

ORDER IN COUNCIL

XXVIII

1972

ENTITLED

The Telecommunication Services (Channel Islands Consequential Provisions) Order 1972

(Registered on the Records of the Island of Guernsey
on the 12th day of December, 1972.)



1973

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 12th day of December, 1972, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe and Richard Oliver Symons, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 28th day of November, 1972, entitled "The Telecommunication Services (Channel Islands Consequential Provisions) Order 1972" (S.I. 1972 No. 1816), the Court, after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

STATUTORY INSTRUMENTS

1972 No. 1816

POST OFFICE

**The Telecommunication Services
(Channel Islands Consequential Provisions)
Order 1972**

Made - - - - - 28th November 1972
Coming into Operation - - - - - 1st January 1973

At the Court at Buckingham Palace,
the 28th day of November 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas agreements have been concluded between the Minister of Posts and Telecommunications and the States of Jersey and between the Minister of Posts and Telecommunications and the States of Guernsey, providing for the surrender by the Post Office, as regards the Bailiwick of Jersey and the Bailiwick of Guernsey respectively, of the privilege conferred on the Post Office by section 24 of the Post Office Act 1969(a) and the administration in the respective Bailiwicks by, or under the authority of, the States instead of the Post Office of such telecommunication services as are being administered there by the Post Office:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 87 (1) of the Post Office Act 1969, is pleased, by and with the

(a) 1969 c. 48.

advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Telecommunication Services (Channel Islands Consequential Provisions) Order 1972 and shall come into operation on 1st January 1973.

2. This Order applies—

- (a) to the United Kingdom;
- (b) so far as it relates to an enactment extending to the Isle of Man, to that Isle;
- (c) so far as it relates to an enactment extending to the Channel Islands, to those Islands.

3.—(1) Any reference in this Order to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference to it as extended or applied, by or under any other enactment, including the Post Office Act 1969, or by this Order.

(2) The Interpretation Act 1889(a) shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament, and section 38 of that Act (effect of repeals) shall apply as if this Order were an Act of Parliament.

4. Section 14 of the Post Office Act 1969 (the Post Office Users' Councils) shall have effect in relation to the Post Office Users' National Council as if the Channel Islands were not included in the definition of the expression "the British Islands" in section 86 (1) thereof (interpretation).

(a) 1889 c. 63.

5. Section 24 of the Post Office Act 1969 (exclusive privilege of the Post Office with respect to telecommunication) and section 25 thereof (general classes of acts not infringing the telecommunication privilege) and section 69 (3) thereof (documentary evidence as to sums due for services) shall have effect as if the Channel Islands were not included in the last-mentioned definition.

6. Nothing in section 67 (1) of the Civil Aviation Act 1949^(b) as extended by section 88 (3) of the Post Office Act 1969, shall enable section 76 of, and any provision of Schedule 4 to, the said Act of 1969 (so far as relating to the said Act of 1949) to be extended to any of the Channel Islands.

7. Section 133 of the Post Office Act 1969 as amended by the Postal Services (Channel Islands Consequential Provisions) Order 1969^(c) shall be further amended as follows:—

In subsection (2) (a) at the end of sub-paragraph (iii) the word “and” shall be omitted, and at the end of sub-paragraph (iv) there shall be added the word “and” and the following sub-paragraph:—

“(v) without prejudice to the generality of (i) above, persons who, having been officers or servants of the Post Office, are or have been in consequence of such an agreement as is mentioned in paragraph (b) (ii) or (c) (ii) of subsection (1) of section 87 of this Act and of such an Order in Council as is mentioned in that subsection, employed by the States of Jersey or by the States of Guernsey.”.

^(b) 1949 c. 67.

^(c) S.I. 1969/1368 (1969 III, p. 4082).

8. Section 89 of the Post Office Act 1953(*d*) (application to Channel Islands—general) is repealed.

9. The Telegraph Act 1868(*e*) (except for sections 2 and 3), the Post Office (Protection) Act 1884(*f*) and section 45 of the Telegraph Act 1863(*g*) insofar as they extend to the Channel Islands are hereby repealed. The provisions of the Telegraph Act 1863, other than section 45 of that Act, insofar as they extend to the Channel Islands are repealed insofar as is provided by the Telecommunication Services (Jersey) Order 1972(*h*) and the Telecommunication Services (Guernsey) Order 1972(*i*).

W. G. Agnew.

ORIGINAL IN A

RECORDS OF THE

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- (*d*) 1953 c. 36.
 - (*e*) 1868 c. 110.
 - (*f*) 1884 c. 76.
 - (*g*) 1863 c. 112.
 - (*h*) S.I. 1972/1814.
 - (*i*) S.I. 1972/1815.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes the necessary repeals and amendments to the Post Office Act 1969, the Post Office Act 1953, the Telegraph Acts 1863 to 1916 and the Post Office (Protection) Act 1884 to take account of the fact that the States of Jersey and the States of Guernsey are assuming responsibility for telecommunication services in the respective Bailiwicks.

R. H. VIDELO,
Her Majesty's Greffier.