

**XII
1946**

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

**" Import and Export (Control) (Guernsey)
Law, 1946 ".**

(Enregistré sur les Records de l'Ile de Guernesey le
4 septembre 1946).



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1946.

ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ÎLE DE GUERNESEY.

*Le quatre septembre mil neuf cent quarante-six, par
devant Ambrose James Sherwill, écuyer, C.B.E.,
M.C., Baillif; présents: Jean Allès Simon,
Osmond Priaulx Gallienne, écuyers, Ernest de
Garis, écuyer, O.B.E., Messire John Leale,
Chevalier, Messire Abraham James Lainé,
K.C.I.E., Arthur Falla, Pierre de Putron,
Quertier Le Pelley, Walter John Sarre, écuyers,
et Richard Henry Johns, écuyer, O.B.E., Jurés.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 2 août 1946 ratifiant un Projet de Loi intitulé "Import and Export (Control) (Guernsey) Law, 1946",—la Cour, après avoir eu lecture du dit Ordre en Conseil, ouies les conclusions du Contrôle du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les records de cette Ile, duquel Ordre en Conseil la teneur suit :—

At the Court at Buckingham Palace

The 2nd day of August, 1946.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT.
LORD MACMILLAN.
MR. SECRETARY EDE.
MR. BARNES.

WHEREAS there was this day read at the Board
a Report from the Right Honourable the Lords of
LE 4 SEPTEMBRE 1946.

the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of July, 1946, in the words following, viz :—

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

‘ 1. That on the 18th day of May, 1946, the Royal Court adopted a Bill or “ *Projet de Loi* ” entitled “ Import and Export (Control) (Guernsey) Law, 1946,” and requested the Bailiff to submit the same to the States of Deliberation for approval.

2. That on the 5th day of June, 1946, the said Bill or “ *Projet de Loi* ” was considered by the States when a resolution was passed approving the same and authorizing the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. That the said Bill or “ *Projet de Loi* ” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey entitled “ Import and Export (Control) (Guernsey) Law, 1946,” and to order and direct that the same shall have the force of Law in the Island of Guernsey.

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

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice

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

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

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

E. C. E. Leadbitter.

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

PROJET DE LOI

INTITULÉ

**“Import and Export (Control) (Guernsey)
Law, 1946”.**

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.

ARTICLE I.

Control of importation and exportation,

(1) The Board of Administration may by order make such provisions as the Board think expedient for prohibiting or regulating, in all cases or any specified classes of cases, and subject to such exceptions, if any, as may be made by or under the order, the importation into, or exportation from, the Island or the shipment as ships' stores of all goods or goods of any specified description.

(2) An Order made under this Article may contain such provisions as appear to the Board of Administration to be necessary for securing the due operation and enforcement of the order.

(3) If, for the purposes of obtaining any licence, authority or permission for the importation, exportation, or shipment as ships' stores of any goods which, without such licence, authority or permission, are prohibited to be imported, exported or shipped as ships' stores by an order made under this Article, any person makes any statement or furnishes any document or information which to his knowledge is false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be liable to a fine not exceeding

one hundred pounds sterling, or to imprisonment with or without hard labour, for a term not exceeding six months, or to both such fine and imprisonment.

(4) For the avoidance of doubt it is hereby declared that, without prejudice to the provisions of the enactments relating to customs (impôts) with respect to ships and aircraft, the taking into or out of the Island of ships or aircraft may be prohibited or regulated by an order made under this Article as an importation or exportation of goods, notwithstanding that the ships or aircraft are conveying goods or passengers, and whether or not they are moving under their own power.

(5) Every order made by the Board of Administration under this Article—

- (a) shall come into force on the date prescribed thereby ;
- (b) may be amended or revoked by a subsequent order ; and
- (c) shall remain in force until revoked.

(6) The President of the Board of Administration shall, immediately on the making thereof, cause every order made under this Article to be published in La Gazette Officielle.

ARTICLE 2.

Duties of travellers.

(1) Any person who, on any occasion, arrives in or is about to leave the Island (which person is hereinafter in this Article referred to as " the traveller ") shall, if on that occasion he is required so to do by a customs Officer of the States of Guernsey—

- (a) declare whether or not he has with him any goods prohibited to be imported or exported under this Law ; and
- (b) produce any such goods as aforesaid which he has with him ;

and such officer, and any person acting under his directions, may search the traveller and examine and search his luggage for the purpose of ascertaining whether he has with him any such goods as aforesaid ;

Provided that no female shall be searched in pursuance of this paragraph except by a female.

(2) If any person refuses to make a declaration or fails to produce any goods or refuses to allow himself or his luggage to be searched in accordance with the provisions of paragraph (1) of this Article, or makes a statement which is false in a material particular, he shall be liable to a fine not exceeding one hundred pounds sterling, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine and such imprisonment.

ARTICLE 3.

Penalty for illegal importation or exportation of goods.

(1) If any goods—

- (a) are imported, exported or shipped as ships' stores in contravention of an order made under this Law ; or
- (b) are brought to any quay or other place, or waterborne, for the purpose of being exported or of being so shipped in contravention of such an order,

the goods shall be forfeited and the importer, or the exporter or intending exporter, or the shipper or intending shipper, as the case may be, of the goods, or the agent of any of them, shall be liable to a fine not exceeding one hundred pounds sterling.

(2) If any goods are imported, exported or shipped as ships' stores, or are brought to any quay or other place, or waterborne, for the purpose of being exported or of being so shipped, a customs officer of the

States of Guernsey may require any person possessing or having control of the goods to furnish proof that the importation or exportation of the goods, or the shipment of the goods as ships' stores, as the case may be, is not unlawful by virtue of an order made under this Law ; and, if such proof is not furnished to the satisfaction of the Board of Administration, then, unless the contrary be proved, the goods shall be deemed to be goods whereof the importation, exportation or shipment as ships' stores, as the case may be, is prohibited and shall be forfeited.

In any proceedings taken by virtue of this paragraph, a statement signed by the States Supervisor or the acting States Supervisor that such proof as aforesaid has not been furnished to the satisfaction of the Board of Administration shall, unless the contrary be proved, be sufficient evidence that no such proof has been furnished to the satisfaction of that Board.

(3) Goods forfeited under any of the provisions of this Article shall—

- (a) if the goods are found in a place within the territorial waters of the Islands of Guernsey, Herm or Jethou, become the property of the States ; or
- (b) if the goods are found outside the Bailiwick of Guernsey, become the property of His Majesty.

ARTICLE 4.

Notice of seizure to be given.

Where any seizure of goods as forfeited goods is made under this Law otherwise than out of the possession or in the presence of the owner of the goods or his agent, the seizing officer shall give notice in writing of such seizure and of the grounds thereof to

the owner of the goods seized or to his agent, if known, either by delivering the notice to him personally or by letter addressed to him and transmitted by post to his last known place of abode or business.

ARTICLE 5.

Power to require entry and clearance.

The Board of Administration may require due entry and clearance, in such manner as that Board may direct, on importation or before shipment, as the case may be, of all imported goods and of all goods intended for exportation or for shipment as ships' stores.

ARTICLE 6.

Short Title.

This Law may be cited as the Import and Export (Control) (Guernsey) Law, 1946.

JAMES E. LE PAGE,
Député Greffier du Roi.