

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Industrial Disputes and Conditions of Employment (Amendment) Law, 1971

(Registered on the Records of the Island of Guernsey
on the 1st day of February, 1972.)



1972.

XVIII
1971

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of February, 1972, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., William Burton Fox, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin and Richard Alan Kinnersly, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd day of December, 1971, ratifying a *Projet de Loi* entitled "The Industrial Disputes and Conditions of Employment (Amendment) Law, 1971", the Court, after the reading of the said Order in Council and after having heard Her 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 22nd day of December 1971

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD DRUMALBYN

MR. SECRETARY MAUDLING

SECRETARY SIR KEITH JOSEPH

SIR MICHAEL ADEANE

CHANCELLOR OF THE DUCHY OF LANCASTER

MR. GODBER

MR. PRIOR

MR. PEYTON

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 17th day of December 1971, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, 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 28th day of July 1971, the States of Deliberation at a meeting held on the 27th day of October 1971 approved a Bill or “Projet de Loi” entitled “The Industrial Disputes and Conditions of Employment (Amendment) Law, 1971” 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 Industrial Disputes and Conditions of Employment (Amendment) Law, 1971" and to order 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 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."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her 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 HER 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 Her 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.

W. G. Agnew.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Industrial Disputes and Conditions of Employment (Amendment) Law, 1971

THE STATES, in pursuance of their Resolution of the twenty-eighth day of July, nineteen hundred and seventy-one, 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 and Herm.

1. The Industrial Disputes and Conditions of Employment Law, (1947), as amended (hereinafter referred to as "the principal Law") (a), is hereby further amended as follows:—

Amend-
ments to
Law of 1947.

- (a) immediately after the fourth paragraph of Article 1 thereof there is inserted the following additional paragraph—

“ A Member of the States of Deliberation or of the States of Election within the meaning of the Reform (Guernsey) Law, 1948, shall not hold the office of Industrial Disputes Officer or of Deputy Industrial Disputes Officer.”;

- (b) Article 3 thereof is repealed and the following Article is substituted therefor—

(a) Ordres en Conseil Vol. XIII, p. 1; Vol. XIV, pp. 11 and 411; Vol. XV, pp. 253 and 314; Vol. XVII, pp. 176, 220 and 459.

“ 3. *Duties of the Industrial Disputes Officer.*

It shall be the duty of the Industrial Disputes Officer—

- (a) to try to prevent or settle industrial disputes, whether actual or apprehended, by giving such advice and assistance to any one or more of the parties concerned as he may think necessary or expedient;
 - (b) to try to settle notified industrial disputes, whether actual or apprehended, by conciliation;
 - (c) failing settlement of any industrial dispute by conciliation, whether such dispute has been notified or not, to try to bring about a settlement of the dispute—
 - (i) by arbitration voluntarily submitted to by the parties concerned; or
 - (ii) by referring the dispute to the Tribunal with the agreement of the parties concerned;
 - (d) failing settlement of a notified industrial dispute by the method set out in paragraph (i) of section (c) of this Article, to refer the dispute to the Tribunal;
 - (e) to make such recommendations to the Committee as he may think necessary or expedient.”;
- (c) in Article 4 thereof the words “sections (a) and (b)” are repealed and the words “sections (b) and (c)” are substituted therefor;

- (d) the semi-colon at the end of section (c) of Article 7 thereof is deleted and a colon is substituted therefor and immediately thereafter there is inserted the following Proviso—

“Provided that in the case of any industrial dispute referred to the Tribunal under the provisions of paragraph (ii) of section (c) of Article 3 of this Law the Tribunal may on the recommendation of the Industrial Disputes Officer but without prejudice to the powers of the Tribunal under this section order that the whole of such costs or such proportion thereof as shall be recommended by the Industrial Disputes Officer shall be paid by the States of Guernsey;”;

- (e) in Article 10 thereof—

(i) after the words “or incurred by the Industrial Disputes Officer” there are inserted the words “or by the Committee” and the word “him” is repealed and the words “the Committee” are substituted therefor;

- (ii) immediately after the first paragraph there is inserted the following additional paragraph—

“Any expenses of and incidental to the hearing and determination of any industrial dispute by arbitration under the provisions of paragraph (i) of section (c) of Article 3 of this Law may on the recommendation of the Industrial Disputes Officer be borne by the States of Guernsey either in whole or to the extent so recommended by the Industrial Disputes Officer.”;

(f) in Article 11 thereof the words "The States Supervisor" are repealed and the words "The Committee" are substituted therefor;

(g) in Article 21 thereof—

(i) immediately before the definition of the expression "Island of Guernsey" there is inserted the following additional definition—

" "the Committee" means the States Labour and Welfare Committee;"

(ii) immediately after the first paragraph there is inserted the following additional paragraph—

" Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.";

(h) in the Schedule thereto—

(i) in paragraph 3 the words "and may be a member of that Council" are repealed and the words "and a Member of the States of Deliberation or of the States of Election within the meaning of the Reform (Guernsey) Law, 1948, shall not hold the office of Chairman" are substituted therefor;

(ii) in paragraph 12 the words "and the Industrial Disputes Officer respectively" are repealed;

(iii) in paragraph 13 the words "The Industrial Disputes Officer" are repealed and the words "The Committee" are substituted therefor;

(iv) in paragraph 14 the words "The Industrial Disputes Officer" are repealed and the words "The Committee" are substituted therefor and the word "he" is repealed and the words "the Committee" are substituted therefor.

2. The powers and functions under the principal Law vested in the States Advisory and Finance Committee under and by virtue of the provisions of the States Advisory Council (Transfer of Functions) (Guernsey) Law, 1957(b), are hereby transferred to and vested in the States Labour and Welfare Committee, and in the Schedule to the principal Law the words "States Advisory Council" in paragraphs 2 and 12, the words "said Advisory Council" in paragraphs 3, 4 and 6 and the words "Advisory Council" in paragraph 9 thereof are repealed and the word "Committee" is respectively substituted therefor.

Transfer of
powers and
functions.

3. The States Advisory Council (Transfer of Functions) (Guernsey) Law, 1957, is hereby amended as follows:—

Amend-
ments to
Law of 1957.

(a) section one thereof is repealed;

(b) in section two thereof the words "the Committee" are repealed and the words "the States Advisory and Finance Committee" are substituted therefor.

(b) Ordres en Conseil Vol. XVII, p. 176.

Citation. 4. This Law may be cited as the Industrial Dis-
putes and Conditions of Employment (Amendment)
Law, 1971.

Collective 5. This Law and the Industrial Disputes and Con-
title. ditions of Employment Laws, 1947 to 1958, may be
cited together as the Industrial Disputes and Con-
ditions of Employment Laws, 1947 to 1971.

R. H. VIDELO,

Her Majesty's Greffier.