

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Dangerous Weapons (Alderney) Law, 1965

(Registered on the Records of the Island of Guernsey
on the 1st day of June, 1965.)



1965.

VII
1965

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of June, 1965, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :—Sir John Leale, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Mesurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Albert Victor Dorey, Esquire, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, and William Burton Fox, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of April, 1965, ratifying a *Projet de Loi* of the States of Alderney entitled "The Dangerous Weapons (Alderney) Law, 1965", 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 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 Windsor Castle

The 14th day of April, 1965.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

LORD CHALFONT

SIR MICHAEL ADEANE

SIR ELWYN JONES

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 9th day of April, 1965, 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, 1964, the States adopted a Resolution that a Projet de Loi entitled “The Dangerous Weapons (Alderney) Law, 1965” 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 hereunto: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Projet de Loi entitled

“The Dangerous Weapons (Alderney) Law, 1965” and 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 Dangerous Weapons (Alderney) Law, 1965

THE STATES, in pursuance of their Resolution of the eighteenth day of November, nineteen hundred and sixty-four, 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 the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpreta-
tion.

“ammunition” means ammunition for any dangerous weapon and includes grenades, bombs and other like missiles, whether capable of use with a dangerous weapon or not, and any ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other thing;

“dangerous weapon” means any weapon of any description designed or adapted for the discharge of any ammunition or for the discharge of any noxious liquid, gas or other thing, and includes any component part of any such weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

“premises” includes land.

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

Ordinances.

2. (1) The States may from time to time by Ordinance provide:—

- (a) for regulating or prohibiting the importation, manufacture, repair, disposal, acquisition, possession or use of any dangerous weapon or any ammunition;
- (b) for the entry into and inspection of any premises for any purpose connected with the exercise of powers conferred under this Law;
- (c) for any incidental and supplementary matters for which the States deem it expedient for the purposes of the Ordinance to provide.

(2) An Ordinance under this Law may prohibit the doing of anything regulated by the Ordinance except under the authority of a licence, permit or certificate granted by such authority or person as may be specified in the Ordinance, and may be made so as to apply either to dangerous weapons or ammunition generally or to any particular dangerous weapon or ammunition or class of dangerous weapon or ammunition and so as to have effect either generally or in any particular area.

Forging of documents, etc.

3. (1) A person shall not, with intent to deceive:—

- (a) forge or use, or lend to or allow to be used by any other person, any document issued for the purposes of any Ordinance made under this Law; or

- (b) make or have in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive; or
- (c) produce, furnish, send or otherwise make use of for the purposes aforesaid, any book, declaration or other document which is false in a material particular.

(2) A person shall not, in furnishing any information, for the purposes of any Ordinance made under this Law, make any statement which he knows to be false in a material particular or recklessly make any statement which is false in a material particular.

(3) Any person who contravenes or attempts to contravene any of the provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

4. A person who wilfully obstructs any person exercising any powers or performing any duties conferred or imposed on him under any Ordinance made under this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds. Obstruction.

5. A person who has in his possession any dangerous weapon or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property, shall, whether any injury to person or property has been caused or not, be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding fourteen years. Penalty for possessing weapon with intent to injure.

Penalty for
using fire-
arm to
resist arrest.

6. (1) Any person who makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding fourteen years.

(2) Where any person commits an offence under subsection (1) of this section in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by that subsection in addition to any penalty to which he may be sentenced for that other offence.

(3) In this section—

(a) the expression “firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes a weapon of any of the following descriptions whether it is such a lethal weapon as aforesaid or not—

(i) any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;

(ii) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing;

(b) the expression “imitation firearm” means anything which has the appearance of being a firearm within the meaning of this subsection, other than a weapon of the description set out in sub-paragraph (ii) of para-

graph (a) of this subsection, whether it is capable of discharging any shot, bullet or other missile or not.

7. (1) Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance. Offences and penalties.

(2) Except where the States by Ordinance prescribe a lesser penalty, any person guilty of an offence under any Ordinance made under this Law shall be liable, on conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) The court before whom any person is convicted of any offence under this Law or of any Ordinance made thereunder may make such order as to the forfeiture or disposal of any dangerous weapon or ammunition in respect of which the offence has been committed and may cancel any licence, permit, or certificate, held by that person and granted under any Ordinance made under this Law.

(4) If the holder of any licence, permit or certificate as aforesaid which has been cancelled by virtue of the provisions of the last preceding subsection fails to surrender the same within the twenty-one days next following the date on which it was cancelled, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

8. Where a person convicted of an offence under any Ordinance made under this Law is a body corporate, every person who, at the time of the Offence by body corporate.

commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Variation
and repeal of
Ordinances.

9. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Repeals.

10. (1) The enactments set out in the Schedule to this Law are hereby repealed:

Provided that the States may by Ordinance make provision for making any savings from the effect of the repeal of any of those enactments in relation to any licence, permit or certificate granted thereunder and which is in force immediately before the commencement of this Law.

(2) Article 29 of the Law entitled "Loi relative à l'Application des Peines, tant au Criminel qu'en Police Correctionnelle" registered on the Records of the Island of Guernsey on the fifth day of July, eighteen hundred and fifty-six^(a), shall have effect as if the reference therein to Article 17 of that Law were substituted by a reference to Article 17 of that Law excluding section four thereof.

Citation and
commence-
ment.

11. (1) This Law may be cited as the Dangerous Weapons (Alderney) Law, 1965.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

(a) Ordres en Conseil, Vol. I, p. 249.

SCHEDULE

Section ten

Enactments repealed

The Law entitled "Loi relative aux Permis de Port d'Armes de Chasse" registered on the Records of the Island of Guernsey on the twenty-eighth day of March, nineteen hundred and fourteen(b).

The Law entitled "Loi ayant rapport aux Armes à Feu" registered on the Records of the Island of Guernsey on the sixth day of May, nineteen hundred and twenty-two(c).

The Firearms (Amendment) (Alderney) Law, 1953(d).

R. H. VIDELO,

Her Majesty's Greffier

(b) Ordres en Conseil, Vol. V, p. 33.

(c) Ordres en Conseil, Vol. VI, p. 386.

(d) Ordres en Conseil, Vol. XV, p. 513.