

# ORDRE EN CONSEIL

intitulé

**"Emergency Powers (Guernsey) Order  
in Council, 1945".**

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(Enregistré sur les Records de l'Ile de Guernesey le  
24 août 1945.)



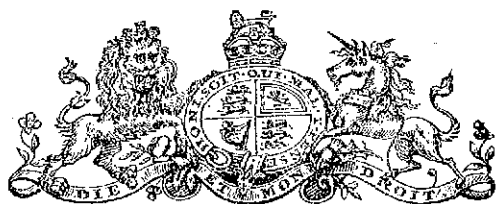
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1945**

## ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ÎLE DE GUERNESEY  
*Le vingt-quatre août mil neuf cent quarante-cinq, par  
devant Victor Gosselin Carey, écuyer, Baillif,  
présents: Jean Allès Simon, John Roussel,  
Osmond Priaulx Gallienne, Arthur Dorey, John  
Leale, James Frederick Carey, Pierre de Putron,  
Arthur Falla, Quertier Le Pelley et Walter John  
Sarre, écuyers, Jurés.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 14 août 1945 intitulé "Emergency Powers (Guernsey) Order in Council, 1945". La Cour après avoir eu lecture du dit Ordre en Conseil, ouïes les conclusions du Procureur du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les records de cette Ile et qu'un extrait des registres de ce présent acte avec un exemplaire du dit Ordre en Conseil sera expédié par le Greffier du Roi à Monsieur le Sénéchal Délégué de l'Ile de Sercq afin d'être enregistrés sur les Records de la dite Ile, duquel Ordre la teneur suit:—

### **At the Court at Buckingham Palace**

The 14th day of August, 1945.

**Present,**

### **The King's Most Excellent Majesty**

LORD PRESIDENT.

MISS WILKINSON.

LORD MACMILLAN.

MR. THOMSON.

MR. TOM WILLIAMS.

WHEREAS in exercise of the powers conferred on Him by subsection (1) of section four of the Emer-

LE 24 AOUT 1945.

gency Powers (Defence) Act, 1939<sup>(a)</sup>, His Majesty was pleased by the Emergency Powers (Channel Islands) Order in Council, 1944<sup>(b)</sup>, to extend certain of the provisions of the said Act to the Channel Islands subject to the adaptations and modifications contained in the Schedule to that Order:

AND WHEREAS it is expedient to make fresh provision with respect to the extension of the said Act to the Bailiwick of Guernsey:

NOW, THEREFORE, His Majesty, in pursuance of the said subsection (1) and of subsection (3) of section eight of the said Act, and of all powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Emergency Powers (Guernsey) Order in Council, 1945.

(2) In this Order, the expression “Bailiwick of Guernsey” includes the territorial waters adjacent to every part of that Bailiwick, the expression “Island of Alderney” includes the dependencies of that Island and the territorial waters adjacent to that Island and those dependencies, and the expression “Royal Court” means the Royal Court of Guernsey; and references in this Order to the Emergency Powers (Defence) Act, 1939, shall be construed as references to that Act as amended by the Emergency Powers (Defence) Act, 1940<sup>(c)</sup>.

(3) The Interpretation Act, 1889<sup>(d)</sup>, 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 and the

(a) 2 & 3 Geo. 6. c. 62.

(b) S.R. & O. 1944 No. 1483.

(c) 3 & 4 Geo. 6. c. 20.

(d) 52 & 53 Vict. c. 63.

Emergency Powers (Channel Islands) Order in Council, 1944, shall be deemed to be Acts of Parliament.

(4) The Emergency Powers (Channel Islands) Order in Council, 1944, shall cease to have effect, so far as it applies to the Bailiwick of Guernsey, on the twenty-fifth day of August, nineteen hundred and forty-five.

(5) Nothing in this Order shall affect the extension to the Bailiwick of Guernsey of Regulation five of the Defence (Companies) Regulations, 1940<sup>(a)</sup>.

2.—(1) On and after the twenty-fifth day of August, nineteen hundred and forty-five, the provisions of the Emergency Powers (Defence) Act, 1939, other than section four thereof shall, with the exception of subsections (3) and (4) of section two and sections five, eight, nine and eleven, extend to the Bailiwick of Guernsey, subject to the adaptations and modifications specified in the Schedule to this Order.

(2) Defence Regulations may be made at any time before the said twenty-fifth day of August under the said Act as extended to the Bailiwick of Guernsey by virtue of this Order for the purpose of continuing in force, whether with or without modifications, any Defence Regulation for the time being in force in relation to the Bailiwick of Guernsey under the said Act as extended to the Channel Islands by the Emergency Powers (Channel Islands) Order in Council, 1944, but no Defence Regulation made by virtue of this paragraph shall come into operation until the said date.

3.—The powers conferred on the Royal Court by virtue of this Order shall be in addition to, and not in derogation of, any other powers possessed by the Royal Court.

(a) See S.R. & O. 1941 (No. 1210) II, p. 156 and 1942 (Nos. 505 and 803) II, pp. 133-4.

4.—No Regulation made by the Royal Court under this Order shall lapse by effluxion of time unless the Ordinance whereby the Regulation is made expressly so provides.

5.—Any power conferred by this Order to make Regulations shall be construed as including power to vary or revoke such Regulations.

*E. C. E. Leadbitter.*

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## SCHEDULE.

### ADAPTATIONS AND MODIFICATIONS OF THE EMERGENCY POWERS (DEFENCE) ACT, 1939, AS EXTENDED TO THE BAILLIWICK OF GUERNSEY.

1.—The authority empowered to make Defence Regulations shall be—

- (a) as respects the Bailiwick of Guernsey excluding the Island of Alderney, the Royal Court ;
- (b) as respects the Island of Alderney, the Lieutenant-Governor ;

and accordingly in subsection (1) of section one, for the words "His Majesty may by Order in Council" there shall be substituted the words "the Royal Court may, as respects the Bailiwick of Guernsey excluding the Island of Alderney, and the Lieutenant Governor may, as respects the Island of Alderney" and for the words "to him" there shall be substituted the words "to them or him"; and references in subsections (2) and (3) of that section to His Majesty in Council shall be construed as references to the Royal Court or to the Lieutenant Governor, as the case may be.

2.—In paragraph (a) of subsection (2) of section one, for the words "the Secretary of State" there shall be substituted the words "such authority or person as may be specified in the Regulations".

3.—In sub-paragraphs (i) and (ii) of paragraph (b) of subsection (2) of section one, the references to His Majesty shall be construed—

- (a) in relation to property or an undertaking in the Islands of Guernsey, Herm or Jethou, as including references to the States of Guernsey ;
- (b) in relation to property or an undertaking in the Island of Alderney, as including references to the States of Alderney ;
- (c) in relation to property or an undertaking in the Island of Sark, as including references to the Chief Pleas of Sark.

4.—The provisions of paragraph (d) of subsection (2) of section one and of subsection (4) of that section shall apply to any Ordinance or other law in force in the Bailiwick of Guernsey or any part thereof, whenever made, as those provisions apply to any enactment passed or made before the passing of the Emergency Powers (Defence) Act, 1940.

5.—The reference in subsection (4) of section one to the Emergency Powers (Defence) Act, 1939, shall be construed as including a reference to that Act as extended to the Bailiwick of Guernsey.

6.—In subsection (6) of section one for the words “includes any enactment of the Parliament of Northern Ireland” there shall be substituted the words “includes—

- (a) any Act of Parliament in its application to the Bailiwick of Guernsey ;
- (b) any Order of His Majesty in Council in its application to the Bailiwick of Guernsey, not being an Order in Council made under the Emergency Powers (Defence) Act, 1939”.

7.—In subsection (1) of section two, for references to the Treasury and to an order there shall be substituted references to the Royal Court and to an Ordinance, and for subsection (2) of that section there shall be substituted the following subsection:—

“(2) Any charges recovered by virtue of such an Ordinance as aforesaid shall be paid into a special account to be kept by the Treasurer of the States of Guernsey, and there shall be payable thereout the expenses of such a scheme of control certified by him as properly so payable, and the balance shall be payable without further deductions into the General Revenue of the Islands of Guernsey, Alderney and Sark in such proportions as may be agreed or may be directed by Ordinance.”

8.—In subsection (5) of section two, the words “with the approval of the Treasury” shall be omitted, and for the words from “and all sums received” to the end of the subsection there shall be substituted the words “and all sums received by way of such fees or charges as aforesaid shall be paid into a special account to be kept by the Treasurer of the States of Guernsey, and there shall be payable thereout the expenses in respect of the grant or issue of any such licence, permit, certificate or other document as are certified by him to be properly so payable, and the balance shall be payable without further deduction into the General Revenue of the Islands of Guernsey, Alderney and Sark in such proportion as may be agreed or may be directed by Ordinance.”

9.—In subsection (1) of section three, for the references to the United Kingdom there shall be substituted references to the Bailiwick of Guernsey or, in relation to a Defence Regulation applying to part only of that Bailiwick, references to the part to which the Regulation applies; and for sub-paragraph (i) of paragraph (b) of that subsection that shall be substituted the following paragraph:—

“(i) the United Kingdom and a Dominion”.

10.—In subsection (1) of section six, for the reference to the commencement of the Emergency Powers (Defence) Act, 1939, there shall be substituted a reference to the twenty-fifth day of August, nineteen hundred and forty-five.

11.—In subsection (2) of section six, for the words from “on summary conviction” to “on conviction or indictment” there shall be substituted the words “on conviction”.

12.—In subsection (3) of section six, after the words “the Official Secrets Act, 1920,” there shall be inserted the words “and of any adaptation thereof for the time being in force in the Bailiwick of Guernsey”, and for the reference in that subsection to the Emergency Powers (Defence) Act, 1939, there shall be substituted a reference to this Order.

A. J. ROUSSEL,  
Greffier du Roi.