

PROJET DE LOI

ENTITLED

The States Committees (Amendment) Law, 1948 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XIII, p. 245; as amended by the Natural Beauty and Land Control Law, 1959 (Ordres en Conseil Vol. XVIII, p. 110); the Glasshouse Control (Amendment) Law, 1961 (Ordres en Conseil Vol. XVIII, p. 350); the Social Insurance (Guernsey) Law, 1964 (Ordres en Conseil Vol. XIX, p. 286); the States Committees (Amendment) Law, 1966 (Ordres en Conseil Vol. XX, p. 135); the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 521). See also the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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THE STATES, in view of their Resolution dated the 23rd day of April, 1947, 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 Board of Health.

1. (1) Article 2 of the Mental Treatment Law (Guernsey) 1939 (in this Article called "**the 1939 Law**") is hereby repealed.

(2) The powers and duties heretofore by the 1939 Law assigned to the States' Mental Health Services Board shall henceforth be assigned to and be performed by the States Board of Health constituted by a Resolution of the States dated the 29th day of December, 1899 (as amended by a Resolution dated the 19th day of October, 1945), and any reference in the 1939 Law to "the Board" shall be construed as a reference to the said Board of Health.

(3) No Jurat of the Royal Court shall so long as he shall be a member of the States Board of Health be eligible to perform any of the duties by the 1939 Law specifically assigned to Jurats.

NOTE

In accordance with the provisions of the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004, the States Board of Health has since been replaced by the Health and Social Services Department; and the functions, rights and liabilities of the Board of Health and of its President arising under or by virtue of this Law have been transferred to and vested in, respectively, the Health and Social Services Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. In accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016, the

Health and Social Services Department has since been replaced by the Committee for Health & Social Care; and the functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law have been transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The Children Board.

2. ...

NOTE

Section 2 was repealed by the States Children Board and Public Assistance (Amendment) (Guernsey) Law, 1970, section 9, Second Schedule, with effect from 16th December, 1970.

The States Committee for Horticulture.

3. ...

NOTE

Section 3 was repealed by the Glasshouse Control (Amendment) Law, 1961, section 3, with effect from 17th October, 1961.

The States Housing Authority.

4. (1) Article 1 of the "Loi ayant rapport à la Construction de Maisons et Bâtiments et au Tracement des Routes et Chemins" registered on the Records of this Island on the 28th day of October, 1922 is hereby repealed.

(2) The powers and duties assigned by the said Law to the "Comité" are hereby assigned to the States Housing Authority constituted by a Resolution of the States dated the 27th day of June, 1945 and any reference in the said Law to the "Comité" shall construed as a reference to the said States Housing Authority.

NOTES

In accordance with the provisions of the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 17, with effect from 6th May, 2004, the States Housing Authority has since been replaced by the Housing Department; and the functions, rights and liabilities of the Housing Authority and of its President arising under or by virtue of this Law have been transferred to and vested in, respectively, the Housing Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 17, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. In accordance with the provisions of the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 7, with effect from 1st May, 2016, the Housing Department has since been replaced by, first, the Committee for Employment & Social Security (in relation to any function not specified in Part 5 of Schedule 2 to the 2016 Ordinance) and, second, the Committee for Home Affairs (in relation to any function specified in Part 5 of Schedule 2); and the functions, rights and liabilities of the Housing Department and of its Minister or Deputy Minister arising under or by virtue of this Law have been transferred to and vested in, respectively, either the Committee for Employment & Social Security (in relation to any function not specified in Part 5 of Schedule 2 to the 2016 Ordinance) or the Committee for Home Affairs (in relation to any function specified in Part 5 of Schedule 2) by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 7, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The Loi ayant rapport à la Construction de Maisons et Bâtiments et au Tracé des Routes et Chemins, 1922 has since been repealed by the Building (Guernsey) Law, 1956, section 8, with effect from 23rd June, 1956, subject to the saving of Ordinances in section 7 of the 1956 Law. The Building (Guernsey) Law, 1956 has since been repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part I, paragraph 1, with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2007 Law and, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007.

States Insurance Authority.

5. ...

NOTE

Section 5 was repealed by the Social Insurance (Guernsey) Law, 1964, section 74, Sixth Schedule, with effect from 4th January, 1965.

Natural Beauties Committee.

6. ...

NOTE

Section 6 was repealed by the Natural Beauty and Land Control Law, 1959, section 18, Schedule, with effect from 9th December, 1959.

Island Police Committee.

7. The first paragraph of Article II of the "Loi ayant rapport à la Police Salariée pour l'Île entière" registered on the Records of this Island on the 10th day of January, 1920, down to and including the words "un Président chaque année" is hereby deleted and the following paragraph substituted therefor –

"Le corps de la Police salariée sera sous la surveillance et l'autorité d'un Comité composé comme suit –

- (a) d'un Président élu par les États de parmi les Membres des États, qui sortira de charge à la fin de trois années et sera ré-éligible,
- (b) de six Membres élus par les États dont quatre au moins seront Membres des États.

Deux Membres sortiront de charge le 31 décembre de chaque année et seront ré-éligibles. Les Membres sortant de charge seront déterminés par leur séniorité d'office et s'il y en a plus de deux de séniorité égale, par accord entre eux on, en cas de désaccord, par le sort. Lorsqu'un Membre, autre que le Président, sortira de charge autrement qu'à cause de l'expiration de son terme d'office les États éliront un nouveau Membre qui siégera pour le restant du terme du Membre ainsi sortant de charge. Le Président et trois Membres ou en cas de l'absence du Président, quatre Membres formeront un quorum."¹

Public Thoroughfares Committee.

8. ...

NOTE

Section 8 was repealed by the States Committees (Amendment) Law, 1966, section 5, Schedule, with effect from 27th April, 1966.

Variation of number of members of a Committee.

9. (1) In every case in which by virtue of the provisions of this Law the number of members composing a Board, Committee or other body is to be varied, the States shall elect a new Board, Committee or body in lieu thereof in conformity with the provisions of this Law, and the former Board, Committee or body shall be deemed to resign on the date of such election.

(2) Notwithstanding anything in this Law contained, a Board, Committee or body whose numbers are to be varied as aforesaid shall be deemed lawfully to continue in office during the period between the date of registration of this Law and the date of the election by the States of a new Board, Committee or body as though during such period this Law were not in force, and the acts of such Board, Committee or body done during such period shall be valid and binding for all purposes and on all persons accordingly.

NOTE

The Law received Royal Sanction on 27th April, 1948 and was registered on the Records of the Island of Guernsey and came into force on 22nd May, 1948.

¹ For subsequent amendments, see the consolidated text of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920.