

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The President of the States of Alderney (Validation of Election) Law, 1967

(Registered on the Records of the Island of Guernsey
on the 21st day of March, 1967.)



1967.

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1967

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of March, 1967, before Dr. Francis Coningsby, Lieutenant-Bailiff; present :—Théophile Le Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavay, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., and Edward Martel, Esquire, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 22nd day of February, 1967, ratifying a *Projet de Loi* of the States of Alderney entitled "The President of the States of Alderney (Validation of Election) Law, 1967", 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 22nd day of February, 1967.

PRESENT,

The Queen's Most Excellent Majesty.

LORD CHANCELLOR
LORD PRESIDENT
MISS HERBISON
MR. ROBINSON
SIR HUGH WOODING
SIR SEYMOUR KARMINSKI

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 15th day of February, 1967, 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 Leslie Wells, Esquire, Vice-President of the States of Alderney, setting forth:

‘THAT at a meeting of the States of Alderney held on the third day of February, 1967, the States adopted a Resolution that a *Projet de Loi* entitled “The President of the States of Alderney (Validation of Election) Law, 1967” 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 hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled “The

President of the States of Alderney (Validation of Election) Law, 1967” and order that the same shall have 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 President of the States of Alderney
(Validation of Election) Law, 1967**

WHEREAS on the thirtieth day of November, nineteen hundred and sixty-six, certain persons qualified in accordance with the provisions of the Government of Alderney Law, 1948, to vote at an election of members of the States of Alderney purported to elect Commander Sydney Peck Herivel, Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Distinguished Service Cross, in pursuance of the provisions of subsection (1) of section thirty-one of the said Law, to the office of President of the States of Alderney:

AND WHEREAS the said election was invalid by reason of the fact that subsection (2) of section thirty-four of the said Law provides that an election for the office of President of the States of Alderney shall be held in December of every third year after the year one thousand nine hundred and fifty-one:

AND WHEREAS the said Sydney Peck Herivel did on the fifth day of January, nineteen hundred and sixty-seven, purport to take the oath of office in the form prescribed to be taken by the President of the States of Alderney and did, thereupon, purport to enter on the duties of the office and thereafter to continue in office and to exercise the powers of,

perform the duties of, and otherwise act as President of the States of Alderney as if he had been validly elected to that office:

NOW THEREFORE the States, in pursuance of their Resolution of the third day of February, nineteen hundred and sixty-seven, 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.

Validation
of election.

1. The election held on the thirtieth day of November, nineteen hundred and sixty-six, for the purpose of electing the President of the States of Alderney (hereinafter referred to as "President") shall be deemed to have been an election for the office of President held on the first day of December of that year in accordance with the provisions of subsection (2) of section thirty-four of the Government of Alderney Law, 1948 (hereinafter referred to as "the Law of 1948") and Commander Sydney Peck Herivel, Commander of the Most Excellent Order of the British Empire, upon whom has been conferred the Distinguished Service Cross, shall be deemed to have been validly elected President on that day in accordance with the provisions of subsection (1) of section thirty-one of the Law of 1948.

Validation
of certain
oaths taken.

2. (1) The said Sydney Peck Herivel shall be deemed to have validly taken, on the fifth day of January, nineteen hundred and sixty-seven, an oath of office before the States of Alderney in the form prescribed in pursuance of the provisions of section thirty of the Law of 1948 to be taken by the President and he shall be deemed to have validly entered on the duties of the office of President on that day.

(2) Mrs. Eileen Hoskins, Charles John Richards, Esquire, and William John Baron Shade, Esquire,

shall be deemed to have validly taken, on the fifth day of January, nineteen hundred and sixty-seven, an oath of office as members of the States of Alderney before the President in the form prescribed in pursuance of the provisions of section thirty of the Law of 1948 to be taken by members of the said States and the said persons shall be deemed to have validly entered on the duties of office as members of the said States on that day.

3. (1) All duties performed, powers exercised and other acts done by the said Sydney Peck Herivel, while purporting to act as President, or by any person acting by or under the purported authority of the said Sydney Peck Herivel as President, during the period commencing on the fifth day of January, nineteen hundred and sixty-seven, and ending on the date of the coming into force of this Law (hereinafter referred to as "the relevant period"), are hereby made and declared to be lawful and are confirmed as on and from the date of the performance, exercise and doing of those duties, powers and acts respectively.

Validation
of certain
acts, etc. of
Commander
S. P. Herivel.

(2) The said Sydney Peck Herivel and every such person as aforesaid are hereby freed, acquitted, discharged and indemnified, as against all and every person whatsoever, from all legal proceedings whatsoever in respect of any such duties, powers and acts as aforesaid if those proceedings could not have been instituted or prosecuted had the said Sydney Peck Herivel been validly holding the office of President during the relevant period.

4. Any duty performed, power exercised or act done during the relevant period by or on behalf of the States of Alderney shall not be invalidated on account of the vacancy in the office of President and any defect in the qualification of the said Sydney

Acts, etc., of
States not to
be invali-
dated on
account of
vacancy.

Peck Herivel to act as President shall not invalidate any duty performed, power exercised or act done by or on behalf of the said States during the relevant period.

Interpreta-
tion.

5. 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.

Citation.

6. This Law may be cited as the President of the States of Alderney (Validation of Election) Law, 1967.

R. H. VIDELO,

Her Majesty's Greffier.