

ORDER IN COUNCIL

XXII
1990

ratifying a Projet de Loi

ENTITLED

The Trading Stamps (Amendment) (Guernsey) Law, 1990

(Registered on the Records of the Island of Guernsey
on the 1st October, 1990.)



1990

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of October, 1990 before Sir Charles Frossard, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe and Lawrence Oscar Ozanne, Esquires.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 7th day of June, 1990, approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Trading Stamps (Amendment) (Guernsey) Law, 1990", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 7th day of June 1990

PRESENT,

The Queen's Most Excellent Majesty in Council

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 1990 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, 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 8th day of November, 1989, the States of Deliberation at a meeting held on the 31st day of January 1990 approved a Bill or “Projet de Loi” entitled “The Trading Stamps (Amendment) (Guernsey) Law, 1990”, 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 as 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 Trading Stamps (Amendment) (Guernsey) Law, 1990”, 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."

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

AND HER 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 Her 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.

G. I. de Deney

PROJET DE LOI

ENTITLED

The Trading Stamps (Amendment) (Guernsey) Law, 1990

THE STATES, in pursuance of their Resolution of the 8th day of November, 1989, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. In the Trading Stamps (Guernsey) Law, 1966, as amended(a)— Amendment
to Law of
1966.

- (a) in section 1(1) in the definition of “the Committee” for “Advisory and Finance Committee” substitute “Board of Trade and Industry or such other committee of the States as the States may by Resolution appoint”;
- (b) in section 2(4)(a)(ii) for “one hundred pounds” substitute “level 4 on the uniform scale”;
- (c) in section 2(4)(b) for “twenty pounds” substitute “level 2 on the uniform scale”;
- (d) in section 3(2)(a)—
 - (i) for “one thousand” substitute “ten thousand”;

(a) Ordres en Conseil Vol. XX, p. 144; Vol. XXIV, p. 250.

(ii) after "Ordinance" insert "and has paid to the Committee the registration fee of £500 or such other sum as the States may prescribe by Ordinance";

(e) in section 5(1)—

(i) after "on that day" insert "and a copy, so certified, of the promoter's balance sheet as at that day";

(ii) in the proviso, after "statement", wherever appearing, insert "or balance sheet";

(f) in section 5(2)(b) for "one thousand" substitute "ten thousand";

(g) after section 5 insert—

"Annual
registration
fee.

5A. The promoter of a trading stamp scheme shall, on every anniversary of its registration in the Register of Promoters, pay to the Committee a fee of £500 or such other sum as the States may prescribe by Ordinance."

(h) in section 6(2) for "the Committee shall" substitute "or under section 7, the Committee may";

(i) in section 7(c) after "five" insert "or section 5A";

(j) in section 10(3)(a) for "one hundred pounds" substitute "level 4 on the uniform scale";

(k) in section 10(3)(b) for "twenty pounds" substitute "level 2 on the uniform scale";

(l) in section 11(1) for "five shillings" substitute "£1";

(m) for section 12 substitute—

"Warranties
to be
implied on
redemption
of trading
stamps for
goods.

12. (1) In every redemption of trading stamps for goods, notwithstanding any terms to the contrary on which the redemption is made, there is—

- (a) an implied warranty on the part of the promoter of the trading stamp scheme that he has a right to give the goods in exchange;
- (b) an implied warranty that the goods are free from any charge or encumbrance not disclosed or known to the person obtaining the goods before or at the time of redemption and that that person will enjoy quiet possession of the goods except so far as it may be disturbed by the owner or other person entitled to the benefit of any charge or encumbrance so disclosed or known;
- (c) an implied warranty that the goods are of

merchantable quality, except that there is no such warranty—

- (i) as regards defects specifically drawn to the attention of the person obtaining the goods before or at the time of redemption; or
- (ii) if that person examines the goods before or at the time of redemption, as regards defects which that examination ought to reveal.

(2) Goods of any kind are of merchantable quality within the meaning of this section if they are as fit for the purpose or purposes for which goods of that kind are commonly bought as it is reasonable to expect having regard to any description applied to them and all the other relevant circumstances.”;

- (n) in section 13(2), (3)(a)(ii) and (3)(b) for “one hundred pounds” substitute “level 4 on the uniform scale”;
- (o) in section 14(2) for “fifty pounds” substitute “level 2 on the uniform scale”;

(p) in section 15(3) and (4) for “twenty pounds” substitute “level 2 on the uniform scale”;

(q) after section 17 insert—

<p>“General provision as to Ordinances.</p>	<p>17A. An Ordinance of the States under any provision of this Law—</p>
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(a) may be amended or
repealed by a subse-
quent Ordinance
thereunder;

(b) may contain transi-
tional, consequential,
incidental and supple-
mental provisions.”;

(r) section 18(2) is repealed.

2. In the States Board of Administration (Trans-
fer of Functions) Law, 1974(b)—

Amendment
to Law of
1974.

(a) section 2(2) is repealed;

(b) in the Schedule thereto the entries relating
to the Trading Stamps (Guernsey) Law,
1966 are repealed.

3. (1) This Law may be cited as the Trading
Stamps (Amendment) (Guernsey) Law, 1990.

Citation and
collective
title.

(2) This Law and the Trading Stamps (Guern-
sey) Law, 1966, as amended, may be cited together
as the Trading Stamps (Guernsey) Laws, 1966 and
1990.

Commence-
ment

4. This Law and the Trading Stamps (Guernsey) Law, 1966, as amended, shall come into operation on the 28th day after the date of the registration of this Law on the records of the Island of Guernsey.

K. H. TOUGH,
Her Majesty's Greffier.