

(Registered on the Records on the 16th November, 1946.)

1946

AT THE COURT AT BUCKINGHAM PALACE

The 29th day of October, 1946.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.

LORD PRIVY SEAL.
MR. PALING.
MR. ISAACS.
MR. BARNES.

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 16th day of October, 1946, in the words following, viz.:—

Import and
Export (Con-
trol) Alder-
ney Law,
1946.

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Frederick George French, Judge and President of the States of the Island of Alderney setting forth :—

‘That there is now in force in the Island of Guernsey, a law dealing with the Import and Export of all goods or goods of any specified description. That the Crown Officers of the said Island of Guernsey were of opinion that it might be expedient for a similar Law to be in operation in the Island of Alderney, and requested Your Petitioner to bring the matter before the States of Alderney for their consideration. That at a meeting of the States of Alderney holden before Your Petitioner on the 7th day of September, 1946, the States took into consideration the *Projet de Loi* intituled “Import and Export (Control) Alderney Law, 1946” and were of opinion to approve the same, and to authorise Your Petitioner to present in the name of the States a most humble Petition to Your Most Excellent Majesty in Council praying Your Majesty to be graciously pleased

1946

to grant thereto Your Royal Sanction. And most humbly praying Your Majesty to grant to the said *Projet de Loi* (a copy whereof is hereunto annexed) Your Royal Sanction and to order the same to have force of Law in Your Majesty's said Island of Alderney.'

" THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the *Projet de Loi* annexed thereto, 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 Alderney.

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, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, 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.

1946

“ IMPORT AND EXPORT (CONTROL)
ALDERNEY LAW, 1946 ”

ARTICLE I.

Control of Importation and Exportation.

1.—The States Finance Committee may by order make such provisions as the Committee thinks 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 States Finance Committee 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

1946

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 States Finance Committee 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 States Finance Committee shall, immediately on the making thereof, cause every order made under this Article to be published.

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—

- (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

1946

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, 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 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 may require any person possessing or having control of the goods to furnish proof that the importation or exportation of the goods, or

1946

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 States Finance Committee 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 President of the States Finance Committee that such proof as aforesaid has not been furnished to the satisfaction of the States Finance Committee shall, unless the contrary be proved, be sufficient evidence that no such proof has been furnished to the satisfaction of the States Finance Committee.

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 Island, become the property of the States, or
- (b) if the goods are found outside the Island, 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.

1946

Power to Require Entry and Clearance.

The States Finance Committee may require due entry and clearance, in such manner as that Committee 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.
