

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Unlawful User of Motor Vehicles (Alderney) Law, 1959.

(Registered on the Records of the Island of Guernsey
on the 10th day of February, 1959.)



1959.

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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 10th day of February, 1959, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, William Robert Freake Clark, Osmond Priaulx, Esquires, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Henry Robin Bichard and Stanley Walter Gavey, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of January, 1959, ratifying a *Projet de Loi* of the States of Alderney entitled “The Unlawful User of Motor Vehicles (Alderney) Law, 1959”,— the Court, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur 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 for registration on the records of that Island, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace,

The 19th day of January, 1959.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SECRETARY LENNOX-BOYD

MR. SECRETARY WARD

MR. WATKINSON

MR. COBBOLD

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 23rd day of December, 1958, 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 a humble Petition of Sydney Peck Herivel, Esquire, President of the States of the Island of Alderney setting forth:

“That at a meeting of the States of Alderney held on the eighteenth day of November, 1958, the States adopted a Resolution that a *Projet de Loi* entitled “The Unlawful User of Motor Vehicles (Alderney) Law, 1959” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said

Projet de Loi be sanctioned: That the said Projet de Loi is set forth in the words and figures of the Schedule annexed hereto: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Projet de Loi entitled "The Unlawful User of Motor Vehicles (Alderney) Law, 1959" and to order that the same shall have the force of law within the 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."

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 Island of Alderney.

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, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, 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 Unlawful User of Motor Vehicles (Alderney) Law, 1959.

THE STATES, in pursuance of their Resolution of the ninth day of September, nineteen hundred and fifty-eight, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

1. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on a public highway;

“officer of police” means a member of the salaried police force of the Island of Guernsey and a member of any police force which may be established by the States of Alderney;

“owner”, in relation to a motor vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the motor vehicle under that agreement;

“public highway” includes any place to which the public has access;

“the Royal Court” means the Royal Court of the Island of Guernsey sitting as a Full Court;

“trailer” means any vehicle drawn by a motor vehicle.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

2. (1) Subject to the provisions of the next following subsection, any person who takes and drives away any motor vehicle without having the consent of the owner thereof or other lawful authority shall be liable:—

(a) on summary conviction, to imprisonment with or without hard labour for a term not exceeding three months or to a fine not exceeding fifty pounds;

(b) on conviction on indictment before the Royal Court, to imprisonment with or without hard labour for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(2) If in any proceedings under this section the Court is satisfied that the accused acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(3) If on the trial of an indictment before the Royal Court for stealing a motor vehicle the Royal Court is of the opinion that the accused was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the Royal Court may find

him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

3. If, while a motor vehicle is on a public highway, any person, otherwise than with lawful authority or reasonable cause, gets on to the vehicle or tampers therewith or with the brake or other part of its mechanism, he shall be liable, on conviction, to a fine not exceeding twenty pounds and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

4. Any officer of police may arrest any person reasonably suspected by him of having committed or of attempting to commit an offence under section two or section three of this Law.

5. If any person, otherwise than with lawful authority or reasonable cause, takes or retains hold of or gets on to a motor vehicle or trailer while in motion on any public highway for the purpose of being drawn or carried he shall be liable, on conviction, to a fine not exceeding five pounds and, in the case of a second or subsequent conviction, to a fine not exceeding ten pounds.

R. H. VIDELO,

Her Majesty's Greffier.