

ORDER IN COUNCIL

IV

1948

**"The States Committees (Amendment)
Law, 1948".**

(Registered on the Records of the Island of Guernsey the
22nd May, 1948.)



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1948.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of May, 1948, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavay and Ernest Francis Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 27th day of April, 1948, ratifying a *Projet de Loi* entitled "The States Committees (Amendment) Law, 1948"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the Records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 27th day of April, 1948.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT.
MR. ALEXANDER.

LORD CITRINE.
MR. GAITSKELL.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords

22nd MAY, 1948.

of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 20th day of April 1948, 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, in pursuance of their Resolution of the 23rd day of April, 1947, the States of Deliberation at a meeting held on the 4th day of February, 1948, approved a Bill or "Projet de Loi" entitled "The States Committees (Amendment) Law, 1948", and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 2.—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 might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The States Committees (Amendment) Law, 1948," and to order and direct that the same shall have 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.

ENTITLED

"The States Committees (Amendment) Law, 1948."

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.

The
Children
Board.

2. (1) Paragraph (1) of Article IX of the Public Assistance Law, 1937 is hereby repealed and the following Paragraph substituted therefor:—

"(1) The Children Board shall be composed of a President and eight other Members.

The President shall be elected by the States from among Members of the States

and shall, subject to the provisions of this Article, hold office for a period of three years.

Four other Members of the Board shall be elected by the States from among Members of the States.

The remaining four Members of the Board, of whom at least two shall be women, shall be persons co-opted to the Board by the President and States-elected Members thereof."

(2) In Paragraph (7) of the said Article the word "seven" is hereby deleted and the word "five" substituted therefor.

3. (1) Paragraph (1) of Article 2 of the Glasshouse Control Law, 1936 is hereby repealed.

The States
Committee
for
Horticulture

(2) The powers and duties assigned to the States Glasshouse Control Committee by the said Law are hereby assigned to the States Committee for Horticulture constituted by Resolution of the States dated the 17th day of August, 1945, and any reference in the said Law to "the Committee" shall be construed as a reference to the said Committee for Horticulture.

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

The States
Housing
Authority.

(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 be construed as a reference to the said States Housing Authority.

States
Insurance
Authority.

5. The Contributory Pensions Law, 1935 registered on the Records of this Island on the 15th day of June, 1935 is hereby amended as follows:—

- (1) In Sub-paragraph (a) of Paragraph 2 of Article II of the said law, the words "fourteen", "twelve", "five" and "six" are hereby deleted and the words "ten", "eight", "four" and "five" substituted for them respectively.
- (2) In Sub-paragraph (b) of the said Paragraph 2 of the words "seven at the least" are hereby deleted and the word "six" substituted therefor.
- (3) Sub-paragraph (i) of the said Paragraph 2 is hereby repealed and the following sub-paragraph substituted therefor:—
 " (i) The two Ordinary Members senior in office shall retire on the 31st day of January in each year, provided always that if at any time there shall be more than two Ordinary Members of equal seniority the order of their retirement shall, failing agreement between the retiring Members, be determined by the drawing of lots."

Natural
Beauties
Committee.

6.—Article III of the "Loi au sujet des Beautés Naturelles et Bâtiments Malséants, 1929" is hereby repealed and the following new Article, numbered III, substituted therefor:—

"ARTICLE III.

Un Comité sera élu par les Etats pour porter à exécution les devoirs imposés par cette Loi qui sont ci-après prescrits. Le Comité sera composé de sept membres, dont quatre au moins seront membres des Etats. Quatre membres du dit Comité formeront un quorum. Deux membres sortiront de charge à la fin de chaque année et seront ré-éligibles. Les membres sortant

d'office seront déterminés par leur seniorité d'office, et s'il y en a plus de deux de séniorité égale, par accord entre eux, ou en cas de désaccord, par le sort. La séniorité d'un membre ré-élu comptera de sa ré-élection seulement. Lorsqu'un membre sortira de charge autrement qu'à cause de l'expiration de son terme d'office les Etats éliront un nouveau membre qui siégera pour le restant du terme du membre ainsi sortant de charge."

7.—The first paragraph of Article II of the "Loi ayant rapport à la Police Salariée pour l'Ile 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 :—

Island
Police
Committee.

"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 Etats de parmi les Membres des Etats, qui sortira de charge à la fin de trois années et sera ré-éligible ;
- (b) de six Membres élus par les Etats dont quatre au moins seront Membres des Etats.

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 ou, 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 Etats 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."

Public
Thorough-
fares
Committee.

8.—Article 2 of the “ Loi pour l'Entretien des Rues de la paroisse de Saint Pierre Port et la Reconstitution du Comité des Voies Publiques de l'Ile ” registered on the Records of this Island on the 13th day of December, 1919, is hereby repealed and the following Article is substituted therefor :—

ARTICLE 2.

Le Comité actuel des voies publiques sera reconstitué et sera composé de neuf membres élus par les Etats de parmi les Membres des Etats, desquels—

Trois seront habitants de la paroisse de Saint Pierre Port.

Deux seront habitants du district comprenant les paroisses de Saint Samson et du Valle.

Deux seront habitants du district comprenant les paroisses du Castel, de Saint Sauveur et de la Forêt.

Un sera habitant du district comprenant les paroisses de Saint-Pierre-du-Bois et de Tor-teval.

Un sera habitant du district comprenant les paroisses de Saint Martin et de Saint André.

Un des membres habitants de la paroisse de Saint Pierre Port et deux des autres membres sortiront de charge le 31 décembre de chaque année mais seront ré-éligibles. Les susdits membres sortiront de charge dans l'ordre déterminé par le Comité. Lorsqu'un membre sortira de charge autrement qu'à cause de l'expiration de son terme, les Etats éliront un nouveau membre qui siégera pour le restant du terme du membre ainsi sortant de charge. Cinq membres formeront un quorum.”

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.

JAMES E. LE PAGE,
H.M. Deputy Greffier.