

ORDER IN COUNCIL

XVII

1948

Ratifying a Projet de Loi entitled

"The Interpretation (Guernsey) Law, 1948".

(Registered on the Records of the Island of Guernsey on
the 4th day of October, 1948.)



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1948.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of October, 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, Quertier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated September 13th, 1948, ratifying a *Projet de Loi* entitled "The Interpretation (Guernsey) Law, 1948",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur 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 13th day of September, 1948.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT.
SIR ALEXANDER CADOGAN.
MR. TOM WILLIAMS.
MR. PALING.
MR. TOMLINSON.

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 30th day of August, 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 19th day of December, 1947, the States of Deliberation at a meeting held on the 3rd day of March, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ The Interpretation (Guernsey) 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 States of Deliberation, at a meeting held on the 21st day of July, 1948, approved of an amendment to the said Bill or “ *Projet de Loi* ” and authorised the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to the said Bill or “ *Projet de Loi* ” as so amended: 3.—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 Interpretation (Guernsey) Law, 1948,” and to order and direct that the same shall have force of Law in the Islands of Guernsey and Herm.”

“ 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 humble 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 Islands of Guernsey and Herm.

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 and 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 Interpretation (Guernsey) Law, 1948".

THE STATES 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 and in the Island of Herm :—

1. In this Law and in every other enactment, whether passed before or after the commencement of this Law, unless the contrary intention appear—

Rules as
to gender
and
number.

(a) words importing the masculine gender shall include females ; and

(b) words in the singular shall include the plural and words in the plural shall include the singular.

2. (1) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether passed before or after the commencement of this Law, the expression "person" shall, unless the contrary intention appear, include a body corporate.

Application
of penal
enactments
to Bodies
Corporate

Provided that nothing in this sub-section shall render any body corporate liable in respect of any act or omission occurring before the date of the commencement of this Law, to any criminal proceedings to which that body corporate would not have been liable before that date.

(2) Where under any enactment, whether passed before or after the commencement of this Law, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

3. In every enactment, whether passed before or after the commencement of this Law, the following

Meanings of
certain
words.

expressions shall, unless the contrary intention appear, have the meanings hereby respectively assigned to them, namely—

The expression "month" shall mean calendar month;

The expression "land" shall include houses and buildings;

The expressions "oath" and "affidavit" shall, in the case of persons for the time being allowed by Law to affirm or declare instead of swearing, include affirmation and declaration, and the expression "swear" shall, in the like case, include affirm and declare.

Judicial
notice
of Acts
of
Parliament.

4. Every public Act of Parliament, whether passed before or after the commencement of this Law, and whether registered on the Records of this Island or not, shall be judicially noticed as such.

Effect of
repeal.

5. (1) Where an enactment, whether passed before or after the commencement of this Law, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment.

(2) Where an enactment, whether passed before or after the commencement of this Law, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed provisions shall remain in force until the substituted provisions come into operation.

Official
definitions.

6. In this Law, and in every other enactment, whether passed before or after the commencement of this Law, the following expressions shall, unless the contrary intention appear, have the meanings hereby respectively assigned to them, namely—

(1) the expression "consular officer" shall include consul-general, consul, vice-consul, consular agent, and any person for the time being authorised to discharge the duties of consul-general, consul or vice-consul;

- (2) the expression "the States" shall mean the States of Deliberation.

7. In this Law and in every other enactment whether passed before or after the commencement of this Law, the following expressions shall, unless the contrary intention appear, have the meanings hereby respectively assigned to them, namely:—

Judicial
definitions.

- (1) the expression "imprisonment" shall mean imprisonment with or without hard labour ;
- (2) the expression "Police Court" shall mean the Court called, in the French language, "La Cour de Police Correctionnelle".

8. In this Law and in every other enactment, whether passed before or after the commencement of this Law, the following expressions shall, unless the contrary intention appear, have the meanings hereby respectively assigned to them, namely:—

Geographical
definitions.

- (1) the expression "British Islands" shall mean the United Kingdom, the Channel Islands and the Isle of Man ;
- (2) the expression "United Kingdom" shall mean Great Britain and Northern Ireland ;
- (3) the expression "British possession" shall mean any part of His Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession ;
- (4) the expression "colony" shall mean any part of His Majesty's dominions exclusive of the British Islands and the self-governing Dominions, and where parts of such dominions are under both a central and a local legislature all parts under the central legislature shall,

for the purposes of this definition, be deemed to be one colony ;

- (5) the expression " colonial legislature " and the expression " legislature ", when used with reference to a British possession, shall respectively mean the authority other than the Imperial Parliament or His Majesty the King in Council, competent to make laws for a British possession.

Meaning of person.

9. In this Law and in every other enactment, whether passed before or after the commencement of this Law, the expression " person " shall, unless the contrary intention appear, include any body of persons corporate or unincorporate.

Meaning of " writing ".

10. In this Law and in every other enactment, whether passed before or after the commencement of this Law, expressions referring to writing shall, unless the contrary intention appear, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.

Meaning of service by post.

11. Where an enactment, whether passed before or after the commencement of this Law, authorises or requires any document to be served by post, whether the expression " serve " or the expression " give " or " send ", or any other expression is used, then, unless the contrary intention appear, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

References to the Crown.

12. In this Law and in every other enactment, whether passed before or after the commencement of this Law, references to the Sovereign reigning at the time of the passing of the enactment or to the Crown shall, unless the contrary intention appear, be construed as references to the Sovereign for the time being, and this Law shall be binding on the Crown.

13. Where any enactment, whether passed before or after the commencement of this Law, confers power to make or issue any instrument, that is to say, any order, warrant, scheme, rules or regulations, expressions used in the instrument, if it is made after the commencement of this Law, shall, unless the contrary intention appear, have the same respective meanings as in the enactment conferring the power.

Construction
of statutory
rules.

14. (1) Where an enactment, whether passed before or after the commencement of this Law, confers a power or imposes a duty, then, unless the contrary intention appear, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Construction
of provisions
as to
exercise
of powers
and duties.

(2) Where an enactment, whether passed before or after the commencement of this Law, confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appear, the power may be exercised and the duty shall be performed by the holder for the time being of the office, or, in case of his absence or incapacity, by the person for the time being performing the duty of that office.

(3) Where an enactment, whether passed before or after the commencement of this Law, confers a power to make any orders, rules or regulations, the power shall, unless the contrary intention appear, be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the orders, rules or regulations.

15. Where an act or omission constitutes an offence under two or more enactments, or both under an enactment and under the customary law of this Island, whether any such enactment was passed before or after the commencement of this Law, the offender shall, unless the contrary intention appear, be liable to be prosecuted and punished under either or any of those enactments or under the customary

Offences
under two
or more
enactments.

law, but shall not be liable to be punished twice for the same offence.

Measurement
of distance.

16. In the measurement of any distance for the purposes of any enactment, whether passed before or after the commencement of this Law, that distance shall, unless the contrary intention appear, be measured in a straight line on a horizontal plane.

"Commence-
ment".

17. (1) In this Law and in every enactment, whether passed before or after the commencement of this Law, the expression "commencement", when used with reference to an enactment, shall mean the time at which the enactment comes into operation.

(2) Where an enactment, whether passed before or after the commencement of this Law, or any order, warrant, scheme, rules or regulations made or issued under a power conferred by any such enactment, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

Exercise
of statutory
powers
between
passing and
commence-
ment of
enactment.

18. Where an enactment, whether passed before or after the commencement of this Law, is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make or issue any instrument, that is to say, any order, warrant, scheme, rules or regulations, to give notices, to prescribe forms, or to do any other thing for the purposes of the enactment, that power may, unless the contrary intention appear, be exercised at any time after the passing of the enactment, so far as may be necessary or expedient for the purpose of bringing the enactment into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appear in the enactment, or the contrary is necessary for bringing the enactment into operation, come into operation until the enactment comes into operation.

19. (1) Where this Law or any other enactment, whether passed before or after the commencement of this Law, repeals and re-enacts, with or without modification, any provisions of a former enactment, references in any other enactment to the provisions so repealed shall, unless the contrary intention appear, be construed as references to the provisions so re-enacted.

Effect of
repeal and
re-enactment.

(2) Where this Law or any other enactment, whether passed before or after the commencement of this Law, repeals any other enactment, then, unless the contrary intention appear, the repeal shall not—

- (a) revive anything not in force or not existing at the time at which the repeal takes effect ; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed ; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing enactment had not been passed.

20. This Law may be cited as the Interpretation (Guernsey) Law, 1948.

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