

ORDER IN COUNCIL

XXVII

1972

ENTITLED

The Telecommunication Services (Guernsey) Order 1972

(Registered on the Records of the Island of Guernsey
on the 12th day of December, 1972.)



1973.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 12th day of December, 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., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe and Richard Oliver Symons, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 28th day of November, 1972, entitled "The Telecommunication Services (Guernsey) Order 1972" (S.I. 1972 No. 1815), the Court, after having heard Her Majesty's Comptroller 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 and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

STATUTORY INSTRUMENTS

1972 No. 1815

POST OFFICE

**The Telecommunication Services
(Guernsey) Order 1972**

Made - - - - - 28th November 1972

Coming into Operation - 1st January 1973

At the Court at Buckingham Palace,
the 28th day of November 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas an agreement has been concluded between the Minister of Posts and Telecommunications and the States of Guernsey providing for the surrender by the Post Office, as regards the Bailiwick of Guernsey, of the privilege conferred on the Post Office by section 24 of the Post Office Act 1969(a) and the administration in that Bailiwick by, or under the authority of, the States instead of the Post Office of such telecommunication services as are being administered there by the Post Office:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 87 (1) of the Post Office Act 1969, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

(a) 1969 c. 48.

1. This Order may be cited as the Telecommunication Services (Guernsey) Order 1972 and shall come into operation on 1st January 1973.

2. This Order applies only to the Bailiwick of Guernsey.

3.—(1) The Interpretation Act 1889(b) shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament, and section 38 of that Act (effect of repeals) shall apply as if this Order were an Act of Parliament.

(2) Any reference in this Order to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference to it as extended or applied, by or under any other enactment, including the Post Office Act 1969, or by this Order.

4. The agreement mentioned in the preamble to this Order and set out in the Schedule thereto shall have the force of law.

5. Sections 9, 14, 15, 24, 25, 26, 27, 28, 78 and 88 (4) of the Post Office Act 1969 are hereby repealed.

6. Section 80 of the Post Office Act 1969 (provision of information to persons holding office under the Crown) shall apply in relation to telecommunication services as if the words "provided by the Post Office" were omitted and as if for the words "laid on the Post Office for the like purposes and in the

(b) 1889 c. 63.

like manner" there were substituted the words "laid on an officer of the States Telecommunications Board by Her Majesty's Attorney General for Guernsey for the like purposes".

7. The Post Office Act 1953(a) is hereby repealed.

8.—(1) The Telegraph Act 1868(b) (except for sections 2 and 3), the Post Office (Protection) Act 1884(c) and section 45 of the Telegraph Act 1863(d) are hereby repealed.

(2) The provisions of the Telegraph Act 1863 (other than the provisions of section 45 of that Act), as they apply in the Bailiwick of Guernsey immediately before the day on which this Order comes into operation, shall on that day cease so to apply, except in relation to the transferred lines and the maintaining, altering, removing or renewing of those lines.

(3) On that day, the rights and liabilities which by virtue of those provisions (and of consents given for the purposes of those provisions) are enjoyed by, and incumbent on, the Post Office in relation to the transferred lines immediately before that day shall become those of the States Telecommunications Board (and shall cease to be those of the Post Office) and the Board shall in relation to those lines become subject to the restrictions imposed by those provisions (and by the terms and conditions of those consents) to which the Post Office is subject immediately before that day.

(4) As from that day, in the application of those provisions within the said Bailiwick in relation to

(a) 1953 c. 36.

(b) 1868 c. 110.

(c) 1884 c. 76.

(d) 1863 c. 112.

the transferred lines and the maintaining, altering, removing and renewing of those lines, references therein (and in such consents) to the company and to the Postmaster General which, by virtue of subsection (1) of section 21 of the Post Office Act 1969 are to be construed as referring to the Post Office shall (except so far as the context excludes such a construction) be construed as referring to the Board and such references therein which by virtue of that subsection are to be construed as including references to the Post Office shall be construed as including references to the Board also.

(5) A notice or certificate given, request made or requirement imposed under or for the purposes of any provision of the said Act of 1863 by, to or on the Postmaster General or the Post Office which is effective on that day shall, as from that day, have effect as if given, made or imposed by, to or on the Board.

(6) In this Article, "the transferred lines" means the telegraphs, posts and works and parts of telegraphs and works which, immediately before the day on which this Order comes into operation, are being maintained by the Post Office in the Bailiwick of Guernsey under and in accordance with the Telegraph Act 1863, being telegraphs, posts, works and parts which it has been agreed between the Post Office and the Board should vest in the Board on that day.

W. G. Agnew.

SCHEDULE

Article 4

AGREEMENT BETWEEN THE MINISTER OF POSTS AND
TELECOMMUNICATIONS AND THE STATES OF GUERNSEY

This Agreement made the twenty-second day of November one thousand nine hundred and seventy two between the Right Honourable Sir John Eden Bt. M.P. Her Majesty's Minister of Posts and Telecommunications (hereinafter called "the Minister") in exercise of the powers conferred on him by the Post Office Act 1969 and on behalf of Her Majesty of the one part and the States of Guernsey acting by and through Walter Wesley Burns Esquire, President of the States Telephone Council of the other part.

Whereas subsection (1) of section 87 of the Post Office Act 1969 makes provision in the event of the conclusion of an agreement between the Minister of Posts and Telecommunications and the States of Guernsey for the surrender by the Post Office as regards the Bailiwick of Guernsey of the privilege conferred on the Post Office by section 24 of the Post Office Act 1969 and for the administration in that Bailiwick by, or under the authority of the States instead of the Post Office of such telecommunication services as are being administered there by the Post Office.

Now it is hereby agreed as follows:

1. This Agreement takes effect on 1st January 1973.

2. The Post Office surrenders as regards the Bailiwick of Guernsey the exclusive privilege conferred on the Post Office by section 24 of the Post Office Act 1969 and such telecommunication services as are at present being administered in that Bailiwick

by the Post Office shall be administered in that Bailiwick by or under the authority of the States of Guernsey instead of by the Post Office.

3. If, in the opinion of the Minister, it is requisite or expedient in the interests of national security or relations with the government of a country or territory outside the British Islands or, in relation to the Bailiwick of Guernsey, in order to discharge or facilitate the discharge of an obligation of Her Majesty's Government in the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement, to attain or facilitate the attainment of any other object in view of that Government being a member or party as aforesaid or to enable that Government to become a member or party as aforesaid, that any thing should be done or not done, the States of Guernsey will do what is necessary to secure that it is done or not, as the case may be.

4. The States of Guernsey shall not without prior consultation with the Minister set up or permit to be set up a new direct telecommunication link, or increase the capacity or permit any increase in the capacity of an existing such link, with any country or territory other than the United Kingdom or Bailiwick of Jersey or any other Island of the Bailiwick of Guernsey, nor without such consultation introduce or permit to be introduced any new type of telecommunication service with any country or territory other than the United Kingdom or Bailiwick of Jersey or any other Island of the Bailiwick of Guernsey.

In witness whereof the Minister has hereunto set his hand and seal and the said Walter Wesley Burns has signed these presents for and on behalf of the States of Guernsey, the day and year first above written.

Signed sealed and delivered
by the said Sir John Eden
in the presence of:— } *John Eden*

A. Fortnam
Civil Servant
Ministry of Posts and
Telecommunications.

Signed by the said
Walter Wesley Burns
in the presence of:— } *W. W. Burns*

A. S. Forty
Director of Telecommunications
Services
Guernsey.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives the force of law to an agreement between the Minister of Posts and Telecommunications and the States of Guernsey for the administration of telecommunication services in Guernsey by the States and consequentially repeals or adapts certain provisions of the Post Office Act 1969, the Post Office Act 1953 and the Telegraph Acts 1863 to 1916 and the Post Office (Protection) Act 1884 in their application to Guernsey.

R. H. VIDELO,

Her Majesty's Greffier.