”.

THE STATES, in pursuance of their Resolution of the 27th day of July, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

1949 Law
to continue.

1. Notwithstanding the provisions of section three of the Export of Tomatoes Law, 1949, the said Law shall remain in force until the 31st day of December, 1950.

Orders made
under 1949
Law.

2. For the removal of doubts it is hereby declared that nothing in this Law contained shall be deemed to provide for the continuance in force after the 31st day of December, 1949, of any Order made before that date under the provisions of the Export of Tomatoes Law, 1949.

(Registered on the Records on the 12th November, 1949.)

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AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of October, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CHAMBERLAIN.

MR. SECRETARY CREECH JONES.

MR. KEY.

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 October, 1949, in the words following, viz.:—

States Water
Supply
(Temporary
Provisions)
Amendment
Law, 1949.

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

‘1. That, in pursuance of their Resolution of the 21st day of September, 1949, the States of Deliberation at a meeting held on the said 21st day of September, 1949, approved a Bill or “Projet de Loi” entitled “The States Water Supply (Temporary Provisions) Amendment Law, 1949” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The States Water Supply (Temporary Provisions) Amendment Law, 1949”, and to order and direct that the same shall have force of Law in 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty’s Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

THE STATES WATER SUPPLY (TEMPORARY
PROVISIONS) AMENDMENT LAW, 1949.

THE STATES, in pursuance of their Resolution of the twenty-first day of September, 1949, have approved the following provisions which, subject to the

Sanction of His Most Excellent Majesty in Council, 1949
shall have force of law in this Island.

1. Article 2 of the States Water Supply (Temporary Provisions) Law, 1938, is hereby amended— Amendment
of 1938 Law.

(a) by repealing the words and letter “ or (b) its obligations to supply water for domestic purposes,” ; and

(b) by substituting for the words and figures “after the 10th day of May, 1938,” the words “ whether made before or after the commencement of this Law,”.

2. This Law shall be deemed to have come into force on the 1st day of July, 1949. Commence-
ment.

3. This Law and the States Water Supply (Temporary Provisions) Law, 1938, may be cited together as the States Water Supply (Temporary Provisions) Laws, 1938 and 1949. Citation.

(Registered on the Records on the 12th November, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of October, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CHAMBERLAIN.

MR. SECRETARY CREECH JONES.

MR. KEY.

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, 1949, in the words following, viz.:— States
Committees
(Guernsey)
Law, 1949.

“ 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, in pursuance of their Resolution of the 22nd day of June, 1949, the States of Deliberation at a meeting held on the 21st day of September, 1949, approved a Bill or "Projet de Loi" entitled "The States Committees (Guernsey) Law, 1949" and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto:

2. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The States Committees (Guernsey) Law, 1949" and to order and direct that the same shall have force of Law in the Island of Guernsey.'

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

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

AND HIS MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats,

and all other His Majesty's Officers for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

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E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

* THE STATES COMMITTEES (GUERNSEY) LAW, 1949.

THE STATES, in pursuance of their Resolution of the 22nd day of June, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

1. The period of office now current of a President or Member of any Committee shall continue until the 31st day of January next following the date on which such period would; but for the operation of this Law, have expired.

Period of
office of
Presidents
and
Members.

2. In every Committee, unless provision has otherwise been or shall otherwise be made to the contrary in the constitution thereof—

(1) The order of retirement of Members shall be decided by agreement among themselves, or, failing such agreement, by lot.

Retirement
of Members.

(2) Where a President or Member ceases to hold office otherwise than by effluxion of time, a person shall be elected or co-opted, as the case may require, to complete the unexpired portion of the term of office of the President or Member to be replaced.

Replacement
of Presidents
and
Members.

* See also the States Committees (Special Provisions) (Guernsey) Law, 1950.

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 Quorum.

(3) The quorum shall be the nearest whole number above one half of the number of voting Members on the Committee, among which number of voting members shall be included the President.

President's
 vote.

(4) The President shall have a casting vote only.

Definition of
 Committee.

3. In this Law, the expression "Committee" shall mean any body set up by or at the instance of the States, whether it be styled a Committee, a Board or otherwise, and not being set up solely for the purpose of making an investigation or report, or both, the periodic re-election or replacement of whose members is either specifically or by implication provided for in the constitution thereof.

(Registered on the Records on the 12th November, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of October, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CHAMBERLAIN.

MR. SECRETARY CREECH JONES.

MR. KEY.

Income Tax
 (Guernsey,
 Alderney,
 Herm and
 Jersey
 Reciprocal
 Exemption)
 (Guernsey)
 Law, 1949.

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, 1949, in the words following, viz.:—

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

' 1. That, in pursuance of their Resolutions of the 28th day of January, 1949, and of the 27th day of May, 1949, the States of Deliberation at a

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meeting held on the 21st day of September, 1949, approved a Bill or "Projet de Loi" entitled "The Income Tax (Guernsey, Alderney, Herm and Jersey Reciprocal Exemption) (Guernsey) Law, 1949" and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Income Tax (Guernsey, Alderney, Herm and Jersey Reciprocal Exemption) (Guernsey) Law, 1949", and to order and direct that the same shall have force of Law in the Islands of Guernsey, Alderney and Herm.'

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

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

THE INCOME TAX (GUERNSEY, ALDERNEY,
HERM AND JERSEY RECIPROCAL .
EXEMPTION) (GUERNSEY) LAW, 1949.

THE STATES, in pursuance of their Resolutions of the 28th day of January, 1949, and of the 27th day of May, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and in the Islands of Alderney and Herm.

Agreements
to have
force of law

1. The provisions of the Agreements dated respectively the 2nd day of March, 1949, and the 1st day of July, 1949, both made between the States of Jersey of the one part and the States of Guernsey of the other part, which provisions are set out, as regards the former of such Agreements, in the First Schedule hereto and, as regards the latter of such Agreements, in the Second Schedule hereto, shall have force of law in this Island and in the Islands of Alderney and Herm, and shall continue to have such force during such period as the said Agreements shall be in force and binding on the parties thereto.

Commence-
ment.

2. This Law shall be deemed to have come into force on the 1st day of January, 1949.

FIRST SCHEDULE.

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Agreement made on the second day of March, nineteen hundred and forty-nine *between* Francis de Lisle Bois, Greffier of the States of Jersey, for and on behalf of the States of Jersey and authorised by Act of the States of Jersey of the eighth day of February, nineteen hundred and forty-nine, of the one part ; *and* Wilfred John Corbet, President of the Income Tax Authority of the States of Guernsey, acting for and on behalf of the States of Guernsey and authorised by resolutions of the States of Guernsey of the twenty-eighth day of January, nineteen hundred and forty-nine, of the other part.

Whereas the States of Jersey and the States of Guernsey are desirous of concluding an agreement for the reciprocal exemption from income tax of persons who, for the purposes of income tax, are resident in the Island of Jersey or the Island of Guernsey, but are not resident in both Islands, and are desirous of making such supplemental, consequential and incidental provisions as appear to be necessary or proper for the purposes of such agreement ;

Now these presents witness as follows :—

1.—(a) Any person who proves to the satisfaction of the Comptroller of Income Tax of the Island of Jersey that, for the purposes of income tax for any year, he is resident in the Island of Guernsey but is not resident in the Island of Jersey shall be entitled to exemption from Jersey income tax for that year in respect of all property situate and all profits or gains arising or accruing in the Island of Jersey for that year.

(b) Any person who proves to the satisfaction of the Administrator of Income Tax of the Island of Guernsey that, for the purposes of income tax for any year, he is resident in the Island of Jersey but is not resident in the Island of Guernsey shall be entitled to exemption from Guernsey income tax for that year.

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in respect of all property situate and all profits or gains arising or accruing in the Island of Guernsey for that year.

(c) Exemption under this Article may be given either by discharge or by repayment of tax, or otherwise, as the said Comptroller or the said Administrator, as the case may be, may decide.

2.—(a) Any person who is entitled to exemption from Jersey income tax by virtue of Article 1 (a) of this agreement in respect of property situate and profits or gains arising or accruing in the Island of Jersey shall, if and so far as may be provided by, and subject to any exemption or relief to which he may be entitled under, the Laws in force in the Island of Guernsey, be chargeable to Guernsey income tax in respect of such property, profits or gains.

(b) Any person who is entitled to exemption from Guernsey income tax by virtue of Article 1 (b) of this agreement in respect of property situate and profits or gains arising or accruing in the Island of Guernsey shall, if and so far as may be provided by, and subject to any exemption or relief to which he may be entitled under, the Laws in force in the Island of Jersey, be chargeable to Jersey income tax in respect of such property, profits or gains.

3. For the purpose of this agreement, a body of persons, corporate or unincorporate, not being a partnership, shall be deemed to be resident in that Island only in which its business is managed and controlled.

4.—(a) With a view to the apportionment, on a fair and equitable basis, between the parties to this agreement, of the loss of revenues resulting from this agreement—

- (i) the States of Jersey shall refund to the States of Guernsey a proportion, calculated in accordance with the provisions of paragraph (b) of this Article, of the tax collected for each year to which this agreement applies

in respect of the business profits, as computed for the purposes of income tax, arising or accruing in the Island of Guernsey to persons resident in the Island of Jersey ;

- (ii) the States of Guernsey shall refund to the States of Jersey a proportion, calculated in accordance with the provisions of paragraph (b) of this Article, of the tax collected for each year to which this agreement applies in respect of the business profits, as computed for the purposes of income tax, arising or accruing in the Island of Jersey to persons resident in the Island of Guernsey.

(b) The proportion of the tax collected on the business profits which is required by this Article to be refunded shall be—

- (i) in relation to an individual, one half of an amount which bears the same ratio to the tax charged on his total income for the year, as the amount of the business profits bears to such total income ;
- (ii) in any other case, one half of the tax collected.

(c) In this Article “ business profits ” means any profits or gains arising or accruing from any trade, manufacture, adventure or concern in the nature of trade, or from any profession.

5.—(a) Where the standard rate of income tax in one Island for any year exceeds the standard rate of income tax in the other Island for that year, it shall be permissible for the States of the first-mentioned Island to impose a tax, at a rate not exceeding the difference between the said standard rates, on the trading profits, as computed for the purposes of income tax, arising or accruing in that Island to bodies corporate resident in the other Island.

(b) The amount of the tax so imposed shall not be allowed as a deduction in assessing the amount of

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such profits for the purposes of income tax in the other Island, and it shall not be permissible for a body corporate to deduct the amount of such tax from any dividends payable to the holders of shares therein.

(c) Any tax so imposed shall not be deemed to be income tax for the purposes of any enactment relating to income tax for the time being in force in either of the Islands.

6.—The Comptroller of Income Tax of the Island of Jersey and the Administrator of Income Tax of the Island of Guernsey may from time to time make arrangements generally for carrying out this agreement and may in particular make such arrangements as may be practicable to avoid the collection of both Jersey and Guernsey income tax on the same income without allowance for any relief due under this agreement.

7.—(a) Notwithstanding any obligation as to secrecy imposed by any enactment relating to income tax, the taxation authority of either party to this agreement may disclose to the taxation authority of the other party such information as may be necessary to enable full effect to be given to this agreement, but any information so disclosed shall be treated as secret and shall not be disclosed to any persons other than those concerned with the administration of income tax.

(b) In this Article “taxation authority” means, as regards Jersey, the Comptroller of Income Tax or any person, being a sworn member of the Income Tax Department of the States of Jersey, designated by the said Comptroller, and, as regards Guernsey, the Administrator of Income Tax or any person, being a sworn member of the Income Tax Department of the States of Guernsey, designated by the said Administrator.

8.—(a) Any question that may arise between the parties to this agreement as to the interpretation of

this agreement, or as to any matter arising out of or incidental to this agreement, shall be determined by such person or persons experienced in matters of income tax as may be agreed between the Finance Committee of the States of Jersey and the Income Tax Authority of the States of Guernsey, and the determination of such person or persons shall be final.

(b) For the avoidance of doubt, it is hereby declared that references in this agreement to income tax include references to sur-tax.

9. Either party may determine this agreement by giving to the other party six months' previous notice to that effect expiring on the thirty-first day of December in any year.

10. This agreement shall have effect only if and so long as legislation confirming the agreement is in force both in the Island of Jersey and the Island of Guernsey.

Dated this second day of March, 1949.

SECOND SCHEDULE.

Agreement made the first day of July, nineteen hundred and forty-nine *between* Francis de Lisle Bois, Greffier of the States of Jersey, for and on behalf of the States of Jersey and authorized by Act of the States of Jersey of the twenty-fifth day of May, nineteen hundred and forty-nine, of the one part; *and* Wilfred John Corbet, President of the Income Tax Authority of the States of Guernsey, acting for and on behalf of the States of Guernsey and authorized by resolutions of the States of Guernsey of the twenty-seventh day of May, nineteen hundred and forty-nine, of the other part.

Whereas this Agreement is supplemental to an Agreement made on the second day of March, nineteen hundred and forty-nine, between the States of Jersey and the States of Guernsey for the reciprocal

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exemption from income tax of persons who, for the purposes of income tax, are resident in the Island of Jersey or the Island of Guernsey, but are not resident in both Islands ;

And Whereas the laws relating to income tax in force in the Islands of Guernsey, known as the Income Tax Laws, 1920 to 1948, are also in force in the Islands of Alderney and Herm ;

Now these presents witness as follows :—

1. The said Agreement of the second day of March, nineteen hundred and forty-nine, shall have effect and shall be deemed always to have had effect as if references therein to the Island of Guernsey included references to the Islands of Alderney and Herm.

2. This Agreement shall have effect only if and so long as legislation confirming the said Agreement of the second day of March, nineteen hundred and forty-nine, and this Agreement is in force both in the Island of Jersey and in the Islands of Guernsey, Alderney and Herm.

Dated this first day of July, 1949.

(Registered on the Records on the 12th November, 1949.)

AT THE COURT AT BUCKINGHAM PALACE,

The 28th day of October, 1949.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD CHAMBERLAIN.

MR. SECRETARY CREECH JONES.

MR. KEY.

Liquor
Licensing
(Taxation)
(Guernsey)
No. 1 Law,
1949.

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, 1949, in the words following, viz. :—

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

‘ 1. That, in pursuance of their Resolution of the 20th day of October, 1948, the States of Deliberation at a meeting held on the 5th day of October, 1949, approved a Bill or “Projet de Loi” entitled “Liquor Licensing (Taxation) (Guernsey) No. 1 Law, 1949” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “Liquor Licensing (Taxation) (Guernsey) No. 1 Law, 1949,” and to order and direct that the same shall have force of Law in the Islands of Guernsey, Alderney, Herm and Jethou.’

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

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

“ LIQUOR LICENSING (TAXATION)
(GUERNSEY) No. 1 LAW, 1949 ”.

THE STATES, in pursuance of their Resolution of the 20th day of October, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of Law in this Island and in the Islands of Alderney, Herm and Jethou:—

- Licence fees. 1. The States may by Ordinance prescribe:—
- (1) the amount of the licence fees and the method by which, and the basis upon which, as the case may be, the said fees shall be levied in respect of licences ;
 - (2) the manner and the times at which the amounts of such licence fees shall be paid to the States.
- Repeals. 2. The Laws specified in the first column of the Schedule to this Law are hereby repealed to the extent specified in the second column of the said Schedule :

Provided that any Ordinance made under the provisions of the "Liquor Licensing (Taxation) (Guernsey) Law, 1949", which Law is hereby repealed, shall be valid as if it had been made under the provisions of this Law.

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3. In this Law the expression "licence" means a licence for the sale of intoxicating liquor. Definition of licence.

4. This Law shall be deemed to have come into force on the 14th day of May, 1949. Commencement.

SCHEDULE.

Section 2.

<i>Law.</i>	<i>Extent of Repeal.</i>
Liquor Licensing (Taxation) (Guernsey) Law, 1949.	The Whole Law.
Règlement pour le Débit de la Bière et du Cidre. (Registered on the Records of the Island of Guernsey on the 20th day of December, 1856).	The Whole Law.
Loi relative à la Vente en détail de la Bière et du Cidre en bouteilles. (Registered on the Records of the Island of Guernsey on the 16th day of March, 1889.)	Articles 2 and 3.

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(Registered on the Records on the 19th November, 1949.)

Constitution
of Sark—
1923 Order in
Council.

The Court, on the representations of His Majesty's Procureur that, after due enquiry, it appeared to him that the Order in Council dated 26th June, 1923, amending an Order in Council dated 20th June, 1922, relating to the constitution of the Island of Sark, although registered upon the records of this Island by Act of the Royal Court dated the 14th July, 1923, and ordered to be transmitted to the Seneschal of Sark for registration on the records of that Island, is not in fact registered in Sark, ordered that a copy of the said Order in Council of the 26th June, 1923, be transmitted forthwith by His Majesty's Greffier to the Seneschal of Sark for registration on the records of that Island.

(Registered on the Records on the 19th November, 1949.)

Exchange
Control
(Traders in
Coin)
(Amend-
ment)
Order, 1949.

The Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Traders in Coin) (Amendment) Order, 1949," (No. 2042),—the Court, after having heard His Majesty's Procureur thereon, ordered that the said Order be registered on the records of this Island and that an extract of this present Act together with a copy of the said Order be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 10th December, 1949.)

Ireland
Act, 1949.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 25th day of November, 1949, directing the registration of an Act of Parliament entitled "The Ireland Act, 1949,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon ordered:—

1. That the said Order in Council be registered on the records of this Island.
2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

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• *(Registered on the Records on the 7th January, 1950.)*

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The Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Payments) (China and Formosa) Order, 1949," (No. 2365),—the Court, after having heard His Majesty's Comptroller thereon, ordered that the said Order be registered on the records of this Island and that an extract of this present Act together with a copy of the said Order be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

Exchange Control (Payments) (China and Formosa) Order, 1949.

(Registered on the Records on the 16th January, 1950.)

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 21st day of December, 1949, directing the registration of an Act of Parliament entitled "The Alderney (Transfer of Property, etc.) Act, 1923,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered:—

Alderney (Transfer of Property, etc.) Act, 1923.

1. That the said Order in Council be registered on the records of this Island.

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2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be sent by His Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island.

(Registered on the Records on the 16th January, 1950.)

Alderney
(Transfer of
Property,
etc.) No. 1
Order, 1924.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 21st day of December, 1949, directing the registration of an Order in Council of the 30th day of May, 1924, entitled "The Alderney (Transfer of Property, etc.) No. 1 Order, 1924",— the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered :—

1. That the said Order in Council of the 21st day of December, 1949, be registered on the records of this Island.
2. That a copy of the said Order in Council of the 30th day of May, 1924, be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act together with a copy of each of the said Orders in Council be sent by His Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island.

(Registered on the Records on the 28th January, 1950.)

Expiring
Laws
Continuance
Act, 1949.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 21st day of December, 1949, directing the registration of an Act of Parliament entitled "The

Expiring Laws Continuance Act, 1949,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered :—

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1. That the said Order in Council be registered on the records of this Island.
2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 18th February, 1950.)

AT THE COURT AT SANDRINGHAM

The 3rd day of February, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD CHANCELLOR

VISCOUNT HALL

SIR ALAN LASCELLES.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 12th day of January, 1950, in the words following viz. :—

Sark
Elections
(Validation)
Law, 1950.

“ 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, Esquire, Seigneur, William Baker, Esquire, Sénéchal, and Philip Guille, Esquire, Prévôt, of the Island of Sark, setting forth :—

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' 1. That, at a meeting of the Tenants and Deputies of the Chief Pleas of Sark assembled on the 13th day of September, 1949, doubt was expressed as to the legality of the election of the Deputies then members of such Chief Pleas ; 2. That on further consideration it appeared, as is more particularly set out in the Preamble to the Bill or Projet de Loi hereunto annexed, that elections of Deputies have not, since the year 1922, been conducted in conformity with the provisions of the enactments from time to time in force regarding the same; 3. That accordingly at an assembly of the said Chief Pleas held on the 13th day of September, 1949, it was resolved that it was desirable that the validity of all such elections be established retrospectively by law ; 4. That in pursuance of their said Resolution, the said Chief Pleas approved, at a meeting held on the 21st day of November, 1949, the Bill or Projet de Loi hereinbefore referred to, entitled " The Sark Elections (Validation) Law, 1950 ", and requested Your Petitioners to present a most humble petition to Your Majesty in Council praying for your Royal Sanction thereto ; 5. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the Chief Pleas of Sark entitled " The Sark Elections (Validation) Law, 1950," and to order and direct that the same shall have force of Law in the Island of Sark '.

"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 Sark.

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 Registers of the Islands of Guernsey and Sark and observed accordingly.

AND the Lieutenant Governor and 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.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order in Council.

PROJET DE LOI

ENTITLED

THE SARK ELECTIONS (VALIDATION)
LAW, 1950.

WHEREAS His Most Excellent Majesty was graciously pleased by Order in Council registered on the Records of the Island of Guernsey on the 15th day of July, 1922, to grant to the Island of Sark a new and reformed Constitution :

WHEREAS by Article 16 of the said Order in Council it was provided, *inter alia*, that all matters

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concerning the election of deputies to the Chief Pleas of Sark should be regulated by the Royal Court of Guernsey :

WHEREAS in accordance with the said Article 16 the said Royal Court on the 5th day of September, 1922, passed an Ordinance entitled “ Ordonnance réglant la Procédure à suivre dans les Elections des Députés aux Chefs-Plaids de l’Ile de Serk,” which Ordinance was made permanent on the 5th day of October, 1931 :

WHEREAS on the 30th day of September, 1925, the said Chief Pleas passed a Resolution in the following form—“ Les Chefs Plaids ont été d’avis de passer amendement au paragraphe 2 (a) de l’Acte de Sa Majesté en Conseil en date du 20 juin 1922 ” (being the above-recited Order in Council) “ comme suit ; shall be qualified for the election of deputies, viz., inhabitants of Sark who being males have attained the age of 20 years and are ratepayers.”:

WHEREAS a Projet de Loi implementing the said Resolution was never submitted for the Sanction of His Most Excellent Majesty in Council, accordingly the said Resolution is and has always been of no effect :

WHEREAS it now appears that elections of deputies to the Chief Pleas of Sark have since the year 1925 been conducted as though the said Resolution had the force of law :

WHEREAS certain of such elections since the year 1922 have not been conducted in accordance with the above-recited Ordinance of the Royal Court :

NOW THEREFORE the Chief Pleas of Sark have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Sark :

1. The election of any person to the office of deputy of the Chief Pleas of Sark at any time between the 15th day of July, 1922, and the date of commencement of this Law shall be deemed not to have been invalidated by reason only of any failure at such election to comply with the provisions of paragraph (a) of Article 2 of the above-recited Order in Council of 1922 or with any of the provisions of the above-recited Ordinance of the Royal Court, and any such person shall be deemed, notwithstanding such failure but without prejudice to any other objection to his election, to have been validly elected.

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 Election of certain deputies deemed not to have been invalidated.

2. This Law shall come into force on the date of its registration on the Records of the Island of Guernsey.

Commencement.

(Registered on the Records on the 18th February, 1950.)

AT THE COURT AT SANDRINGHAM,
 The 3rd day of February, 1950.

PRESENT,
 THE KING'S MOST EXCELLENT MAJESTY.
 LORD CHANCELLOR
 VISCOUNT HALL
 SIR ALAN LASCELLES.

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 January, 1950, in the words following, viz. :—

Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950.

“ 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 Sidney Peck Herivel, Esquire, President of the States of the Island of Alderney setting forth :

‘ That at a meeting of the States of Alderney on the 11th day of March, 1949, the States

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adopted a resolution that a Law introducing compulsory third-party insurance for motor vehicles be drafted and placed before the States; That on the 5th day of December, 1949, a Projet de Loi intituled "The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950", was duly considered by the States, when a resolution was passed approving the same and authorizing Your Humble Petitioner to present a Petition to Your Majesty in Council praying for Your Royal Sanction thereto; That the said Projet de Loi is in the words and figures set forth in the Schedule annexed hereunto; and most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Projet de Loi of the States of Alderney, intituled "The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950" and to order and to direct that the same shall have the force of Law within the 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 and 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 Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council

PROJET DE LOI

ENTITLED

THE ROAD TRAFFIC (COMPULSORY
THIRD-PARTY INSURANCE) (ALDERNEY)
LAW, 1950.

THE STATES, in pursuance of their Resolution of the 11th day of March, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have the force of Law in the Island of Alderney.

(1) The Laws set out in the Schedule hereto, either in their present form or as modified from time to time, shall have effect in the Island of Alderney subject to the adaptations and modifications set out in the next succeeding section hereof.

Guernsey
Laws to have
effect in
Alderney.

(2) In the application of the said Laws to the Island of Alderney, unless the context otherwise requires :—

Application
of above
Laws.

(a) a reference to the Island or to the States of Guernsey or any expression bearing either of those meanings shall include a reference to the Island or to the States of Alderney, as the case may be ;

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(b) a reference to the Royal Court (other than the reference contained in Section 14 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, which reference shall be deemed to be a reference to the States of Alderney), to the Court or to the Police Court Magistrate shall be deemed to be a reference to the Court of Alderney ;

(c) a reference to the Police Inspector shall include a reference to any member of the Island of Guernsey Police Force on duty in the Island of Alderney ;

(d) sub-section (2) of Section 2 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall be read as though the word "summary" were omitted and sub-section (1) of Section 16 of that Law shall be read as though the word "summarily" were omitted ;

(e) sub-sections (3) and (4) of Section 3 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall not apply to the Island of Alderney, but the following sub-sections shall be inserted in lieu thereof—

" (3) No person other than an authorised insurer under the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall be authorised to issue policies of insurance in the Island of Alderney for the purposes of this Law :

PROVIDED that the address communicated by such an insurer for the purposes of sub-sections (3) and (4) of Section 3 of the said Law of 1936 shall be deemed to be an address in the Island of Alderney at which he will accept service of every notice or citation required to be made to him in relation to any action or proceeding taken or to be taken in the Island of Alderney under or by reason of the provisions of this Law or of any policy issued by him to which this Law relates or in respect of any claim or

proceeding made or taken by or against any person insured under such a policy.

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(4) For the purposes of this Law, the expression " authorised insurer " means an assurance company for the time being approved by the Guernsey States Board of Administration " ;

(f) in paragraph (b) of Section 14 of the said Law of 1936, for the words " States Supervisor " there shall be substituted the words " Treasurer of the States of Alderney."

(3) (1) All causes of Action in respect of an accident against which a person is or is required by this Law to be assured which, but for the death of that person (hereinafter referred to as " the assured person ") would have subsisted against or vested in him, and all causes of Action which, but for the death of a person having a claim against an assured person in respect of an accident against which the assured person is or is required by this Law to be assured (which person is hereinafter referred to as " the third party ") would have subsisted against or vested in the third party, shall survive against or for the benefit of the estate of the assured person or of the third party, as the case may be.

Causes of
Action.

(2) Where a cause of Action survives as aforesaid for the benefit of the estate of a deceased person, the damage recoverable—

(a) shall not include exemplary damages ; and

(b) where the death of that person has been caused by the Act or omission which gives rise to the action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(3) No proceedings shall be maintainable in respect of any cause of Action which has survived by reason of the operation of this section unless such proceedings are commenced not later than six months

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after the legal personal representatives of the deceased first took out representation in regard to his estate.

(4) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability on that estate resulting from those proceedings shall be a debt provable in the administration of the estate.

SCHEDULE.

Third Parties (Rights against Insurers) (Guernsey) Law, 1936.

Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936 (as amended by the Loi Supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946).

(Registered on the Records on the 18th February, 1950.)

AT THE COURT OF SANDRINGHAM

The 3rd day of February, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR

VISCOUNT HALL

SIR ALAN LASCELLES.

Non-Con-
tributory
Old Age and
Blindness
Pensions
(Guernsey)
Law, 1950.

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 January, 1950, 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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‘ I. That, in pursuance of their Resolution of the 22nd day of June, 1949, the States of Deliberation at a meeting held on the 16th day of December, 1949, approved a Bill or “*Projet de Loi*” entitled “*The Non-Contributory Old Age and Blindness Pensions (Guernsey) Law, 1950*”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “*Projet de Loi*” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de Loi*” of the States of Guernsey entitled “*The Non-Contributory Old Age and Blindness Pensions (Guernsey) Law, 1950*”, and to order that the same shall have force of Law in the Islands of Guernsey, Alderney, Herm and Jethou’.

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

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

AND HIS MAJESTY doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed) be entered upon the

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Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order in Council.

PROJET DE LOI

ENTITLED

“THE NON-CONTRIBUTORY OLD AGE AND BLINDNESS PENSIONS (GUERNSEY) LAW, 1950”.

ARRANGEMENT OF SECTIONS.

Section

- 1 Right to receive old age pension.
- 2 Statutory conditions for receipt of old age pension.
- 3 Disqualifications for old age pension.
- 4 Prohibition against double pensions.
- 5 Payment of old age pensions.
- 6 Date of commencement of pension or of increased rate of pension.
- 7 Old age pension to be inalienable, etc.
- 8 Determination of claims and questions.
- 9 Further provisions with respect to the raising and determination of questions.
- 10 Penalty for false statements, etc., and repayment where pensioner is found not to have been entitled to pension.
- 11 Regulations and expenses.
- 12 Interpretation.
- 13 Repeals.
- 14 Instruments made or issued by the Authority.
- 15 Commencement and short title.

Schedules.

THE STATES, in pursuance of their Resolution of the 22nd day of June, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and in the Islands of Alderney, Herm and Jethou :—

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1.—(1) Every person in whose case the conditions laid down by this Law for the receipt of an old age pension (in this Law referred to as “ statutory conditions ”) are fulfilled, shall be entitled to receive such a pension under this Law so long as those conditions continue to be fulfilled, and so long as he is not disqualified under this Law for the receipt of the pension.

Right to receive old age pension.

(2) An old age pension under this Law shall be at the rate set forth in the First Schedule of this Law.

(3) Regulations under this Law may provide that when a person is undergoing medical or other treatment as an in-patient in a hospital or similar institution no account shall be taken, in calculating his means in accordance with the provisions of the First Schedule to this Law, of the value to him of the accommodation, maintenance and services provided in the hospital or institution, but that his pension shall be adjusted to such extent as may be specified in the said regulations.

(4) The sums required for the payment of old age pensions under this Law shall be paid out of moneys provided by the States.

(5) The receipt of an old age pension under this Law shall not deprive the pensioner of any franchise, right, or privilege, or subject him to any disability.

2.—(1) Subject to the provisions of this Law, the statutory conditions for the receipt of an old age pension by any person are that—

Statutory conditions for receipt of old age pension.

(a) the person shall have attained the age of

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seventy, or, in the case of a blind person, the age of forty ;

- (b) the person shall for at least ten years up to the date of the receipt of any sum on account of a pension have been a British subject, and shall have been resident in Guernsey, if he is a natural born British subject, for an aggregate period of not less than twelve years since attaining the age of fifty years, or, in the case of a blind person, twenty years, and, if he is not a natural born British subject, for an aggregate period of twenty years ;
- (c) the person's yearly means as calculated in accordance with the provisions of the First Schedule to this Law do not exceed eighty-nine pounds five shillings.

(2) For the purpose of computing residence in Guernsey under paragraph (b) of subsection (1) of this section—

- (a) any periods spent outside Guernsey in any service under the Crown, the remuneration for which is paid out of moneys provided by Parliament, or as the wife or servant of a person in any such service so remunerated ;
- (b) any periods spent in the United Kingdom, the Channel Islands other than Guernsey, or the Isle of Man by a person born in Guernsey ;
- (c) any periods spent abroad by any person during which that person has maintained or assisted in maintaining any dependant in Guernsey ;
- (d) any periods of absence spent in service on board a vessel registered in Guernsey by a person who immediately before his absence on that service was living in Guernsey ;

- (e) any periods of temporary absence not exceeding three months in duration at any one time ;
- (f) any periods spent in any part of Ireland before the establishment of the Irish Free State ;
- (g) any periods of absence spent in the service of an employer resident in Guernsey by a person who immediately before his absence on that service had his place of residence in Guernsey ; and
- (h) any period of detention on the Continent of Europe during the war of 1939 to 1945 suffered by a person who was resident in Guernsey immediately prior to such detention ;

shall be counted as periods of residence in Guernsey.

(3) The condition as to nationality imposed by paragraph (b) of subsection (1) of this section shall not be required to be fulfilled in the case of a woman who satisfies the Administrator that she would, but for her marriage with an alien, have fulfilled this condition.

(4) For the purpose of this Law, "blind person" means a person so blind as to be unable to perform any work for which eyesight is essential.

3. Where during any period a person is, except in such circumstances as may be prescribed by regulations under section eleven of this Law, undergoing imprisonment or detention in legal custody, then he shall be disqualified for receiving any sum accruing during that period on account of any pension which would otherwise be payable to him, and if before the commencement of that period any sum has accrued on account of a pension payable to him, that sum shall not be paid to him during the continuance of the said period.

Disqualifica-
tions for
old age
pension.

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Prohibition
against
double
pensions.

4.—(1) Not more than one old age pension, whether under this Law or the Contributory Pensions Laws, 1935 to 1949, shall be payable to any one person.

(2) Where payments in respect of old age pension under this Law are in arrears for any period and outdoor relief has been granted under the Public Assistance Law, 1937, for that period by reference to the requirements of the person to whom the payments are due, the payments may, at the discretion of the Authority, be abated to the extent to which the actual amount of the said relief exceeds what would have been the amount as decided by the authority granting the said relief, if the said payments had not fallen into arrears.

(3) Where any payment is abated under the last preceding subsection, there shall be paid, out of the moneys provided by the States under subsection (4) of section one of this Law, to the authority granting the said relief an amount equal to the abatement.

Payment
of old age
pensions.

5.—(1) An old age pension under this Law, subject to any directions of the Authority in special cases, shall be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Authority direct.

(2) A sum shall not be paid on account of an old age pension—

- (a) to any person unless that person is in Guernsey ; or
- (b) if payment of the sum is not obtained within three months after the date on which it has become payable.

Date of
commence-
ment
of pension
or of
increased
rate of
pension.

6.— (1) Where a pension is first allowed the pension shall commence to accrue, and where, by virtue of a decision on any question which has been raised, a pension becomes payable at an increased rate, the pension shall become payable at an increased rate on the first Friday after the date on which the claim for

the pension is received by the Authority or on which the notice of the question is received by the Authority, as the case may be, or on the first Friday after the date on which the claimant or the pensioner first becomes entitled to the pension or on which the pension first becomes payable at the increased rate, whichever is the later, or, if the later of those two dates is a Friday, on that Friday.

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(2) Where any general public holiday falls on a Friday, the Authority may, if it thinks fit, direct that sums payable by way of old age pensions on that Friday shall be paid on some other day, whether earlier or later.

7.—(1) Every assignment of, attachment of or charge on, and every agreement to assign or charge, an old age pension under this Law shall be void, and, on the bankruptcy of a person entitled to an old age pension, the pension shall not pass to any trustee or other person acting on behalf of the creditors.

Old age pension to be inalienable etc.

(2) Any sums received by any person by way of an old age pension shall not be included in calculating his means for the purpose of Article III of the Law entitled "Loi ayant rapport aux Débiteurs et à la Renonciation" registered on the Records of the Island of Guernsey on the 2nd day of August, 1929.

8.—(1) All claims for old age pensions under this Law and all questions whether the statutory conditions are fulfilled in the case of any person claiming such a pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such a pension, or whether a person is disqualified for receiving or continuing to receive a pension, or whether the payment of a pension shall be suspended, shall be decided by the Administrator.

Determination of claims and questions.

(2) Any person aggrieved by a decision of the Administrator under the last foregoing subsection may appeal from that decision within the time prescribed by regulations under section eleven of this

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Law, to a tribunal (hereinafter referred to as “ the tribunal ”), which said tribunal shall be appointed by the Royal Court either generally or in respect of a particular appeal and shall consist of a Chairman and Deputy Chairman appointed by the Royal Court and such other members as the Royal Court may decide.

(3) The tribunal may refer to the Royal Court for decision any question of law arising in connection with the determination of an appeal by the tribunal under this section in such manner and within such period as shall be laid down by Order of the Royal Court.

(4) Any person aggrieved by a decision of the tribunal on any question of law may appeal from that decision to the Royal Court in such manner and within such period as shall be laid down by Order of the Royal Court.

(5) The decision of the Administrator or the tribunal, as the case may be, on any claim or question in respect of which there has been no appeal under this section, within the time so prescribed or laid down by Order of the Royal Court, as the case may be, shall be final and conclusive.

9.—(1) A question may be raised at any time—

- (a) whether at any time or during any period a person has been in receipt of an old age pension when the statutory conditions were not fulfilled, or when he was disqualified for receiving the pension ; and
- (b) whether a person has been at any time or during any period in receipt of a pension at a certain rate when his means exceeded the amount which justified the payment of a pension at that rate, and, if so, at what rate the pension, if any, should have been paid ; and
- (c) whether a person who is in receipt of a pension at a certain rate is, having regard

Further provisions with respect to the raising and determination of questions.

to his means, entitled to a pension at a higher or a lower rate, and, if so, at what rate the pension, if any, should be paid ; and an application may be made at any time to alter or revoke a provisional allowance of a claim for a pension, and the provisions of the last preceding section shall apply to any such question or application as they apply to the questions mentioned in that section.

(2) Any such question may be raised notwithstanding that the decision of the question involves a decision as to the correctness of a former decision of the Administrator or the tribunal, as the case may be, but, where by a later decision a former decision is reversed a person who has received any sums on account of an old age pension in accordance with the former decision shall, notwithstanding anything in subsection (2) of section ten of this Law, in the absence of any fraud on his part, be entitled to retain any sum so received up to the date of the later decision which he would have been entitled to retain but for the reversal of the former decision.

10.—(1) If for the purpose of obtaining or continuing an old age pension under this Law, either for himself or for any other person or for the purpose of obtaining or continuing an old age pension under this Law for himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes any false statement or false representation, he shall be liable on conviction to imprisonment for a term not exceeding six months.

Penalty for false statements, etc., and repayment where pensioner is found not to have been entitled to pension.

(2) If it is found at any time that a person has been in receipt of an old age pension under this Law while the statutory conditions were not fulfilled in his case or while he was disqualified for receiving the pension, he or, in the case of his death, his personal representative, shall be liable to repay to the Authority any sums paid to him in respect of the

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pension while the statutory conditions were not fulfilled or while he was disqualified for receiving the pension, and the amount of those sums may be recovered as a debt due to the Authority.

This subsection applies with the necessary modifications to cases where an old age pension is received at a higher rate than that appropriate to the case as it applies to cases where a person has been in receipt of an old age pension while the statutory conditions were not fulfilled.

(3) For the purposes of the last preceding subsection—

- (a) any decision of the Administrator under section eight of this Law on any question which is not the subject of an appeal to the tribunal ;
- (b) the decision of the tribunal on any question which is the subject of an appeal to it under that section and which has not been reversed or modified on appeal ; and
- (c) any decision of the Royal Court on an appeal under that section ;

shall be conclusive proof of any matters decided by the Administrator, the tribunal or the Royal Court as the case may be. A copy of any decision of the Administrator or the tribunal, if authenticated in manner provided by regulations to be made for the purpose under this Law, shall be received in evidence.

(4) Where any person who is in receipt of an old age pension is liable to repay to the Authority any sums under this section in consequence of the finding of the Administrator, or of the tribunal in the case of an appeal to it, or of the Royal Court in the case of an appeal to it, the Authority shall be entitled, without prejudice to their other powers under this section, to direct the deduction of those sums from any sums to which that person becomes entitled on account of an old age pension, in manner to be

provided by regulations to be made for the purpose under this Law :

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PROVIDED THAT, in the case of a personal representative, the deduction shall only be made from any sums to which that person becomes entitled as personal representative.

11.—(1) The Authority may make regulations for any purpose for which regulations may be made under this Law and generally for carrying this Law into effect and in particular—

Regulations
and
expenses.

- (a) for prescribing the evidence to be required as to the fulfilment of statutory conditions; and
- (b) for prescribing the manner in which claims to pensions may be made ; and
- (c) for prescribing the procedure to be followed on the consideration and determination of claims and questions to be considered and determined by the Administrator or by the tribunal ; and
- (d) for prescribing the manner in which any question may be raised as to the continuance, in the case of a pensioner, of the fulfilment of the statutory conditions, and as to the disqualification of a pensioner ; and
- (e) as to the time to be allowed for making an appeal to the tribunal ; and
- (f) for enabling the Administrator to appoint a person to exercise on behalf of any claimant or pensioner who is by reason of any mental or other incapacity unable to act, any right to which that claimant or pensioner may be entitled under this Law and to authorise any person so appointed to receive on behalf and for the benefit of

ORDERS IN COUNCIL

the claimant or pensioner any sums payable by way of old age pension ; and

- (g) for suspending the payment of a pension to any person during the continuance of that person's failure to comply with any regulation made under this Law.

(h)*

It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person at the hearing of an appeal to the tribunal by another person whether having professional qualifications or not.

(2) The regulations shall provide for provisionally allowing claims to pensions before the date on which the claimant will become actually entitled to the pension, in such manner and subject to such conditions as may be laid down by the regulations, and for making the procedure for considering and determining any claim for a pension or question with respect to an old age pension under this Law as simple as possible.

(3) Subject to the next succeeding subsection, every regulation under this Law shall be laid before the States forthwith, in such manner as the States may, by general resolution, from time to time direct and if, at the Meeting of the States in the course of which a regulation made under the provisions of this Law is laid before them or at the next subsequent Meeting, the States resolve that the said regulation be annulled, the said regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation.

(4) No regulations shall be made under paragraph (a) † of subsection (1) of this section unless a

*New paragraph added by the Non-Contributory Old Age and Blindness Pensions (Guernsey) Amendment Law, 1951.

†"or paragraph (h)" added by the Non-Contributory Old Age and Blindness Pensions (Guernsey) Amendment Law, 1951.

draft of such regulations has been laid before the States and has been approved by a resolution of the States.

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(5) The Authority may pay out of moneys provided by the States—

- (a) any expenses incurred by the Authority in carrying this Law into effect ;
- (b) to any person charged under this Law with the duty of hearing appeals from the Administrator under this Law such sums by way of recompense for such duty in accordance with the rate and under the conditions from time to time laid down by resolution of the States ;
- (c) to any person required to attend at any proceedings for the determination or decision of any claim, question or appeal under this Law, such travelling and other allowances as the Authority may determine ;
- (d) such other expenses incurred in connection with the work of any person referred to in the last but one foregoing paragraph as the Authority may determine.

12.—(1) In this Law the following expressions shall have the meanings hereby respectively assigned to them—

Interpretation.

“ Administrator ” means the person for the time being holding the office of Administrator under the Contributory Pensions Laws, 1935 to 1949 ;

“ Authority ” means the States Insurance Authority constituted under the provisions of the Contributory Pensions Laws, 1935 to 1949 ;

“ Guernsey ” includes the Islands of Alderney, Herm and Jethou ;

“ hospital ” means any institution for the reception and treatment of persons suffering from

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illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid.

(2) For the purposes of this Law a person shall be deemed to have attained the age of seventy on the commencement of the day previous to the seventieth anniversary of the day of his birth and similarly in respect of other ages.

(3) This Law shall be interpreted in the Islands of Alderney and Jethou as if the Interpretation (Guernsey) Law, 1948, applied to those Islands.

Repeals.

13. The enactments set out in the Second Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule :

PROVIDED THAT—

- (a) any document referring to any enactment repealed by this Law shall be construed as referring to the corresponding enactment of this Law ;
- (b) references in this Law to persons entitled to or in receipt of old age pensions shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to persons so entitled or in receipt of pensions under the enactments repealed by this Law.

Instruments
made or
issued by the
Authority.

14.—(1) Every document purporting to be an instrument made or issued by the Authority and to be signed by any person authorised by the Authority, shall be received in evidence and be deemed to be so made or issued without further proof unless the contrary is shown.

(2) A certificate signed by the President of the Authority on behalf of that Authority that any instrument purporting to be made or issued by it was so made or issued shall be conclusive evidence of that fact.

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15. This Law shall come into force on such date as the States shall by Ordinance appoint, and may be cited as the Old Age and Blindness Pensions (Guernsey) Law, 1950.

Commencement and short title.

FIRST SCHEDULE.

Sections 1 (2), 2 (1) (c).

Rate of Pension and Calculation of Means.

Means of Claimant or Pensioner.	Rate of Pension per week.	
	Person other than a married woman.	Married woman.
do not exceed £26 5s.	26s.	16s.
exceed £26 5s. but do not exceed £31 10s.	24s.	16s.
„ £31 10s. „ „ „ „ £36 15s. ...	22s.	16s.
„ £36 15s. „ „ „ „ £42	20s.	16s.
„ £42 „ „ „ „ £47 5s. ...	18s.	16s.
„ £47 5s. „ „ „ „ £52 10s. ...	16s.	16s.
„ £52 10s. „ „ „ „ £57 15s. ...	14s.	14s.
„ £57 15s. „ „ „ „ £63	12s.	12s.
„ £63 „ „ „ „ £68 5s. ...	10s.	10s.
„ £68 5s. „ „ „ „ £73 10s. ...	8s.	8s.
„ £73 10s. „ „ „ „ £78 15s. ...	6s.	6s.
„ £78 15s. „ „ „ „ £84	4s.	4s.
„ £84 „ „ „ „ £89 5s. ...	2s.	2s.
„ £89 5s.	No Pension	No Pension

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(1) In calculating the means of a person, account shall be taken of—

- (a) the yearly value of any property belonging to that person (not being property personally used or enjoyed by him) which is invested, or is otherwise put to profitable use by him, or which, though capable of investment or profitable use, is not so invested or put to profitable use by him :

PROVIDED THAT—

- (i) the yearly value of the first four hundred pounds of the capital value of the said property shall be taken to be one twenty-fifth part of the capital value ; and
- (ii) the yearly value of so much of the capital value of the said property as exceeds the sum of four hundred pounds shall be taken to be one-tenth part of such excess capital value.

In the case of real property other than rentes situated in Guernsey and which has been assessed under the Cadastre Law, 1947, the capital value thereof shall be a sum equal to twenty times the annual rateable value of the property as shown in the Cadastre, and deduction shall be made of the capital value of the rentes and of sums actually secured by other registered charges thereon.

The capital value of rentes shall be taken to be twenty times the yearly value thereof.

- (b) the income which that person may reason-

ably expect to receive during the succeeding year in cash, excluding any sums receivable on account of an old age pension under this Law, and excluding any sums arising from the investment or profitable use of property (not being property personally used or enjoyed by him), that income, in the absence of other means for ascertaining the income, being taken to be the income actually received during the preceding year :

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PROVIDED that no account shall be taken of---

- (i) any sums receivable on account of a pension payable to the husband or wife of a person under the Contributory Pensions Laws, 1935 to 1949 ;
- (ii) any amounts received during a period of not more than three months in any year by a person or by the husband or wife of a person, as the case may be, under a medical certificate as sickness benefit from a friendly society or trade union ;
- (iii) any sums received or to be received during any year by a person on account of grants made or to be made to that person by the States Public Assistance Authority ;
- (iv) the value of any accommodation provided by the States Public Assistance Authority ;
- (v) the value of any accommodation provided by, or by arrangement with, any body or institution to

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the extent and in such circumstances as may be prescribed by regulations made under this Law;

- (c) the yearly value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him, except furniture and personal effects ; and
- (d) the yearly value of any benefit or privilege enjoyed by that person :

PROVIDED THAT, where under paragraph (a) of the foregoing provisions the yearly value of any property is taken to be one twenty-fifth or one-tenth of the capital value thereof, no account shall be taken under any other of those provisions of any appropriation of that property for the purpose of current expenditure.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall be taken to be half the total means of the couple, and where either of the couple or the couple jointly is or are entitled to any property, each of them shall be deemed to be entitled to one half of that property.

(3) Where a husband is separated from his wife, any sum paid by him to her under a separation order shall be deducted in calculating his means.

(4) If it appears that any person has directly or indirectly deprived himself of any income or property in order to qualify himself for the receipt of an old age pension, or for the receipt of an old age pension at a higher rate than that to which he would otherwise be entitled under this Law, that income or the yearly value of that property shall, for the purposes of this Schedule, be taken to be part of the means of that person.

(5)*

*New Section added by the Non-Contributory Old Age and Blindness Pensions (Guernsey) Amendment Law, 1951.

SECOND SCHEDULE.

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Enactments Repealed.

Section 13.

Law.	Extent of Repeal.
The Non-Contributory Old Age and Blind Persons Pensions Law, 1931.	The Whole Law
The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, and the Contributory Pensions Law, 1935, (Increase of Pensions and Benefits) Amendment Law, 1943.	Article 1, section (a) of Article 3, the words "the 1931 Law and" which occur in Article 4, and the words "the 1931 Law or" which occur in Article 5.
The Benefits and Pensions (Contributory and Non-Contributory) Amendment Law, 1947.	The words "The Law of 1931" means the Non-Contributory Old Age and Blind Persons Pensions Law as amended from time to time", which occur in Article 1, paragraphs (e) and (g) of Article 2 and the Fifth Schedule.
The Non-Contributory Old Age and Blind Persons Pensions Law, 1931, Supplementary Law, 1949.	The Whole Law.

(Registered on the Records on the 4th March, 1950.)

The Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Authorised Dealers) Order, 1950," (No. 259),—the Court, after having heard His Majesty's Procureur thereon, ordered that the said Order be registered on the records of Exchange Control (Authorised Dealers) Order, 1950.

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this Island and that an extract of this present Act together with a copy of the said Order be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 11th March, 1950.)

Exchange
Control
(Authorised
Depositaries)
Order, 1950.

The Bailiff having this day placed before the Court an Order for His Majesty's Treasury entitled "The Exchange Control (Authorised Depositaries) Order, 1950," (No. 260),—the Court, after having heard His Majesty's Procureur thereon, ordered that the said Order be registered on the records of this Island and that an extract of this present Act together with a copy of the said Order be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 17th April, 1950.)

Summer
Time Order,
1950.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated March 31st, 1950, entitled "The Summer Time Order, 1950",—the Court, after having heard His Majesty's Procureur, ordered that the said Order in Council be registered on the Records of this Island and that a copy of the present Act with a copy of the said Order in Council be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the Records of those Islands.

(Registered on the Records on the 22nd April, 1950.)

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AT THE COURT AT WINDSOR CASTLE,

The 31st day of March, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

CHANCELLOR OF THE DUCHY OF LANCASTER

SIR ALAN LASCELLES.

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 February, 1950, in the words following, viz. :—

Income Tax
(Guernsey)
Law, 1950.

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

‘1.—That, in pursuance of their Resolution of the 6th day of May, 1949, the States of Deliberation at a meeting held on the 11th day of January, 1950, approved a Bill or “Projet de Loi” entitled “The Income Tax (Guernsey) Law, 1950,” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2.—That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Income Tax (Guernsey) Law, 1950,” and to order that the same shall have force of Law in the Islands of Guernsey and Herm.’

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

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

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

THE INCOME TAX (GUERNSEY) LAW,
1950.

THE STATES, in pursuance of their Resolution of the 6th day of May, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and in the Island of Herm.

ARRANGEMENT OF SECTIONS.

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*PART I.***INCOME TAX AND INCOME.***General Provisions as to Charge of Tax
and Assessable Income.*

Section.

- 1 Year of charge.
 - 2 General provisions as to income and the computation thereof.
 - 3 Definition of "resident" in the case of an individual.
 - 4 Definition of "resident" in the case of a company.
 - 5 Charge of tax and liability to tax according to residence.
- Computation of income.*
- 6 Year of computation.
 - 7 Income from businesses.
 - 8 Deduction of dividends.
 - 9 Income from offices and employments.
 - 10 Payments to and benefits from social insurance.
 - 11 Onus of proof as to expenses.
 - 12 Income from the ownership of lands and buildings.
 - 13 Income from other sources.
 - 14 Casual receipts.
- Commencements, cessations and successions.*
- 15 Commencements.
 - 16 Cessations.
 - 17 Succession to a business.

*PART II.***GENERAL RELIEFS.***Allowances to individuals.*

- 18 Personal and other allowances.
- Relief in respect of losses.*
- 19 Set off of loss under one head of income against profit of another.
 - 20 Right to carry forward loss incurred in business.
 - 21 Relief for loss where business is transferred to a company.

Various reliefs.

- 22 Relief in respect of errors and mistakes in returns.
- 23 Relief from double taxation.
- * 23A Tax Credits.

* Added by The Income Tax (Guernsey) Amendment (No. 2) Law, 1951.

PART III.

EXEMPTIONS.

Section.

24 Exemptions.

PART IV.

PROVISIONS APPLICABLE TO SPECIAL
CLASSES OF PERSONS AND MATTERS.

- 25 Application of Part IV.
Partnerships.
- 26 Method of charging partnerships.
Husband and wife.
- 27 Liability of husband in respect of wife's income.
- 28 Application for separate charges on husband and wife.
- 29 Effect of application for separate charges.
Persons under guardianship.
- 30 Persons under guardianship.
Trustees and personal representatives.
- 31 Liability to tax in respect of trust property.
- 32 Liability of personal representative to tax in respect of estate of deceased.
Non-residents (agency).
- 33 Power to charge agent on behalf of non-resident.
- 34 Special basis of computation in certain cases.
- 35 Computation on basis of merchanting profit in certain circumstances.
Non-residents (allowances).
- 36 Proportional allowances to non-resident individuals who are British subjects etc.
Governments of parts of His Majesty's dominions.
- 37 Government trading.
Mutual profits.
- 38 Charge of tax on mutual profits.
Superannuation funds.
- 39 Approval of superannuation funds.
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PART I.

INCOME TAX AND INCOME.

General Provisions as to Charge of Tax and Assessable Income.

1. A year the income for which is to be assessed and for which tax is to be charged shall be the calendar year, and any such year is in this Law referred to as a "year of charge".

Year of charge.

2. Income in respect of which tax is chargeable shall be income of one or other of the following classes namely—

General provisions as to income and the computation thereof.

- (1) Income from businesses ;
- (2) Income from offices and employments ;
- (3) Income from the ownership of lands and buildings ; and
- (4) Income from other sources ;

and the income for any year of charge in respect of which tax is chargeable (in this Law referred to as "assessable income") shall in the case of each particular class be computed in such manner and by reference to such year of computation or other period as is mentioned in this Law.

3.—(1) An individual shall be treated as being resident in Guernsey in a year of charge if he—

Definition of "resident" in the case of an individual.

- (a) is in Guernsey in the year of charge for a period or periods amounting in all to one hundred and eighty-two days or more ; or
- (b) is in Guernsey during the twelve months commencing on the first day of August in the year preceding the year of charge and ending on the thirty first day of July in the year of charge for a period or periods amount-

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ing in all to one hundred and eighty-two days or more ; or

- (c) maintains or has maintained for him in Guernsey a dwelling-place for a period or periods amounting in all to ninety-one days or more in the year of charge, and is in Guernsey at any time in the year of charge ; or
- (d) is in Guernsey for any time in the year of charge with the intention of setting up a dwelling-place therein, and in that or the following year of charge sets up such a dwelling-place ; or
- (e) having during the four years immediately preceding the year of charge been in Guernsey for a period of, or for periods amounting in all to, three hundred and sixty-five days or more, is in Guernsey at any time during the year of charge, otherwise than on an occasional or casual visit.

(2) An individual who in a year of charge is resident in Guernsey but is not resident solely therein :—

- (a) shall be treated as being principally resident in Guernsey if, in the year of charge—
 - (i) he maintains or has maintained for him a dwelling-place or a place of business in Guernsey, but neither a dwelling-place nor a place of business elsewhere ; or
 - (ii) he neither maintains nor has maintained for him a dwelling-place or a place of business in any country, but is domiciled in Guernsey.
- (b) shall, in a case to which paragraph (a) of this sub-section does not apply, be

treated as being principally resident in Guernsey if he appears in view of all the circumstances of his case to be so resident, regard being had in particular to his domicile, nationality, and habits of life.

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4. A company shall be treated as resident in Guernsey in a year of charge if it is controlled in Guernsey, or, in the case of a company incorporated in Guernsey, if it maintains in that year an established place of business in Guernsey and any substantial part of its activities is conducted in Guernsey, but a company shall not be treated as so resident by reason only of the fact that it has a registered office in Guernsey at which is transacted such administrative business only as is necessary to comply with the requirements of the law from time to time regulating companies in Guernsey.

Definition of "resident" in the case of a company.

5.—(1) Save as is otherwise by or in virtue of this Law provided, Income Tax at a standard rate and Income Tax at additional rates (in this Law referred to as Super-tax) shall be charged and paid on income as follows:—

Charge of tax and liability to tax according to residence.

- (a) in the case of an individual solely or principally resident in Guernsey, on his total income, wherever such income may arise or accrue ;
- (b) in the case of an individual resident in Guernsey but not solely or principally resident therein, on his income arising or accruing in Guernsey, together with any amount of income not so arising or accruing brought into or received by him in Guernsey in the year of charge ;
- (c) in the case of a company resident in Guernsey, as in the case of an individual solely or principally resident in Guernsey ; and

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- (d) in the case of an individual or company not resident in Guernsey, on his or its income arising or accruing from sources in Guernsey:

PROVIDED that Super-tax shall be chargeable only in respect of income of an individual, and in respect of only so much of the assessable income of an individual as is in excess of the amount specified in the resolution of the States referred to in sub-section (2) of this section:

* PROVIDED FURTHER that—

- (i) where an individual who was not resident in Guernsey in the year preceding the year of charge becomes solely or principally so resident in the year of charge he shall, if he possessed a source of income outside Guernsey and such source continues throughout the year of charge, be liable to bear tax in that year on only such amount of his income from that source as bears to his income from that source for the year ending on the thirty first day of December in the year of charge the same proportion as the period of his residence in that year bears to a period of twelve months; and
- (ii) where an individual who was solely or principally resident

*Proviso repealed by the Income Tax (Guernsey) Amendment Law, 1951.

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in Guernsey in the year preceding the year of charge permanently departs from Guernsey and such individual possessed a source of income outside Guernsey in the year preceding the year of charge and up to the date of his departure, he shall be liable to bear tax in the year of charge in which he so departs on only such amount of his income from that source as bears to a year's amount of income from that source for the year ending on the thirty first day of December in the year preceding the year of charge the same proportion as his period of residence in the year of charge bears to a period of twelve months.

(2) For any year of charge the standard rate of Income Tax, and the rate of Super-tax and the amount of income in excess of which Super-tax is chargeable shall be such as may be prescribed by resolution of the States in respect of that year.

5A.*

Computation of Income.

6.—(1) Save as otherwise by or in virtue of this Law provided, the assessable income of any class shall be the amount of profits or income for the year of computation, and the year of computation shall be the calendar year preceding the year of charge:

Year of
computation

PROVIDED that in the case of a business, the year of computation shall be the

*New Section added by the Income Tax (Guernsey) Amendment Law, 1951.

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accounting period ending (a) within the year preceding the year of charge or (b) with the consent of the Administrator, within the period commencing on the first day of January in the year of charge and terminating on the thirty first day of January in that year.

(2) The accounting period of a business shall be determined as follows:—

(a) Where the accounts of a business are made up for successive periods of twelve months each of those periods shall be an accounting period.

(b) In any other case the accounting period shall be such period not exceeding twelve months as the Administrator may determine.

(3) Where the accounting period of a business has once been determined as a period of twelve months subsequent accounting periods shall be successive periods of twelve months:

PROVIDED that any such period may be varied with the consent of the Administrator and upon such conditions as regards the computation of profits as the Administrator may consider necessary to impose in order to ensure that the whole of the assessable profits of the business are charged to tax:

PROVIDED FURTHER that the Administrator shall not withhold his consent unless he is satisfied that the application for variation is not made in good faith and for the purpose of facilitating the management of the business.

(4) Where the year of computation does not coincide with the period up to which the accounts of

a business have been made up, such division and apportionment to specific periods of the profits or losses for the period for which accounts have been made up and such aggregation of any such profits or losses, or any apportioned parts thereof, shall be made as is necessary to arrive at the profits for the year of computation.

Any apportionment under this sub-section shall be made in proportion to the number of months or fractions of months in the respective periods :

PROVIDED that if the profits or losses determined in accordance with the afore-said apportionment do not, in the opinion of the Administrator, fairly represent the profits or losses of the respective periods, the apportionment shall be made in such other manner as the Administrator may direct.

(5) Where for any of the purposes of this Law it is necessary to compute the amount of profits for any period which is not an accounting period nor a year of computation, sub-section (4) of this section shall apply as if for the references to the year of computation there were substituted a reference to the period the profits for which are to be computed.

* (6) For the purposes of this Law, losses shall be computed in like manner as profits.

7.—(1) The amount of the profits of any business for any year of computation shall be computed in accordance with the ordinary commercial principles applicable to the computation of profits of that business :

Income from
businesses.

PROVIDED that whether or not in accordance with such principles :—

(a) No deduction shall be permitted in respect of :—

*New sub-section (6) added and sub-section (6) re-numbered (7) by the Income Tax (Guernsey) Amendment Law, 1951.

ORDERS IN COUNCIL

- (i) any capital expenditure ;
 - (ii) any item of expenditure or charge except so far as it is laid out or expended wholly and exclusively for the purposes of the business ;
 - (iii) any sum transferred to a reserve account where the transfer would, in accordance with ordinary commercial principles as aforesaid, be treated as an appropriation of profits ;
 - (iv) the maintenance of the person carrying on the business or of his family, or any expenditure for any other domestic or private purpose ;
 - (v) any liability due under or by virtue of this Law ;
 - (vi) *
- (b) Deductions shall be permitted in respect of—
- (i) the diminution in value of buildings, machinery and plant by reason of depreciation in the accounting period, being buildings, machinery and plant used for the purposes of the business and belonging to the person by whom the business is carried on, at such rates and computed in such manner as may, from time to time, be determined by the Authority and published in La Gazette Officielle:

PROVIDED that where full

*Paragraph (vi) added by the Income Tax (Guernsey) Amendment Law, 1951.

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effect cannot be given to a deduction in respect of depreciation of buildings, machinery and plant owing to there being no profits chargeable for that year or owing to the profits chargeable being less than the deduction, the deduction or such part of the deduction to which effect has not been given, as the case may be, shall be added to the amount of the deduction for the following year and deemed to be part of that deduction, or if there was no deduction for that year, be deemed to be the deduction for that year, and so on for succeeding years, but the aggregate of the deductions made under this Law or any law repealed hereby shall not exceed the actual cost to the person entitled to the deduction, of the buildings, machinery or plant adjusted by the addition of the amount of expenditure, if any, in the nature of capital expenditure upon the buildings, machinery or plant incurred since the date of acquisition :

* PROVIDED FURTHER that where a person who could have claimed a deduction for depreciation in re-

*Proviso repealed by the Income Tax (Guernsey) Amendment Law, 1951.

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spect of any glasshouse under any law repealed by this Law did not do so, such person may in lieu of a deduction for depreciation in respect of such glasshouse claim to be allowed a deduction in respect of the replacement of such glasshouse whenever such replacement shall become necessary but no such claim shall be admitted unless made to the Administrator within six months after the date on which this Law is registered on the Records of this Island, or, in the case of a business, before the end of the accounting period ending in the year 1950, whichever is the later.

The allowable deduction for replacement under this paragraph shall be the actual cost of the glasshouse to the person entitled to the deduction adjusted by the addition of the amount of expenditure, if any, in the nature of capital expenditure upon the glasshouse incurred since the date of acquisition and the subtraction of any sum which has been or could be realised by the sale of the glasshouse or any part thereof ;

- (ii) the replacement of implements, utensils and articles not being machinery, or plant, used for

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- the purpose of the business ; *
- (iii) the obsolescence of machinery and plant, being machinery and plant used for the purpose of the business and belonging to the person by whom the business is carried on, whenever the same shall be sold or discarded and whether replaced or not.

The allowable deduction under this paragraph shall be the amount by which the written down value of the machinery or plant exceeds the amount for which it is sold or its scrap value, as the case may be, and shall be permitted only if such amount is actually written off in the books of the business :

PROVIDED that if the said sale or scrap value exceeds the written down value such excess shall be deemed to be a profit of the accounting period in which the transaction occurs :

PROVIDED FURTHER that any amount by which the sale value exceeds the aggregate of the written down value and the deductions (if any) previously made in respect of depreciation shall be left out of account in computing such profit.

For the purpose of this paragraph the expression "written

*Proviso added by the Income Tax (Guernsey) Amendment Law, 1951.

down value" means the actual cost to the person entitled to the deduction, of the machinery or plant, adjusted by—

- (a) the addition of the amount of expenditure (if any) in the nature of capital expenditure upon the machinery or plant incurred since the date of acquisition ; and
 - (b) the subtraction of the aggregate amount of the deductions (if any) previously made in respect of the depreciation of such machinery or plant since the date of acquisition.
- * (iv) current repairs, other than replacements of a capital nature, necessary for the maintenance of buildings, machinery, plant, furniture and fittings used for the purposes of the business ;
- (v) premiums in respect of insurance—
- (a) against damage or destruction of buildings, machinery, plant, furniture and fittings as aforesaid and of stocks or stores so used ;
 - (b) against loss of profits :
PROVIDED that any sum received by any person under an insurance against loss of profits shall be treated

*New paragraph substituted by the Income Tax (Guernsey) Amendment Law, 1951.

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- as income of the year
in which it is received ;
- (c) in any case where the insurance was effected to cover an expense which would have been an allowable deduction had the insurance not been effected.
- (vi) interest on capital borrowed for the purposes of the business ;
- (vii) bad and doubtful debts, on so much of the debt as is discovered in the accounting period to have become bad or irrecoverable but not exceeding the amount written off as such in the books of the business, provided that, if any amounts received or credited on account of any such debt exceed the amount of the debt as reduced by the deduction allowed, the excess received or credited in any accounting period shall be treated as a receipt of the business in that period ;
- (viii) rent paid for any premises, or any part of any premises, in which the business is carried on, provided that where the business is carried on in a portion of any rented premises, a deduction shall only be allowed in respect of such proportion of the total rent as that portion bears to the whole premises ;

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(ix) contributions to superannuation funds and retirement benefit schemes as provided in sections 41 and 48.

(2) Notwithstanding anything in this section contained profits from the ownership of lands and buildings shall be computed in accordance with the provisions of section 12 of this Law.

(3) *

(4) *

Deduction of
dividends

8.—(1) (a) The amount of the dividends declared in any accounting period by a company resident in Guernsey shall be treated as if it were a permissible deduction in computing the assessable income of the company.

For the purposes of this section dividends declared within six months after the end of an accounting period shall be deemed to have been declared in that accounting period:

PROVIDED that if a dividend is declared after such period of six months and the Administrator is satisfied that that dividend could not reasonably have been declared within the period of six months, he may treat that dividend as though it had been declared within that period.

(b) Nothing in the last preceding paragraph shall be so construed as to allow the deduction of a dividend which has already been allowed as a deduction under paragraph (h) of Article 3 of the Loi ayant rapport à la Taxe sur le Revenu, registered on the Records of

*Sub-sections (3) and (4) added by the Income Tax (Guernsey) Amendment Law, 1951.

this Island on the 10th day of January,
1920.

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(2) If a company resident in Guernsey is wound up within six years from the commencement of this Law, and if from such commencement to the date of its winding up the company has declared dividends which in the aggregate exceed the aggregate of the profits of the company for that period as computed in accordance with this Law, tax on the amount of such excess shall be refunded to the company at a rate of five shillings in the pound:

PROVIDED that the amount of tax refunded hereunder shall not exceed the amount of the tax borne by the company on its own behalf during the said six years.

(3) Dividends shall be deemed to arise and accrue to the person entitled to receive them on the date on which they are declared.

9.—(1) The assessable income of an office or employment shall be the full emoluments of the office or employment less only—

Income from
offices and
employ-
ments.

- (a) any expense exclusively and necessarily incurred in the performance of the duties of the office or employment ;
- (b) contributions for superannuation purposes as provided in section 40 of this Law ;
- (c) such sums on account of depreciation and obsolescence of machinery and plant, or on account of replacement of implements, utensils and articles, as would be allowable if the holder of the office, or the employee, had been carrying on a business.

(2) The cash value of the perquisite of free board or of free lodging or of both shall be an emolument of office or employment for the purposes of this section.

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Payments to
and benefits
from social
insurance.

10. The amount of any contribution paid by any person under the provisions of the Contributory Pensions Laws, 1935 to 1949, or of any Law amending or replacing the same, or of any Law relating to National Insurance which may hereafter be in force shall be allowed as a deduction in computing the assessable income of such person, and any benefits received therefrom, other than a maternity grant or a death grant, together with any allowances received under the Family Allowances Law, 1947, or any Law amending or replacing the same, shall be deemed to be the income of the recipient.

Onus of
proof as to
expenses.

11. The onus of proof that any expenditure is an allowable deduction from profits or income for the purposes of this Law shall be upon the person claiming so to deduct.

Income from
the owner-
ship of
lands and
buildings.

12.—(1) The assessable income from the ownership of lands and buildings in Guernsey (other than lands and buildings in the occupation of the owner for the purpose of any business carried on by him and other than a dwelling let furnished) shall be the annual rental value thereof subject to the authorised deductions, and the annual rental value shall be the sum arrived at by taking the reasonable rent at which the property would be expected to be let from year to year on the terms that the landlord be liable for all repairs and pay all landlord's rates and taxes and insurances:

PROVIDED that if the annual rent or other consideration receivable by the owner under any lease, licence or other agreement is in excess of the sum so arrived at, the amount of such annual rent or other consideration shall be deemed to be the annual rental value:

PROVIDED FURTHER that if the nature of the lease, licence or other agreement is such that the annual rent or other consideration cannot readily be ascertained

the annual rental value shall be such sum as the Administrator may determine.

(2) The authorised deductions to be made from the annual rental value in arriving at the assessable income shall be the following:—

- (a) in respect of repairs and maintenance—
—a deduction calculated as follows:—
 - (i) bare land (other than a quarry)—a sum equal to five per cent of the annual rental value thereof;
 - (ii) dwelling houses and glasshouses—a sum equal to twenty five per cent of the annual rental value thereof;
 - (iii) other buildings—a sum equal to fifteen per cent of the annual rental value thereof:

PROVIDED that if, under the terms of any lease, licence or other agreement the owner is not liable for all repairs and to pay all landlord's rates and taxes and insurances, the deduction under this paragraph shall be such percentage of the annual rental value as the Administrator may determine.

- (b) an additional deduction in respect of repairs and maintenance may be allowed if the expenditure on repairs and maintenance by the person claiming such deduction according to the the average of the five years immediately preceding the year of charge has exceeded the deduction calculated in accordance with paragraph (a) of this sub-section and the Administrator is satisfied that such expenditure was reasonable: *

*Proviso added by the Income Tax (Guernsey) Amendment Law, 1951.

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PROVIDED that the aggregate of the deduction and the additional deduction shall in no case exceed the annual rental value of the property.

For the purpose of ascertaining the average expenditure of the preceding five years during the first five years after the commencement of this Law, the expenditure incurred in any year prior to such commencement shall be deemed not to have exceeded the allowance for repairs admissible prior to the commencement of this Law.

For the purpose of this sub-section "maintenance" includes the cost of the insurance and management of the property ;

- (c) where the property is subject to a rente or other registered charge, the amount of interest on such rente or charge ; where the property has been acquired, constructed, reconstructed or repaired with borrowed capital, the amount of any interest payable on such capital ; and where the property is subject to a crown or manorial charge, the amount of such charge ;
- (d) in respect of vacancies :— an amount which bears the same proportional relationship to the annual rental value (as reduced by the deductions referred to in paragraphs (a), (b) and (c) of this sub-section) as the period during which the property is wholly unoccupied bears to a year, or, where the property is let in parts, the amount, calculated as aforesaid, appropriate to the vacant part.

(e) *

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(3) The assessable income from the ownership of a dwelling let furnished shall be the gross consideration receivable therefrom less the deductions referred to in paragraphs (a), (b) and (c) of the last preceding sub-section.

(4) No liability under this section shall apply to lands and buildings or parts thereof occupied by the owner for the purpose of a business the profits of which fall to be computed in accordance with the provisions of section 7 of this Law.

13.—(1) The assessable income from sources not covered by any of sections 7, 9 or 12 of this Law shall be the income arising or accruing from such sources after deduction of any expenditure, not being in the nature of capital expenditure or personal expenses, wholly and exclusively incurred for the purpose of earning such income.

Income from
other sources.

†(2) For the purpose of this section any sum which has been paid on account of annual taxes or rates in a place outside Guernsey where the income has arisen in respect of the income or the property from which the income is derived shall be deemed to be expenditure wholly and exclusively incurred for the purpose of earning the income.

13A.†

14. In computing the amount of assessable income under this Law no account shall be taken of:—

Casual
receipts.

- (a) profits and losses arising from the realisation of investments except where the varying of investments and the turning of such investments to account is a business or part of a business ;

*Paragraph (e) added by the Income Tax (Guernsey) Amendment Law, 1951.

†Sub-section (2) repealed and Section 13A added by the Income Tax (Guernsey) Amendment Law, 1951.

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- (b) receipts of a casual or non-recurring nature other than receipts arising from a business or from the exercise of an office or employment.

Commencements, cessations and successions.

Commence-
ments.

15. The assessable income from a business carried on in Guernsey for the year of charge in which the business is commenced, or is commenced to be so carried on, and for the two following years, and the assessable income from any other source for the year of charge in which the income first arose to the person chargeable and for the two following years (which years are in this section respectively referred to as "the first year", "the second year" and "the third year") shall be computed in accordance with the following provisions:—

(a) Income from business—

- (i) for the first year the assessable income shall be the amount of the profits from the business for that year ;
- (ii) for the second year the assessable income shall, unless such notice as is hereinafter mentioned is given, be computed as if the period of twelve months beginning on the date of the commencement was the year of computation ;
- (iii) for the third year the assessable income shall, unless such notice as is hereinafter mentioned is given, be the profits of twelve months up to the end of the accounting period ending in the year preceding the year of charge, but where the accounting period ending in the year preceding the year of charge constitutes a period of less than twelve months or

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where no accounting period ends in the first or second year the assessable income shall be the profits of the twelve months preceding the year of charge ;

- (iv) the person charged or liable to be charged with tax in respect of the income of the business shall be entitled, on giving notice in writing to the Administrator within two years after the end of the second year, to require that the assessable income both for the second and the third year (but not for one or other only of those years) shall be computed as if the year in question was the year of computation :

PROVIDED that he may, at any time within twelve months after the end of the third year, in the like manner revoke the notice so given, in which case the assessable income both for the second year and the third year shall be computed as if the first notice had never been given.

(b) Other kinds of income—

- (i) for the first year the assessable income shall be computed as if the first year was the year of computation ;
- (ii) for the second year the assessable income shall be computed as if the second year was the year of computation ;
- (iii) for the third year the assessable income shall be computed as if the second year was the year of computation :

ORDERS IN COUNCIL

PROVIDED that the person charged or liable to be charged with tax in respect of the income shall, on a claim being made for the purpose within twelve months after the end of the third year, be entitled to require that the assessable income for the third year shall be computed as if the third year was the year of computation ;

- (iv) where in any year of charge a new source, or an addition to an existing source, of income is acquired by any person, the income attributable to that source or to the addition (as the case may be) shall for the purposes of paragraph (b) of this section be treated as income which first arose to that person in that year.

Cessations.

16.—(1) Where in any year of charge a business carried on in Guernsey permanently ceases to be carried on, or to be so carried on—

- (a) the assessable income for that year shall be the amount of the profits for the period beginning on the first day of the year of charge and ending on the date of the cessation subject to any set off to which the person chargeable may be entitled under either of sections 19 or 20 of this Law ;
- (b) if the profits of the year ending on the thirty first day of December in the year preceding the year of charge in which the cessation occurs exceed the income in respect of which the person has been charged for that preceding year (or would have been charged if no such set off as aforesaid

had been allowed) an assessment or an additional assessment may be made so that the income in respect of which tax is charged for that preceding year shall be the amount of profits for the said year ended on the thirty first day of December subject to any set off as aforesaid to which he may be entitled :

PROVIDED that if a business has not permanently ceased to be carried on but a particular source of the profits thereof has ceased to be possessed, then, if the person carrying on the business has been assessed in respect of that particular source under the provisions of Article 17 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 provisions of sub-section (2) of this section shall apply in respect of that source.

(2) Where in any year of charge income of any other kind permanently ceases to be the income of the person chargeable,

- (a) for the year of charge in which the income so ceases, the assessable income shall be computed as if the year of computation were that year instead of the year preceding the year of charge ;
- (b) if the income for the year ending on the thirty first day of December preceding the year of charge in which the cessation occurs exceeds the assessable income in respect of which tax has been charged for that year, an assessment or an additional assessment may be made so that the amount of income

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in respect of which tax is charged for that year shall be the amount of the income for that year.

(3) Where in any year of charge any person ceases to possess any source, or part of any source, of income, the income from that source or attributable to that part shall for the purposes of sub-section (2) of this section be treated as income which permanently ceased to be income of that person in that year.

Succession to
a business.

17. If at any time a person succeeds to any business which until that time was carried on by another person, then for all years of charge the income shall be assessed and tax charged as if the business had permanently ceased at the date of the succession and another business had then commenced.

PART II.

GENERAL RELIEFS.

Allowances to individuals.

Personal and
other
allowances.

18.—(1) For any year of charge the States may by resolution prescribe the amount of personal and other allowances to which an individual resident in Guernsey is entitled by way of relief from Income Tax at the standard rate, and the conditions applicable to such allowances.

(2) A claim for relief under this section shall not be allowed unless made simultaneously with the return as to income delivered in accordance with section 54 of this Law:

PROVIDED that where the conditions by reason of which the allowance can be granted have arisen subsequently to the making of such return the relief shall be given if the claim therefor is made on or before the thirty first day of December of the year following the year of charge to which the allowance relates:

PROVIDED FURTHER that notwithstanding anything in this sub-section contained the Administrator may, if he is satisfied that reasonable cause existed for not making a claim in the manner hereinbefore prescribed, admit such claim at any time within six years of the end of the year of charge for which the assessment in pursuance of the return was made.

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Relief in respect of losses.

19. Where for any year of charge a person sustains a loss under any of the classes of income mentioned in section 2 of this Law he shall be entitled to have the amount of the loss set off against the assessable income of any other class for that year.

Set off of loss under one head of income against profit of another.

20.—(1) Where for any year of charge a person sustains a loss in any business carried on by him which cannot be wholly set off under the last preceding section he shall be entitled to have the portion not so set off carried forward to the following year of charge and set off against his income from the same business for that year of charge, and if it cannot be wholly so set off, the amount of loss not so set off shall be carried forward to the following year of charge, and so on from year to year, save that no loss shall be carried forward for more than six years:

Right to carry forward loss incurred in a business.

PROVIDED that where a deduction in respect of depreciation is also to be carried forward under the first proviso to paragraph (b) of sub-section (1) of section 7 effect shall first be given to the provisions of this sub-section.

(2) Nothing in the last preceding sub-section shall be so construed as to allow the carrying forward of any loss which has been or may be deducted under Article 8 of the Loi ayant rapport à la Taxe sur le Revenu, registered on the Records of this Island on the 10th day of January, 1920.

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Relief for loss where business is transferred to a company.

21. Where a business carried on by an individual, or by any individuals in partnership, has been transferred to a company in consideration solely or mainly of the allotment of shares of the company to that individual or to those individuals or to his or their nominee, then, if

- (a) the assessable income of any such individual for any year of charge includes any income derived by him from the company whether by way of dividends on those shares or otherwise ; and
- (b) he is the beneficial owner of the shares throughout that year ; and
- (c) the company carries on business throughout that year

the provisions of section 20 of this Law shall apply as if the income so derived were an amount in respect of which that individual was liable to be charged under the head " Income from businesses " arising from that business for that year, and accordingly as an amount against which any loss sustained before the transfer and carried forward may be set off.

Various reliefs.

Relief in respect of errors and mistakes in returns.

22.—(1) Where the amount of tax paid by any person was excessive by reason of some error or mistake in a return or claim made by him or on his behalf, he shall, on a claim being made for the purpose, be entitled to be given by way of repayment such relief as is reasonable and just.

(2) A claim under this section must be made not later than six years after the end of the year of charge for which the assessment in pursuance of the return was made.

(3) No relief shall be granted under this section in respect of an error or mistake as to the basis on which the liability of the claimant ought to have been computed, if the return was in fact made on the basis of or in accordance with the practice prevailing at the time when the return was made.

* 23. Where an agreement has been made between the States and the Government of any other territory for the purpose of affording relief from double taxation in relation to Guernsey income tax and any tax of a similar nature imposed by the laws of that territory, then, notwithstanding anything in this Law, the provisions of such agreement shall have effect with respect to exemption or relief from Guernsey income tax for any year during which the agreement is in force.

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Relief from
double
taxation.

PART III.

EXEMPTIONS.

24. Tax shall not be chargeable in respect of:—

- (1) the official emoluments of any servant of His Majesty or His Majesty's Government or of any employee of the Corporation of the Trinity House of Deptford Strond in the County of Kent in respect of any office or employment held or carried on by him in Guernsey, provided and for so long as he is liable to pay United Kingdom Income Tax in respect of such emoluments ;
- (2) the income derived from investments or deposits forming part of a superannuation fund or retirement benefit scheme approved as such by the Authority ;
- (3) a wound or disability pension granted in respect of any person's service in His Majesty's Forces, or an allowance to the widow of any such person in respect of a child of that person ;
- (4) the official emoluments of a consular officer in the service of a foreign state ;
- (5) the emoluments of a scholarship, exhibition, bursary or other similar educational endowment held by an individual receiving full-time instruction in a university, college, school, or other educational establishment ;

* Section 23 repealed and new Sections 23 and 23A inserted by The Income Tax (Guernsey) Amendment (No. 2.) Law, 1951.

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- (6) the profits arising from a show or exhibition held by an agricultural or horticultural society for the purposes of the society if those profits are applied solely to the purposes of the society ;
- (7) the income of a registered trade union which is precluded, by law or by its rules, from assuring to any person a sum exceeding five hundred pounds by way of gross sum, or one hundred and four pounds a year by way of annuity, so far as that income is applicable and applied solely for the purpose of provident benefits to its members ;
- (8) (a) the income of an unregistered friendly society whose income for the year of charge does not exceed one hundred and sixty pounds ;
(b) the income of a registered friendly society which is precluded, by law or by its rules, from assuring to any person a sum exceeding five hundred pounds by way of gross sum, or one hundred and four pounds a year by way of annuity ;
- (9) the income derived by a savings bank certified under the Savings Bank Act, 1863, from its investments with the National Debt Commissioners ;
- (10) the income of any savings bank, (other than income from lands and buildings not occupied for the purpose of the business) so far as such income is applied in the payment or credit of interest to any depositor :

PROVIDED that the bank makes an annual return to the Administrator of the name and address of every depositor

to whom interest exceeding fifteen pounds has been paid in any year out of income other than income derived from investments with the National Debt Commissioners ;

- (11) the income of a charity, if and so far as the income is applied to charitable purposes only. For the purposes of this subsection, "charity"—
- (a) means any body of persons or trust established for charitable purposes only ; and
- (b) where any property or fund the income whereof is applicable to charitable purposes only is entrusted to any person or body of persons, means, in relation to that property or fund and the income thereof, that person or body ;
- (12) the income of any fund or trading department administered by or on behalf of the States, or of any parish or parochial institution ;
- (13) the income derived from such securities and in such circumstances as the States may by resolution from time to time prescribe.
- (14)*

PART IV.

PROVISIONS APPLICABLE TO SPECIAL CLASSES OF PERSONS AND MATTERS.

25. The provisions of this Part of the Law shall apply to persons and matters of the classes and descriptions mentioned therein, but, except so far as modified by the provisions of this Part of this Law,

Application
of Part IV.

*Paragraph (14) added by the Income Tax (Guernsey) Amendment Law, 1951.

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 the other provisions of the Law shall have effect and shall apply as respects such persons and matters.

Partnerships.

Method of charging partnership.

26.—(1) In respect of income arising from any business carried on by two or more persons in partnership, and in respect of income arising from any other source and belonging to the partnership, each partner shall be assessed and charged in respect of his share of the profits of the partnership.

(2) If there is a change in the persons engaged in carrying on a business either—

(a) by reason that the person who has been carrying on the business on his own account commences to carry on the business in partnership with other persons ; or

(b) in the case of a business carried on by a partnership by reason that—

(i) one or more of the partners retire or die ; or

(ii) one or more new partners are admitted ; or

(iii) the partnership is dissolved, but one or more of the partners continue to carry on the business as a partner or partners in a partnership, or one of them continues to carry it on as an individual,

then, for the purpose of section 15 of this Law, only the incoming partner or partners shall be deemed to have commenced to carry on a business, and for the purpose of section 16 of this Law only the outgoing partner or partners shall be deemed to have permanently ceased to carry on a business :

PROVIDED that where all the persons who were carrying on the business immediately before and all the persons who were carrying it on immediately after the change concur

in requiring that the business shall be treated as having ceased at the date of the change and a new business as having commenced, then upon such notice as is hereinafter mentioned being given, the income of each person shall be assessed and tax charged as if a cessation and commencement had actually taken place:

PROVIDED FURTHER that such notice as aforesaid must be a notice signed by all such persons as aforesaid, or if any of them has died, by his personal representative, and sent to the Administrator within twelve months after the change took place.

Husband and wife.

27.—(1) Any income of a married woman who is not judicially separated nor permanently living apart from her husband shall for the purposes of assessment, charge, collection, computation, and reliefs be treated as if it were the income of her husband.

Liability of husband in respect of wife's income.

(2) The last preceding sub-section shall not apply—

- (a) if an application under the next succeeding section is in force, in which case the provisions of section 29 of this Law shall apply; or
- (b) if one of the spouses is resident in Guernsey in the year of charge, and the other is not so resident, in which case each spouse shall be charged and entitled to relief as if he or she were unmarried, and the resident shall be chargeable in respect of any remittances of income made to the resident by the non-resident, other than remittances for the maintenance of the resident from the income of an office or employment exercised, or a business carried on, by the non-resident:

ORDERS IN COUNCIL

PROVIDED that where the resident wholly maintains the non-resident he or she shall be entitled to any personal allowance for married persons prescribed by the States under section 18 of this Law but in such a case the non-resident shall not be entitled to a personal allowance in computing the amount of the proportional allowance admissible by virtue of section 36 of this Law.

(3) Where under the order of any Court a husband or former husband is required to pay alimony or maintenance out of his income, to or for the benefit of his wife or former wife, any sum so paid shall be treated as the income of the wife or former wife and shall be allowed as a deduction in computing the income of the husband or former husband.

Application for separate charges on husband and wife.

28. An application for separate charges on a husband and a wife may be made, in such manner and form as may be prescribed by the Administrator, by either spouse, on or before the thirty first day of March in the first year of charge as regards which it is to have effect, or if the marriage takes place in the course of that year, at some time between the date of the marriage and the thirty first day of March in the next subsequent year of charge. Any such application shall have effect not only as respects such first year but also as respects every such succeeding year in which it remains unrevoked. Notice of revocation shall be given to the Administrator in writing under the hand of the applicant spouse and unless such notice is given on or before the 31st day of March in any year it shall not be operative in respect of that year.

Effect of application for separate charges.

29. While any such application is in force the income of the husband and of the wife shall be assessed and tax charged in respect thereof and

reliefs given as if they were not married, subject, however, to the following provisions:—

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- (a) the income of the husband and of the wife shall be aggregated for the purpose of determining the amount of the allowances to individuals prescribed by the States under section 18 of this Law, and that amount shall not exceed the amount which would have been granted had no such application been made ;
- (b) the benefit of any such allowances shall be apportioned between the spouses in such manner as the States may by resolution prescribe ;
- (c) the income of the husband and wife shall be treated as one in arriving at the total income for the purpose of Super-tax, and the amount of Super-tax payable in respect of the total income shall be divided between and recoverable from the husband and wife in proportion to their respective incomes, and the total amount of income tax and Super-tax payable shall not be less than it would have been had no such application been made.

Persons under guardianship.

30.—(1) The person having the direction, control or management of any income of any person under guardianship may be charged with income tax at the standard rate in respect of that income.

Persons
under
guardianship.

(2) Nothing in this section shall affect the liability of a person under guardianship to be himself charged in his own name.

(3) A person who may be charged with tax in respect of any income of a person under guardianship shall be responsible for making returns and for all other matters required to be done under this Law for

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the purposes of the assessment of income and the charge and payment of tax, and if such person submits to the Administrator a return of the total income from all sources of the person under guardianship he may on behalf of that person claim any allowance or relief which that person could have claimed if he had been charged in his own name.

(4) If a person under guardianship is charged with tax in his own name, his guardian shall in default of payment of the tax by the person under guardianship be liable therefor to the extent of the property of the person under guardianship of which he has the direction, control or management, and may be proceeded against accordingly as if he had been the person charged with tax.

(5) Any person who has been duly charged with tax in respect of any income of, or who has lawfully paid tax on behalf of, a person under guardianship may raise and retain out of the property from time to time coming into his hands on behalf of the person under guardianship such sum as is sufficient to pay the tax charged, and shall be acquitted and discharged of so much as is equal to any tax so paid, and if and so far as such property is insufficient shall be entitled to be indemnified for any amount so paid.

Trustees and personal representatives.

Liability to
tax in
respect of
trust
property.

31.—(1) A trustee may be charged with Income Tax at the standard rate in respect of any income which he is entitled to receive on behalf of any person or which is derived from property vested in him, but nothing herein contained shall affect the liability of the person beneficially entitled to such income to be charged in his own name.

(2) If a trustee chargeable under this section submits to the Administrator a return of the total income of the beneficiary from all sources, he may on behalf of the beneficiary claim any allowance or

relief which the beneficiary could have claimed if he had been charged in his own name.

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(3) Where any person is beneficially entitled to income which is payable to trustees or which is derived from property vested in trustees and a question as to the residence, domicile or nationality of the person beneficially entitled to the income is material for determining the amount of assessable income, the question shall be determined by reference to the residence, domicile or nationality of the person so beneficially entitled.

(4) It shall be the duty of a trustee charged under this section to make all such returns and to do all such matters and things which the person beneficially entitled to the income would have been required to make or do if he had himself been charged in his own name.

32.—(1) On the death of an individual, all rights * and liabilities under this Law arising before his death which would have attached to him had he not died, and any liability to be charged with or to pay tax or a penalty to which he would have been subject under this Law if he had not died, shall pass to his personal representative, and the amount of tax or penalty payable by the personal representative shall be a debt due from and payable out of the estate of the deceased:

Liability of personal representative to tax in respect of estate of deceased

PROVIDED THAT—

- (a) an assessment or an additional assessment of any income arising before his death shall not be made and penalty proceedings shall not be instituted later than the end of the third year of charge following that in which the individual died; and
- (b) where by reason of death the provisions of this Law regarding a cessation or

*“ duties ” added by the Income Tax (Guernsey) Amendment Law, 1951.

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succession are applicable, the personal representative of the deceased shall be liable for the tax for which the deceased would have been liable if he had not died and the cessation or succession had taken place at the date of his death.

(2) On the death of an individual, then as respects income arising in the period commencing at his death which is payable to or derived from property vested in his personal representative, the provisions of the last preceding section shall apply as if the expression "trustee" included a personal representative.

Non-residents (agency).

Power to
charge agent
on behalf of
non-resident

33.—(1) Where a non-resident person is liable to tax in respect of any income and has an agent in Guernsey the agent shall be chargeable on his behalf with tax in respect of any such income which arises whether directly or indirectly from or through his agency:

PROVIDED that nothing in this section shall affect the liability of the non-resident to be charged in his own name.

(2) This section applies to any agent whether for the purpose of carrying on a business or for any other purpose, and the expression "agent" includes a manager and any person receiving or paying income on behalf of or to a non-resident:

PROVIDED that nothing in this section shall render a resident person chargeable in respect of income arising from sales or transactions carried out through him, unless the resident is an authorised person carrying on the regular agency of the non-resident:

PROVIDED FURTHER that where sales or transactions are carried out on behalf of a non-resident through a broker in the

ordinary course of his business as such, and the broker—

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- (a) is a person carrying on *bona fide* the the business of a broker in Guernsey ;
and
- (b) receives, in respect of the business of the non-resident which is transacted through him, remuneration at a rate not less than that customary in the class of business in question ;

then, notwithstanding that the broker is a person who acts regularly as broker for the non-resident, neither the non-resident nor the broker shall be chargeable in respect of income arising to the non-resident from those sales or transactions.

The expression "broker" includes a general commission agent.

* (3) Tax charged on an agent under the provisions of sub-section (1) of this section or agreed with the Administrator to be so chargeable in due course may be recovered by such agent by deduction from any sum or sums payable by or through such agent to the non-resident or by any other means.

(4) A resident† person who is chargeable in respect of any income of a non-resident person shall be answerable for the making of returns in the manner provided by this Law and for all other matters required to be done under this Law for the purposes of the assessment of income and the charge and payment of tax.

34. Where it appears to the Administrator that the amount of the income arising or accruing in Guernsey to a non-resident person cannot be readily ascertained, the Administrator may compute that

Special basis
of computa-
tion in
certain cases.

*New sub-section substituted by the Income Tax (Guernsey) Amendment Law, 1951.

† "resident" repealed by the Income Tax (Guernsey) Amendment Law, 1951.

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income on such percentage of the turnover of the business done in Guernsey as he may consider to be reasonable, or on an amount which bears the same proportion to the total profits of the business of such person (such profits being computed in accordance with the provisions of this Law) as the amount of business done in Guernsey bears to the aggregate of the amount of the business done in Guernsey and out of Guernsey or in such other manner as the Administrator may agree with the non-resident person.

Computation
on basis of
merchandising
profit in
certain
circum-
stances.

35. Where a non-resident person or his agent is chargeable in respect of any income arising from the sale of goods or produce manufactured or produced out of Guernsey by the non-resident, he may apply to the Administrator to have the income computed on the basis of the profits which might reasonably be expected to have been earned:—

- (a) by a merchant ; or
- (b) where the goods are retailed by or on behalf of the manufacturer or producer, by a retailer of the goods sold who had bought from the manufacturer or retailer direct,

and the assessment shall be made or amended accordingly.

Non-residents (allowances).

Proportional
allowances to
non-resident
individuals
who are
British
subjects, etc.

36.—(1) No allowance under section 18 shall be granted to an individual who is not resident in Guernsey.

(2) An allowance (referred to in this Law as a proportional allowance) may be claimed by an individual who is a non-resident and who—

- (a) is a British subject ; or
- (b) is resident in the United Kingdom or in any of the Channel Islands in which this Law is not in force ;

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in respect of income arising or accruing in Guernsey, and the amount of such allowance shall be the amount by which the tax charged or chargeable but for such relief exceeds the portion attributable to Guernsey income of the tax (including Super-tax) which would be chargeable on his total income from all sources if such total income arose in Guernsey.*

(3) Claims by non-residents for a proportional allowance shall not be allowed unless a return as to total income from all sources has been made, and no claim shall be admitted if made later than six years after the end of the year of charge to which such claim relates.

Governments of parts of His Majesty's dominions.

37. Where a business of any kind is carried on in Guernsey by or on behalf of the Government of any part of His Majesty's dominions, exclusive of Guernsey, that Government shall in respect of the business and of all income arising in connection therewith be liable to be charged under this Law in the same manner and to the same extent as in the like case a company would be liable:

Government trading.

PROVIDED that the States may by resolution exempt the whole or any part of such income from charge.

Mutual profits.

38. In the case of an incorporated company (whether incorporated in Guernsey or elsewhere), in computing profits for the purpose of section 7 of this Law, the profits shall be deemed to include any profit or surplus arising from transactions of the company with its members which would be included in computing profits for the purpose of that section if those transactions were transactions with non-

Charge of tax on mutual profits.

*Amended by the Income Tax (Guernsey) Amendment Law, 1951.

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members, and the profit or surplus aforesaid shall be determined for the purpose of that section on the same principles as those on which profits arising from transactions with non-members would be so determined:

PROVIDED that any discount, rebate, dividend or bonus granted by the company to members or other persons in respect of amounts paid or payable by or to them on account of their transactions with the company (being transactions which are taken into account in the said computation) shall be deducted as expenses if calculated by reference to the said amounts and not by reference to the amount of any share or interest in the capital of the company.

Superannuation funds.

Approval
of super-
annuation
funds.

39.—(1) A superannuation fund may be approved by the Authority if, but not unless, the following conditions are satisfied:—

- (a) the fund is held under irrevocable trust;
- (b) the fund is established in connection with the carrying on of business, or the exercise of functions, in Guernsey;
- (c) the fund has for its sole or main purpose the provision of annuities—
 - (i) for persons employed in connection with such business or functions, on their retiring at a specified age or on their becoming incapacitated at some earlier age; or
 - (ii) for the widows, children or dependants of persons who are or have been so employed, on the death of those persons;

- (d) the person carrying on the business or exercising the functions (hereinafter referred to as "the employer") is a contributor to the fund ;
- (e) the fund is recognised by the employer and by the persons so employed :

PROVIDED that if—

- (i) the business is not carried on, or the functions are not exercised, wholly in Guernsey ; or
- (ii) the provision of such annuities as aforesaid is not the sole purpose of the fund ; or
- (iii) the rules of the fund allow the return of contributions made to the fund ;

the Authority may, as it thinks fit, approve the fund as a whole or as to part only thereof, and may attach to their approval any further conditions.

(2) An application for the approval of a superannuation fund or part of a superannuation fund shall be made in writing by the trustees of the fund to the Administrator and shall be accompanied by a copy of the instrument under which the fund is established and a copy of the rules and of the accounts of the fund for the last year for which such accounts have been made up. The Authority may require such further information to be supplied as it thinks proper.

(3) The Authority shall communicate in writing to the trustees of the fund the grant of its approval and the date on which the approval is to take effect, and, when the approval is granted subject to conditions, those conditions. The Authority may at any time withdraw its approval, in which case it shall give notice in writing of such withdrawal to the trustees and shall give the reasons for such withdrawal and the date on which it is to take effect.

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(4) The Guernsey Civil Service Contingency Fund shall be deemed to be an approved super-annuation fund.

Allowances
to
employees.

40.—(1) In computing the income of an individual holding or exercising an office or employment, there shall be deducted the amount of any ordinary contributions to an approved fund or of any statutory contributions made by him for the year of computation.

(2) In this section—

- (a) the expression “ordinary contribution” means a periodic contribution fixed in amount or calculated on some definite basis by reference to earnings ;
- (b) the expression “statutory contribution” means a contribution required by law to be made towards the expense of providing, otherwise than out of a fund established for the purpose, a pension or gratuity to the contributor on his retirement or on his death to his widow, children or dependants or to his personal representative.

Allowances
to
employers.

41.—(1) If a contribution to an approved fund is made by the employer, then, in computing his income arising from the business in connection with which the fund is established—

- (a) if the contribution is an ordinary contribution, the amount thereof shall be allowed as a deduction in the accounting period in which it is paid ;
- (b) if the contribution is not an ordinary contribution, then, according as the Authority may direct, the amount thereof shall either—
 - (i) be allowed as a deduction for the accounting period in which it is paid ; or

(ii) be apportioned to such accounting periods as the Authority thinks proper, and the amount apportioned to any accounting period be allowed as a deduction for that period.

(2) In this section the expression "ordinary contribution" means a periodic contribution fixed in amount or calculated on some definite basis by reference to the earnings or contributions of the members of the fund, or to the number of such members.

42. Where an annuity is paid out of an approved fund, the person chargeable with tax shall be the person entitled to the annuity:

Charge of tax on annuities paid out of approved fund.

PROVIDED that if the person entitled to the annuity is not resident in Guernsey the trustees or other persons having the management of the fund may be charged with tax on behalf of the non-resident person but the trustees or other persons having the management of the fund shall not be so chargeable if the services in respect of which the annuity is payable were performed wholly outside Guernsey.

43.—(1) Contributions (including interest) repaid to an employer shall be treated as income of the year in which they are repaid.

Treatment of repaid contributions.

(2) Contributions (including interest) repaid to an employee during his lifetime shall be treated as income of the year in which they are repaid and shall be chargeable to Income Tax at the average rate at which the employee was liable to Income Tax during the preceding three years of charge or during such period, if less than three years, as he was a member of the fund:

PROVIDED THAT—

(a) contributions repaid in respect of services outside Guernsey; and

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- (b) lump sums paid in lieu of or in commutation of annuities shall not be chargeable to tax.

Particulars to be furnished by trustees and employers.

44. The trustees of an approved superannuation fund or an employer who contributes to an approved superannuation fund shall, when so required by notice from the Administrator, furnish, within twenty one days of the date of such notice, such particulars as the Administrator may require regarding contributions made to the fund, the names of the persons in receipt of annuities and the amount of the annuities, particulars of contributions repaid, the accounts of the fund and such other information relating to the fund as the Administrator may require.

Power of Authority to make regulations as to approved funds.

45. The Authority may make regulations for the purposes of carrying into effect the provisions of the six foregoing sections:

PROVIDED that every regulation made under this section shall be laid before the States forthwith in such manner as the States may from time to time by resolution direct and, if at the meeting of the States in the course of which such a regulation is laid before them, or at the next subsequent meeting, the States resolve that the said regulation be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new regulation.

Retirement benefit schemes.

Approval of retirement benefit schemes.

46. A retirement benefit scheme may be approved by the Authority if, but not unless, the following conditions are satisfied:—

- (a) the scheme is a *bona fide* retirement benefit scheme established in connection with the carrying on of business or the exercise of functions wholly or partly in Guernsey ;

- (b) the scheme has for its sole or main purpose the provision of annuities for persons employed in connection with the business on their retiring at a specified age or on their becoming incapacitated at some earlier age or, for the widows, children or dependants of persons who are or have been so employed, on the death of those persons ;
- (c) the annuities provided by the scheme are not assignable either in whole or in part ;
- (d) the sums paid by the employer in respect of any person do not exceed ten per cent of his remuneration for that period, and do not exceed one hundred pounds in the case of a period of a year or a correspondingly less or greater amount in the case of a shorter or longer period.

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47. In the case of an individual holding or exercising an office or employment a contribution made by him to an approved retirement benefit scheme shall be treated as a premium paid to an assurance company in respect of a deferred annuity on his life and accordingly as entitling him to any allowance which may be claimable under the provisions of section 18 of this Law.

Allowances
to
employees.

48. A contribution to an approved retirement benefit scheme made by an employer shall be allowed as a deduction in computing the profits of the business in connection with which the scheme is established.

Allowances
to
employers.

49. The Authority may make regulations for the purposes of carrying into effect the provisions of the three foregoing sections :

Power of
Authority to
make regula-
tions as to
retirement
benefit
schemes.

PROVIDED that every regulation made under this section shall be laid before the States forthwith in such manner as the States may from time to time by resolution

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direct, and if at the meeting of the States in the course of which such a regulation is laid before them, or at the next subsequent meeting, the States resolve that the said regulation be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new regulation.

Revocable settlements and settlements on children.

Income under certain revocable settlements to be treated as income of the settlor.

50.—(1) All income arising to any person by virtue or in consequence of a revocable settlement shall be deemed to be the income of the settlor unless—

- (a) the settlement is not revocable for a period exceeding six years or during the lifetime of the person on whom the settlement has been made ; and
- (b) the settlor has divested himself, while the settlement remains irrevocable, of all control over or right to receive any beneficial interest thereunder.

(2) The expression “ settlement ” includes any disposition, trust, covenant, agreement or arrangement made or entered into directly or indirectly by any person, and the expression “ settlor ” shall be construed accordingly.

(3) A settlement shall be deemed to be revocable if it allows the transfer or retransfer of the income or assets to the settlor or in any way allows the settlor to reassume power, directly or indirectly, over the income or assets.

Income under settlements on children.

51.—(1) Where by virtue or in consequence of any settlement any income is payable during the lifetime of the settlor to or for the benefit of a child of the settlor in any year of charge, the income shall, if at the commencement of that year the child was an

infant and unmarried, be treated as the income of the settlor for that year.

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(2) In this section "child" includes stepchild, adopted child and illegitimate child.

PART V.

LEGAL AVOIDANCE.

52. Subject to the provisions of the next succeeding section, where the Administrator is of opinion that the main purpose, or one of the main purposes, of a transaction is the avoidance or reduction of the liability of any person to tax under this Law, he may, in his discretion, direct that such adjustments be made as respects the liability of that person to tax as may in his opinion be appropriate to counteract the avoidance or reduction of liability which would otherwise be effected by such transaction.

General provision against legal avoidance.

53.—(1) With a view to preventing the avoidance of the payment of Super-tax through the withholding from distribution of income of a company which would otherwise be distributed, the following provisions shall have effect:—

Special provisions regarding privately controlled companies.

- (i) where it appears to the Administrator that a privately controlled company has not, within a reasonable time after the end of any accounting period, 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 income, more than sixty-five per centum of its profits for such accounting period as computed in accordance with section 7 of this Law,* he may, by notice in writing addressed to the company, direct that the undistributed part of such profits shall be

*Amended by the Income Tax (Guernsey) Amendment Law, 1951.

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deemed to have been distributed among the members for the year of charge in which such accounting period ended, and thereupon the proportionate share of each member shall be included in the total income of such member for the purposes of computation of Super-tax :

PROVIDED that the Administrator shall not give a direction under this section if he is satisfied that a distribution of less than sixty-five per centum of the company's profits was in accordance with ordinary commercial prudence and not for the purpose of avoiding the liability to Super-tax of any person.

(ii) no direction shall be given under paragraph (i) of this sub-section unless the company has been heard or has been given a reasonable opportunity of being heard.

(2) In this section

“privately controlled company” means a company which is under the control of five persons or less and in which less than twenty-five per centum of the voting power is held by members of the public.

“subsidiary company” means a company of which one or more other companies have the control by virtue of the beneficial ownership of shares.

“members of the public” means persons other than the five persons or less in control of the company as determined in accordance with sub-sections (4) and (5) of this section, and other than a subsidiary company deemed to be a privately controlled company under the provisions of sub-section (3) of this section.

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“relative” means a husband, wife, ancestor, lineal descendant, brother or sister, whether of the half or of the whole blood, ancestor or lineal descendant of such brother or sister, or relative by marriage.

“nominee” means a person who may be required to exercise voting power on the directions of another person or who holds shares directly or indirectly on behalf of another.

“voting power” means the power to vote conferred by the beneficial ownership of shares not being shares entitled to a fixed rate of dividend whether with or without a right to participate in profits.

(3) A company which is a subsidiary company of a privately controlled company or of two or more companies of which one or more is a privately controlled company shall be deemed to be a privately controlled company.

(4) A company shall be deemed to be under the control of five persons or less if such persons are able or entitled, by virtue of the possession of the greater part of the voting power or by any means whatsoever, to exercise or acquire control, whether direct or indirect, over the company's affairs.

(5) In determining for the purpose of this section whether a company is or is not under the control of five persons or less—

- (a) persons in partnership shall be treated as a single person ;
- (b) persons representing the estate of a deceased person or property held under a trust shall be treated as a single person ;
- (c) persons who are relatives of one another, and persons who are nominees

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of any other person together with that person, shall be treated as a single person.

(6) Where the Administrator is of opinion that the affairs of a company are controlled or are capable of being controlled by a person who is a loan creditor of the company he may, if he is of opinion that such control is being exercised for the purpose of avoiding the liability to Super-tax of any person, deem such company to be a privately controlled company for the purpose of this section, and thereupon such loan creditor shall be deemed to be a member of the company and to have a share in the profits of the company deemed to have been distributed under paragraph (i) of sub-section (1) of this section to the extent that profits, or assets representing profits, have been expended or applied 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.

(7) Where the Administrator is of opinion that for the purpose of avoiding the liability to Super-tax of any person a privately controlled company has, in pursuance of or in consequence of any fictitious or artificial transaction paid or made available to any person any sum, whether in the form of capital or otherwise, and whether in money or in money's worth, he may adjust the total income of such person, for the purpose of the computation of Super-tax for any year of charge, so as to include therein the amount, which in his opinion, could reasonably be expected to have arisen to such person as income had the fictitious or artificial transaction not taken place.

(8) (i) When an order has been made or a resolution passed for the winding-up of a privately controlled company the period from the end of the last account-

ing period of the company to the date of the order or resolution for winding-up shall be treated as an accounting period, and the income of the company for the period so treated as an accounting period shall be deemed to be income of that period available for distribution to members of the company and, as respects such period and any accounting period ending within the year preceding that period, paragraph (i) of sub-section (1) of this section shall have effect as if the words "within a reasonable time" were omitted therefrom ;

- (ii) the liquidator of a company shall be responsible for the due payment of any Super-tax recoverable from the company and for doing all other matters or things required to be done by or on behalf of the company under this section.

(9) When a member of a privately controlled company is itself a privately controlled company any amount deemed to be its income under the provisions of this section shall be deemed to be part of its profits for the purpose also of the application of sub-section (1) of this section to distributions of profits by that company.

(10) Where by virtue of the provisions of this section an adjustment is made of the total income for Super-tax purposes of a member of a company for any year of charge and that member is an individual, the Super-tax payable in respect of such adjustment shall be recoverable from the company if it cannot be recovered from the member, and the company shall be entitled to recover any Super-tax so paid by it by deduction from any sum or sums payable by or through the company to that member or by any other means.

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(11) Any undistributed income which has been charged to Super-tax under the provisions of this section shall, when subsequently distributed, be deemed not to form part of the total income for the purpose of Super-tax of any individual entitled thereto.

(12) (i) The Administrator may at any time, by notice in writing, require any company which appears to him to be a company to which this section applies, to furnish him with such information as he may require for the purpose of ascertaining—

(a) the profits of the company for any accounting period, and the names and addresses, and the particulars of the respective interest, of all members of the company ; and

(b) the means by which the control of the company is or may be exercised ;

(ii) if any company fails or refuses on being so required in accordance with the provisions of this section to furnish a statement of its income from all sources or renders a statement with which the Administrator is not satisfied, the Administrator may make an estimate of that income to the best of his judgment ;

(iii) any person in whose name any shares of a company are registered shall, if required by a notice in writing by the Administrator 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.

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PART VI.

RETURNS AND ASSESSMENTS.

Returns.

54.—(1) It shall be the duty of every person to whom a notice for that purpose has been given, and whether or not he is liable to pay any tax, to deliver to the Administrator, within twenty-one days of the date of such notice, a return as to his income in the form and manner required by the Administrator, and shall furnish to the Administrator, within such period as he may specify, such accounts or other information as he may require, certified, if he so requires, by an accountant competent to appear on an appeal in accordance with the provisions of sub-section (2) of section 64 of this Law.

Returns as to
income.

(2) Where any person chargeable with tax has not received before the 30th day of June in any year of charge a notice from the Administrator requiring him to make a return as to his income it shall be his duty to give notice to the Administrator that he is so chargeable.

55. A company resident in Guernsey or registered under any law applicable from time to time to companies in Guernsey, when required to do so by notice for that purpose given by the Administrator, shall deliver to the Administrator within such time and in such manner as he shall direct, lists shewing respectively the dividends and interest paid or payable during the calendar year preceding the year of charge to persons resident in Guernsey and to persons not so resident, together with the names and addresses of the persons entitled to such dividends and interest.

Returns as to
dividends
and interest.

56.—(1) Every employer when required to do so by notice for that purpose given by the Administrator

Returns as to
employees.

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and whether such notice be given by individual notice in writing or by a general notice published in "La Gazette Officielle", shall, within the time limited by the notice, deliver a return containing:—

(a) the names and addresses of the persons employed by him during the year preceding the year of charge ;

* (b) the payments made to those persons in respect of that employment for that preceding year ;

* (c) in the case of persons who entered or left the employment in the course of that preceding year, the dates on which they entered or left the employment.

(2) The employer shall, if so required by the notice or by a supplementary notice given by the Administrator, include in his return, or deliver a separate return containing, corresponding particulars in respect of persons employed by him since the commencement of the year of charge in which the notice is given.

(3) Where the employer is a company, any director of the company or person engaged in the management of the company shall for the purposes of this section be deemed to be a person employed by the company.

Returns as to
lodgers, etc.

57. Every person who provides or offers to provide accommodation for hire or reward otherwise than under a tenancy agreement shall, when required to do so by notice for that purpose given by the Administrator, and whether such notice be given by individual notice in writing or by a general notice published in "La Gazette Officielle", deliver to the Administrator a return within the time limited by the notice, of all individuals who have been accommodated by him for hire or reward during such year

*Paragraphs (b) and (c) substituted for paragraph (b) and paragraph (c) re-lettered (d) by the Income Tax (Guernsey) Amendment Law, 1951.

as the Administrator may in such notice as aforesaid specify, and who during such year have been so accommodated for a period or periods amounting to one hundred and eighty-two days or more.

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58. Where the person required to deliver a return under this Part of this Law is a company, the secretary or other officer performing the duties of secretary (by whatever name called) shall be responsible for delivering the return.

Returns on behalf of companies.

Assessments.

59. Assessments shall be made by the Administrator and a notice giving particulars of the assessment and stating the amount of tax chargeable in consequence of the assessment shall be sent by post, addressed to the person concerned at his usual or last known place of residence or, in the case of a company, at its principal place of business. Every such notice shall contain a statement that a right of appeal is conferred by this Law and shall further state the time within which notice of appeal must be given.

Making of assessments.

60. If the Administrator has reason to believe that a business carried on or an office or employment exercised in Guernsey is so temporarily established or exercised in this Island that the ordinary process of assessment under this Law is inappropriate, he may at any time serve on the person responsible for the conduct of that business or on the person exercising such office or employment a notice requiring him within such time as may be specified therein to deliver to the Administrator a return of the estimated income of the business, office or employment arising in Guernsey up to the probable date of the cessation of such business, office or employment in Guernsey, and the provisions of this Law shall, so far as may be, apply as if the notice were a notice issued under subsection (1) of section 54 of this Law:

Provision for speedy assessments in certain cases.

PROVIDED that, notwithstanding anything in section 67 of this Law, the tax shall be

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payable in one instalment on such day or within such period as the Administrator may determine.

Additional
assessments.

61. If as respects any year of charge the Administrator discovers that any income that ought to have been assessed has not been assessed, or that the assessment in respect of any income is or has become insufficient, he may, subject to the provisions of subsection (1) of section 32 of this Law, at any time not later than six years after the end of such year of charge, make an assessment or an additional assessment, as the case may be, on the person chargeable on such income and all the provisions of this Law shall thereupon apply to such assessment or additional assessment :

PROVIDED that where any form of fraud or wilful default has been committed by or on behalf of any person in connection with or in relation to tax for the year 1950 or any subsequent year of charge, assessment or additional assessment on that person to tax for that year, may, for the purpose of making good to the States any loss of tax attributable to the fraud or wilful default, be made at any time, notwithstanding that, apart from this section, the time limited by Law for the making of the assessment or additional assessment has expired :

PROVIDED FURTHER that the limitation period in a case of fraud or wilful default in relation to any year prior to the coming into force of this Law shall be ten years.

PART VII.

APPEALS.

Right of
appeal.

62. Any person aggrieved by an assessment made upon him by the Administrator, or by any penalty, direction or order imposed or made by the Admini-

strator under this Law, shall be entitled to appeal to the Authority on giving to the Administrator notice in writing (stating the grounds of appeal) within twenty-one days of the date of the issue of the notice of assessment or of the order imposing the penalty, or other order or direction :

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PROVIDED that the Authority may admit an appeal if it is satisfied that owing to absence, sickness or other reasonable cause a person has been prevented from giving the aforesaid notice within the time limited.

63. The Authority shall meet from time to time for the hearing of appeals, and shall cause reasonable notice to be given to each appellant of the day for hearing his appeal.

Appeal
meetings.

64.—(1) The Administrator shall be entitled to be present during all the time of the hearing of an appeal, to give reasons in support of the assessment or other order made by him and to be present when the determination of the Authority is announced.

Hearing of
appeals.

(2) The appellant and the Administrator shall be entitled at the hearing of any appeal to appear by an advocate, or by an accountant who is a member of an incorporated society of accountants :

PROVIDED that the condition as to membership of an incorporated body of accountants shall not apply to an accountant who has appeared before the Authority in a professional capacity in respect of an appeal in relation to the Income Tax Laws, 1920 to 1948, before the commencement of this Law.

(3) If the Authority is satisfied that the appellant has been prevented by absence, sickness or other reasonable cause from attending on the day fixed for hearing the appeal, it may postpone the hearing for such time as it may think necessary.

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(4) Where, on the hearing of an appeal, the appellant desires to put forward any ground of appeal which was not specified in the notice of appeal, the Authority, if in its opinion the omission of that ground from the notice was not wilful or unreasonable, may allow the appellant to put forward that ground and may take it into consideration.

(5) The Authority may, by notice sent by post, summon any person, (other than the appellant) whom it thinks able to give relevant evidence, to appear before it to be examined.

(6) Any witness before the Authority may be examined on oath, but where the witness is the appellant or any agent or servant of the appellant or any other person confidentially employed in his affairs, the witness shall not be compelled to give evidence on oath or to answer any question to which he objects.

(7) Any member of the Authority shall have power to administer the oath referred to in the last preceding sub-section.

(8) The Authority may adjourn any appeal from time to time.

Determina-
tion of
appeals.

65.—(1) In disposing of an appeal the Authority may—

(a) in the case of an assessment—

(i) confirm, reduce, enhance or annul the assessment ; or

(ii) set aside the assessment and direct the Administrator to make a fresh assessment after making such further enquiry as the Administrator thinks fit or the Authority may direct ; or

(b) in the case of an order imposing a penalty—confirm or cancel such order or vary it so as either to enhance or reduce the penalty ; or

(c) in the case of any other direction or order—make such order thereon as it thinks fit.

(2) Save as provided in section 66 of this Law orders made by the Authority shall be final and conclusive.

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66.—(1) Upon the determination of an appeal the appellent or the Administrator, if dissatisfied with the determination as being erroneous in point of law, may require the Authority to state and sign a case for submission to the Royal Court.

Case for
opinion of
Royal Court

(2) Such requirement shall be made by delivering, at any time within twenty-one days after the determination of the appeal, a notice in writing to the President of the Authority.

(3) The case shall set forth the facts and the determination of the Authority.

(4) The case when stated and signed shall be delivered by the President to the party who required it.

(5) The party to whom the case has been delivered shall, within twenty-one days after he has received it, transmit the case to His Majesty's Greffier and send to the other party a copy of the case, together with notice in writing that he has so transmitted it.

(6) The Royal Court sitting as an Ordinary Court shall hear and determine any question of law arising on the case, and may reverse, affirm, or amend the determination of the Authority, remit the matter to the Authority, with the opinion of the Court thereon, or make such other order as the Court may think fit.

(7) The Court may cause the case to be sent back for amplification or clarification and thereupon the case shall be amplified or clarified accordingly and returned to the Court and the last preceding subsection shall thereupon apply.

(8) Where the amount of the assessment is to be altered in consequence of the judgment of the Court, the Administrator shall alter the assessment and charge accordingly.

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(9) An appeal shall lie from the Ordinary Court to the Channel Islands Court of Appeal.

PART VIII.

COLLECTION AND RECOVERY.

Due date of
payment of
tax and
penalty.

67.—(1) Tax for any year of charge shall be payable in two equal instalments as follows:—

(a) the first instalment on or before the 30th day of June in that year:

PROVIDED that where the assessment in consequence of which the tax is chargeable has not been made before the 10th day of June in that year the first instalment shall be payable within twenty-one days from the date of the issue of the notice of assessment ;

(b) the second instalment on or before the 31st day of December in that year:

PROVIDED that where the assessment in consequence of which the tax is chargeable is made after the 10th day of December in that year the second instalment shall be payable within twenty-one days from the date of the issue of the notice of assessment.

(2) A penalty shall be payable within thirty days from the date of the order communicating the penalty:

PROVIDED that the Administrator may at his discretion, allow a further time for payment.

Collection of
tax and
penalty
pending
appeal.

58.—(1) Where notice of an appeal to the Authority against an assessment or a penalty has been given, the Administrator may, at his discretion, allow such part of the tax charged in consequence of the assessment as appears to him to be in dispute, and the

whole or part of the penalty imposed, to remain unpaid pending the result of such appeal.

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(2) On the determination of the appeal any balance of tax or penalty shall become payable, and any tax or penalty overpaid shall be repaid.

69. In default of payment of tax or penalty by the due date, the Administrator may proceed to enforce payment as if the amount due were a civil debt.

Enforcement of payment.

PART IX.

PENALTIES.

70. A person who fails to give to the Administrator such notice of his liability to be charged with tax as he is required to give by sub-section (2) of section 54 of this Law shall be liable to a penalty not exceeding fifty pounds.

Penalty for failure to give notice of liability.

71. A person who fails to make a return of his income within the period prescribed by the law for that purpose shall be liable to a penalty not exceeding fifty pounds and he shall in addition be liable to a further penalty not exceeding ten pounds for every day after the date of the imposition of the original penalty, during which the failure continues:

Penalty for failure to deliver return as to income.

PROVIDED THAT—

- (i) if at any time before the Administrator issues the notice referred to in section 81 of this Law such person delivers a correct and complete return, he shall not be liable to any penalty ;
- (ii) if he proves that if he had made a return he would not have been liable to pay any tax in respect thereof, the penalty shall not exceed five pounds.

72. A person who delivers a return of income which is incorrect or incomplete in any material particular, shall, if he acted negligently, be liable to a penalty not exceeding the aggregate of a sum of twenty pounds

Penalty for negligence in return as to income.

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and a sum equal to three times the difference between the amount of tax which would have been chargeable if a correct and complete return had been made and the amount of tax which would be chargeable on the assumption that the return actually made was correct and complete:

PROVIDED that if at any time before the Administrator issues the notice referred to in section 81 of this Law such person delivers a correct and complete return he shall not be liable to any penalty.

Penalty for fraud in return as to income.

73. A person who delivers a return of income which is incorrect or incomplete in any material particular shall, if he acted fraudulently, be liable to a penalty not exceeding the aggregate of the sum of twenty pounds and a sum equal to three times the total amount of tax which he would be liable to pay for the year of charge to which the return relates, no reduction being made in respect of any of the allowances to individuals.

Penalties in respect of returns not relating to income.

74.—(1) A person who fails to deliver to the Administrator a return other than a return of income within the time prescribed for that purpose shall be liable to a penalty not exceeding fifty pounds and he shall in addition be liable to a further penalty not exceeding ten pounds for every day after the date of the imposition of the original penalty during which the failure continues:

PROVIDED that if at any time before the Administrator issues the notice referred to in the said section 81 such person delivers a correct and complete return he shall not be liable to any penalty.

(2) A person who delivers a return, other than a return of income, to the Administrator which is incorrect or incomplete in any material particular shall be liable to a penalty not exceeding—

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- (i) if he acted negligently, one hundred pounds, provided that if at any time before the Administrator issues the notice referred to in section 81 of this Law the person delivers a correct and complete return he shall not be liable to any penalty ;
- (ii) if he acted fraudulently, five hundred pounds.

(3) For the purposes of this section, the expression "return" includes any list, statement, particulars, accounts or other information which the Authority or the Administrator may require any person to furnish under the provisions of this Law.

75. Where the person responsible for delivering the return is by virtue of section 58 of this Law the secretary or other officer of a company, the company and not the secretary or other officer, shall be liable to any pecuniary penalty entailed by any failure, negligence or fraud on the part of the secretary or other officer in connection with the return.

Liability
of companies
for
penalties.

76.—(1) A person who on his own behalf makes a claim in connection with any relief or allowance from or in respect of tax which is incorrect or incomplete in any material particular, or who in connection with such claim produces any false evidence, shall if he acted negligently be liable to a penalty not exceeding the aggregate of twenty pounds and a sum equal to three times the difference between the relief or allowance which would be allowable on the assumption that the claim actually made was correct and the relief or allowance which would have been allowable if a correct claim had been made ; and if he acted fraudulently to a penalty not exceeding the aggregate of twenty pounds and a sum equal to three times the total amount of tax which he would be liable to bear for the year of charge to which the claim relates, no reduction being made in respect of any of the allowances to individuals.

Penalties for
negligence
or fraud
in connection
with claims.

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(2) A person who on behalf of another person makes any such claim as aforesaid shall, if he acted negligently, be liable to a penalty not exceeding one hundred pounds, and if he acted fraudulently, to a penalty not exceeding five hundred pounds.

Penalty for fraudulent practices.

77. A person who in order not to be charged with tax or to be charged with a less amount of tax than that with which he ought to be charged, is guilty of any fraud whatsoever, shall be liable to the penalty imposed by section 73 of this Law.

Penalties for aiding and abetting.

78. A person who wilfully aids or abets another person in committing any offence against the provisions of this Law shall, if the said offence involves fraud, be liable to a penalty not exceeding five hundred pounds.

Penalties on witnesses at appeals.

79. A person duly summoned to appear as a witness at any hearing before the Authority who refuses or fails without reasonable cause to appear at such hearing or who, having appeared, refuses to answer any lawful question touching the matter under consideration shall be liable to a penalty not exceeding twenty pounds.

Penalty for late payment.

80. A person who fails or neglects to pay any amount due from him under this Law, including any penalty imposed thereunder, within one month of the date of such amount becoming due shall be liable to a penalty calculated at a rate not exceeding five per centum per mensem of such amount.

Proceedings in respect of penalties.

81.—(1) If the Administrator is of opinion that there are *prima facie* grounds for believing that a person is liable to a pecuniary penalty under any section of this Part of this Law other than section 79 of this Law he may send to such person a notice in writing stating the grounds of his belief, and subject to the provisions of this section may, if he finds such person liable, make an order directing him to pay a penalty.

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(2) If within seven days of the receipt of such a notice the person to whom the notice was sent sends to the Administrator a notice in writing requesting that proceedings against him shall be taken before the Royal Court, sitting as an Ordinary Court, the Administrator shall take no further action in the matter but may within three months of the date of the said notice, cause penalty proceedings to be instituted before that Court.

(3) If the Authority is satisfied that a person is liable to a penalty under the said section 79, it shall, before directing such person to pay a penalty, inform him that he may request that proceedings against him shall be taken before the Royal Court, sitting as an Ordinary Court. If such person so requests, the Authority shall take no further action in the matter but may, within three months of the date of such request, cause penalty proceedings to be instituted before that Court.

(4) In no case shall the Authority or the Administrator order the payment of a penalty unless the person liable has had a reasonable opportunity of stating his case.

82. Notwithstanding any of the provisions hereinbefore contained, any person who knowingly makes a false statement or representation in any return or fraudulently does any other act for the purpose of obtaining a relief or exemption from tax or a repayment of tax under this Law either on his own behalf or on that of any other person, shall be liable, in lieu of having proceedings taken against him by the Administrator under the last preceding section, to be prosecuted before the Royal Court, whereupon he shall on conviction be liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding the maximum penalty which the Administrator could have imposed had the case been dealt with by him, or to both such imprisonment and such fine:

Discretion to prosecute before the Royal Court in cases involving fraud.

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PROVIDED that no prosecution may be instituted under this section otherwise than at the joint request of the Administrator and the Authority.

PART X.

ADMINISTRATION.

The Authority.

83. The President and Members of the Authority shall be elected by the States, and the constitution of the Authority shall be such as the States may from time to time by resolution appoint :

PROVIDED that notwithstanding anything in this Law contained, the Authority constituted under and by virtue of the Income Tax Laws, 1920 to 1948, and in office on the commencement of this Part of this Law shall be deemed, pending such resolution, to be the Authority constituted under this section.

The Administrator and his staff.

84. Subject to the general direction and control of the Authority, Income Tax shall be under the care and management of an Administrator, to assist whom there may be appointed an Assistant Administrator of Income Tax. The Authority shall, in consultation with the States Board of Administration, appoint such clerks and other persons as may be necessary, and such persons shall be under the control of the Administrator.

Oath of secrecy.

85.—(1) Every person discharging any official function under this Law shall before he begins to act in execution of this Law take an oath before the Royal Court, sitting as an Ordinary Court, that he will act in an impartial manner, without favour or affection in such discharge, and that he will not divulge any matter connected in any way with the operation of this Law except to a person who has taken a like oath, or in a court of law on a prosecution under this Law or otherwise in performance of his duties under this Law :

* PROVIDED that the obligations as to secrecy imposed by this Law shall not prevent disclosure of such facts to an authorised officer of the Government of the United Kingdom or of any part of His Majesty's dominions as may be necessary to enable the appropriate relief to be given in cases where double taxation relief is claimed.

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(2) A person violating such oath shall be guilty of an offence and liable on 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 fine.

86. For the purpose of audit the Administrator is authorised to place at the disposal of the States' Auditor all books and information that he may require. Audit.

87. The Authority may from time to time employ a qualified person to inspect the work of the Administrator and his staff, and to make a report thereon. Provision as to inspection.

PART XI.

GENERAL.

88. In this Law, unless the context otherwise requires:— General definitions.

“Administrator” means the Administrator referred to in section 84 of this Law ;

“Authority” means the Authority constituted under the provisions of section 83 of this Law ;

“business” includes any profession, trade, commerce or manufacture, or any adventure or concern in the nature of trade, commerce or manufacture ;

“company” means any body of persons, corporate or incorporate, not being a partnership ;

* Proviso repealed by The Income Tax (Guernsey) Amendment (No. 2) Law, 1951.

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- “director”, in relation to a company, means a member of the board of directors or other managing body of the company, by whatever name known ;
- “emoluments”, in relation to an office or employment includes any salary, stipend, fees, wages, perquisites, earnings, and profits whatsoever arising therefrom ;
- “Guernsey” includes Herm ;
- “personal representative” includes any person to whom has passed any legal or beneficiary interest in the real or personal estate of a deceased individual ;
- “year of computation” means the year by reference to the income of which assessable income is to be computed.

Repeals. 89. The Income Tax Laws, 1920 to 1948, are hereby repealed.

Commence- 90. Sections 39 to 49 (inclusive) of this Law shall ment. be deemed to have come into force on the first day of January, 1948, and the remainder of the Law on the first day of January, 1950.*

*Proviso added by the Income Tax (Guernsey) Amendment Law, 1951.

(Registered on the Records on the 22nd April, 1950.)

AT THE COURT AT WINDSOR CASTLE,

The 31st day of March, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
CHANCELLOR OF THE DUCHY OF LANCASTER
SIR ALAN LASCELLES.

Milk
Distribution
(Guernsey)
Law, 1950.

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 December, 1949, 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, in pursuance of their Resolution of the 27th day of July, 1949, the States of Deliberation at a meeting held on the 19th day of October, 1949, approved a Bill or “Projet de Loi” entitled “The Milk Distribution (Guernsey) Law, 1950” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2.—That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Milk Distribution (Guernsey) Law, 1950”, and to order and direct that the same shall have force of Law in the Island of Guernsey’.

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

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order in Council.

PROJET DE LOI

ENTITLED

“ THE MILK DISTRIBUTION (GUERNSEY)
LAW, 1950.”

THE STATES, in pursuance of their Resolution of the 27th day of July, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey :—

Constitution
and
procedure
of the States
Dairy
Committee.

1.—(1) The States shall as soon as may be after the coming into force of this Law and from time to time thereafter provide for the constitution of a Committee of the States to be known as “ the States Dairy Committee ” (hereinafter referred to as “ the Committee ”).

(2) The Committee shall be responsible for carrying out the provisions of this Law and of any Ordinance made thereunder except for the carrying out of such of the said provisions (if any) as the

States may from time to time by Ordinance assign to some other authority.

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2. Notwithstanding the provisions of any enactment for the time being in force in the Island of Guernsey—

Sale and disposal of milk and milk products.

- (a) no owner of cattle in this Island shall sell, attempt to sell, or cause to be sold any milk or milk products produced from any such cattle in his ownership otherwise than to the Committee or in such circumstances as the States may from time to time prescribe ;
- (b) no person shall import or attempt to import or cause to be imported into this Island, other than such person in such circumstances as the States may from time to time prescribe, any milk other than milk imported in sealed tins ; and
- (c) no person shall carry on the business of a retailer of milk or of a product of milk which product has been produced in Guernsey otherwise than under and subject to the conditions of a licence granted by such authority as the States shall from time to time prescribe.

3. The States shall prescribe the penalties which shall be incurred by any person who contravenes or attempts to contravene or who fails to comply with the provisions of this Law or of any Ordinance made thereunder.

Penalties.

4. Unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them—

Interpre-
tation.

“ authority ” means any person entrusted with powers, or upon whom duties are imposed, by the States ;

“ milk ” means liquid cow’s milk but does not include condensed milk or evaporated milk ;

“ owner ” means any person having the right or

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holding himself out as having the right to extract milk from a cow or cows, and the expression "ownership" shall be construed accordingly;

"prescribe" means prescribe by Ordinance made under and by virtue of this Law;

"retailer" means a person who sells milk to another buying otherwise than for the purpose of re-sale, and includes the supply of milk by such person to a beneficiary under any scheme approved by the States of Guernsey for the supply of milk free of charge or at a reduced charge;

"sealed tin" includes any container to which an instrument must be applied in order to effect the opening thereof; and

"sell" includes disposal otherwise than by way of free gift and any offer or agreement to sell or to dispose of otherwise than by way of free gift.

Power to make Ordinances.

5. The States may by Ordinance from time to time make such provision as is necessary for the carrying out of this Law.

Commencement.

6. This Law shall come into force on such day as the States may prescribe.

(Registered on the Records on the 22nd April, 1950.)

AT THE COURT AT WINDSOR CASTLE,

The 31st day of March, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

CHANCELLOR OF THE DUCHY OF LANCASTER

SIR ALAN LASCELLES.

Health, Safety and Welfare of Employees Law, 1950.

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 December, 1949, in the words following, viz. :—

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

‘ 1.—That, in pursuance of their Resolution of the 13th day of April, 1949, the States of Deliberation at a meeting held on the 19th day of October, 1949, approved a Bill or “Projet de Loi” entitled “The Health, Safety and Welfare of Employees Law, 1950” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2.—That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Health, Safety and Welfare of Employees Law, 1950”, and to order and direct that the same shall have 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 Islands of Guernsey, Herm and Jethou.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ THE HEALTH, SAFETY AND WELFARE
OF EMPLOYEES LAW, 1950 ”.

THE STATES, in pursuance of their Resolution of the 13th day of April, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey and in the Islands of Herm and Jethou :—

Constitution
and
procedure of
the
Adminis-
tering
Authority.

1.—(1) The States shall as soon as may be after the coming into force of this Law and from time to time thereafter—

- (a) constitute a Committee of the States (hereinafter referred to as “ the Administering Authority ”), which shall bear a title to be approved by the States ;
- (b) appoint the President and members of the Administering Authority ; and

(c) prescribe the terms under which the President and the members of the Administering Authority shall hold their respective offices.

(2) The Administering Authority shall be responsible for carrying out the provisions of any Ordinance made under this Law except for such provisions (if any) as the States may by Ordinance require to be carried out by some other States authority.

2. Without prejudice to any other power in the States to make Ordinances in that behalf, the States may by Ordinance make provision for the health, safety and welfare of employees in the Islands of Guernsey, Herm and Jethou and for any matters ancillary thereto, and for any matter necessary for carrying out the provisions of this Law.

Power to make Ordinances.

3. The States may by Ordinance prescribe the penalties which shall be incurred by any person who contravenes or attempts to contravene or who fails to comply with the provisions of any Ordinance made under section two of this Law.

Penalties.

4. If any draft Ordinance purporting to be made under this Law is presented to the States Legislation Committee (hereinafter referred to as "the Committee") by a Law Officer of the Crown at the instance of the Administering Authority or of any other States authority, the Committee may decide, either before proceeding with or before completing its review or revision thereof, not to transmit any such draft Ordinance to the States for its decision in accordance with the provisions of paragraph (2) of Article sixty-six of the Reform (Guernsey) Law, 1948, unless it is satisfied that such draft Ordinance is prepared pursuant to a Resolution of the States.

Powers of the States Legislation Committee.

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(Registered on the Records on the 22nd April, 1950.)

AT THE COURT AT WINDSOR CASTLE,

The 31st day of March, 1950.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

CHANCELLOR OF THE DUCHY OF LANCASTER

SIR ALAN LASCELLES.

Non-resident
Traders Tax
(Guernsey)
Law, 1950.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 2nd day of February, 1950, in the words following, viz. :—

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

‘1.—That, in pursuance of their Resolution of the 22nd day of June, 1949, under and by virtue of the provisions of paragraph 5 of the First Schedule to the Income Tax (Guernsey, Alderney, Herm and Jersey Reciprocal Exemption) (Guernsey) Law, 1949, the States of Deliberation at a meeting held on the 11th day of January, 1950, approved a Bill or “*Projet de Loi*” entitled “The Non-resident Traders Tax (Guernsey) Law, 1950” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2.—That the said Bill or “*Projet de Loi*” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de Loi*” of the States of Guernsey

entitled "The Non-resident Traders Tax (Guernsey) Law, 1950", and to order that the same shall have force of Law in the Islands of Guernsey, Alderney and Herm'.

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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 Islands of Guernsey, Alderney and Herm.

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

E. C. E. LEADBITTER.

1950

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

THE NON-RESIDENT TRADERS TAX (GUERNSEY) LAW, 1950.

THE STATES, in pursuance of their Resolution of the 22nd day of June, 1949, under and by virtue of the provisions of paragraph 5 of the first Schedule to the Income Tax (Guernsey, Alderney, Herm and Jersey Reciprocal Exemption) (Guernsey) Law, 1949, have approved the following provisions, which, subject to the sanction of His Most Excellent Majesty in Council, shall have force of Law in this Island and in the Islands of Alderney and Herm :—

Levy of
tax.

1. The tax (hereinafter called " the non-resident traders tax ") leviable under and by virtue of the provisions of the Income Tax (Guernsey, Alderney, Herm and Jersey Reciprocal Exemption) (Guernsey) Law, 1949, in pursuance of paragraph 5 of the First Schedule to that Law and of the Second Schedule thereto, may be levied by resolution of the States.

Assessment,
collection,
etc.

2. For the purposes of assessment, collection and administration and as regards the imposition of penalties and the right of appeal, the provisions of any law from time to time in force in this Island relating to Income Tax shall apply to the non-resident traders tax.

Commence-
ment.

3. This Law shall be deemed to have come into force on the 1st day of January, 1949.

(Registered on the Records on the 22nd April, 1950.)

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AT THE COURT AT WINDSOR CASTLE,

The 31st day of March, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

CHANCELLOR OF THE DUCHY OF LANCASTER

SIS ALAN LASCELLES

WHEREAS there was this day read at the Board Blackmail
Law, 1949.
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 February, 1950,
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 Com-
mittee the humble Petition of the States of
the Island of Guernsey, setting forth :—

‘ 1.—That, in pursuance of their Resolution
of the 21st day of September, 1949, the States
of Deliberation at a meeting held on the 9th
day of November, 1949, approved a Bill or
“ *Projet de Loi* ” entitled “ The Blackmail Law,
1949,” and requested the Bailiff to present a
most humble Petition to Your Majesty in
Council praying for Your Royal Sanction there-
to : 2.—That the said Bill or “ *Projet de Loi* ”
is in the words and figures set forth in the
Schedule hereunto annexed. And most humbly
praying that Your Majesty might be graciously
pleased to grant Your Royal Sanction to the
Bill or “ *Projet de Loi* ” of the States of Guern-
sey entitled “ The Blackmail Law, 1949,”
and to order and direct that the same shall
have force of Law in the Bailiwick of the
Island of Guernsey.’

“ THE LORDS OF THE COMMITTEE, in obedience
to Your Majesty's said Order of Reference, have

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

THE BLACKMAIL LAW, 1949.

THE STATES, in pursuance of their Resolution of the 21st day of September, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have

force of law in the Bailiwick of the Island of Guernsey.

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1.—(1) Every person who —

- (a) utters, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property or valuable thing ;
- (b) utters, knowing the contents thereof, any letter or writing accusing or threatening to accuse any other person (whether living or dead) of any crime to which this Law applies, with intent to extort or gain thereby any property or valuable thing from any person ;
- (c) with intent to extort or gain any property or valuable thing from any person accuses or threatens to accuse either that person or any other person (whether living or dead) of any such crime ;

shall be guilty of an offence under this Law and on conviction thereof liable to imprisonment for life or some shorter term.

(2) Every person who with intent to defraud or injure any other person —

- (a) by any unlawful violence to or restraint of the person of another, or
- (b) by accusing or threatening to accuse any person (whether living or dead) of any such crime,

compels or induces any person to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security, or to write, impress, or affix the name of any person, company, firm, or co-partnership, or the seal of any body corporate, company or society upon or to any paper or parchment in order that it may be afterwards made or converted into or

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used or dealt with as a valuable security, shall be guilty of an offence under this Law and on conviction thereof liable to imprisonment for life or some shorter term.

(3) This section applies to any crime punishable with death, or penal servitude or imprisonment for not less than seven years, or any assault with intent to commit any rape, or any solicitation, persuasion, promise or threat offered or made to any person, whereby to move or induce such person to commit or permit the crime of sodomy, either with mankind or with any animal.

(4) For the purposes of this Law, it is immaterial whether any menaces or threats be of violence, injury, or accusation to be caused or made by the offender or by any other person.

2. Every person who with menaces or by force demands of any person anything capable of being stolen with intent to steal the same shall be guilty of an offence under this Law and on conviction thereof liable to imprisonment for a term not exceeding five years.

3. Every person who with intent —

(a) to extort any valuable thing from any person, or

(b) to induce any person to confer or procure for any person any appointment or office of profit or trust,

(1) publishes or threatens to publish any libel upon any other person (whether living or dead); or

(2) directly or indirectly threatens to print or publish or directly or indirectly proposes to abstain from or offers to prevent the printing or publishing of any matter or thing touching any other person (whether living or dead);

shall be guilty of an offence under this Law and on conviction thereof liable to imprisonment for a term not exceeding two years.

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(Registered on the Records on the 22nd April, 1950.)

AT THE COURT AT WINDSOR CASTLE,
The 31st day of March, 1950.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY,
LORD PRESIDENT
CHANCELLOR OF THE DUCHY OF LANCASTER
SIR ALAN LASCELLES.

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 February, 1950, in the words following, viz. :—

Indictments
(Guernsey)
Law, 1950.

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

‘ 1.—That, in pursuance of their Resolution of the 21st day of September, 1949, the States of Deliberation at a meeting held on the 14th day of December, 1949, approved a Bill or “ *Projet de Loi* ” entitled “ The Indictments (Guernsey) Law, 1950 ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2.—That the said Bill or *Projet de Loi* is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi*

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of the States of Guernsey entitled "The Indictments (Guernsey) Law, 1950," and to order that the same shall have force of Law in 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 whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

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PROJET DE LOI

ENTITLED

“ THE INDICTMENTS (GUERNSEY) LAW,
1950.”

THE STATES, in pursuance of their Resolution of the 21st day of September, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey:—

1. The rules contained in the Schedule to this Law with respect to indictments shall have effect as if enacted in this Law, but those rules may be added to, varied or amended by further rules made by Order of the Royal Court.

Rules as to
indictments.

2.—(1) Every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offence or offences with which the accused person is charged together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

General
provisions
as to
indictments.

(2) Notwithstanding any rule of law or practice, an indictment shall, subject to the provisions of this Law, not be open to objection in respect of its form or contents if it is framed in accordance with the rules under this Law.

3. Subject to the provisions of the rules under this Law, charges for more than one felony or for more than one offence other than a felony, and charges for both felonies and offences other than felonies may be joined in the same indictment.

Joinder of
charges in
the same
indictment.

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 Orders for amendment of indictment, separate trial, and postponement of trial

4.—(1) Where before trial, or at any stage of a trial, it appears to the Court that the indictment is defective, the Court shall make such order for the amendment of the indictment as the Court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice.

(2) Where an indictment is so amended, a note of the order for amendment shall be endorsed on the indictment, and the indictment shall be treated for the purposes of the trial and for the purposes of all proceedings in connection therewith as having been approved by the Royal Court sitting as an Ordinary Court, or by the Magistrate, as the case may be, in accordance with the procedure prescribed by Ordinance, in the amended form.

(3) Where, before trial, or at any stage of a trial, the Court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the Court may order a separate trial of any count or counts of such indictment.

(4) Where, before trial or at any stage of a trial, the Court is of opinion that the postponement of the trial of a person accused is expedient as a consequence of the exercise of any power of the Court under this Law to amend an indictment or to order a separate trial of a count, the Court shall make such order as to the postponement of the trial as appears necessary.

(5) Where an order of the Court is made under this section for a separate trial or for the postponement of a trial—

(a) the procedure on the separate trial of a count shall be the same in all respects as if the count had been found in a separate indictment, and the procedure on a postponed

trial shall be the same in all respects as if the trial had not commenced ; and

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- (b) the Court may make such order as to costs, as to admitting the accused person to bail, and otherwise as the Court thinks fit.

(6) Any power of the Court under this section shall be in addition to and not in derogation of any other power of the Court for the same or similar purposes.

5.—(1) Nothing in this Law or the rules thereunder shall affect the law or practice relating to the jurisdiction of the Court or the place where an accused person can be tried, nor prejudice or diminish in any respect the obligation to establish by evidence according to law any acts, omissions, or intentions which are legally necessary to constitute the offence with which the person accused is charged, nor otherwise affect the laws of evidence in criminal cases.

Saving
and
interpreta-
tion.

(2) In this Law, unless the context otherwise requires,—

the expression “ the Court ” means the Royal Court ;

“ Indictment ” means the acte d'accusation forming part of the criminal process of the Bailiwick of the Island of Guernsey.

SCHEDULE. *Sections 1, 2.*

Rules.

1.—(1) An indictment shall be in writing on durable paper.

Material,
etc., for
indictments.

(2) Figures and abbreviations may be used in an indictment for expressing anything which is commonly expressed thereby.

(3) An indictment shall not be open to objection by reason only of any failure to comply with the provisions of this rule.

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Commencement of the indictment.

2. The commencement of the indictment shall be in the following form:—

The Law Officers of the Crown v. A.B.

Before the Bailiff and Jurats of the Royal Court of Guernsey.

A.B. is charged with the following offence (offences):—

Joining of charges in one indictment.

3. Charges for any offences, whether felonies or offences other than felonies, may be joined in the same indictment if those charges are founded on the same facts, or form or are a part of a series of offences of the same or a similar character.

Mode in which offences are to be charged.

4.—(1) A description of the offence charged in an indictment, or where more than one offence is charged in an indictment, of each offence so charged, shall be set out in the indictment in a separate paragraph called a count.

(2) A count of an indictment shall commence with a statement of the offence charged, called the statement of offence.

(3) The statement of offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and, if the offence charged is one created by enactment, shall contain a reference to the article or section of the enactment creating the offence.

(4) After the statement of the offence, particulars of such offence shall be set out in ordinary language, in which the use of technical terms shall not be necessary:

PROVIDED that where any rule of law or any enactment limits the particulars of an offence which are required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.

5.—(1) Where an enactment constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities or intentions or other matters stated in the alternative in the enactment may be stated in the alternative in the count charging the offence.

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 Provision as to statutory offences.

(2) It shall not be necessary, in any count charging a statutory offence to negative any exception or exemption from or qualification to the operation of the statute creating the offence.

6.—(1) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described it shall not be necessary (except when required for the purpose of describing an offence depending on any special ownership of property or special value of property) to name the person to whom the property belongs or the value of the property.

Description of property.

(2) Where property is vested in more than one person, and the owners of the property are referred to in an indictment it shall be sufficient to describe the property as owned by one of those persons by name with others, and if the persons owning the property are a body of persons with a collective name, such as "Inhabitants", "Trustees", "Commissioners" or "Club" or other such name, it shall be sufficient to use the collective name without naming any individual.

7. The description or designation in an indictment of the accused person, or of any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify him, without necessarily stating his correct name, or his abode, style, degree,

Description of persons.

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 or occupation; and if owing to the name of the person not being known, or for any other reason, it is impracticable to give such a description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as "a person unknown".
- Description of document. 8. Where it is necessary to refer to any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.
- General rule as to description. 9. Subject to any other provisions of these rules, it shall be sufficient to describe any place, time, thing, matter, act or omission whatever to which it is necessary to refer in any indictment, in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act or omission referred to.
- Statement of intent. 10. It shall not be necessary in stating any intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person where the statute creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.
- Duty to furnish copy of indictment. 11. It shall be the duty of His Majesty's Greffier, after an accused person has been committed for trial, to supply to the accused person or his advocate a copy of the indictment free of charge.
- Interpretation. 12. The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these rules as it applies to the interpretation of an enactment.
- Short title. 13. These rules may be cited as the Indictment (Guernsey) Rules, 1949, and these rules, together with any rules made under section two of this Law, may be cited together by such collective title as may be prescribed by the last mentioned rules.

(Registered on the Records on the 29th April, 1950.)

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AT THE COURT AT WINDSOR CASTLE,
The 31st day of March, 1950.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT
CHANCELLOR OF THE DUCHY OF LANCASTER
SIR ALAN LASCELLES.

WHEREAS by the law of Alderney certain transfers *inter vivos* of real property require His Majesty's consent, which consent by the name of congé has long been given upon application and as of course on His Majesty's behalf, subject to payment to the Crown Receiver of an acquittal or fee known as the treizième :

Alderney
(Excusal of
Congé)
Order, 1950.

AND WHEREAS the Alderney Land and Property, &c., Law, 1949, provides for a sum in place of the said treizième or acquittal (in the said law called the congé fee) to be paid to the Land Registrar acting in virtue of that law :

AND WHEREAS a continuance of applications for congé in respect of individual transfers of real property would in His Majesty's opinion serve no useful purpose :

NOW THEREFORE His Majesty is pleased, by and with the advice of His Privy Council, to order and it is hereby ordered as follows :--

1.—Upon a transfer of real property after the 30th day of April, 1950, which transfer for the perfecting of title in the transferee according to the law of Alderney requires His Majesty's consent of congé otherwise than in virtue of an express limitation imposed by or on behalf of His Majesty or of an agreement made with His Majesty or with a person on His Majesty's behalf, that consent or congé may, until

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further or other Order of His Majesty, be assumed to have been granted, and the liability to pay an acquittal therefor to have been discharged, upon payment by way of acquittal, to the person required by the Alderney Land and Property, &c., Law, 1949, or otherwise by law to receive the same, of any fee which is lawfully chargeable on behalf of His Majesty or on behalf of the States of Alderney in substitution for the acquittal or congé fee hitherto chargeable on behalf of His Majesty.

2.—This Order may be cited as the Alderney (Excusal of Congé) Order, 1950.

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

E. C. E. LEADBITTER.

(Registered on the Records on the 6th May, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 25th day of April, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
LORD PAKENHAM
MR. BARNES
MR. TOMLINSON.

Family
Allowances
(Guernsey)
Law, 1950.

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 April, 1950, 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, in pursuance of their Resolution of the 22nd day of June, 1949, the States of Deliberation at a meeting held on the the 15th day of February, 1950, approved a Bill or Projet de Loi entitled “The Family Allowances (Guernsey) Law, 1950,” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto :

2. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule hereunto annexed.

‘And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey entitled “The Family Allowances (Guernsey) Law, 1950” and to order that the same shall have force of Law in the Islands of Guernsey, Alderney, 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

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advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Alderney, Herm, and Jethou.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ THE FAMILY ALLOWANCES (GUERNSEY)
LAW, 1950 ”.

ARRANGEMENT OF SECTIONS.

GRANT OF FAMILY ALLOWANCES

Section.

- 1 Payment and amount of allowances.
- 2 Meaning of “ child ”.
- 3 Meaning of “ family ”.
- 4 Persons to whom allowances are to be paid.

CLAIMS, DURATION OF ALLOWANCES, AND PAYMENT.

- 5 Determination of questions as to right to allowances.
- 6 Period for which allowances are to accrue.

Section.

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- 7 Method of payment, and time for obtaining payment.
 - 8 Adjustment of overpayments.
 - 9 Penalty for obtaining or receiving payment wrongfully.
 - 10 Allowances to be inalienable.

EXCLUSION AND ADJUSTMENTS IN CERTAIN CIRCUMSTANCES.

- 11 Exclusion of children removed from control of parents.
- 12 Adjustment in case of children for whom equivalent benefits are provided under provisions relating to the services and to war injury in force in the United Kingdom.
- 13 Adjustments in respect of outdoor relief.

ADMINISTRATIVE PROVISIONS.

- 14 Regulations of the Authority.
- 15 Regulations to be laid before the States.
- 16 Administrative and other expenses.
- 17 Provisions as to legal proceedings.
- 18 Exemption from stamp duty.

INTERPRETATION.

- 19 Provisions as to certain special circumstances affecting the operation of s.3.
- 20 Meaning of "providing for" a child.
- 21 Definitions.

EXTENT, REPEALS AND COMMENCEMENT.

- 22 Limitation of extent of application of Law.
- 23 Provisions as to reciprocal arrangements with Great Britain, Northern Ireland and His Majesty's dominions.
- 24 Instruments made or issued by the Authority.
- 25 Repeals and savings.
- 26 Commencement.

SCHEDULE.

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PROJET DE LOI

ENTITLED

" THE FAMILY ALLOWANCES (GUERNSEY)
LAW, 1950."

.THE STATES, in pursuance of their resolution of the 22nd day of June, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey and in the Islands of Alderney, Herm and Jethou.

GRANT OF FAMILY ALLOWANCES.

Payment and
amount of
allowances.

1.—(1) Subject to the provisions of this Law, there shall be paid by the Authority, out of monies provided by the States, for every family which includes two or more children and for the benefit of the family as a whole, an allowance in respect of each child in the family other than the elder or eldest at the rate of five shillings a week.

(2) Notwithstanding the provisions of the last preceding subsection, the States may by Ordinance preceded by a resolution vary any of those provisions as to—

- (a) the children in respect of whom an allowance is to be paid;
- (b) the families for which an allowance is to be paid;
- (c) the amount of any such allowance.

(3) Any Ordinance of the States made under the provisions of this section shall not be effective until the lapse of three months from the date of its passing.

Meaning
of " child "

2.—(1) A person shall be treated for the purposes of this Law as a child—

- (a) during any period whilst he is under the upper age limit below which education is

compulsory by law and being below that age limit is not a person who has been excused from attendance at a Public Elementary School in accordance with the provisions of subparagraph (ii) of paragraph (b) of subsection (3) of section sixteen of the Education Law (Guernsey), 1935, to enable that person to enter full-time employment either with his parents or otherwise; and

- (b) during any period before the first day of August next following the day on which he attains the age of sixteen years whilst he is undergoing full-time instruction in a school, or is an apprentice.
- (2) For the purposes of this section—
- (a) a person who at any time attains the upper age limit below which education is compulsory by law shall not be treated as being under that limit at any time thereafter, notwithstanding any subsequent change in that limit; and
 - (b) a person who becomes an apprentice after an interval of not more than one month from attaining the upper age limit below which education is compulsory by law, or from ceasing to undergo full-time instruction in a school, shall be treated as having been an apprentice throughout the interval.

3.—(1) Subject to the provisions of this Law, each of the following shall be treated for the purposes of this Law as constituting a family, that is to say—

- (a) a man and his wife living together, any child or children being issue of theirs, his or hers, and any child or children being maintained by them;
- (b) a man not having a wife or not living together with his wife, any child or chil-

Meaning
of "family"

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dren being issue of his, and any child or children being maintained by him; and

- (c) a woman not having a husband or not living together with her husband, any child or children being issue of hers, and any child or children being maintained by her.

In this law the expression "issue" means issue of the first generation.

(2) It shall be a condition of a child's being treated as included in a family as being issue of the man and his wife or one of them, of the man, or of the woman (according as the family falls within paragraph (a), (b) or (c) of subsection (1) of this section) that the child is living with them, with him or with her, as the case may be, or, if not, that the cost of providing for the child is contributed to by them taken together, by him, or by her, as the case may be, at the rate of five shillings per week or more.

(3) The provisions of the Schedule to this Law shall have effect as to the circumstances in which a man and his wife living together, or such a man or woman as is mentioned in paragraph (b) or (c) of subsection (1) of this section, is to be treated as maintaining a child; and for determining as between parents and persons maintaining children, or as between one parent of a child and the other, in what family a child is to be treated as included.

Persons to whom allowances are to be paid.

4.—(1) Allowances for any family shall belong—

- (a) in the case of the family of a man and his wife living together, to the wife, subject however to the provisions of subsections (2) and (3) of this section;
- (b) in the case of the family of such a man as is mentioned in paragraph (b) of subsection (1) of the last preceding section, to him;
- (c) in the case of the family of such a woman

as is mentioned in paragraph (c) of subsection (1) of the last preceding section, to her.

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(2) Sums to be paid on account of an allowance for the family of a man and his wife living together shall be receivable either by the man or by the wife.

(3) If the Administrator is satisfied in the case of a man and his wife living together that the recipient of the allowances is not a proper person as against the other to receive them, he may order that sums on account of allowances for their family becoming receivable after the expiration of fourteen days from the date of the order shall, notwithstanding anything in the last preceding subsection, be receivable, as between them, by the other only.

CLAIMS, DURATION OF ALLOWANCES, AND PAYMENT.

5.—(1) Subject to the provisions of this Law and in accordance with regulations made thereunder, all claims for or in respect of allowances shall be made to the Administrator, and any question as to the right to an allowance in respect of any person for any family shall be decided by him.

Determina-
tion of
questions as
to right to
allowances.

(2) Any person aggrieved by the award or decision of the Administrator in respect of an allowance (whether as made or given or as revised under subsection (6) of this section) may appeal from that award or decision to a tribunal (hereinafter referred to as "the tribunal"), which said tribunal shall be appointed by the Royal Court either generally or in respect of a particular appeal and shall consist of a Chairman and Deputy Chairman appointed by the Royal Court and such other members as the Royal Court may decide:

PROVIDED that this subsection shall not apply to a decision given by the Administrator as respects any matter which by this Law is to be within his discretion, or to

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be certified by him, or for deciding an issue which by this Law depends on any facts being shown to his satisfaction.

(3) The tribunal may refer to the Royal Court for decision any question of law arising in connection with the determination of an appeal to the tribunal under this section in such manner and within such period as shall be laid down by Order of the Royal Court.

(4) Any person aggrieved by a decision of the tribunal on any question of law may appeal from that decision to the Royal Court in such manner and within such period as shall be laid down by Order of the Royal Court.

(5) The decision of the Administrator or the tribunal, as the case may be, on any claim or question in respect of which there has been no appeal under this section within the time prescribed or laid down by Order of the Royal Court, as the case may be, shall be final.

(6) The Administrator may at any time and from time to time revise any award made or decision given by him under this Law, if it appears to him that the award or decision was erroneous either in view of further information which has been brought to his notice since the date on which it was made or given as to the circumstances existing at the time by reference to which it was made or given, or by reason of some mistake having been made with respect to those circumstances or to the law :

PROVIDED that this subsection shall not apply to an award or decision relating to a matter which is the subject of an appeal to the tribunal under this section, or until the time prescribed for bringing such an appeal under this Law has expired, unless the person who brought the appeal, or is entitled to bring the appeal, as the case may be, consents, and this subsection shall

not apply to an award made by the Administrator for the purpose of giving effect to a decision given by the tribunal or by the Royal Court, as the case may be, unless the person to whom the allowance in question belongs consents.

(7) If in any case in which a decision has been given by the tribunal with respect to a matter which has formed the subject of an appeal to the tribunal under this section it appears to the Administrator that the decision might properly be reconsidered in view either of further information which has been brought to his notice since the date on which it was given as to the circumstances existing at the time by reference to which it was given, or of any apparent inconsistency between the decision and any other decision subsequently given either by the Royal Court or by the tribunal, he may cause the decision to be referred to the tribunal for reconsideration and the tribunal may revise the decision.

(8) If in any case in which a decision has been given by the Royal Court with respect to a matter which has formed the subject of an appeal to the Royal Court under this section it appears to the Administrator that the decision might properly be reconsidered in view of further information which has been brought to his notice since the date on which it was given as to the circumstances existing at the time by reference to which it was given, he may cause the decision to be referred to the Royal Court for reconsideration and the Royal Court may revise the decision.

6.—(1) An allowance shall be for a continuous period ascertained under the subsequent provisions of this section, and any award of an allowance shall be made accordingly.

Period for which allowances are to accrue.

(2) Subject to the provisions of the next succeeding section, an allowance awarded shall begin to accrue—

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- (a) if the claim was made within three months from the date of entitlement, on the date of entitlement; or
- (b) if the claim was not made within three months from the date of entitlement, then at the beginning of the period of three months immediately preceding the date on which the claim was made:

PROVIDED that, if the award is a revised award made by the Administrator in view of further information brought to his notice or an award made for giving effect to a revised decision given by the tribunal in view of such information, or an award made for giving effect to a revised decision given by the Royal Court in view of such information, this subsection shall have effect as if the claim had been made on the date on which that information was brought to his notice, and the Administrator may for the purposes of this proviso certify the date on which information was brought to his notice.

In this subsection the expression "date of entitlement" means, in relation to an allowance awarded in respect of any person as being a child included in any family, the date on which all the requirements of this Law and of any relevant regulations for the existence of a right to an allowance in respect of that person for that family became satisfied, or if when the award was made those requirements had become satisfied more than once, the date on which they last became satisfied.

(3) An allowance awarded in respect of any person as being a child included in the family of a man and his wife shall be awarded not only for their family but also, with effect after the death of either of them whilst they are living together, for any family

for the time being of the survivor, or of the survivor and a spouse of his or hers.

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(4) Subject to the provisions of the next succeeding section, an allowance awarded in respect of any person shall terminate when any of the requirements of this Law or of any relevant regulations for the existence of a right to an allowance in respect of that person ceases to be satisfied, or that person is no longer included in a family for which the allowance was awarded, or any of the requirements of this Law or of any relevant regulations for the existence of a right to an allowance for such a family in which that person is included ceases to be satisfied, whichever first occurs.

(5) When it appears to the Administrator that an allowance awarded is about to terminate, or has terminated, under this section, he shall take all necessary steps for stopping payments on account thereof on its termination or so soon as may be practicable thereafter, and the stopping of payments on account of an allowance under this subsection shall be treated for the purposes of the last preceding section as a decision of the Administrator that the allowance has terminated.

7.—(1) Allowances shall be payable by sums on account thereof receivable at such times, in such manner, and subject to such conditions as may be prescribed.

Method of payment, and time for obtaining payment.

(2) The right to so much of an allowance as is payable by a sum on account thereof made receivable (whether unconditionally or subject to satisfaction of any prescribed conditions) on any day shall be extinguished at the expiration of three months from that day if payment thereof has not been obtained during that period.

(3) The regulations to be made for the purposes of this section may make provision for securing that the beginning of accruer of allowances shall coincide with a day in the week on which sums on account of

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allowances made receivable weekly are to become receivable, and that the termination of allowances shall coincide with a day next before such a day.

Adjustment
of overpay-
ments.

8.—(1) If it is found at any time that a sum has been paid as on account of an allowance being a sum which was not properly payable, the Administrator may require it to be repaid,—

- (a) if it was paid to a person as in his own right, by that person, or
- (b) if it was paid to a person as on behalf of another, either by that person or by that other person :

PROVIDED that the Administrator shall not require repayment by a person who is shown to his satisfaction to have acted in good faith in all respects as to the obtaining and receipt of the sum in question.

(2) In the case of a sum paid as on account of an allowance for the family of a man and his wife living together which the wife could under the preceding subsection be required to repay, the husband may be required to repay it.

(3) If it is found at any time that a sum properly payable on account of an allowance has been paid to a person not being a person by whom it was properly receivable, the Administrator may require it to be repaid by the person to whom it was paid :

PROVIDED that the Administrator shall not require repayment by a person who is shown to his satisfaction to have acted in good faith in all respects as to the obtaining and receipt of the sum in question.

(4) In case of the death of a person who could be required to repay a sum under this section, the Administrator may require it to be repaid by his personal representative.

(5) Any sum which a person is required under this section to repay to the Administrator may be recovered by the Administrator as a debt due to the States and proceedings for the recovery of any such sum may be brought at any time within twelve months from the time when that sum was paid, or, where the proceedings are for the recovery of a consecutive series of sums, within twelve months from the date on which the last sum of the series was paid.

(6) Any sum which a person is required under this section to repay to the Administrator may, without prejudice to any other remedy, be recovered by means of deductions from any other sum receivable on account of any allowance by the person to whom the sum was paid, unless it was paid to that person as on behalf of another, and in that case it may, without prejudice to any other remedy, be recovered by means of deductions from any other sum receivable on account of any allowance by that other person.

(7) If, after an allowance in respect of a child has been awarded for one family, facts are brought to the Administrator's notice from which it appears that the child was in fact not included in that family, but was included in another family, during a period for which sums have been paid as on account of the allowance awarded, and a subsequent award is made of an allowance in respect of the child for that other family so as to accrue during that period or any part thereof, sums on account of the allowance awarded for that other family shall be payable only—

- (a) for the period after such date as may be certified by the Administrator as being the earliest reasonably practicable for taking the necessary action in view of the said facts for stopping payments as on account of the allowance for the first-mentioned family; and
- (b) for any period before that date in respect of which payment of sums as on account of

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the allowance for the first-mentioned family has not been made, or in respect of which payment has been so made but of sums which have been repaid or recovered under this section.

Penalty for obtaining or receiving payment wrongfully.

9. If any person—
- (a) with intent to obtain any sum as on account of an allowance, either as in that person's own right or as on behalf of another, furnishes any information which he knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular, or withholds any material information; or
 - (b) obtains or receives any sum as on account of an allowance, either as in that person's own right or as on behalf of another, knowing that it was not properly payable, or not properly receivable by him;

that person shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

Allowances to be inalienable.

10.—(1) Every assignment of, attachment of or charge on, and every agreement to assign or charge, an allowance or any part of an allowance or any sum to be paid on account of an allowance, shall be void, and on the bankruptcy of a person to whom an allowance belongs or by whom sums on account of an allowance are receivable, no rights in respect of the allowance or of any sum to be paid on account thereof shall pass to any trustee or other person acting on account of the creditors.

(2) Sums receivable by any person on account of an allowance shall not be included in calculating his means for the purpose of Article three of the Law entitled "Loi ayant rapport aux Débiteurs et à la Renonciation" registered on the Records of the Island of Guernsey on the 2nd day of August, 1929.

EXCLUSION AND ADJUSTMENTS IN
CERTAIN CIRCUMSTANCES.

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11. A child shall not, for the purposes of this Law, be treated as included in any family as respects any period during which he is—

Exclusion of children removed from control of parents.

- (a) detained by virtue of the provisions of the “Loi ayant rapport à l’Asile des Enfants”, registered on the Records of this Island on the 24th day of November, 1928, in any institution and is not boarded out in a private house under the provisions of Article five of the said Law;
- (b) detained by virtue of the provisions of the “Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes”, registered on the Records of this Island on the 10th day of February, 1917, in any approved school and is not absent from the school on licence; or
- (c) detained by virtue of an order made under the provisions of Articles twenty-six, thirty-three, thirty-four or thirty-five of the said “Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes”.

12.—(1) The following provision shall have effect as respects allowances under this Law which apart from such provision would accrue during any period before such date as may be certified by the Treasury in the United Kingdom as the date on which a revision has taken effect of the scales of emoluments and other benefits to be paid in respect of the service of a member of the naval, military or air forces of the Crown (including such nursing or other auxiliary service as may be prescribed under this Law), that is to say, if the Authority is satisfied that provision has been made, by an authority in the United Kingdom by whom allowances or other additions to emoluments in respect of that period are payable in respect

Adjustment in case of children for whom equivalent benefits are provided under provisions relating to the services and to war injury in force in the United Kingdom.

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of any children by reference to such service as aforesaid, for the giving in respect of those children and of that period of benefits, in addition to those allowances or other additions to emoluments, equivalent to the benefits conferred by this Law in respect of those children and of that period, the Authority may make regulations for withholding the allowances under this Law which would otherwise accrue in respect of those children during that period.

(2) The preceding subsection shall apply in relation to a revision of the scales of benefits to be paid—

- (a) in respect of the disablement or death of persons who have served in any of the said forces, or
- (b) under any scheme made by virtue of the Injuries in War (Compensation) Act, 1914, the Injuries in War Compensation Act, 1914, (Session 2), the Injuries in War (Compensation) Act, 1915, the Government War Obligations Acts, 1914 to 1916, the Personal Injuries (Emergency Provisions) Act, 1939, or the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, either as originally enacted or as amended by the Pensions (Mercantile Marine) Act, 1942,

with the substitution, for references to allowances or other additions to emoluments payable by reference to such service as is mentioned in the preceding subsection, of references to allowances or other additions payable by reference to such disablement or death as aforesaid, or under any such scheme as aforesaid, as the case may be.

Adjustments
in respect of
outdoor
relief.

13.—(1) Where—

- (a) outdoor relief under the Public Assistance Law, 1937, is granted to or on account of any person in respect of any period, and

- (b) that person subsequently becomes entitled to receive in respect of the same period sums on account of an allowance under this Law,

the Authority may in its discretion treat the said sums as reduced for the purposes of this Law by an amount not exceeding the amount of any reduction which the authority granting the relief under the said Law certify that they would have made in the relief if those sums had been receivable by that person during that period.

(2) Where under this section the Authority treats sums on account of an allowance as reduced in respect of outdoor relief, it may pay to the authority granting the relief, out of the monies referred to in section one of this Law, an amount equal to that by which those sums are treated as reduced.

ADMINISTRATIVE PROVISIONS.

14.—(1) The Authority may make regulations for prescribing anything which under this Law is to be prescribed and generally for carrying this Law into effect, and in particular, but without prejudice to the generality of this subsection—

Regulations
of the
Authority.

- (a) for prescribing the manner in which the Administrator shall be supplied by claimants with certificates of births, marriages, deaths and of copies of final decrees of dissolution of marriages, or shall be furnished with such information by His Majesty's Greffier as may be necessary, or shall be permitted to search the registers of births, marriages, deaths and the records of final decrees of dissolution of marriages maintained by His Majesty's Greffier;
- (b) for prescribing the manner in which claims to allowances may be made;
- (c) for specifying the circumstances in which

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a person is to be treated for the purposes of this Law as undergoing full-time instruction in a school or full-time training;

- (d) for authorising in such cases as may be prescribed the payment of any sum as on account of an allowance during any period intervening between the making of any claim or the raising of any question and the final determination of the claim or question;
- (e) for enabling a person to be appointed to exercise, on behalf of a claimant, or of a person to or by whom an allowance belongs or is receivable, who may be or may become unable for the time being to act, any right or power which that claimant or person may be entitled to exercise under this Law and any amendment or modification thereof from time to time in force, and for authorising a person so appointed to receive any sum on account of an allowance on behalf of that claimant or person;
- (f) for imposing upon persons to whom allowances belong or by whom or on whose behalf sums on account of allowances are receivable the duty to furnish to the Administrator information of facts affecting the right thereto;
- (g) for making provision, in connection with the death of persons who had made claims for allowances or to whom allowances belonged or by whom sums on account of allowances were receivable, for enabling such claims to be proceeded with, for extending the period limited by section seven of this Law for obtaining payment of such sums, for authorising payment or distribution of such sums to or amongst

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persons claiming as personal representatives, legatees, next of kin or creditors of such persons (or, in cases of illegitimacy of deceased persons, to or amongst others), and for dispensing with strict proof of the title of persons so claiming;

- (h) for regulating the procedure to be followed in the case of any appeal under section five of this Law from the decision of the Administrator to the tribunal;
- (i) as to the time to be allowed for making an appeal to the tribunal; and
- (j) for regulating the procedure to be followed on any reference by the Administrator to the tribunal under section five of this Law.

(2) If any person contravenes or fails to comply with any requirement of regulations made under this Law, he shall be liable on conviction to a fine not exceeding ten pounds.

15.—(1) Subject to the next succeeding subsection, all regulations made by the Authority under this Law shall be laid before the States forthwith after the making thereof in such manner as the States may by general resolution from time to time direct and if, at the meeting of the States in the course of which any regulations so made are laid before them or at the next subsequent meeting, the States resolve that the regulations be annulled, the regulations shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulations.

Regulations
to be laid
before the
States.

(2) No regulations shall be made under section twelve of this Law unless a draft of such regulations has been laid before the States and has been approved by a resolution of the States.

16. The Authority may pay out of monies provided by the States—

- (a) any expenses incurred by the Authority in carrying this Law into effect;

Administra-
tive and
other
expenses.

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- (b) to any person charged under this Law with the duty of hearing appeals or references from the Administrator to the tribunal under this Law, such sums by way of recompense for such duty in accordance with the rate and under the conditions from time to time laid down by resolution of the States;
- (c) to any person required to attend at any proceedings on any award, decision or appeal under this Law, such travelling and other allowances as the Authority may determine; and
- (d) such other expenses incurred in connection with the work of any person referred to in the last but one preceding paragraph.

Provisions
as to legal
proceedings.

17.—(1) Proceedings for an offence under this Law shall not be instituted except with the consent of the Authority or of the Administrator authorised in that behalf by special or general directions of the Authority.

(2) Notwithstanding any provision in any Law prescribing the period within which proceedings may be commenced, proceedings for an offence under this Law may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Authority to justify a prosecution for the offence, comes to its knowledge, or within the period of twelve months from the date on which the offence was committed, whichever period last expires, and for the purposes of this subsection a certificate purporting to be signed by or on behalf of the Authority as to the date on which such evidence as aforesaid came to its knowledge, shall be conclusive evidence thereof.

Exemption
from stamp
duty.

18. Stamp duty shall not be chargeable upon a draft or order for the payment of a sum on account of an allowance, or upon a receipt given for, or on the payment of, any such sum.

INTERPRETATION.

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Provisions as to certain special circumstances affecting the operation of s.3.

19.—(1) A man and his wife shall not be deemed for the purposes of this Law to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to the desertion has not come to an end.

(2) For the purposes of this Law, a child being legitimate issue of a deceased spouse of any person by an earlier marriage of the deceased spouse to another shall be treated as issue of that person, and a child being illegitimate issue of a deceased spouse of any person shall be treated as issue of that person so far as regards any period during which the child is living with that person :

PROVIDED that the preceding provisions of this subsection shall not have effect in a case in which the marriage between the person in question and his or her deceased spouse was terminated otherwise than by the deceased spouse's death.

(3) Where a child born before the marriage of the child's parents has been legitimated by virtue of the subsequent marriage of the parents, the child shall, for the purposes of this Law, be deemed to be issue of the marriage.

(4) For the purposes of this Law, an adopted child shall be treated as if the child were legitimate issue of the adopter, or, if the child was adopted by two spouses jointly, or by one of two spouses after their marriage, as if the child were legitimate issue of their marriage, and shall not be treated as being issue of any other person.

(5) An illegitimate child shall not be treated for the purposes of this Law as being issue of the child's father.

(6) References in this Law to the parents, a

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parent, the father, or the mother of a child, or to an illegitimate child, shall be construed in accordance with the provisions of the four last preceding subsections.

(7) Subject to the provisions of section eleven of this Law, a child shall not be deemed for the purposes of this Law to have ceased to live with a person by reason of any temporary absence, and in particular by reason of absence at any school, and a person who has been contributing at any rate to the cost of providing for a child, or has been maintaining a child, shall not be treated as having ceased so to contribute, or to maintain the child, by reason of any temporary interruption or reduction of his contribution to the cost of providing for the child, and the question whether any such absence (other than at a school), interruption or reduction is or is not to be treated as temporary for the said purposes shall be determined by reference to such rules as may be prescribed.

(8) For the purposes of this Law, a person shall be deemed not to have attained the age of sixteen until the commencement of the sixteenth anniversary of the day of his birth, and similarly with respect to other ages.

Meaning of
"providing
for" a
child.

20.—(1) In this Law the expression "providing for" a child means making available for the child food, clothing, lodging, education and all other things reasonably required for the child's benefit having regard to all the circumstances.

(2) For the purposes of this Law—

- (a) the making available in kind of anything used for providing for a child shall be treated as a contribution to the cost of providing for the child of an amount equal to the value thereof;
- (b) money paid or a thing made available in kind shall be treated as contributed by any person so far, and so far only, as it is paid

or made available at that person's own expense or out of property belonging to that person beneficially.

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21.—(1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Definitions.

“Administrator” means the person for the time being holding the office of Administrator under the Contributory Pensions Laws, 1935 to 1949;

“allowance” means an allowance under this Law;

“apprentice” means a person undergoing full-time training for any trade, business, profession, office, employment or vocation, and not in receipt of earnings which provide him, wholly or substantially, with a livelihood;

“Authority” means the States Insurance Authority constituted under the provisions of the Contributory Pensions Laws, 1935 to 1949; and

“Guernsey” includes the Islands of Alderney, Herm and Jethou.

(2) This Law shall be interpreted in the Islands of Alderney and Jethou as if the Interpretation (Guernsey) Law, 1948, applied to those Islands.

EXTENT, REPEALS AND COMMENCEMENT.

22.—(1) It shall be a condition of the right to any allowance for the family of a man and his wife living together that either—

Limitation of extent of application of Law.

- (a) the man is a British subject whose place of birth is in Guernsey, or, if not,
- (b) such requirements as to nationality, residence, place of birth or other matters as

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may be prescribed are satisfied as respects the man, or his wife, or either or both of them, according as may be provided by regulations;

and the like condition shall apply in the case of the family of such a man as is mentioned in paragraph (b) of subsection (1) of section three of this Law subject to the limitation that requirements may be prescribed as respects the man only, and in the case of the family of such a woman as is mentioned in paragraph (c) of that subsection with the substitution for the reference to the man in paragraph (a) of this subsection of a reference to the woman and subject to the limitation that requirements may be prescribed as respects the woman only.

(2) It shall be a condition of the right to any allowance for the family of a man and his wife living together that each or one of them is in Guernsey, and the like condition shall apply in the case of the family of such a man as is mentioned in paragraph (b) of subsection (1) of section three of this Law as respects the man, and in the case of the family of such a woman as is mentioned in paragraph (c) of that subsection as respects the woman.

(3) It shall be a condition of a child's being treated as a member of any family that the child is in Guernsey.

(4) For the purposes of the two last preceding subsections the temporary presence of a person in Guernsey or the temporary absence of a person therefrom shall be disregarded, and the question whether the presence or absence of a person is or is not to be treated as temporary for the said purposes shall be determined by reference to such rules as may be prescribed.

(5) Sums to be paid on account of allowances shall be payable only in Guernsey.

23.—(1) Where any scheme of family allowances appearing to the Authority to be one substantially corresponding to the scheme established by this Law is in force by virtue of legislative enactment in Great Britain, Northern Ireland, or in any other country being a part of His Majesty's dominions, the Authority may, with the consent of the States, make reciprocal arrangements with the authority administering the scheme of that other country as respects the conditions mentioned in the last preceding section on the one hand and any conditions limiting the extent of the scheme of that other country on the other hand.

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 Provisions as to reciprocal arrangements with Great Britain, Northern Ireland and His Majesty's dominions.

(2) Any such arrangements may include provision for the modification or adaptation of the respective schemes in relation to or in connection with persons affected by the arrangements, and regulations made under this Law may provide for such modification or adaptation of the provisions of this Law as may appear to the Authority to be requisite for giving effect to the arrangements or in consequence thereof, and for any necessary financial adjustments.

(3) For the purposes of this section, the expression "His Majesty's dominions" include British Protectorates and Protected States and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions.

24.—(1) Every document purporting to be an instrument made or issued by the Authority and to be signed by any person authorised by the Authority shall be received in evidence and be deemed to be so made or issued without further proof unless the contrary is shown.

Instruments made or issued by the Authority.

(2) A certificate signed by the President of the Authority on behalf of that Authority that any instrument purporting to be made or issued by it was so made or issued shall be conclusive evidence of that fact.

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 Repeals and
 savings.

25. The Family Allowances Law, 1947, is hereby repealed on and after a day to be appointed by the Authority under the next succeeding section, and no person shall, whether on his own behalf or on behalf of another, on and after that day be treated as receiving or claiming any allowance under the said Law:

PROVIDED that, without prejudice to the provisions of section nineteen of the Interpretation (Guernsey) Law, 1948,—

- (a) nothing in this repeal shall affect any decision given or thing done under the said Law and every such decision shall remain in force and shall, so far as it could have been given under this Law, have effect as if made or given under the corresponding enactment of this Law;
- (b) any document referring to the enactment repealed by this Law shall be construed as referring to the corresponding enactment of this Law;
- (c) references in this Law to persons claiming or in receipt of allowances shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to persons so claiming or in receipt of allowances under the enactment repealed by this Law.

Commence-
 ment.

26. This Law shall come into force on such date as may be appointed by Ordinance and different days may be appointed for different purposes and for different provisions of this Law.

SCHEDULE.

Section 3.

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CIRCUMSTANCES IN WHICH A PERSON IS TO
BE TREATED AS MAINTAINING A CHILD.

1.—(1) A person shall be treated for the purposes of this Law as maintaining a child—

- (a) if that person is the only person who contributes to the cost of providing for the child, or if that person contributes to the said cost an amount greater than any other one person contributes thereto;
- (b) if two or more persons of whom that person is one each of them contribute to the said cost an equal amount that is greater than any other one person contributes thereto, and it is agreed between the said two or more persons, or in default of agreement the Administrator in his discretion decides, that, as between them, that person is to be preferred;

and not otherwise:

PROVIDED that a person who under the preceding provisions would be treated as maintaining a child shall not be so treated if his contribution to the cost of providing for the child is at a rate less than five shillings a week, unless the child is living with that person.

(2) For the purposes of this paragraph, a man and his wife living together shall be treated as one person and amounts contributed by them respectively shall be aggregated accordingly, and references to a person shall be construed as references to such persons as are mentioned in paragraphs (a), (b) and (c) respectively of subsection (1) of section three of this Law, that is to say, a man and his wife living together,

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such a man as is mentioned in the said paragraph (b) and such a woman as is mentioned in the said paragraph (c).

DETERMINATION OF THE FAMILY IN WHICH A CHILD CAPABLE OF BEING TREATED AS INCLUDED IN MORE THAN ONE FAMILY IS TO BE INCLUDED.

2. Where a child could otherwise be treated under section three of this Law as included at the same time in one family as being issue of his parents or either of them, and in another family as being maintained by a person other than his parents or either of them, the child shall be treated as then included in that family only in which he can be treated as included as being issue of the parents or parent.

3. Where a child could otherwise be treated under section three of this Law as included at the same time in one family on the ground of the child's being issue of his father, and in another family on the ground of the child's being issue of his mother, the child shall be treated as then included in one of those families to the exclusion of the other as may be agreed between the father and the mother, or in default of agreement as the Administrator may in his discretion decide.

(Registered on the Records on the 6th May, 1950.)

Patents
etc.
(Israel)
(Convention)
Order, 1950.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 31st day of March, 1950, entitled "The Patents etc. (Israel) (Convention) Order, 1950",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island by being filed at the Greffe.

(Registered on the Records on the 6th May, 1950.)

1950

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 15th day of December, 1949, entitled "The Patents etc. (Singapore) Order, 1949,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island by being filed at the Greffe.

Patents
etc.
(Singapore)
Order, 1949.

(Registered on the Records on the 13th May, 1950.)

The Bailiff having this day communicated to the Court an Order of His Majesty in Council dated the 25th day of April, 1950, transmitting copies of an Order in Council dated the 31st day of March, 1950, entitled "The Copyright (Rome Convention) (Israel) Order, 1950,"—the Court, after the reading of the said communicated Order in Council and after having heard His Majesty's Procureur thereon, ordered :—

Copyright
(Rome
Convention)
(Israel)
Order, 1950.

1. That the said communicated Order in Council be registered on the records of this Island.
2. That a copy of the said transmitted Order in Council be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act, together with a copy of each of the said Orders in Council, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

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(Registered on the Records of the 20th May, 1950.)

Distribution
of German
Enemy
Property
Act, 1949.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 25th day of April, 1950, directing the registration of an Act of Parliament entitled "Distribution of German Enemy Property Act, 1949,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered—

1. That the said Order in Council be registered on the records of this Island.
2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be transmitted by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 10th June, 1950.)

Army
and
Air
Force
(Annual)
Act, 1950.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 24th day of May, 1950, directing the registration of an Act of Parliament entitled "Army and Air Force (Annual) Act, 1950,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered :—

1. That the said Order in Council be registered on the records of this Island.
2. That a copy of the said Act of Parliament be registered on the said records by being filed at the Greffe.

3. That an extract of this present Act together with a copy of the said Order in Council and of the said Act of Parliament be transmitted by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

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(Registered on the Records on the 17th June, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of May, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

LORD CHAMBERLAIN

MR. SECRETARY HENDERSON

MR. NOEL-BAKER.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 2nd day of May, 1950, in the words following, viz. :—

Public
Assistance
(Guernsey)
Amendment
Law, 1950.

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

‘ 1. That, in pursuance of their Resolution of the 15th day of February, 1950, the States of Deliberation, at a meeting held on the 5th day of April, 1950, approved a Bill or “ *Projet de Loi* ” entitled “ The Public Assistance (Guernsey) Amendment Law, 1950,” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 2. That the said Bill

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or "Projet de Loi" is in the words and figures, set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Public Assistance (Guernsey) Amendment Law, 1950," and to order that the same shall have force of Law in the Island of Guernsey.'

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

1950

PROJET DE LOI

ENTITLED

THE PUBLIC ASSISTANCE (GUERNSEY) AMENDMENT LAW, 1950.

THE STATES, in pursuance of their Resolution of the 15th day of February, 1950, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

1. The Public Assistance Law, 1937, is hereby amended as follows :— Procureurs
of the Poor.

- (1) By deleting, in paragraph (1) of Article V, after the words " The senior", the words "or only".
- (2) By the insertion, in paragraph (1) of Article VII, after the words " The two Procureurs of the Poor for that Parish ", of a full-stop and the deletion of the remaining words of that paragraph.
- (3) By substituting, in paragraph (1) of Article XVII, for the words "In each of the parishes of St. Sampson, the Vale, the Castel and St. Martin", the words and figures " On and after the 1st day of January, 1951, in each Parish other than the Parish of St. Peter Port ", and by deleting, in that paragraph, the semi-colon after the words "two Procureurs of the Poor " and the words following that semi-colon, down to and including the word " only ".

2. The Public Assistance Law, 1937, and this Law may be cited together as the Public Assistance (Guernsey) Laws, 1937 and 1950. Citation.

1950
 Commence-
 ment.

3. This Law shall, for the purpose of authorising the holding of elections to give effect to the provisions of paragraph (3) of section 1 thereof, come into force on the 1st day of December, 1950, and, for all other purposes, shall come into force on the 1st day of January, 1951.

(Registered on the Records on the 17th June, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of May, 1950,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

LORD CHAMBERLAIN

MR. SECRETARY HENDERSON

MR. NOEL-BAKER.

Sark Duties.

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, 1950, 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, Esquire, Seigneur, William Baker, Esquire, Sénéchal, and Philip Guille, Esquire, Prévôt, of the Island of Sark, setting forth :—

‘1. That by an Order of Your Majesty in Council of the 24th day of January, 1917, the Chief Pleas of Sark were authorised to levy duty in such manner and on such conditions as were therein specified on spirits, wines, beer, tobacco, cigars, cigarettes and tea, and in particular it was thereby provided that the amount of duty so to be levied should be at the same rate as that from time to time levied in Guernsey; 2. That by a further Order of Your Majesty in Council of the 8th day of

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August, 1932, the said Chief Pleas were in like manner and subject to the like conditions authorised to levy duty on lubricating oils, paraffin and fuel oils, motor spirit, methylated spirit and cider ; 3. That the rate of duty levied in Guernsey on many of the above commodities has recently been increased, whereas under existing conditions in the Island of Sark no such increase is necessary or desirable as respects that Island ; 4. That in view of the different conditions of life in the two Islands, it is not desirable that the rate of duty leviable in Guernsey should, whether it be increased or decreased, be automatically applied to Sark ; 5. That accordingly at an assembly of the said Chief Pleas held on that 3rd day of August, 1949, it was resolved that a most humble petition be presented to Your Majesty in Council that the said Chief Pleas might be empowered to regulate the rate of duty to be levied on goods imported into the Island in future. And most humbly praying that Your Majesty might be graciously pleased—(1) to revoke the two Orders, of 1917 and 1932 respectively, hereinbefore referred to; (2) to authorise the said Chief Pleas, with the consent of the Lieutenant Governor, to levy duties on such goods as aforesaid imported into the Island of Sark, at such rates as they may by Resolution from time to time appoint: Provided that no such rate shall at any time exceed the rate leviable in the Island of Guernsey in respect of the kind of goods in question ; (3) notwithstanding such revocation as aforesaid, to continue in force the duties leviable on the 31st day of December, 1949, at the rates in force on that date, in such manner that each of such duties shall continue to be so leviable until revoked or varied by a Resolution passed under and by virtue of the last preceding

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paragraph hereof ; (4) to authorise the Treasurer of the said Island of Sark to secure such duties in such manner as the said Chief Pleas in agreement with the States of the said Island of Guernsey, may from time to time deem necessary in the interests of the said Island of Sark ; (5) to order that all monies to be derived from the duties which will be leviable in the event of Your Majesty being graciously pleased to grant the prayer of this petition may be used for the purpose of meeting such part of the general expenditure of the said Island of Sark as may from time to time be voted by the said Chief Pleas and approved by Your Majesty's Lieutenant Governor of the Bailiwick of Guernsey.'

"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 :—

(1) to revoke the said Orders in Council made on the 24th day of January, 1917, and the 8th day of August, 1932 ;

(2) to authorise the said Chief Pleas, with the consent of the Lieutenant-Governor, to levy duties on spirits, wines, beer, cider, tobacco, cigars, cigarettes, tea, lubricating oils, paraffin and fuel oils, motor spirit and methylated spirit imported into the Island of Sark, at such rates as they may by Resolution from time to time appoint: Provided that no such rate shall at any time exceed the rate leviable in the Island of Guernsey in respect of the kind of goods in question ;

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(3) to sanction the continuance in force of the duties leviable on the 31st day of December, 1949, at the rates in force on that date until in respect of a particular commodity a different rate is appointed by a resolution as hereinbefore authorised ;

(4) to authorise the Treasurer of the said Island of Sark to secure such duties in such manner as is provided in the before-mentioned Petition ; and

(5) to order that all moneys to be derived from the said duties may be used for the purpose of meeting such part of the general expenditure of the said Island of Sark as may from time to time be voted by the said Chief Pleas and approved by the Lieutenant-Governor.

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 and 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.

E. C. E. LEADBITTER.

(Registered on the Records on the 24th June, 1950.)

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 24th day of May, 1950, entitled "The Alderney (Transfer of Breakwater) Order, 1950,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered :—

Alderney
(Transfer of
Breakwater)
Order, 1950

1950

1. That the said Order in Council be registered on the records of this Island.
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island.
3. That a copy of the deposited map, described in the preamble to the Order, be deposited in the Greffe of the Royal Court of Guernsey and the Office of the Court of Alderney.

(Registered on the Records on the 24th June, 1950.)

Alderney
(Transfer of
Property
etc.) Order,
1950.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 24th day of May, 1950, entitled "The Alderney (Transfer of Property etc.) Order, 1950",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered :—

1. That the said Order in Council be registered on the records of this Island.
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island.
3. That a copy of the deposited map, described in the preamble to the Order, be deposited in the Greffe of the Royal Court of Guernsey and the Office of the Court of Alderney.

(Registered on the Records on the 8th July, 1950.)

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AT THE COURT AT BUCKINGHAM PALACE,

The 26th day of June, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. SECRETARY GRIFFITHS

MR. GAITSKELL

SIR RONALD IAN CAMPBELL.

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 June, 1950, in the words following, viz.:—

Corporation
Tax (Guern-
sey) Law,
1950.

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

‘1.—That, in pursuance of their Resolution of the 6th day of May, 1949, the States of Deliberation at a meeting held on the 17th day of May, 1950, approved a Bill or “*Projet de Loi*” entitled “The Corporation Tax (Guernsey) Law, 1950”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto; 2. That the said Bill or “*Projet de Loi*” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de Loi*” of the States of Guernsey entitled “The Corporation Tax (Guernsey) Law, 1950”, and to order that the same shall have force of Law in the Island of Guernsey.’

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

THE CORPORATION TAX (GUERNSEY)
LAW, 1950.

THE STATES, in pursuance of their Resolution of the 6th day of May, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

Repeals.

1. The Loi instituant une Taxe dite “Corporation Tax”, registered on the Records of this Island on the 4th day of January, 1936, and the Loi supplémentaire

à la Loi instituant une Taxe dite "Corporation Tax", so registered on the 20th day of February, 1937, are hereby repealed.

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2. (1) The Tax (hereinafter called "Corporation Tax") leviable under and by virtue of the provisions of this Law shall, subject to the provisions of section 4 hereof, be paid to the States of Guernsey by every limited liability company ("société anonyme ou à responsabilité limitée") registered, whether before or after the commencement of this Law, in this Island. Levy of Tax.

(2) The management and administration of Corporation Tax shall be the responsibility of the Administrator of Income Tax.

3. (1) The amount of Corporation Tax leviable in any calendar year in the case of a company (which expression shall hereinafter be deemed to mean a limited liability company) incorporated before the commencement of that year shall be the sum of fifty pounds, to be paid on or before the 31st day of January in that year by means of a States revenue stamp impressed upon the Annual Return ("Liste Annuelle") required by Article LXV of the Law entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée", registered on the Records of this Island on the 21st day of March, 1908, (hereinafter referred to as "the Companies Law, 1908,") or under any Law amending or superseding the same to be forwarded to His Majesty's Greffier (hereinafter referred to as "the Greffier") during the month of January in each year. Amount of Tax.

(2) The amount of Corporation Tax leviable in any calendar year in the case of a company incorporated during that year shall be the product of the multiplication of one-twelfth part of the sum of fifty pounds by the number of months occurring in that year after the last day of the month immediately preceding the month in which the company was incorporated and that amount shall be paid by means of a States revenue stamp impressed on the Memorandum

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of Association of the company before the registration thereof.

Companies
not liable.

4. The following companies shall not be liable to pay Corporation Tax in a particular calendar year—

- (a) a company incorporated before the commencement of that calendar year which delivers to the Greffier on or before the 31st day of January in that year a declaration in duplicate under the seal of the company to the effect that in that calendar year the company will be controlled in Guernsey or, in the case of a company which will not be so controlled, that it will maintain in that year an established place of business in Guernsey and that a substantial part of its activities will be conducted in Guernsey;
- (b) a company incorporated after the commencement of that calendar year as respects which there is delivered to the Greffier on or before the registration of its Memorandum of Association a declaration in duplicate signed by three at the least of the founder members who have signed that Memorandum to the effect that in the remaining portion of that calendar year the company will be controlled in Guernsey or, in the case of a company which will not be so controlled, that it will in such remaining portion of the year maintain an established place of business in Guernsey and that a substantial portion of its activities will be conducted in Guernsey.

Declarations.

5. The Greffier shall file one copy of every such declaration and shall forthwith transmit the other copy thereof to the said Administrator. Such declaration shall constitute irrebuttable proof as between the company by or on behalf of which the same is made and the said Administrator that in the calendar year or part thereof to which the same relates the company is for the purposes of section 4 of the Income Tax (Guernsey) Law, 1950, resident in Guernsey.

6. The Greffier shall supply the said Administrator with such information as the said Administrator shall from time to time require for the purpose of fulfilling his duties under this Law.

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 Greffier to supply information.

7. Proceedings for the recovery of unpaid Corporation Tax may be instituted and prosecuted by the said Administrator and for the purposes of any such proceedings and of the provisions of the Companies Law, 1908, the said Administrator shall be deemed to be the creditor of the company for the amount of the unpaid Corporation Tax and that amount shall be deemed to be a debt owing by the company to the said Administrator.

Recovery of unpaid Tax.

8. For the removal of doubt, it is hereby declared that the meaning of the expression "une somme excédant cinquante livres sterling" contained in paragraph (a) of section 4 of Article LXXII of the Companies Law, 1908, is "a sum exceeding fifty pounds sterling in the money legally current in Guernsey at the time of the commencement of that Law and exceeding forty-seven pounds twelve shillings and sixpence in the money legally current at the commencement of this Law."

Definition.

9. (1) If the said Administrator is satisfied that for any calendar year a company, if it had been treated as a company resident in Guernsey—

Repayment of Tax.

(a) would not have been chargeable to Income Tax either in respect of its own profits as computed in accordance with the Income Tax (Guernsey) Law, 1950, or, under the provisions of the said Law, as an agent of a person not resident in Guernsey; or

(b) would have been so chargeable, but only in an amount less than the Corporation Tax paid by the company for that year;

he shall repay to the company, if the case falls within paragraph (a) of this section, the whole of the Corporation Tax paid by the company for that year, or, if the

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case falls within paragraph (b), the difference between the Corporation Tax so paid and the amount for which the company would have been chargeable to Income Tax:

PROVIDED that no repayment shall be made under this sub-section unless the company claims such repayment in writing from the said Administrator on or before the 30th day of June in the year following the year in respect of which such claim is made.

(2) If a company has paid Corporation Tax for any calendar year and it is subsequently found to be resident in Guernsey for the purposes of section 4 of the Income Tax (Guernsey) Law, 1950, the said Administrator shall, if the amount of the Income Tax due from the company in respect of that year is equal to or greater than the amount of Corporation Tax paid, treat such payment as a payment of, or on account of, such Income Tax, as the case may be, or, if the amount of such Income Tax is less than the amount of Corporation Tax paid, shall repay the difference between the former and the latter amounts.

Commence-
ment.

10. This Law shall come into force on the 1st day of January, 1951.

(Registered on the Records on the 8th July, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 26th day of June, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. SECRETARY GRIFFITHS

MR. GAITSKELL

SIR RONALD IAN CAMPBELL.

Tomato
Export
(Settlement
of Dispute)
Law, 1950.

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 June, 1950, 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, in pursuance of their Resolution of the 8th day of March, 1950, the States of Deliberation at a meeting held on the 17th day of May, 1950, approved a Bill or “Projet de Loi” entitled “The Tomato Export (Settlement of Dispute) Law, 1950”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto ; 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Tomato Export (Settlement of Dispute) Law, 1950,” and to order that the same shall have force of Law in the Island of Guernsey.’

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

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“THE TOMATO EXPORT (SETTLEMENT
OF DISPUTE) LAW, 1950.”

WHEREAS—

1. The President of the States Committee for Horticulture as a Competent Authority under Regulation 55 of the Defence (General) (Guernsey) Regulations, 1945, for one of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945, (which said Act was, with certain exceptions, adaptations and modifications, extended to Guernsey by virtue of the Supplies and Services (Transitional Powers) (Guernsey) Order in Council, 1946), made a Scheme on the 13th day of April, 1948, entitled “Provisions of Scheme to Govern Exports of Guernsey Tomatoes, 1948”, which said Scheme he subsequently amended from time to time.

2. It was provided by the said Scheme as so amended that all tomatoes should be exported in

1948 only under the direction of a body of persons acting under the style and title of "The Guernsey Tomato Shipping Board" (hereinafter referred to as "the Tomato Board").

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3. Tomatoes were exported in 1948 under the direction of the Tomato Board who collected the proceeds of sale thereof.

4. The Tomato Board has distributed amongst the exporters of such tomatoes the proportion of the said proceeds of sale which the Tomato Board considers the proper proportion attributable to such exporters.

5. A dispute has arisen as to the disposal of the balance of the said proceeds of sale remaining after such distribution (which said balance is hereinafter referred to as "the monies in dispute").

6. Proceedings have been instituted before the Royal Court for the settlement of the dispute, but the Royal Court is, owing to the fact that a number of Jurats are not acceptable to certain parties to the dispute as judges thereof on the grounds that such Jurats are financially interested in the dispute, unable to determine the dispute.

7. Expenses have been incurred in the institution of those proceedings.

THE STATES, in pursuance of their resolution of the 8th day of March, 1950, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island :—

1. (1) The Bailiff shall by writing appoint an experienced lawyer as arbitrator for the purposes of this Law.

Appointment
and duties
of arbitrator.

(2) It shall be the duty of the arbitrator to decide to whom and in what manner the monies

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in dispute shall be distributed, and to record his decision in writing.

(3) In the event of the arbitrator becoming unable to act, the Bailiff shall appoint another arbitrator in his place, and so on in the event of any arbitrator becoming unable to act. Any arbitrator appointed under the provisions of this subsection shall carry out the duties of arbitrator ab initio.

Making of decision.

2. In arriving at his decision the arbitrator shall not be bound by any rule or principle binding upon any court in Guernsey, but shall make such decision as shall seem to him to be fair.

Distribution of monies in dispute.

3. The decision of the arbitrator shall be final and it shall be the duty of every person having the control of the monies in dispute to distribute them according to the said decision. Such distribution shall constitute a complete discharge of the duties of any such person in respect of the monies in dispute.

Holding of enquiry.

4. The arbitrator shall hold an enquiry in public for the purpose of arriving at his decision and may, save as is otherwise by this Law provided, follow such procedure as seems to him proper.

Persons entitled to address arbitrator.

5. Subject to the provisions of the next succeeding section, any person shall be entitled to address the arbitrator, either personally or through an advocate or through such other representative as the arbitrator may allow, in support of any claim to the monies in dispute or any part thereof.

6. The arbitrator may refuse to allow any person to address him unless that person shall have furnished him, in such time and manner as the arbitrator shall by notice in the Gazette Officielle require, with the name and address of that person and a statement whether that person intends to

address the arbitrator on his own behalf or on behalf of any, and if so what, person or class of persons.

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7. Where at any time it shall appear to the arbitrator that the interests of or represented by any persons addressing or wishing to address him can be classified, he may require the interests constituting each or any class to be represented by the same advocate.

Representa-
tion of
interests.

8. The arbitrator may in his decision provide for the payment of the following expenses or any part thereof, in such amount as he shall think fit, out of the monies in dispute :—

Payment of
expenses.

- (1) The expense of and incidental to the arbitration, including the expenses of any witness.
- (2) The expense incurred by any person of and incidental to his addressing the arbitrator.
- (3) The expense incurred by any person of and incidental to the proceedings before the Royal Court referred to in the sixth recital in the preamble to this Law.

9. (1) The arbitrator shall have all such powers, rights and privileges as are vested in the Royal Court, on the occasion of an action in respect of the following matters :—

Powers,
rights and
privileges
of arbitrator.

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise ;
 - (b) compelling the production of documents ;
 - (c) issuing a commission or request to examine witnesses out of Guernsey ;
- and a summons signed by the arbitrator and deli-

1950

vered to any person may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

Offences.

(2) If any person—

- (a) on being duly summoned as a witness before the arbitrator makes default in attending ; or
- (b) being in attendance as a witness refuses to take an oath or to make an affirmation legally required by the arbitrator, or to produce any document in his power or control which the arbitrator shall legally require him to produce, or to answer any question which the arbitrator shall legally require him to answer ; or
- (c) does any other thing which would, if the arbitrator had constituted a court of law having power to commit for contempt, have been contempt of that court,

the arbitrator may certify the offence of that person under his hand to the Royal Court, and the Royal Court may thereupon inquire into the alleged offence, and, after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement which may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the Royal Court.

Immunities
and privi-
leges of
witnesses.

(3) A witness before the arbitrator shall be entitled to the same immunities and privileges as if he were a witness before the Royal Court.

(Registered on the Records on the 15th July, 1950.)

The Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Definition of Scheduled Territories) Order, 1950" (No. 1073),—the Court, after having heard His Majesty's Procureur thereon, ordered that the said Order be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

1950
Exchange
Control
(Definition
of Scheduled
Territories)
Order, 1950.

(Registered on the Records on the 19th July, 1950.)

The Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Payments) Order, 1950" (No. 1072),—the Court, after having heard His Majesty's Procureur thereon, ordered that the said Order be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

Exchange
Control
(Payments)
Order, 1950.

(Registered on the Records on the 12th August, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,
The 21st day of July, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
LORD HENDERSON
LORD MORRISON
MAJOR MILNER
MR. WILSON.

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

Petite Ecole
de la Ville-
Use of Trust
Funds, etc.

1950

Guernsey and Jersey, dated the 6th day of July, 1950, 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 Basil Joseph Reginald Guille, Clerk in Holy Orders, Pierre de Putron and John Edmund Leopold Martel, Rector and Churchwardens respectively of Saint Peter Port in the Island of Guernsey, Victor Creasey and Percy Waldron Kimber, Constables of Saint Peter Port, and the said Percy Waldron Kimber, Dean of the Douzaine of Saint Peter Port, trustees of the ‘ Petite Ecole de la Ville ’ Fund, setting forth :—

‘ 1. That on Easter Day One thousand five hundred and thirteen, Thomas Le Marquant and Jeannette Thelry his wife, appeared personally in the Church of Saint Peter Port, aforesaid and formally declared that they made a gift to the Parish of Saint Peter Port of a house and garden situate at Gategny, Saint Peter Port aforesaid in order to establish there a parish school which later became known as “ La Petite Ecole de la Ville ”;

2. That by an Order in Council registered on the thirteenth day of July One thousand eight hundred and seventy-two permission was granted to sell the said premises to the States of Guernsey to enable St. Julian’s Avenue to be completed on condition that the proceeds of sale be invested for the benefit of the School;

3. That by an Order in Council registered on the thirtieth day of January One thousand eight hundred and ninety-seven permission was granted to appropriate the monies belonging to the fund for the purpose of purchasing sites for new primary schools in Saint Peter Port ;

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4. That the States of Guernsey are now responsible for all the schools in the said Island and that consequently the monies belonging to the fund are no longer required for the purpose directed by the Order in Council of One thousand eight hundred and ninety-seven ;

5. That at a meeting of the Ratepayers of Saint Peter Port aforesaid held on the twenty-fourth day of April one thousand nine hundred and fifty Your Petitioners were requested to petition Your Majesty to direct that henceforth—
(a) the trustees of the fund be the Constables for the time being of Saint Peter Port. (b) the fund be utilised to provide recreational and educational facilities for the children of Saint Peter Port at the discretion of the Douzaine of Saint Peter Port. (c) the trustees shall submit their accounts annually to the ratepayers of Saint Peter Port for approval.

And most humbly praying that Your Majesty would be graciously pleased to direct that henceforth : (a) the trustees of the fund be the Constables for the time being of Saint Peter Port. (b) the fund be utilised to provide recreational and educational facilities for the children of Saint Peter Port at the discretion of the Douzaine of Saint Peter Port. (c) the trustees shall submit their accounts annually to the ratepayers of Saint Peter Port for approval.'

“ 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

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of His Privy Council, to order, as it is hereby ordered, that

(a) the trustees of the "Petite Ecole de la Ville" Fund be the Constables for the time being of Saint Peter Port ;

(b) the Fund be utilised to provide recreational and educational facilities for the children of Saint Peter Port at the discretion of the Douzaine of Saint Peter Port ; and

(c) the trustees shall submit their accounts annually to the ratepayers of Saint Peter Port for approval.

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

E. C. E. LEADBITTER.

(Registered on the Records on the 12th August, 1950.)

General
Sanction
under the
Ships and
Aircraft
(Transfer
Restriction)
Act, 1939.

The Lieutenant-Bailiff having this day placed before the Court a letter from the Government Secretary dated the 5th August, 1950, transmitting a copy of a General Sanction dated 21st July, 1950, issued by the Minister of Transport under the Ships and Aircraft (Transfer Restriction) Act, 1939,—the Court, after hearing His Majesty's Comptroller, directed that the said copy be filed on the Greffe records and that a copy of this present Act together with a copy of the said General Sanction be sent by His Majesty's Greffier, for information only, to the Clerk of the Court of Alderney and to the Seneschal of Sark.

(Registered on the Records on the 12th August, 1950.)

The Lieutenant-Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 28th day of July, 1950, ordering that volunteers of the Royal Naval Reserve be called into actual service—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands, and that the said Order in Council be published in the Official Gazette.

1950
 Calling out
 of volunteers
 of the Royal
 Naval
 Reserve.

(Registered on the Records on the 12th August, 1950.)

The Lieutenant-Bailiff having this day placed before the Court three proclamations dated the 28th day of July, 1950, viz. :

1. For extending the services of time-expired men in the Royal Navy ;
2. For extending the services of time-expired men in the Royal Marine Forces ;
3. For calling out the Officers of the Retired and Emergency Lists of the Royal Navy and Royal Marines ;

Proclama-
 tions—Men in
 Royal Navy
 and Marines,
 etc.

the Court, after the reading of the said proclamations and after having heard His Majesty's Comptroller thereon, ordered that each of the said proclamations be registered on the records of this Island and that an extract of this present Act, together with a copy of the said proclamations, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands and that the said proclamations be published in the Official Gazette.

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(Registered on the Records on the 12th August, 1950.)

Exchange
Control
(Payments)
(Italian
Somaliland)
Order, 1950.

The Lieutenant-Bailiff having this day placed before the Court an Order of His Majesty's Treasury entitled "The Exchange Control (Payments) (Italian Somaliland) Order, 1950," (No. 1249) and dated the 26th day of July, 1950,—the Court, after having heard His Majesty's Comptroller thereon, ordered that the said Order be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 12th August, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of July, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,
LORD PRESIDENT
LORD HENDERSON
LORD MORRISON
MAJOR MILNER
MR. WILSON.

Royal Court
of Guernsey
(Miscel-
laneous
Reform
Provisions)
Law, 1950.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 18th day of July, 1950, 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 by an Order of Your Majesty in Council dated the 4th day of June, 1946, Your Majesty appointed a Committee of Your Majesty's Privy Council to inquire (*inter alia*) into the proposals in relation to Judicial Reform

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which had been under review by the Royal Court of the Island of Guernsey: 2. That the States of Deliberation, by Resolution dated the 26th day of June, 1946, approved, subject to certain modifications, the suggestions and recommendations contained in the Report of the Royal Court dated the 29th day of May, 1946: 3. That the above mentioned Committee of Your Majesty's Privy Council visited Guernsey from the 21st day of September, 1946, to the 29th day of September, 1946, and reported to Your Majesty in March, 1947: 4. That the States of Deliberation, at meetings held on the 30th day of November, 1949, and the 2nd day of December, 1949, respectively, adopted certain resolutions regarding the qualifications of Jurats and procedure before the Royal Court: 5. That, in pursuance of the above Resolutions, the States of Deliberation, at a meeting held on the 28th day of June, 1950, adopted a Bill or "Projet de Loi" entitled "The Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950", and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 6. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950", and to order that the same shall have force of Law in the Island of Guernsey.'

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council

PROJET DE LOI

ENTITLED

THE ROYAL COURT OF GUERNSEY
(MISCELLANEOUS REFORM PROVISIONS)

LAW, 1950.

THE STATES have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

The present
Jurats.

1. Subject to the provisions of this Law, the Jurats of the Royal Court (Jurés Justiciers de la Cour Royale)

who are in office on the coming into force of this Law, shall continue in their judicial office.

1950

2. Subject to the provisions of this Law and of any other enactment for the time being in force, Jurats of the Royal Court shall be elected, as hitherto, by the States of Election of the Island of Guernsey as constituted from time to time.

The future
Jurats.

3. (1) A person who is an alien shall not be qualified to be elected to or to discharge the office of Jurat of the Royal Court.

Qualification
for office of
Jurat.

(2) It is hereby declared that—

- (a) a person, by reason of that person's religious belief or absence of religious belief;
- (b) a woman, by reason of her sex or marriage; and
- (c) a person, by reason of that person's trade or profession;

shall not be disqualified from being elected to or from discharging the office of Jurat of the Royal Court.

4. (1) Such variations shall be made in every customary form of oath of office taken before the Royal Court as may be necessary to enable a person of the Roman Catholic faith conscientiously to subscribe thereto.

Oath and
Affirmation.

(2) A person, if he declare that he is precluded by reason of religious scruples from subscribing to an oath or that he possesses no religious belief, may, instead of taking a customary form of oath of office, affirm, in so near a form to that of the oath as is possible, that he will well and faithfully perform the duties of the office.

5. (1) A Jurat of the Royal Court in office when this Law comes into force and who has then attained the age of seventy years or who attains that age during the thirty days next succeeding the date on which this Law comes into force shall cease to hold office on

Retirement
of Jurats.

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the expiration of the thirty days next succeeding the date of the coming into force of this Law and any other Jurat of the Royal Court in office when this Law comes into force or entering office thereafter shall cease to hold office after the date upon which he attains the age of seventy years :

PROVIDED that a majority of the Bailiff and Jurats of the Royal Court, sitting in chambers, if they consider it desirable in the public interest that a Jurat who, not having attained the age of seventy-five years, would cease to hold office under the provisions of this Section should continue to hold office by virtue of this proviso, may extend the period of office of that Jurat by one or more periods so however that any such period shall not extend beyond the date on which that Jurat attains the age of seventy-five years :

PROVIDED FURTHER that a Jurat of the Royal Court who, for a continuous period of twelve months fails, without good reason, to discharge the duties of his office or who, in the opinion of a majority of the Bailiff and Jurats of the Royal Court, sitting in chambers, is permanently unable, through physical or mental incapacity or for any other reason, efficiently to carry out the duties of his office, may be called upon by the Bailiff to resign and unless he, within a reasonable time, presents to the Royal Court, for transmission to His Majesty in Council, a petition praying that His Majesty in Council may be pleased to permit him to resign that office, he shall be removable by Order of His Majesty in Council on the petition of the Bailiff and Jurats of the Royal Court in that behalf.

(2) As from the date on which this Law comes into force, the concurrence of the States in the resigna-

tion of a Jurat of the Royal Court shall not be necessary and any Jurat desirous of resigning his office shall present to the Royal Court, for transmission, a Petition in that behalf to His Majesty in Council.

(3) A Jurat ceasing to hold office on account of age shall continue to enjoy during the remainder of his life the honours and privileges appertaining to the office of Jurat.

6. (1) Subject to the provisions of this and the next succeeding section, the judicial functions, powers and duties of the Royal Court shall continue to be exercised as hitherto.

Powers of
Bailiff and
Jurats.

(2) (a) The Bailiff shall be the sole judge of Law and of questions of procedure in all causes and matters heard in a court over which he presides and shall award the costs, if any, and, for the purposes of the determination of any question of which he is the sole judge, the Royal Court shall be properly constituted if it consists of the Bailiff sitting unaccompanied by the Jurats or any of them.

(b) Paragraph (a) of this subsection shall come into operation when appointed so to do by Order of the Royal Court and different dates may be so appointed for the coming into operation of that paragraph as regards criminal causes and matters and civil causes and matters respectively.

(3) Subject to the provisions of subsection (5) of this Section, any matter which, under the provisions of this Law, is within the competence of the Jurats to decide, shall, if they be not of one opinion, be decided by a majority of the Jurats sitting.

(4) The Jurats of the Royal Court may, and at the request of any one of them shall, retire from the

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Court for consultation immediately after the summing up. If during such consultation they require direction, advice or information, they shall return to the Court for this purpose and their questions shall be put to the Bailiff, and the answers thereto shall be given, in open Court.

(5) In all causes and matters, the Bailiff shall have a casting vote whenever the Jurats are so divided in opinion that the giving of a casting vote is necessary for the finding of a majority opinion.

(6) The provisions of this Section shall apply whether the Royal Court is exercising original or appellate jurisdiction.

Findings of
Jurats.

7. (1) In a criminal case, after such consultation as aforesaid, the senior Jurat of the Royal Court present shall communicate to the Bailiff in open Court—

(a) that the Jurats, unanimously, or by a majority (in which case he shall announce the number of the majority and minority votes) find the accused guilty, or not guilty or guilty but insane, as the case may be; or

(b) that the Jurats are equally divided as to the guilt of the accused or as to whether the accused is guilty but insane; or

(c) in any other case, the findings of the various groups of Jurats and the numbers of each group.

(2) In a civil case, the Jurats of the Royal Court shall, whether they have retired for consultation or not, give their individual decisions in open Court.

Retirement
for considera-
tion of
sentence and
abolition of
"conclu-
sions".

8. (1) Where a verdict of guilty is recorded against any person, the Bailiff and the Jurats of the Royal Court shall, unless the punishment for the offence is fixed by law, confer in private as to the punishment to be imposed and thereafter the Bailiff shall announce

the sentence of the Court and shall sentence the accused accordingly.

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(2) The Law Officers of the Crown shall not, in future, tender to the Court their "conclusions" as to punishment after a verdict of guilty.

9. Proceedings by way of "causes en adjonction" are hereby abolished.

Abolition of
"Causes en
adjonction".

10. Notwithstanding any law or custom to the contrary, the presence in court of the Law Officers of the Crown or of either of them shall no longer be necessary to the proper constitution of the Court at any sitting thereof.

Law Officers
and
Constitution
of Courts.

11. (1) For the purposes of this Law, the expression "the Bailiff" shall include any person designated from time to time to perform the judicial functions of the Bailiff, and unless the context otherwise requires, the expression "the Royal Court" shall include a reference to every Division of the Royal Court.

Interpreta-
tion.

(2) On the office of Bailiff becoming vacant from time to time, the Jurats of the Royal Court shall, as hitherto, appoint a Juge-Délégué to perform the judicial functions of the Bailiff while such office continues vacant. The person so appointed need not, as hitherto, be a Jurat of the Royal Court but shall be a person possessing sufficient legal qualifications and experience for the proper performance of those judicial functions.

12. The power of the Royal Court, in pursuance of the provisions of Article 64 of the Reform (Guernsey) Law, 1948, to make, vary, modify and revoke rules of procedure in the Royal Court and any division thereof, shall include power to make rules of procedure varying, modifying or revoking any rule of procedure operative in pursuance of customary or enacted Law.

Rules of
Procedure.

13. This Law shall come into force on the thirtieth day next succeeding the date of the registration on the Records of the Island of Guernsey of the Order of His Majesty in Council sanctioning this Law.

Commence-
ment.

1950

(Registered on the Records on the 12th August, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of July, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
LORD HENDERSON
LORD MORRISON
MAJOR MILNER
MR. WILSON.Victoria
Hospital
Corporation
(Extension
of Powers)
Law, 1950.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 18th day of July, 1950, 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 :—

‘ I.—That in pursuance of their Resolution of the 17th day of May, 1950, the States of Deliberation, at a meeting held on the 28th day of June, 1950, approved a Bill or “ *Projet de Loi* ” entitled “ *Victoria Hospital Corporation (Extension of Powers) Law, 1950,* ” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey entitled “ *Victoria Hospital Corporation (Extension of Powers) Law, 1950,* ” and to order that the same shall have force of Law in 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty’s Officers for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to the foregoing Order
in Council

PROJET DE LOI

ENTITLED

“ VICTORIA HOSPITAL CORPORATION
(EXTENSION OF POWERS) LAW, 1950 ”

THE STATES, in pursuance of their Resolution of the 17th day of May, 1950, have approved the following provisions which, subject to the Sanction of His

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Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Title of Corporation.

1. The style and title of the Corporation known as " Victoria Hospital " constituted under the provisions of the Law entitled "Loi accordant un acte d'incorporation à l'Association des Souscripteurs aux Fonds de l'Hôpital dit 'Victoria Hospital ' situé dans l'Ile de Guernesey ", registered on the Records of this Island on the 22nd day of July, 1936, (hereinafter referred to as " the said Law ") shall henceforth be " Victoria Hospital Incorporated " and that Corporation is hereinafter referred to as " the Corporation " and reference in the said Law to " Victoria Hospital " and to " the Corporation " shall be construed accordingly as reference to Victoria Hospital Incorporated.

Additional powers.

2. In addition to the powers conferred upon the Corporation by section 2 of the said Law, the said Corporation shall henceforth be empowered, notwithstanding the provisions of section 3 of the said Law, to make grants—

- (a) to or for the benefit of any health organisation operating in the Bailiwick of Guernsey for use for the general purposes of that health organisation or for some particular purpose thereof as specified by the Corporation and in particular and without prejudice to the generality of the foregoing for the provision of special treatment for any class or classes of patients, whether in-patients or out-patients, or of amenities of any description calculated to assist the recovery of such patients or to promote the happiness or well-being of any such patients or of the staff of any such health organisation :
- (b) for assisting in the training or further training of persons forming or desirous of forming part of the staff of any such health organisation :

- (c) for or towards the provision of surgical or medical treatment, surgical appliances or artificial limbs whether in or elsewhere than in the said Bailiwick for persons resident within that Bailiwick and for providing travelling and subsistence expenses incurred by any such person in relation thereto :
- (d) for alleviating want in the case of persons suffering from any chronic or long standing ailment or physical disability.

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3. In this Law, the expression " health organisation" shall be deemed to include any hospital, mental hospital, maternity home, nursing institution, old persons' hostel, home for aged persons, child welfare institution, health clinic, maternity clinic, nursing service or ambulance service, whether in public or private ownership.

Definition.

(Registered on the Records on the 12th August, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 21st day of July, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT
LORD HENDERSON
LORD MORRISON
MAJOR MILNER
MR. WILSON.

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 July, 1950, in the words following, viz. :—

Offences
against
Girls
(Availability
of Defences)
Law, 1950.

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

1950

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

‘ 1.—That, in pursuance of their Resolution of the 11th day of January, 1950, the States of Deliberation, at a meeting held on the 5th day of April, 1950, approved a Bill or “*Projet de Loi*” entitled “*Offences against Girls (Availability of Defences) Law, 1950,*” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “*Projet de Loi*” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de Loi*” of the States of Guernsey entitled “*Offences against Girls (Availability of Defences) Law, 1950,*” and to order that the same shall have force of Law in the Bailiwick 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 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.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council

PROJET DE LOI

ENTITLED

“OFFENCES AGAINST GIRLS (AVAILABILITY
OF DEFENCES) LAW, 1950”.

THE STATES, in pursuance of their Resolution of the 11th day of January, 1950, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. Notwithstanding the provisions of Article three of the Law entitled “Loi ayant Rapport à la Protection des Femmes et Filles Mineurs”, registered on the Records of the Island of Guernsey on the 1st day of August, 1914, (hereinafter referred to as “the principal Law”) it shall not be a valid defence to a charge of having, or of attempting to have, unlawful carnal knowledge of any girl aged above thirteen years but below sixteen years that the person charged had reasonable grounds for believing that the girl was over the age of sixteen years, unless such person is a man under twenty four years of age who has not previously been charged with an offence under paragraph (a) of

Girl
apparently
over 16.

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Article three of the principal Law or with indecent assault upon a girl over the age of thirteen years but below the age of sixteen years.

Consent of
girl under
16.

2. It shall not be a valid defence to a charge of indecent assault upon any girl below the age of sixteen years that the girl consented to the assault:

PROVIDED that in the case of a man under twenty four years of age charged with an indecent assault upon any girl above the age of thirteen years but below the age of sixteen years who consented to the assault, the presence of reasonable cause on his part to believe that the girl was over the age of sixteen years shall be a valid defence if he has not been previously charged either with an offence under paragraph (a) of Article three of the principal Law or with an indecent assault upon a girl above the age of thirteen years but below the age of sixteen years.

Convictions
already
recorded, etc.

3. Nothing in this Law contained shall prejudice the validity of any conviction recorded against, or sentence imposed on, any person before the coming into force of this Law.

Extent.

4. This Law shall have force of law throughout the Bailiwick of Guernsey.

(Registered on the Records on the 12th August, 1950.)

AT THE COURT AT BUCKINGHAM PALACE.

The 21st day of July, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

LORD HENDERSON

LORD MORRISON

MAJOR MILNER

MR. WILSON.

Public
Health
(Vessels and
Aircraft)
(Guernsey)
Law, 1950.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 17th day of July, 1950, 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, in pursuance of their Resolution of the 19th day of April, 1950, the States of Deliberation, at a meeting held on the 28th day of June, 1950, approved a Bill or “ *Projet de Loi* ” entitled “ The Public Health (Vessels and Aircraft) (Guernsey) Law, 1950,” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey entitled “ The Public Health (Vessels and Aircraft) (Guernsey) Law, 1950,” and to order that the same shall have force of Law in the Islands of Guernsey, Alderney, 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 or-

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dered, that the same shall have the force of Law within the Islands of Guernsey, Alderney, Herm and Jethou.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

THE PUBLIC HEALTH (VESSELS AND AIR- CRAFT) (GUERNSEY) LAW, 1950.

THE STATES, in pursuance of their Resolution of the 19th day of April, 1950, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and in the Islands of Alderney, Herm and Jethou.

Definitions.

1. In this Law—

“ Coastal waters ” means waters within a distance of three nautical miles from any point on the coast measured from low-water mark of ordinary spring tides ;

“ The Board ” means the States Board of Health ;

“ The Island ” includes the Islands of Alderney, Herm and Jethou ;

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“ Vessel ” includes any ship or boat, or any other description of vessel used in navigation.

2. (1) Subject to the provisions of this Law, the Board may, as respects the whole or any part of the Island, including the coastal waters thereof, make provision by order—

Power of
Committee
to make
orders.

- (a) for preventing danger to public health from vessels or aircraft arriving in the Island ; and
- (b) for preventing the spread of infection by means of any vessel or aircraft leaving the Island, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country ;
- (c) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases ;

and, without prejudice to the generality of the foregoing, may by any such order apply, with or without modifications, to any disease to which the order relates, any enactment relating to the notification of diseases or to notifiable diseases :

PROVIDED THAT, before making any order under this paragraph, the Board shall consult with the States Board of Administration.

(2) Any order made under this section may provide for—

- (a) the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease ;
- (b) the questions to be answered by masters, pilots and other persons on board any

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vessel or aircraft as to cases of such disease on board during the voyage or on arrival ;

- (c) the duties to be performed in cases of such diseases by masters, pilots and other persons on board vessels or aircraft ;
- (d) the monetary penalties in respect of any contravention of or failure to comply with any provisions of the order, so, however, that such penalties shall not exceed the amounts specified in section 4 of this Law ;
- (e) the detention of vessels or aircraft or of persons on board them ;

and may authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.

(3) Every order made under this section shall be laid before the States as soon as may be after it is made, and if the States (at the meeting at which such order is laid before them, or at their next subsequent meeting) resolve that it be annulled, it shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new order.

Power of entry.

3.—The Medical Officer of Health, and any person generally or specially authorised in writing in that behalf by the Board, subject to the production by him if so required of evidence of his authority, shall have power to enter any premises, vessel or aircraft for the purpose of executing, or superintending the execution of, any order made under this Law.

Offences.

4.—Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of, the provisions of any order made under this Law shall, in a case where no provision is made by the order for his punishment, be liable to a fine not

exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding fifty pounds for every day on which the offence continues after conviction therefor.

 1950

(Registered on the Records on the 21st October, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,
The 9th day of October, 1950.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT
VISCOUNT HALL
MR. STRACHEY
MR. ISAACS.

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 September, 1950, in the words following, viz. :—

Reform
(Guernsey)
Amendment
Law, 1950.

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

‘ 1. That, in pursuance of their Resolution of the 17th day of May, 1950, the States of Deliberation at a meeting held on the 23rd day of August, 1950, approved a Bill or “*Projet de Loi*” entitled “The Reform (Guernsey) Amendment Law, 1950” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “*Projet de Loi*” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or “*Projet de Loi*” of the States of Guernsey entitled “The Reform (Guernsey) Amendment Law, 1950” and to order

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that the same shall have 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 Islands of Guernsey, Herm and Jethou.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council

PROJET DE LOI

ENTITLED

THE REFORM (GUERNSEY) AMENDMENT
LAW, 1950.

THE STATES, in pursuance of their Resolution of the 17th day of May, 1950, have approved the follow-

ing provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of Law in the Islands of Guernsey, Herm and Jethou.

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1. Paragraph (3) of Article 34 of the Reform (Guernsey) Law, 1948, is hereby repealed and the following paragraph substituted therefor:—

Publication
of Electoral
Roll.

“(3) (a) In any year in which a triennial election is held, the section of the Electoral Roll in respect of each District shall be published for inspection under the control of the Constables and Douzaine of the Parish concerned from the 11th day of October to the 17th day of October, both dates inclusive, at such suitable place in that District, during such five hours on each working day other than Thursday, and during such three hours on Thursday, as shall be prescribed by the Registrar-General after consultation with the said Constables of the Parish.

(b) In any other year, all the sections of the Electoral Roll shall be published for inspection under the control of the Registrar-General for the like period and during the like hours but only at such central office as he shall prescribe.”

2. Paragraph (1) of Article 65 of the said Law is hereby amended by adding thereto, after the words “in the office of Bailiff” the words “and in the absence of the President and of the Vice President from a meeting of the Committee, the Committee may elect one of its members to be Chairman. A Chairman shall have the powers of and be subject to the restrictions governing the President.”

Legislation
Committee—
(a) Constitu-
tion.

3. Paragraph (2) of the said Article 65 is hereby repealed and the following paragraph substituted therefor:

(b) Quorum.

(2) The quorum of the Committee shall consist of the President or the Vice-President or the Chairman, as the case may be, and two members.

4. The Reform (Guernsey) Law, 1948, and this Law may be cited together as the Reform (Guernsey) Laws, 1948 and 1950.

Citation.

1950

(Registered on the Records on the 28th October, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 9th day of October, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Exchange
Control
(Channel
Islands)
Order, 1950.

WHEREAS by subsection (3) of section forty-three of the Exchange Control Act, 1947(a) (hereinafter referred to as "the Act of 1947"), it is provided that His Majesty may by Order in Council direct that any of the provisions of the said Act other than section forty-three thereof shall extend, with such modifications, if any, as may be specified in the Order, to any of the Channel Islands:

AND WHEREAS by subsection (4) of the said section forty-three it is provided that any Order in Council made under the section may be varied or revoked by a subsequent Order so made:

NOW, THEREFORE, His Majesty, in pursuance of the said section forty-three 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:—

Amendment
of 1947
Order.

1. The Exchange Control (Channel Islands) Order, 1947(b) (which extends the provisions of the Act of 1947 to the Channel Islands subject to the modifications specified in the Schedule to that Order), shall be so varied that Part III of the Fifth Schedule to the Act of 1947 shall extend to the Channel Islands subject to the further modification that after paragraph 3 of the said Part III there shall be inserted the following paragraph:—

" 3A. For the purposes of the application by subparagraph (1) of paragraph 1 of this Part of this Schedule of the enactments relating to customs, section one hundred and eighty-six of the Customs Consolidation Act, 1876(c), shall apply as if for the

(a) 10 & 11 Geo. 6. c. 14.

(b) S.R. & O. 1947 (No. 2034) I, p. 660.

(c) 39 & 40 Vict. c. 36.

penalty prescribed by that section there were substituted a penalty not exceeding treble the value of the goods (including the duty payable thereon) or one hundred pounds, whichever is the greater ; and the reference in the last foregoing paragraph to the said section one hundred and eighty-six shall be construed as a reference to that section as modified by this paragraph”.

1950

2. This Order may be cited as the Exchange Control (Channel Islands) Order, 1950, and shall come into operation on the first day of December, 1950.

Citation and
Commence-
ment.

E. C. E. LEADBITTER.

(Registered on the Records on the 11th November, 1950.)

The Bailiff having this day placed before the Court a copy of the Official Report of the House of Commons for Thursday, the 26th day of October, 1950,—the Court, after having heard His Majesty's Procureur thereon, ordered that the said Report be registered on the Records of the Island by being filed at the Greffe.

Official
Report of
House of
Commons.

(Registered on the Records on the 18th November, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,
The 9th day of October, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT
VISCOUNT HALL
MR. SECRETARY STRACHEY
MR. ISAACS.

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 21st day of August, 1950, in the words following, viz. :—

Industrial
Disputes
and Condi-
tions of Em-
ployment
(Continuance)
Law, 1950.

1950

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

‘ 1. That, in pursuance of their Resolution of the 28th day of June, 1950, the States of Deliberation at a meeting held on the 19th day of July, 1950, approved a Bill or “Projet de Loi” entitled “The Industrial Disputes and Conditions of Employment (Continuance) Law, 1950” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed and most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Industrial Disputes and Conditions of Employment (Continuance) Law, 1950” and to order that the same shall have force of Law in the Islands of Guernsey and Herm.’

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

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

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ THE INDUSTRIAL DISPUTES AND CON-
DITIONS OF EMPLOYMENT (CONTINUANCE)
LAW, 1950 ”

THE STATES, in pursuance of their Resolution of the 28th day of June, 1950, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council shall have force of law in the Islands of Guernsey and Herm.

1. Notwithstanding the provisions of Article twenty-two of the Industrial Disputes and Conditions of Employment Law (1947) (hereinafter referred to as “ the principal Law ”) and of the Industrial Disputes and Conditions of Employment (Continuance) Law, 1948, the principal Law shall continue in force until the 31st day of December, 1952.

Continuation
of 1947 Law,

2. For the removal of doubt it is hereby declared that the principal Law shall have and shall be deemed always to have had force of law in the Island of Herm.

Island of
Herm.

1950

(Registered on the Records on the 18th November, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of November, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Emergency
Laws
(Miscellan-
eous Pro-
visions)
(Guernsey)
Order in
Council,
1950.

WHEREAS section eighteen of the Emergency Laws (Transitional Provisions) Act, 1946(a), as amended by subsection (1) of section eight of the Emergency Laws (Miscellaneous Provisions) Act, 1947(b), enabled His Majesty by Order in Council to empower such authority as might be specified in the Order to provide for the continuation in force until the tenth day of December, nineteen hundred and fifty, of Defence Regulations having effect in the Bailiwick of Guernsey, being a territory specified in section four of the Emergency Powers (Defence) Act, 1939(c), and for certain matters ancillary thereto :

AND WHEREAS by Article 3 of the Emergency Laws (Continuance) Order, 1950(d), made under subsection (2) of the said section eight on the second day of November, nineteen hundred and fifty, it is provided that the powers exercisable under the said section eighteen shall be exercisable in relation to any Defence Regulations remaining in force by virtue of that section when that Order was made as if for the reference to the tenth day of December, nineteen hundred and fifty, there were substituted a reference to the tenth day of December, nineteen hundred and fifty-one :

AND WHEREAS it is expedient that further provision be made for the continuation in force for a further period of certain Defence Regulations remaining in force by virtue of the said section eighteen when the said Order was made :

(a) 9 & 10 Geo. 6. c. 26.

(b) 11 & 12 Geo. 6. c. 10.

(c) 2 & 3 Geo. 6. c. 62.

(d) S.I. 1950 No. 1770.

NOW, THEREFORE, His Majesty, in pursuance of the said section eighteen as amended by subsection (1) of the said section eight and the said Order and 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:—

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1.—(1) This Order may be cited as the Emergency Laws (Miscellaneous Provisions) (Guernsey) Order in Council, 1950. Citation.

(2) In this Order the expression “Bailiwick of Guernsey” includes the territorial waters adjacent to every part of that Bailiwick, and the expression “Royal Court” means the Royal Court of Guernsey. Definitions.

(3) The Interpretation Act, 1889(*e*), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and for the purposes of section thirty-eight of that Act (which relates to the effect of repeals) this Order shall be deemed an Act of Parliament. Interpretation.

2. The Royal Court shall be empowered to provide— Continuation etc. of Defence Regulations.

(a) for the continuation in force until the tenth day day of December, nineteen hundred and fifty-one, of any Defence Regulations having effect in the Bailiwick of Guernsey, being Defence Regulations remaining in force by virtue of the Emergency Laws (Transitional Provisions) Act, 1946, the Emergency Laws (Miscellaneous Provisions) Act, 1947, and the Emergency Laws (Miscellaneous Provisions) (Guernsey) Order in Council, 1947 (*f*), when the Emergency Laws (Continuance) Order, 1950, was made;

(b) that any Defence Regulation so continued in force shall have effect, subject to such exceptions, limitations and modifications as the Royal Court thinks necessary or expedient;

(c) for the revocation in whole or in part of any

(*e*) 52 & 53 Vict. c. 63.

(*f*) S.R. & O. 1947 (No. 2792) II, p. 25.

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Regulation so continued and for the making of any saving provisions which the Royal Court thinks necessary or expedient to take effect on the revocation or expiry of any such Regulation ;

- (d) for the application, in relation to Regulations so continued in force, of sections nineteen and twenty of the Emergency Laws (Transitional Provisions) Act, 1946, subject to such exceptions, adaptations and modifications as the Royal Court thinks necessary or expedient.

E. C. E. LEADBITTER.

(Registered on the Records on the 18th November, 1950.)

H.M. Comptroller
sworn.

LIONEL MONTGOMERY CAULFEILD
STOKER, écuyer, a été sermenté Contrôle du Roi en cette Cour Royale et Ile de Guernesey, comme à telle charge et office appartient, vertu d'une Commission ou Ordre de Sa Majesté en date du trente-et-un octobre mil neuf cent cinquante de laquelle Commission la teneur suit :—

L.S.

GEORGE R.

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 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 Lionel Montgomery Caulfeild Stoker, Esquire, Barrister-at-Law, have thought fit to appoint him to be Comptroller in the Royal Court of Our Isle

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of Guernsey, in succession to Our Trusty and Well beloved William Paterson Doyle, resigned :

AND WE do accordingly by these Presents give and grant unto him the said Lionel Montgomery Caulfeild Stoker the Office or Place of Comptroller in the said Royal Court of Guernsey with all Fees Rewards Profits Advantages Rights and Emoluments whatsoever to the same belonging, to have hold and enjoy the said Office or Place unto him the said Lionel Montgomery Caulfeild Stoker during Our Pleasure.

AND WE do hereby Will and require you the Lieutenant-Governor and the Bailiff or his Lieutenant of Our said Isle that you admit and receive the said Lionel Montgomery Caulfeild Stoker to the exercise and execution of the said Place and Office and administer to him the accustomed oaths in that behalf for the faithful discharge of the same.

Given at our Court at Saint James's the Thirty-first day of October, 1950; In the Fourteenth Year of Our Reign.

By His Majesty's
Command,

J. CHUTER EDE.

Lionel Montgomery Caulfeild Stoker, Esquire, to be Comptroller in the Royal Court of Guernsey.

(Registered on the Records on the 25th November, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 9th day of October, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

VISCOUNT HALL

MR. SECRETARY STRACHEY

MR. ISAACS.

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-
Currency
Offences
(Guernsey)
Law, 1950.

1950

sey and Jersey, dated the 28th day of September, 1950, 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 States of Deliberation at a meeting held on the 26th day of July, 1950, approved a Bill or “ Projet de Loi ” entitled “ Currency Offences (Guernsey) Law, 1950,” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for your Royal Sanction thereto: 2. That the said Bill or “ Projet de Loi ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “ Projet de Loi ” of the States of Guernsey entitled “ Currency Offences (Guernsey) Law, 1950,” and to order that the same shall have force of Law in 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 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ CURRENCY OFFENCES (GUERNSEY) LAW,
1950 ”.

ARRANGEMENT OF SECTIONS.

Section

1. Interpretation
2. Jurisdiction with regard to punishment.
3. Counterfeiting.
4. Gilding, silvering, filing and altering.
5. Impairing gold or silver coin and unlawful possession of filings, etc.
6. Defacing and uttering defaced coins.
7. Forgery of paper money.
8. Uttering forged paper money.
9. Possession of forged paper money.
10. Uttering, and possession with intent to utter, of false or counterfeit coin.

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11. Buying or selling, etc., counterfeit coin or forged paper money for lower value than its denomination.
12. Importing and exporting counterfeit coin and forged paper money.
13. Prohibition of importation of imitation coin.
14. Making, possessing and selling medals resembling gold or silver coin.
15. Making, mending and having possession of coining implements.
16. Making or having in possession paper or implements for forging paper money.
17. Purchasing or having in possession certain paper before it has been duly stamped and issued.
18. Offences with regard to foreign currencies.
19. Provisions as to arrest, discovery and seizure.
20. Form of indictment and proof of intent.
21. Power to fine.
22. Breaking of coin suspected to be counterfeit.

PROJET DE LOI

ENTITLED

“ CURRENCY OFFENCES (GUERNSEY) LAW, 1950.

THE STATES have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey:—

Interpreta-
tion.

1. (1) 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:—

“ Bailiwick ” means the Bailiwick of Guernsey.

“ British coin ” means any coin lawfully current by virtue of any proclamation or otherwise in any part

of His Majesty's dominions, whether within the United Kingdom or elsewhere, and the expression "British money" means money expressed in the terms of any British coin.

"Currency" means any money, whether paper money or metallic money, lawfully current in any part of His Majesty's dominions or in any foreign country.

"Currency notes" means any notes (by whatever name called) which are legal tender in the country in which they are issued.

"Foreign coin" means any coin lawfully current in any foreign country, and the expression "foreign money" means money expressed in the terms of any foreign coin.

"Magistrate" means—

In the Island of Guernsey, the Bailiff;

In the Island of Alderney, the Chairman or a Jurat of the Court of Alderney;

In the Island of Sark, the Seneschal or Deputy Seneschal of Sark.

(2) For the purposes of this Law—

(a) the expression "Paper money" includes bank notes and currency notes;

(b) the expression "copper coin" includes any coin of any metal or mixed metal not being a gold or silver coin;

(c) the expression "silver coin" includes any coin which in any country is legal tender as silver coin;

(d) a coin shall be deemed to be current if it has been coined in any of His Majesty's Mints, or is lawfully current by virtue of the royal prerogative or of enacted or customary law or of any Proclamation, or otherwise, in any part of His Majesty's

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- dominions, or is lawfully current in any foreign country; and any paper money shall be deemed to be current if it is thus lawfully current in any part of His Majesty's dominions or is lawfully current in any foreign country;
- (e) "die" includes any plate, type, tool, or implement whatsoever, and also any part of any die, plate, type, tool or implement, and any stamp or impression thereof or any part of such stamp or impression;
 - (f) a coin apparently intended to resemble or pass for any current coin shall be deemed to resemble that current coin;
 - (g) a current coin which has been gilt, silvered, washed, coloured or cased over or in any manner altered so as to resemble any current coin of a higher denomination shall be deemed to be a false or counterfeit coin resembling a current gold or silver coin;
 - (h) a thing shall be deemed to be in the possession of any person, if he himself has it in his personal custody or possession, and also if he knowingly and wilfully has it in the actual custody or possession of some other person, or in some building or place, whether open or enclosed, or in some ship, boat or other vessel, or aircraft, (whether belonging to or occupied by himself or not), and whether he has it for his own benefit or for that of any other person;
 - (i) forgery includes the making of any false paper money in order that it may be used as genuine, or with intent to defraud or deceive, and also includes the fraudulent alteration of any paper money.

**Jurisdiction
with regard
to punish-
ment.**

2. WHEREAS the Royal Court of the Island of Guernsey has jurisdiction to try and convict persons charged with any offence within the meaning of the

expression "fausse-monnaie" but the punishment of persons so convicted has hitherto been reserved to His Majesty:

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ON AND AFTER the date on which this Law comes into operation, the said Royal Court shall have jurisdiction as well to punish as to try and convict persons charged as hereinbefore in this section mentioned.

3. (1) Every person who falsely makes or counterfeits any coin resembling any current coin shall be guilty of an offence and on conviction thereof liable—

Counterfeit-
ing.

(a) in a case where the coin resembles a current gold or silver coin, to imprisonment for life, or for any lesser term as the Court may direct; and

(b) in a case where the coin resembles a current copper coin, to imprisonment for a term not exceeding seven years.

(2) The offence of falsely making or counterfeiting a coin shall be deemed to be complete although the coin made or counterfeited is not in a fit state to be uttered or the making or counterfeiting thereof has not been finished or perfected.

4. Every person who—

Gilding, sil-
vering, filing
and altering.

(a) gilds or silvers, or, with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever, washes, cases over or colours—

(i) any coin whatsoever resembling any current gold or silver coin; or

(ii) any current copper coin with intent to make it resemble or pass for any current gold or silver coin; or

(iii) any piece of silver or copper or of coarse gold or coarse silver or of any

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metal or mixture of metals, being of a fit size and figure to be coined, with intent that it shall be coined into false and counterfeit coin resembling any current gold or silver coin; or

- (b) gilds, or, with any wash or materials capable of producing the colour or appearance of gold or by any means whatsoever, washes, cases over or colours, any current silver coin with intent to make it resemble or pass for any current gold coin; or
- (c) files or in any manner alters—
 - (i) any current silver coin with intent to make it resemble or pass for any current gold coin; or
 - (ii) any current copper coin with intent to make it resemble or pass for any current gold or silver coin;

shall be guilty of an offence and on conviction thereof liable to imprisonment for life or for any lesser term as the Court may direct.

Impairing
gold or silver
coin and un-
lawful pos-
session of
filings, etc.

5. (1) Every person who impairs, diminishes or lightens any current gold or silver coin with intent that the coin so impaired, diminished or lightened may pass for a current gold or silver coin shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding fourteen years.

(2) Every person who unlawfully has in his possession any filing or clipping, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, which has been produced or obtained by impairing, diminishing or lightening any current gold or silver coin, knowing that it has been so produced or obtained shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding seven years.

6. (1) Every person who defaces any current coin by stamping thereon any names or words, whether the coin is or is not thereby diminished or lightened, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

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Defacing and
uttering de-
faced coins.

(2) A tender of payment in money made in any coin which has been defaced as aforesaid shall not be legal tender.

(3) Every person who tenders, utters or puts off any coin which has been defaced as aforesaid shall be guilty of an offence and on conviction thereof liable to a fine not exceeding forty shillings.

7. (1) Forgery of any paper money lawfully current in any part of His Majesty's dominions or in any foreign country, if committed with intent to defraud, shall be an offence and punishable with imprisonment for life or for any lesser term as the Court may direct.

Forgery of
paper money.

(2) The offence of forgery of paper money shall be deemed to be complete although the paper money as forged is incomplete and is not in a fit state to be uttered.

8. (1) A person utters forged paper money who, knowing the same to be forged, and with intent to defraud or deceive, uses, offers, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges, or puts off the said forged paper money.

Uttering
forged paper
money.

(2) Every person who utters any forged paper money shall be guilty of an offence and on conviction thereof liable to imprisonment for life or for any lesser term as the Court may direct.

(3) It is immaterial where the forged paper money was forged.

9. Every person shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding fourteen years, who, without lawful authority or excuse (the proof whereof shall lie on

Possession of
forged paper
money.

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the person accused), purchases or receives from any person, or has in his custody or possession, any forged paper money, knowing it to be forged.

Uttering and possession with intent to utter, of false or counterfeit coin.

10. (1) Every person who tenders, utters, or puts off any false or counterfeit coin resembling any current coin knowing it to be false or counterfeit, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

(2) Every person who tenders, utters or puts off any false or counterfeit coin resembling any current gold or silver coin, knowing it to be false or counterfeit, and—

(a) at the time of the tendering, uttering or putting off has in his possession, besides that coin, any other such false or counterfeit coin; or

(b) on the day of the tendering, uttering or putting off, or within the period of ten days next following tenders, utters or puts off any other such false or counterfeit coin, knowing it to be false or counterfeit;

shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding two years.

(3) Every person who has in his possession three or more false or counterfeit coins resembling any current gold or silver coin, knowing them to be false or counterfeit and with intent to utter or put off the said coins or any of them, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding five years.

(4) Every person who has in his possession three or more false or counterfeit coins resembling any current copper coin, knowing them to be false or counterfeit, and with intent to utter or put off the said coins or any of them, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

(5) Every person who commits—

- (a) any offence under sub-section (1) of this section in respect of a coin resembling a current gold or silver coin; or
- (b) any offence under sub-section (2) or sub-section (3) of this section;

having been previously convicted of any such offence or of any offence under section three, section four, section five, section seven, sub-section (2) of section eight, section nine, sub-section (1) of section eleven, sub-sections (1), (2) or (3) of section fifteen or section sixteen of this Law, shall, on conviction thereof be liable to imprisonment for life or for any lesser term as the Court may direct.

(6) Every person who, with intent to defraud, tenders, utters or puts off as or for any current gold or silver coin—

- (a) any coin not being that current coin and being of less value than that current coin; or
- (b) any medal or piece of metal or mixed metals resembling in size, figure and colour that current coin and being of less value than that current coin;

shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

(7) The offence of tendering, uttering or putting off a false or counterfeit coin shall be deemed to be complete although the coin is not in a fit state to be uttered or the counterfeiting thereof has not been finished or perfected.

11. (1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any false or counterfeit coin resembling any current coin, or any forged paper money resembling any current paper money,

Buying or selling, etc. counterfeit coin or forged paper money for lower value than its denominations.

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at or for a lower rate or value than the false or counterfeit coin or forged paper money imports, or apparently is intended to import, shall be guilty of an offence, and on conviction thereof liable—

- (a) in a case where the coin resembles a current gold or silver coin, or the paper money resembles any current paper money, to imprisonment for life or for any lesser term as the Court may direct; and
- (b) in a case where the coin resembles a current copper coin, to imprisonment for a term not exceeding seven years.

(2) In any indictment for any offence under this section in respect of a coin resembling a current gold or silver coin, or in respect of any paper money resembling any current paper money, it shall be sufficient to allege that the person accused bought, sold, received, paid or put off the coin or paper money or offered to buy, sell, receive, pay or put off the coin or paper money, at or for a lower rate of value than it imports or was apparently intended to import, without alleging at or for what rate, price or value it was bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off.

(3) An offence under this section shall be deemed to be complete although the coin or paper money bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off is not in a fit state to be uttered, or the counterfeiting or forging thereof has not been finished or perfected.

Importing
and export-
ing counter-
feit coin and
forged paper
money.

12. Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused)—

- (a) imports or receives into any part of the Bailiwick any false or counterfeit coin resembling any current gold, silver, or copper coin, knowing it to be false or counterfeit,

or any forged paper money, knowing it to be forged; or

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- (b) exports from any part of the Bailiwick, or puts on board any ship, boat or other vessel, or aircraft for the purpose of being so exported, any false or counterfeit coin resembling any current coin, knowing it to be false or counterfeit, or any forged paper money, knowing it to be forged;

shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding fourteen years.

13. (1) Save with such permission as is referred to in the proviso to this paragraph it shall be an offence to import or bring into the Bailiwick any imitation coin as defined in sub-section (2) of this section, and upon the conviction of any person in respect of an offence against this sub-section, that person shall be liable to a fine not exceeding One hundred pounds and to the forfeiture of the imitation coin in respect of which the offence was committed :

Prohibition
of importa-
tion of imita-
tion coin.

PROVIDED that the States Supervisor may grant permission for the importation into any part of the Bailiwick of any imitation coin in any particular instance if he is satisfied that such importation is for the purposes of knowledge or art, or any exhibition or collection, or for any lawful purpose, and that the imitation coin is not likely to circulate as current coin, or to be otherwise used for deceiving the public.

(2) Each of the following articles, if not a British or foreign coin, shall be an imitation coin within the meaning of this Law :

- (a) any piece of gold, silver, copper or bronze, or of metal or mixed metal, purporting to be a British or foreign coin or a token for British or foreign money, or bearing any

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word or device which indicates or may reasonably be taken to indicate that the holder thereof is entitled to demand any value in British or foreign money denoted thereon; and

- (b) any medal, cast, coin, or other like thing made wholly or partially of metal or any metallic combination, and resembling in size, figure and colour any British or foreign coin, or having thereon a device resembling any device on any British or foreign coin, or being so formed that it can, by gilding, silvering, colouring, washing, or other like process, be so dealt with as to resemble any British or foreign coin.

Making, possessing and selling medals resembling gold or silver coin.

14. Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused) makes, sells, offers for sale or has in his possession for sale, any medal, cast, coin, or other like thing made wholly or partially of metal or any mixture of metals, and either—

- (a) resembling in size, figure and colour any current gold or silver coin; or
- (b) having thereon a device resembling a device on any such current coin; or
- (c) being so formed that it can, by gilding, silvering, colouring, washing or other like process be so dealt with as to resemble any such current coin;

shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding one year.

Making, mending and having possession of coining implements.

15. (1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession, any puncheon, counter-puncheon, matrix, stamp, die, pattern or mould in or upon which there

is made or impressed, or which will make or impress, or which is adapted and intended to make or impress, the figure, stamp or apparent resemblance of both or either of the sides of any current gold or silver coin, or any part of both or either of those sides, shall be guilty of an offence and on conviction thereof liable to imprisonment for life or for any lesser term as the Court may direct.

(2) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession—

- (a) any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any current gold or silver coin, knowing it to be so adapted and intended as aforesaid; or
- (b) any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance round blanks out of gold, silver or other metal or mixture of metals, or any other machine, knowing the press to be a press for coinage or knowing the engine or machine to have been used or to be intended to be used for the false making or counterfeiting of any current gold or silver coin;

shall be guilty of an offence and on conviction thereof liable to imprisonment for life or for any lesser term as the Court may direct.

(3) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in

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his possession, any instrument, tool or engine adapted and intended for the counterfeiting of any current copper coin, shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding seven years.

Making or having in possession paper or implements for forging paper money.

16. Every person shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding seven years, who, without lawful authority or excuse (the proof whereof shall lie on the person accused)—

- (a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as special paper such as is provided and used for making any paper money;
- (b) makes, uses, or knowingly has in his custody or possession, any frame, mould, or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines or devices peculiar to and used in or on any such paper;
- (c) engraves or in anywise makes upon any plate, wood, stone or other material, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any paper money;
- (d) uses or knowingly has in his custody or possession any plate, wood, stone or other materials, upon which any such words, figures, letters, marks, lines, or devices have been engraved or in anywise made as aforesaid;
- (e) uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines or devices have been printed or in anywise made as aforesaid.

17. Every person shall be guilty of an offence and on conviction thereof liable to imprisonment for a term not exceeding two years, who, without lawful authority or excuse (the proof whereof shall lie on the person accused) purchases, receives, or knowingly has in his custody or possession—

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 Purchasing or having in possession certain paper before it has been duly stamped and issued.

- (a) any special paper provided and used for making paper money;
- (b) any die peculiarly used in the manufacture of any such paper.

18. Acts which would be offences under this Law if committed with regard to any currency of any part of His Majesty's dominions shall if committed with regard to the currency of any foreign country be offences under this Law.

Offences with regard to foreign currencies.

19. (1) Any person found committing an offence against this Law, other than an offence against section 14 thereof, may be immediately apprehended by any person and shall be produced with all convenient speed before the appropriate Court in the Bailiwick, to be dealt with according to law.

Provisions as to arrest, discovery and seizure.

(2) If any person finds in any place whatsoever, or in the possession of any person without lawful authority or excuse—

- (a) any false or counterfeit coin resembling any current coin (in this section referred to as a "counterfeit coin"); or
- (b) any instrument, tool or engine whatsoever adapted and intended for the counterfeiting of any such coin (in this section referred to as a "counterfeiting instrument"); or
- (c) any filings or clippings, or any gold or silver bullion, or any gold or silver in dust solution or otherwise, which have been produced or obtained by diminishing or lightening any current gold or silver coin (in this section referred to as "counterfeiting material");

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he shall seize the counterfeit coin or counterfeiting instrument or material and forthwith place it, or cause it to be placed, in the possession of the Police.

(3) If a Magistrate is satisfied by information on oath that there is reasonable ground for supposing that—

- (a) any person has been concerned in counterfeiting any current coin, or has in his possession any counterfeit coin or any counterfeiting instrument or any other machine used or intended to be used for making or counterfeiting any current coin (in this section referred to as a “counterfeiting machine”) or any counterfeiting material; or
- (b) any person has in his custody or possession without lawful authority or excuse—
 - (i) any implement for making paper used for paper money or for making any imitation of such paper; or
 - (ii) any material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of any paper money; or
 - (iii) any forged paper money or die; or
 - (iv) any machinery, implement, utensil, or material used or intended to be used for the forgery of any paper money;

the said Magistrate may grant a search warrant to any one or more police officers named in the warrant, and a warrant so granted shall authorise the officer or officers named therein—

to enter and search any building, place, ship, boat, vessel or aircraft whatsoever belonging to or under the control of the suspected person, either in the day or in the night; and

to seize and secure, for the purpose of being produced in evidence and otherwise dealt with according to law, any of the things mentioned in paragraphs (a) and (b) of this subsection.

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(4) Any thing or things seized in virtue of this section, or otherwise, shall, if it is or they are not required to be produced in evidence, or, if so required, after being so produced, be delivered up to the Lieutenant Governor or to any person authorised by him to receive it or them.

20. (1) In any criminal process in respect of an offence against this Law with reference to any paper money or die, it shall be sufficient to refer to the paper money or die by any name or designation by which it is usually known, or by its purport, without setting out any copy or facsimile of the whole or any part of the paper money or die.

Form of indictment and proof of intent.

(2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Law or by virtue of any other enacted Law or customary law relating to forgery or any kindred offence for the time being in force in the Bailiwick, it shall not be necessary to allege or to prove an intent to defraud or deceive any particular person; and it shall be sufficient to prove that the defendant did the act charged with intent to defraud or to deceive, as the case may require.

21. On conviction of an offence punishable under this Law, the Court instead of, or in addition to, any other punishment which may be lawfully imposed may fine the offender.

Power to fine.

22. (1) If any person suspects any coin tendered to him as current gold or silver coin to have been diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for him to break the coin.

Breaking of coin suspected to be counterfeited.

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(2) If any coin when so broken appears to have been diminished otherwise than as aforesaid, or to be counterfeit, the person tendering it shall bear the loss thereof, but if it is of due weight and appears to be lawful coin, the person breaking it shall receive it at the rate it was coined for.

(3) If any dispute arises whether any coin so broken has been diminished otherwise than as aforesaid, or is counterfeit, it shall be heard and finally determined in a summary manner—

- (a) before the Petty Debts Court in the Island of Guernsey, if the dispute arises in that Island;
- (b) before the Chairman and two Jurats of the Court of Alderney, if the dispute arises in that Island; or
- (c) before the Seneschal or Deputy Seneschal of the Island of Sark, if the dispute arises in that Island.

(Registered on the Records on the 2nd December, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of November, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. WILSON

MR. STRAUSS

MR. MARQUAND.

Loi de 1950
supplé-
mentaire à
la Loi
relative aux
Automobiles.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of October, 1950, in the words following, viz. :—

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

' 1. That, in pursuance of their Resolution of the 20th day of September, 1950, the States of Deliberation at a meeting held on the 11th day of October, 1950, approved a Bill or "Projet de Loi" entitled "Loi de 1950 supplémentaire à la Loi relative aux Automobiles" and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "Loi de 1950 supplémentaire à la Loi relative aux Automobiles" and to order that the same shall have force of Law in the Island of Guernsey.'

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats,

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and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

LOI DE 1950 SUPPLÉMENTAIRE À LA LOI RELATIVE AUX AUTOMOBILES.

THE STATES, in pursuance of their Resolution of of the 20th day of September, 1950, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

Amendment
of Article 4
of 1926 Law.

1. Article 4 of the Loi relative aux Automobiles, registered on the Records of this Island on the 11th day of December, 1926, (hereinafter referred to as "the Principal Law"), as amended by the Loi supplémentaire à la Loi relative aux Automobiles, registered on the Records of this Island on the 20th day of November, 1937, (hereinafter referred to as "the 1937 Law") and by the Loi de 1948 amendant la Loi relative aux Automobiles (hereinafter referred to as "the 1948 Law"), is hereby amended as follows—

- (1) by inserting, immediately after the words and figure "(4) jusqu'à cinquante chelins sur les motocyclettes avec 'side-cars'" and before the Proviso inserted by the 1948 Law, a semi-colon in lieu of the full-stop and the words and figure "(5) jusqu'à une livre sterling sur les motocyclettes visées par la section (e) susdite."; and
- (2) by inserting, immediately after the Proviso inserted by the 1948 Law, the words "Pourvu

aussi que la somme percevable dans le cas d'un des automobiles visés par les sections (a) et (b) susdites ne sera en aucun cas moins que la somme percevable dans le cas visé par la section (d) susdite (pour les motocyclettes avec 'side-cars')".

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2. Article 11 of the Principal Law is hereby amended by substituting for the words " d'un chelin " the words " de cinq chelins ".

Amendment
of Article 11
of 1926 Law.

3. The holder of a driving licence of one category issued under the Principal Law shall not, during the currency of that licence, be required to make any further payment in respect of the issue to him under that Law of a driving licence of any other category.

Only one
payment
to be made.

4. The Principal Law, the Loi supplémentaire relative aux Automobiles, 1932, the Loi supplémentaire à la Loi relative aux Automobiles, 1932, the 1937 Law, the Loi supplémentaire relative aux Automobiles (Autorisations à Conduire), 1937, the Loi supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939, the Loi supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946, the 1948 Law and this Law may be cited together as the Lois relatives aux Automobiles, 1926 à 1950.

Citation.

5. This Law shall come into force on such day as shall be fixed by Ordinance.

Commence-
ment.

(Registered on the Records on the 2nd December, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,

The 2nd day of November, 1950.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT

MR. WILSON

MR. STRAUSS

MR. MARQUAND.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of October, 1950, in the words following, viz. :—

States
Committees
(Special
Provisions)
(Guernsey)
Law, 1950.

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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 their Resolution of the 17th day of May, 1950, the States of Deliberation at a meeting held on the 11th day of October, 1950, approved a Bill or “Projet de Loi” entitled “The States Committees (Special Provisions) (Guernsey) Law, 1950,” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The States Committees (Special Provisions) (Guernsey) Law, 1950,” and to order that the same shall have force of Law in the Island of Guernsey.’

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

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

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

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

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ THE STATES COMMITTEES (SPECIAL PROVISIONS) (GUERNSEY) LAW, 1950 ”.

WHEREAS the States, by their Resolution dated the 17th day of May, 1950, made decisions in relation to the filling of vacancies from time to time occurring in the office of President of any of the States' committees envisaged by the said Resolution, to the term of such office, and generally in relation to the composition of States' committees :

AND WHEREAS that Resolution, in so far as it is not inconsistent with the provisions of any enactment, became operative immediately :

AND WHEREAS it is expedient that that Resolution should be of general application and that such legislative changes should be made as are necessary to effect this purpose :

NOW THEREFORE the States, in pursuance of their aforesaid Resolution, have approved the follow-

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ing provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island:—

Election of
Presidents.

1. Any enactment now in force which provides that the President of any States' committee shall be elected otherwise than by the States shall henceforth have effect as though it contained a provision that, on the occurrence of a vacancy in the office of President of that committee, the vacancy shall be filled by election by the States.

Period of
office of
Presidents.

2. (1) Any enactment now in force which prescribes the period of office of a President of a States' committee shall on and after the next occurrence of a vacancy in the office of that President have effect as though it prescribed that the period of office of that President shall expire on the 31st day of January on which he completes a period of three years of office or, if his period of office does not expire on such a day, on the 31st day of January next following the date on which he completes such a period of office:

PROVIDED THAT as respects the period of office current at the date of the commencement of this Law of any such President in office otherwise than by election of the States, the enactment shall be deemed to prescribe that that period of office shall expire on the 31st day of January next thereafter.

(2) Any provision of an enactment now in force whereby, on a President of a States' committee ceasing to hold office otherwise than by effluxion of time his successor is to hold office only for the unexpired portion of the period of office of the President to be replaced, shall cease to have effect.

President
ceasing to
have seat
in the States.

3. Notwithstanding the provisions of Article 18 of the Reform (Guernsey) Law, 1948, any President of a States' committee having or having had at the time of his election to office a seat in the States shall, on

ceasing to have such a seat, be deemed to have tendered his resignation to the President of the States for their consideration.

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4. Notwithstanding that the composition of any States' committee is prescribed by enactment, the States are hereby empowered to vary the same by resolution :

States empowered to vary composition of Committees.

PROVIDED THAT no such resolution shall have the effect of reducing the number of members required by such enactment to have a particular qualification for membership or of altering in their case any such qualification.

5. Notwithstanding any provision in this Law or in any other enactment now or hereafter in force prescribing the duration of the period of office of a President or any member of a States' committee, the States may by resolution terminate that period of office on a date earlier than that on which it would otherwise terminate.

Termination of period of a President or Member.

6. In section 1 of the States Committees (Guernsey) Law, 1949, there shall be inserted between the word "Committee" and the word "shall" the words and brackets following:—

Amendment of 1949 Law.

"(except a Member, other than the President, of the States Insurance Authority)".

7. In this Law, the expression "committee" shall include any body styled an Authority, Board, Council or otherwise.

Definition.

8. This Law shall come into operation on the date on which the Order of His Majesty in Council sanctioning the same is registered on the Records of this Island.

Commencement.

1940

(Registered on the Records on the 9th December, 1950.)

Distribution
of German
Enemy
Property
(No. 1)
Order, 1950.

The Bailiff having this day communicated to the Court an Order of His Majesty in Council dated the 2nd day of November, 1950, transmitting copies of an Order in Council dated the 9th day of October, 1950, entitled "The Distribution of German Enemy Property (No. 1) Order, 1950,"—the Court, after the reading of the said communicated Order in Council and after having heard His Majesty's Procureur thereon, ordered :—

1. That the said communicated Order in Council be registered on the records of this Island.
2. That a copy of the said transmitted Order in Council be registered on the said records by being filed at the Greffe.
3. That an extract of this present Act, together with a copy of each of the said Orders in Council, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands.

(Registered on the Records on the 23rd December, 1950.)

AT THE COURT AT BUCKINGHAM PALACE,
The 8th day of December, 1950.

PRESENT,

THE KING'S MOST MOST EXCELLENT MAJESTY
LORD PRESIDENT
LORD PAKENHAM
MR. SECRETARY GORDON-WALKER
MR. DUGDALE.

Export of
Tomatoes
Law, 1949,
(Continu-
ance) Law,
1950.

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 December, 1950, 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) the humble Petition of the States of the Island of Guernsey, setting forth:—

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‘ 1. That, in pursuance of their Resolution of the 26th day of July, 1950, the States of Deliberation at a meeting held on the said 26th day of July, 1950, approved a Bill or “Projet de Loi” entitled “The Export of Tomatoes Law, 1949, (Continuance) Law, 1950” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Export of Tomatoes Law, 1949, (Continuance) Law, 1950” and to order that the same shall have force of Law in the Island of Guernsey.’ And

(b) The humble Petitions of the Growers Free Marketing Federation of Guernsey and the Guernsey Produce Exporters Association praying that Your Majesty might be graciously pleased to withhold Your Royal Sanction to the said Projet de Loi:

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petitions 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 of the States of the Island of Guernsey 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 advised 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 and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing Order
in Council.

PROJET DE LOI

ENTITLED

“ THE EXPORT OF TOMATOES LAW, 1949,
(CONTINUANCE) LAW, 1950 ”.

THE STATES, in pursuance of their Resolution of the 26th day of July, 1950, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

1949 Law to
Continue.

1. Notwithstanding the provisions of section three of the Export of Tomatoes Law, 1949, and of the Export of Tomatoes Law, 1949, (Continuance) Law, 1949, the Export of Tomatoes Law, 1949, shall remain in force until the 31st day of December, 1951.

2. For the removal of doubt it is hereby declared that nothing in this Law contained shall be deemed to provide for the continuance in force after the 31st day of December, 1950, of any Order made before that date under the provisions of the Export of Tomatoes Law, 1949, and the Export of Tomatoes Law, 1949, (Continuance) Law, 1949.

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Orders made
under 1949
Laws.