

ORDER IN COUNCIL

II

Ratifying a Projet de Loi entitled

1950

The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950.

(Registered on the Records of the Island of Guernsey on
the 18th day of February, 1950.)



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1950.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 18th day of February, 1950, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, James Frederick Carey, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark Walter John Gavey, and Ernest Francis Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 3rd day of February, 1950, ratifying a *Projet de Loi* of the States of the Island of Alderney entitled "The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950,"—the Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said order in Council be registered on the records of this Island and that a copy of this present Act, together with an extract of the said Order in Council, be sent by His Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which *Projet de Loi* the tenor followeth :—

At the Court at Sandringham

The 3rd day of February, 1950.

Present,

The King's Most Excellent Majesty.

LORD CHANCELLOR

VISCOUNT HALL

SIR ALAN LASCELLES.

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 10th day of January, 1950, in the words following viz. :—

“ YOUR MAJESTY, having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Sidney Peck Herivel, Esquire, President of the States of the Island of Alderney setting forth :

‘ That at a meeting of the States of Alderney on the 11th day of March, 1949, the States adopted a resolution that a Law introducing compulsory third-party insurance for motor vehicles be drafted and placed before the States; That on the 5th day of December, 1949, a *Projet de Loi* intituled “ The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950, was duly considered by the States, when a resolution was passed approving the same and authorizing Your Humble Petitioner to present a Petition to Your Majesty in Council praying for Your Royal Sanction thereto ; That the said *Projet de Loi* is in the words and figures set forth in 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* of the States of Alderney, intituled “ The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950 ” and to order and to direct 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 References, 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 ”.

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His 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 HIS 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 His 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.

E. C. E. Leadbitter.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Road Traffic (Compulsory Third-Party Insurance) (Alderney) Law, 1950.

THE STATES, in pursuance of their Resolution of the 11th day of March, 1949, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have the force of Law in the Island of Alderney.

(1) The Laws set out in the Schedule hereto, either in their present form or as modified from time to time, shall have effect in the Island of Alderney subject to the adaptations and modifications set out in the next succeeding section hereof.

(2) In the application of the said Laws to the Island of Alderney, unless the context otherwise requires :—

(a) a reference to the Island or to the States of Guernsey or any expression bearing either of those meanings shall include a reference to the Island or to the States of Alderney, as the case may be ;

(b) a reference to the Royal Court (other than the reference contained in Section 14 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, which reference shall be deemed to be a reference to the States of Alderney), to the Court or to the Police Court Magistrate shall be deemed to be a reference to the Court of Alderney ;

(c) a reference to the Police Inspector shall include a reference to any member of the Island of Guernsey Police Force on duty in the Island of Alderney ;

(d) sub-section (2) of Section 2 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall be read as though the word

"summary" were omitted and sub-section (1) of Section 16 of that Law shall be read as though the word "summarily" were omitted ;

(e) sub-section (3) and (4) of Section 3 of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall not apply to the Island of Alderney, but the following sub-sections shall be inserted in lieu thereof—

" (3) No person other than an authorised insurer under the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936, shall be authorised to issue policies of insurance in the Island of Alderney for the purposes of this Law :

PROVIDED that the address communicated by such an insurer for the purposes of sub-sections (3) and (4) of Section 3 of the said Law of 1936 shall be deemed to be an address in the Island of Alderney at which he will accept service of every notice or citation required to be made to him in relation to any action or proceeding taken or to be taken in the Island of Alderney under or by reason of the provisions of this Law or of any policy issued by him to which this Law relates or in respect of any claim or proceeding made or taken by or against any person insured under such a policy.

(4) For the purposes of this Law, the expression " authorised insurer " means an assurance company for the time being approved by the Guernsey States Board of Administration " ;

(f) in paragraph (b) of Section 14 of the said Law of 1936, for the words " States Supervisor " there shall be substituted the words " Treasurer of the States of Alderney."

(3) (1) All causes of Action in respect of an accident against which a person is or is required by this Law to be assured which, but for the death of that person (hereinafter referred to as " the assured person ") would have subsisted against or vested in him, and all causes of Action which, but for the death

of a person having a claim against an assured person in respect of an accident against which the assured person is or is required by this Law to be assured (which person is hereinafter referred to as "the third party") would have subsisted against or vested in the third party, shall survive against or for the benefit of the estate of the assured person or of the third party, as the case may be.

(2) Where a cause of Action survives as aforesaid for the benefit of the estate of a deceased person, the damage recoverable—

(a) shall not include exemplary damages ; and

(b) where the death of that person has been caused by the Act or omission which gives rise to the action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(3) No proceedings shall be maintainable in respect of any cause of Action which has survived by reason of the operation of this section unless such proceedings are commenced not later than six months after the legal personal representatives of the deceased first took out representation in regard to his estate.

(4) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability on that estate resulting from those proceedings shall be a debt provable in the administration of the estate.

SCHEDULE.

Third Parties (Rights against Insurers) (Guernsey) Law, 1936.

Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936 (as amended by the Loi Supplémentaire à la Loi relative aux Automobiles et concernant les Tracteurs Agricoles, 1946).

JAMES E. LE PAGE,

H.M. Greffier.