

ORDER IN COUNCIL

XII
1972

ratifying a Projet de Loi

ENTITLED

The Liquor (Resale Prices) (Guernsey) Law, 1972

(Registered on the Records of the Island of Guernsey
on the 27th day of June, 1972.)



1972.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 27th day of June, 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., 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, Richard Alan Kinnersly, Esquires and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 24th day of May, 1972, ratifying a *Projet de Loi* entitled "The Liquor (Resale Prices) (Guernsey) Law, 1972", 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 24th day of May 1972

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD BALNIEL

MR. WOOD

MR. WYLIE

LORD EMSLIE

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 18th day of May 1972, 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 24th day of February 1971 the States of Deliberation at a meeting held on the 29th day of March 1972 approved a Bill or “Projet de Loi” entitled “The Liquor (Resale Prices) (Guernsey) Law, 1972” 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 Liquor (Resale Prices) (Guernsey) Law, 1972" and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.'

"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, Herm and Jethou.

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 Liquor (Resale Prices) (Guernsey) Law, 1972

THE STATES, in pursuance of their Resolution of the twenty-fourth day of February, 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, Herm and Jethou.

1. A licensee shall not—

- (a) when selling or supplying or permitting the sale or supply of intoxicating liquor make any stipulation as to the price at which such intoxicating liquor or any part thereof shall be resold or otherwise fix or attempt to fix the resale price thereof by any other means;
- (b) withhold supplies of intoxicating liquor from any other licensee seeking to obtain them for resale on the ground that that licensee has sold intoxicating liquor at a price, or is likely if intoxicating liquor is supplied to him to sell at a price, below a price, suggested or in any other way recommended by the licensee or any other person for the sale of intoxicating liquor.

Prohibition
of measures
for main-
taining re-
sale prices.

2. (1) If a licensee contravenes any of the foregoing provisions of this Law the Royal Court may, upon an application in that behalf by Her Majesty's Procureur—

Remedies
for breach
of prohibi-
tion.

- (a) suspend, vary or order the forfeiture of his liquor licence; or
- (b) direct the States Treasurer not to renew his liquor licence;

and in such a case Her Majesty's Procureur shall summon the licensee named in the application to appear before the Royal Court to show cause why his liquor licence should not be suspended, varied or forfeited or to show cause why the Royal Court should not direct the States Treasurer not to renew his liquor licence, as the case may be; and such summons as aforesaid shall state the grounds upon which Her Majesty's Procureur intends to rely to support his application.

(2) Her Majesty's Procureur may in any case, at his discretion, and shall at the request of the States Tourist Committee, make an application in pursuance of the provisions of the last preceding subsection.

Interpreta-
tion.

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

“ Her Majesty's Procureur ” includes Her Majesty's Comptroller;

“ intoxicating liquor ” includes spirits, wines, beer, porter, cider and perry;

“ licensee ” means a person in whose favour a liquor licence has been granted by the Royal Court in pursuance of the Ordinance of 1960;

“ liquor licence ” means a licence granted by the Royal Court to a person in pursuance of the Ordinance of 1960 for the sale of intoxicating liquor;

“the Ordinance of 1960” means the Liquor Licensing Ordinance, 1960(a);

“the Royal Court” means the Royal Court sitting as a Full Court.

(2) 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.

4. This Law may be cited as the Liquor (Resale Citation. Prices) (Guernsey) Law, 1972.

5. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States. Commence-
ment.

R. H. VIDELO,

Her Majesty's Greffier.

(a) Recueil d'Ordonnances Tome XII, pp. 314, 369, 377 and 394;

Tome XIII, pp. 37, 282 and 312;

Tome XIV, pp. 126 and 149;

Tome XV, pp. 9, 204, 382 and 397;

Ordinance Nos. XXII, XLVI and LIV of 1971.