

PROJET DE LOI

ENTITLED

The Surf-Riding (Longboards) (Compulsory Third-Party Insurance) (Guernsey) Law, 1969 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXII, p. 2; as amended by the Surf-Riding (Longboards) (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 53); the States Board of Administration (Transfer of Functions) Law, 1974 (Ordres en Conseil Vol. XXIV, p. 250); the Insurance Business (Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 214); the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 243); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Insurance Business (Bailiwick of Guernsey) Law, 2002 (No. XXI of 2002, Ordres en Conseil Vol. XLII(2), p. 766); 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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ARRANGEMENT OF SECTIONS

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The Surf-Riding (Longboards) (Compulsory Third-Party Insurance) (Guernsey) Law, 1969

THE STATES, in pursuance of their Resolution of the twenty-eighth day of June, nineteen hundred and sixty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Compulsory third party insurance for longboards.

1. (1) A person shall not use or cause or permit any other person to use in the territorial waters of the Islands of Guernsey, Herm and Jethou a longboard unless there is in force in relation to the user of that longboard by that person or that other person, as the case may be, a policy of insurance issued by an authorised insurer, the policy being one which, subject to any restrictions or conditions specified therein, insures in an amount of not less than fifty thousand pounds such person or class of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person in, or on, the water or on the foreshore caused by or arising out of the use of that longboard.

(2) In this section the expression "**authorised insurer**" means an assurance company for the time being approved [by the Guernsey Financial Services Commission in accordance with any regulations, including regulations prescribing a fee to be paid to that Commission, which may from time to time be made by the States [Policy & Resources Committee] under this subsection][; and a company shall not be so approved unless it is licensed under the Insurance Business (Bailiwick of Guernsey) Law, 2002 as an insurer in respect of domestic business or is exempt from section 3 of that Law, in relation to insurance of the description set out in subsection (1) of this section, by virtue of section 5 of that Law].

[(2A) Regulations made under subsection (2) of this section shall be laid before a meeting of the States as soon as may be after the regulations are made; and if, at that meeting or at the next meeting, the States resolve that the regulations be annulled, they shall cease to have effect but without prejudice to anything done under the regulations or to the making of new regulations.]

(3) Any person who contravenes, or attempts to contravene, the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale] or to imprisonment for a term not exceeding three months or to both such fine and such term of imprisonment.

NOTES

In section 1,

the words in the first pair of square brackets in subsection (2) were substituted by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987, section 3(3), Schedule 2, paragraph 6, with effect from 1st February, 1988, subject to the transitional provisions and savings in section 26 of, and Schedule 3 to, the 1987 Law;¹

the words in the square brackets within the first pair of square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016;²

the words in the second pair of square brackets in subsection (2) were substituted by the Insurance Business (Bailiwick of Guernsey) Law, 2002, section 100(2), Schedule 6, Part II, with effect from 5th November, 2002;³

subsection (2A) was inserted by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987, section 3(3), Schedule 2, paragraph 7, with effect from 1st February, 1988;

the words and figure in square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁴

Interpretation.

2. In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say –

["assurance company" includes an underwriter or association of underwriters,]

[...]

"longboard" means a board used for the purpose of riding the surf measuring more than five feet in length along a horizontal plane between the two most distant extremities of the board.

NOTES

In section 2,

the words in the first pair of square brackets were inserted by the Surf-Riding (Longboards) (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law, 1969, section 1, with effect from 1st May, 1970;

the words omitted in the second pair of square brackets were repealed by the States Board of Administration (Transfer of Functions) Law, 1974, section 4, Schedule, with effect from 1st August, 1974, subject to the savings in section 3 of the 1974 Law.

Citation.

3. This Law may be cited as the Surf-Riding (Longboards) (Compulsory Third-Party Insurance) (Guernsey) Law, 1969.

Commencement.

4. This Law shall come into force on such date as the States may by Ordinance appoint.

NOTE

The Law was brought into force on the 1st May, 1970 by the Surf-Riding (Longboards) (Compulsory Third-Party Insurance) (Guernsey) Law, 1969 (Commencement) Ordinance, 1970, section 1.

¹ These words were previously substituted by the States Board of Administration (Transfer of Functions) Law, 1974, section 4, Schedule, with effect from 1st August, 1974, subject to the savings in section 3 and the extent provisions in section 5(4) of the 1974 Law.

² These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), Schedule 2, paragraph 1(a), with effect from 6th May, 2004.

³ These words were previously inserted by the Insurance Business (Guernsey) Law, 1986, section 67, Schedule 6, with effect from 1st July, 1987.

⁴ The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), Schedule 2, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the powers and functions vested in the States Advisory and Finance Committee were previously transferred to it from the States Board of Administration by the States Board of Administration (Transfer of Functions) Law, 1974, section 2(3), with effect from 1st August, 1974, subject to the savings in section 3 and the extent provisions in section 5(2) of the 1974 Law.