

PROJET DE LOI

ENTITLED

The Hawkers (Amendment) (Alderney) Law, 1963 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XIX, p. 193; as amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the Fees (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 396); the Hawkers (Amendment) (Alderney) Law, 1994 (No. XXVIII of 1994); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). See also the Fees (Alderney) Law, 2011 (No. XX of 2012).

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ARRANGEMENT OF SECTIONS

1. Amendment of Law of 1930.
2. Formalities prior to making an application for a licence under the Law of 1930.
3. Committee not to dispose of application unless formalities have been complied with.
4. Interpretation.
5. Saving.
6. Citation and commencement.

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The Hawkers (Amendment) (Alderney) Law, 1963

THE STATES, in pursuance of their Resolution of the twenty-third day of April, nineteen hundred and sixty-three, 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.

Amendment of Law of 1930.

1. The Law entitled "Loi relative au Colportage" registered on the Record of the Island of Guernsey on the twenty-first day of August, nineteen hundred and sixty-three (hereafter in this Law referred to as "**the principal Law**"), is hereby amended as follows –

- (a) in Article III thereof, the words, figures and abbreviations from and including the words "Le postulant" to the end of that Article are hereby repealed,
- (b) ...
- (c) in Article VII thereof –
 - (i) the figure "10" is hereby repealed and the figure "25" is hereby substituted therefor,
 - (ii) the words from and including the words "Les amendes" to the end of that Article are hereby

repealed.

NOTE

In section 1, paragraph (b) was repealed by the Fees (Alderney) Law, 1989, section 1(2), Schedule, with effect from 21st January, 1999.

Formalities prior to making an application for a licence under the Law of 1930.

2. (1) A person who intends to make an application for a licence under the principal Law shall –

- (a) at least fourteen days before the day on which he intends to make his application, send or deliver to [the Treasurer of the States of Alderney] (hereafter in this section referred to as "[**the Treasurer of the States of Alderney**]") a notice in writing which shall specify –
 - (i) the class of licence for which he intends to apply, and
 - (ii) the kind of goods which he intends to sell or offer for sale or in respect of which he intends to solicit orders, as the case may be, and
 - (iii) where he intends to apply for a licence of the third class as described in Article IV of the principal Law, the premises in which he intends to sell such goods or offer such goods for sale or solicit orders for such goods, as the case may be,

(b) prior to the day on which he intends to make his application –

[(i) pay to [the Treasurer of the States of Alderney] such sum as the States may prescribe by Ordinance in accordance with the Fees (Alderney) Law, 1989,]

(ii) pay to the Treasurer of the States of Alderney the sum specified in Article IV of the principal Law, as amended by this Law, in relation to the class of licence for which he intends to apply.

(2) Where a person has applied for a licence under the principal Law and [the Policy and Finance Committee] has refused to grant such licence, the Treasurer of the States of Alderney shall repay to that person any sum paid by him in accordance with the provisions of subparagraph (ii) of paragraph (b) of subsection (1) of this section.

(3) Where [the Treasurer of the States of Alderney] has received a notice sent or delivered to him in accordance with the provisions of subsection (1) of this section, [the Treasurer of the States of Alderney] shall as soon as may be cause copies of the notice to be affixed on the noticeboard outside the Court House and on the noticeboard at the gate of the Parish Church until the day on which the application to which such notice relates is intended to be made.

NOTES

In section 2,

the words "the Treasurer of the States of Alderney" in square brackets, wherever occurring, were substituted by the Hawkers (Amendment) (Alderney) Law, 1994, section 1(2)(a), with effect from 16th January, 1995;

subparagraph (i) of paragraph (b) of subsection (1) was substituted by the Fees (Alderney) Law, 1989, section 1(2), Schedule, with effect from 21st January, 1999;¹

the words in square brackets in subsection (2) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part 1, paragraph 2A, with effect from 2nd September, 1998.²

The functions of the Finance Committee under this Law were transferred to the Policy and Finance Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part 1, paragraph 2A, with effect from 2nd September, 1998, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

In accordance with the provisions of the Fees (Alderney) Law, 2011, section 3, Schedule, Part II, paragraph 4, with effect from 1st January, 2019, the fees referred to in subsection (1) of this section may be prescribed in accordance with that Law.

The Fees (Alderney) Law, 1989 has since been repealed by the Fees (Alderney) Law, 2011, section 8(1), with effect from 1st January, 2019, subject to the saving in section 8(5) of the 2011 Law.

[Committee] not to dispose of application unless formalities have been complied with.

3. The [Policy and Finance Committee] shall not dispose of any application for a licence under the principal Law unless the provisions of subsection (1) and subsection (3) of the last preceding section have been complied with and unless any person wishing to oppose the application has been given the opportunity of being [heard by the Committee].

NOTES

In section 3,

the word in square brackets in the marginal note thereto was substituted by the Hawkers (Amendment) (Alderney) Law, 1994, section 1(2)(b), with effect from 16th January, 1995;

the words in the first pair of square brackets were substituted by the

*States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 1, Schedule 1, Part 1, paragraph 2A, with effect from 2nd September, 1998;*³

the words in the second pair of square brackets were substituted by the Hawkers (Amendment) (Alderney) Law, 1994, section 1(2)(c), with effect from 16th January, 1995.

Interpretation.

4. The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law and of the principal Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

NOTE

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Saving.

5. The provisions of this Law shall not apply in relation to any licence under the principal Law in force immediately before the commencement of this Law.

Citation and commencement.

6. (1) This Law may be cited as the Hawkers (Amendment) (Alderney) Law, 1963, and this Law and the principal Law may be cited together as the Hawkers (Alderney) Laws, 1930 and 1963.

(2) This Law shall come into force on the first day of the month next following that in which it is registered on the Records of the Island of Guernsey.

NOTES

The Law was registered on the Records of the Island of Guernsey on 28th

January, 1964.

¹ Prior to its substitution, section 2(1)(b)(i) was amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971.

² These words were previously substituted by the Hawkers (Amendment) (Alderney) Law, 1994, section 1(2)(b), with effect from 16th January, 1995.

³ These words were previously substituted by the Hawkers (Amendment) (Alderney) Law, 1994, section 1(2)(b), with effect from 2nd November, 1994.