

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960

(Registered on the Records of the Island of Guernsey
on the 22nd day of November, 1960.)



1960.

VII
1960

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of November, 1960, before William Henry Arnold, Esquire, C.B.E., Bailiff; present :—Sir John Leale, William Robert Freaque Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, and Gilbert Carey de Jersey, Esquire, C.B., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 26th day of October, 1960, ratifying a *Projet de Loi* entitled "The Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960",—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, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 26th day of October, 1960.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. WOOD

MR. WATKINSON

MR. BEVINS

SIR TERENCE DONOVAN

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 6th day of October, 1960, 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 22nd day of April, 1959, the States of Deliberation at a meeting held on the 3rd day of August, 1960, approved a Bill or “Projet de Loi” entitled “The Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960” 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 Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960" and to order that the same shall have the force of Law in the Island of Guernsey.'

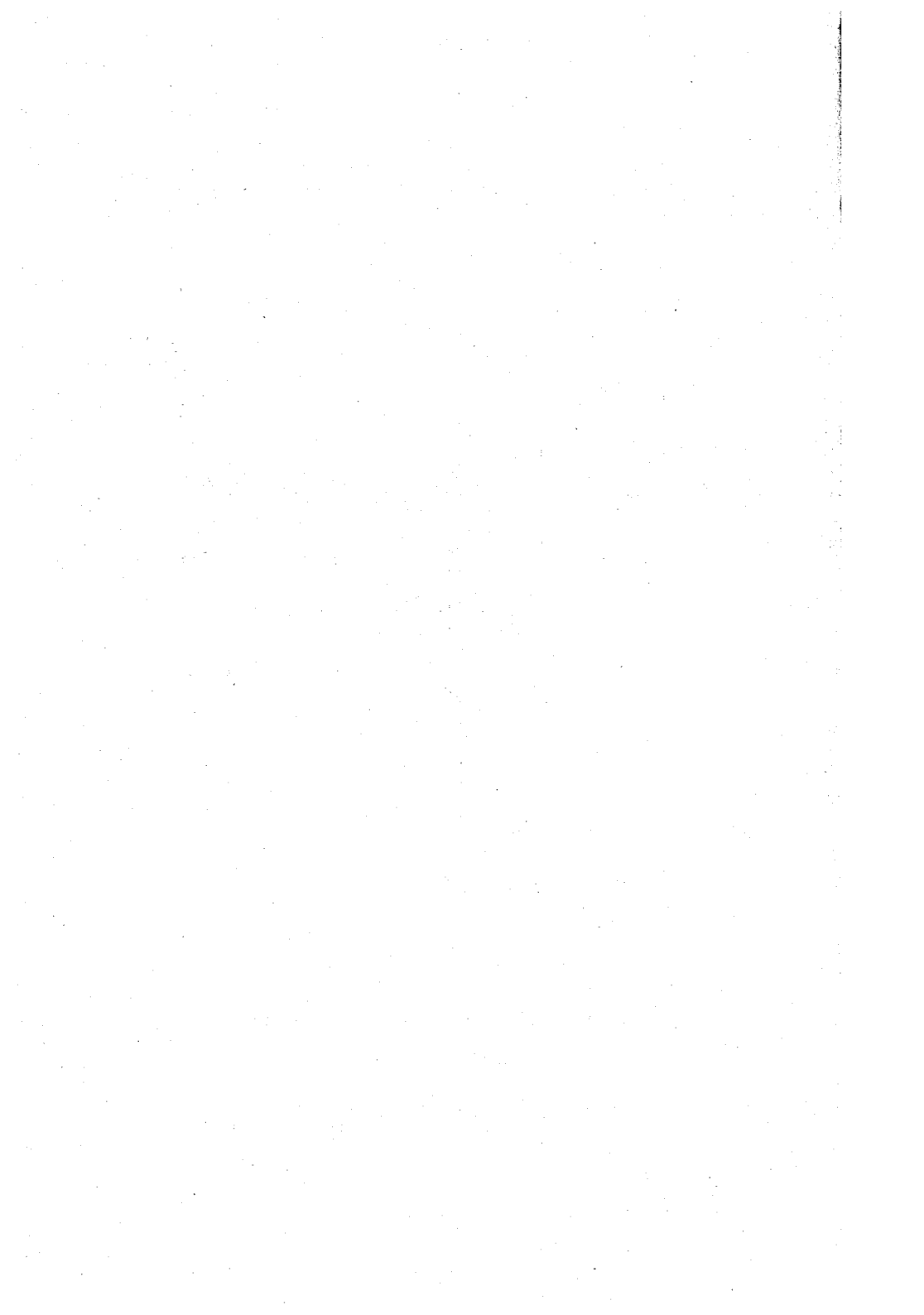
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer 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 Island of Guernsey.

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 Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960

ARRANGEMENT OF SECTIONS

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4. Effect of a prohibition order.
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PART II

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7. Duty of H.M. Greffier to keep record.
8. H.M. Greffier to send copy of prohibition order to Chief Officer of Police.
9. Provisions relating to photographs.
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Section

PART III

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11. Appeals to Royal Court.

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*Penalties, Savings, Repeal, Interpretation and
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12. Penalties.
13. Savings.
14. Law not to apply in case of intoxicating liquor
supplied as medicine.
15. Repeal.
16. Interpretation.
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PROJET DE LOI

ENTITLED

The Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960

THE STATES, in pursuance of their Resolution of the twenty-second day of April, nineteen hundred and fifty-nine, 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 and Herm.

PART I

Prohibition Orders

1. (1) Upon the conviction of a person of an offence against section three or section five of Article ten of the Law entitled "Loi relative à l'Application des Peines tant au Criminel qu'en Police Correctionnelle" registered on the Records of this Island on the fifth day of July, eighteen hundred and fifty-six, the court may make a prohibition order against that person in accordance with the provisions of section four of this Law if that person has, during the twelve months immediately preceding the date of such conviction, on at least one occasion been convicted of an offence against either of those sections.

Power to make prohibition order against a person previously convicted.

(2) Upon the conviction of a person of a prescribed offence to which this Part of this Law applies the court may make a prohibition order against that person in accordance with the provisions of section four of this Law if that person has, during the twelve months immediately preceding the date of such conviction, on at least one occasion been convicted of a prescribed offence.

Power for Ordinary Court to make prohibition order upon application of certain persons.

2. (1) The Ordinary Court may, on application being made to it in that behalf by three of the relatives or friends of any person or by the Island Police Committee or by the Douzaine of the Parish in which he resides and if it is satisfied that that person is addicted to drinking intoxicating liquor to excess, make a prohibition order against that person in accordance with the provisions of section four of this Law.

(2) The Ordinary Court shall not make a prohibition order in pursuance of the provisions of the last preceding subsection unless the person against whom such prohibition order is sought has been served by the person or persons making the application with notice of his or their intention to apply for a prohibition order and unless such person has had a reasonable opportunity of being heard thereon.

Power for Magistrate's Court to make prohibition order upon application of a convicted person.

3. Upon the conviction of a person of an offence by the Magistrate's Court, that Court may make a prohibition order against that person in accordance with the provisions of section four of this Law if—

- (a) an application is made by the convicted person in that behalf to the Court, and
- (b) the Court is satisfied, upon the admission of that person, that he was at the time of the commission of the offence to which the conviction relates, under the influence of drink.

Effect of a prohibition order.

4. A prohibition order made against any person in pursuance of the provisions of sections one, two or three of this Law shall prohibit that person—

- (a) from obtaining, receiving or consuming intoxicating liquor on licensed premises, and
- (b) from obtaining or receiving intoxicating liquor elsewhere than on licensed premises,

during such period specified in the order as that order shall remain in force.

5. A prohibition order made in pursuance of the provisions of sections one, two or three of this Law may, from time to time, be varied or revoked by order by the court by which it was made.

Variation and revocation of prohibition order.

6. For the purposes of this Part of this Law the expression "a prescribed offence" means an offence in respect of which the prosecution, for the purposes of discharging the burden of proof as to the guilt of the accused, is required to prove that the accused was, at the time of the commission of the offence, under the influence of drink.

Definition of a prescribed offence.

PART II

Administration

7. Her Majesty's Greffier shall keep a record, in a book kept solely for that purpose, of all prohibition orders made in pursuance of the provisions of Part I of this Law.

Duty of H.M. Greffier to keep record.

8. As soon as may be after the making of a prohibition order in pursuance of the provisions of Part I of this Law, Her Majesty's Greffier shall send a copy thereof to the Chief Officer who shall keep a record, in a book kept solely for that purpose, of all such prohibition orders.

H.M. Greffier to send copy of prohibition order to Chief Officer of Police.

9. (1) As soon as may be after the making of a prohibition order against any person in pursuance of the provisions of Part I of this Law, that person shall be photographed under arrangements made by the Chief Officer and that person shall be so photographed full face and holding a board in such manner as the Chief

Provisions relating to photographs.

Officer may direct on which shall be written in clear legible letters the following particulars—

- (a) the name and age of that person,
- (b) the date of the making of the prohibition order,
- (c) the period specified in the prohibition order during which such order shall remain in force.

(2) A copy of every photograph taken in pursuance of the provisions of the last preceding subsection shall be sent by the Chief Officer to every licensee in this Island, either—

- (a) as soon as may be after that photograph has been taken, or
- (b) as soon as may be after he has become a licensee,

as the case may require.

(3) Upon a person ceasing for any reason to be subject to a prohibition order every licensee shall, upon being so requested by the Chief Officer, return to him any copy of the photograph of that person sent to him in pursuance of the provisions of subsection (2) of this section.

(4) Upon a person ceasing to be a licensee he shall, as soon as may be thereafter, return to the Chief Officer all copies of photographs sent to him in pursuance of the provisions of subsection (2) of this section.

(5) All copies of photographs sent to licensees in pursuance of the provisions of subsection (2) of this section shall remain the property of the Island Police Committee.

(6) The Island Police Committee shall charge the sum of two shillings and six pence for every copy of

a photograph sent to a licensee as replacement of a copy of that photograph sent in pursuance of the provisions of subsection (2) of this section and in respect of every copy of a photograph not returned in pursuance of the provisions of subsection (3) or (4) of this section.

(7) A copy of a photograph sent to a licensee as replacement of a copy of that photograph sent in pursuance of the provisions of subsection (2) of this section shall be deemed to have been sent in pursuance of the provisions of the said subsection (2).

10. A licensee shall not cause or permit any copy of a photograph sent to him in pursuance of the provisions of subsection (2) of the last preceding section to be displayed except to his servants or agents for ensuring that the provisions of this Law are being complied with.

Restriction
on display
of photo-
graphs.

PART III

Appeals

11. Any person against whom a prohibition order has been made in pursuance of the provisions of Part I of this Law by the Ordinary Court or the Magistrate's Court may appeal against the making of such order to the Royal Court within such time and in such manner as shall be prescribed by Order of the Royal Court:

Appeals to
Royal Court.

PROVIDED that a person shall not be entitled to appeal to the Royal Court in pursuance of the provisions of this section, against the making of a prohibition order, if that order has been made either—

(a) by the Ordinary Court in pursuance of the provisions of subsection (1) of section two

of this Law upon an application made with the assent of that person, or

- (b) by the Magistrate's Court in pursuance of the provisions of section three of this Law.

PART IV

Penalties, Savings, Repeal, Interpretation and Citation

Penalties.

12. (1) Any person—

- (a) who contravenes or attempts to contravene the provisions of a prohibition order made in pursuance of the provisions of Part I of this Law; or
- (b) who, being a licensee,—
 - (i) knowingly sells or supplies or knowingly permits the sale or supply of intoxicating liquor, on any premises in respect of which he is the licensee, to any person in respect of whom a prohibition order made in pursuance of Part I of this Law is in force; or
 - (ii) knowingly permits the consumption of intoxicating liquor by any such person on such premises; or
- (c) who knowingly supplies intoxicating liquor to any person in respect of whom a prohibition order made in pursuance of Part I of this Law is in force; or
- (d) who knowingly aids or permits the contravention of a prohibition order made in pursuance of the provisions of Part I of this Law;

- (e) who contravenes or attempts to contravene the provisions of section ten of this Law;

shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty pounds or to a term of imprisonment not exceeding six months.

(2) Any person who wilfully refuses to be photographed in accordance with the provisions of section nine of this Law or who wilfully obstructs any person in the execution of his duty to photograph that person under the provisions of that section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

(3) Any person who fails to return to the Chief Officer any copy of a photograph in pursuance of the provisions of subsection (3) or subsection (4) of section nine of this Law shall be guilty of an offence and liable, on conviction, to a fine not exceeding five pounds.

13. Notwithstanding the repeal of the Law entitled Savings.
 “Loi ayant rapport à la Constitution d’une Liste d’Interdits (Black List) pour cette Ile” registered on the Records of this Island on the first day of July, nineteen hundred and twenty, any Act of Court made in pursuance of the provisions of that Law shall continue in force as if this Law had not been passed and the provisions of this Law, other than Part III thereof, shall apply to any such Act as if it were a prohibition order made in pursuance of the provisions of Part I of this Law.

14. Nothing in this Law contained shall be taken to prohibit the supply of intoxicating liquor to, or the obtaining or receiving of intoxicating liquor by, a person against whom a prohibition order has been made in pursuance of the provisions of Part I of this Law not to apply in case of intoxicating liquor supplied as medicine.

Law by or under the authority of an authorised medical practitioner or authorised dentist or by an authorised pharmacist for the prevention or treatment of any ailment, infirmity or injury affecting the human body or the consumption of that liquor by that person when so supplied.

Repeal.

15. The Law entitled "Loi ayant rapport à la Constitution d'une Liste d'Interdits (Black List) pour cette Ile" registered on the Records of this Island on the first day of July, nineteen hundred and twenty, is hereby repealed.

Interpretation.

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

"authorised medical practitioner", "authorised dentist" and "authorised pharmacist" mean a medical practitioner, a dentist or a pharmacist, as the case may be, authorised to practise as such in this Island according to the law for the time being in force;

"Chief Officer" means the Chief Officer of the Island Police Force;

"this Island" includes the Island of Herm;

"liquor licence" means a licence for the sale of intoxicating liquor;

"licensee" means a person responsible for the conduct of a liquor licence;

"Ordinary Court" means the Royal Court sitting as an Ordinary Court;

"relative" in connection with a person means his spouse, parent, son, daughter, brother, sister or guardian;

"Royal Court" means the Royal Court sitting as a Full Court.

(2) Any reference in this Law to a "prohibition order" shall be deemed to include an order made in pursuance of the provisions of section five of this Law varying or revoking a prohibition order.

17. This Law may be cited as the Intoxicating Liquor (Prohibition Orders) (Guernsey) Law, 1960.

R. H. VIDELO,

Her Majesty's Greffier.