

# **ORDER IN COUNCIL**

ratifying a *Projet de Loi*

ENTITLED

## **The Fatal Accidents and Law Reform (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1965**

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(Registered on the Records of the Island of Guernsey  
on the 9th day of November, 1965.)

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# ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 9th day of November, 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 Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, 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 18th day of September, 1965, ratifying a *Projet de Loi* entitled "The Fatal Accidents and Law Reform (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1965", 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 and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

## At the Court at Buckingham Palace

The 18th day of September, 1965.

PRESENT,

### The Queen's Most Excellent Majesty.

SECRETARY SIR FRANK SOSKICE

MR. SECRETARY GREENWOOD

CHANCELLOR OF THE DUCHY OF LANCASTER

MR. WILLEY

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 13th day of September, 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 the humble Petition of the States of the Island of Guernsey, setting forth:—

‘ 1. That, in pursuance of their Resolution of the 16th day of December, 1964, the States of Deliberation at a meeting held on the 28th day of April, 1965, approved a Bill or “Projet de Loi” entitled “The Fatal Accidents and Law Reform (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1965” which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the Chief Pleas of the Island of Sark at a meeting held on the 24th day of June, 1965, considered

the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Sark. 3. That the States of the Island of Alderney at a meeting held on the 22nd day of July, 1965, considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Alderney. 4. 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 Fatal Accidents and Law Reform (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1965" and to order that the same shall have force of law in the Bailiwick 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 Bailiwick 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 Fatal Accidents and Law Reform  
(Miscellaneous Provisions)  
(Bailiwick of Guernsey) Law, 1965**

THE STATES, in pursuance of their Resolution of the sixteenth day of December, 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 Bailiwick of Guernsey.

1. The provisions of the Law entitled "Loi relative à la Compensation qui pourra être accordée aux Familles de Personnes dont la Mort aura été causée par Accident" registered on the twenty-eighth day of December, nineteen hundred(a) (hereafter in this Law referred to as "the Law of 1900"), and the provisions of the Fatal Accidents (Guernsey) Law, 1960(b) (hereafter in this Law referred to as "the Law of 1960"), other than section five, section six and section seven thereof, shall have effect in the Island of Alderney and in the Island of Sark as they have effect in the Island of Guernsey:  
Provided that—

- (a) the provisions of those Laws shall not have effect as aforesaid in respect of the death of any person occurring before the commencement of this Law; and

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(a) Ordres en Conseil, Vol. III, p. 235.

(b) Ordres en Conseil, Vol. XVIII, p. 281.

Extension of  
the Fatal  
Accidents  
(Guernsey)  
Laws, 1900  
and 1960,  
to Alderney  
and Sark.

(b) the provisions of the Law of 1900 shall have effect as aforesaid as if for the references therein to the Court there were substituted—

(i) as respects the Island of Alderney, references to the Court of Alderney;

(ii) as respects the Island of Sark, references to the Court of the Seneschal of Sark.

Extension of  
the Law  
Reform  
(Miscel-  
laneous Pro-  
visions)  
(Guernsey)  
Law, 1936, to  
Alderney  
and Sark.

2. The provisions of the Law Reform (Miscellaneous Provisions) (Guernsey) Law, 1936(c), shall have effect in the Island of Alderney and in the Island of Sark as they have effect in the Island of Guernsey: Provided that the provisions of that Law shall have effect as aforesaid as if—

(i) for the reference in subsection (1) of section one thereof to the commencement of that Law there were substituted a reference to the commencement of this Law; and

(ii) the reference in subsection (5) of section one thereof to the Law of 1900 included a reference to the Law of 1900 as extended by this Law.

Amendment  
of the Fatal  
Accidents  
(Guernsey)  
Law, 1960.

3. (1) The Law of 1960 is hereby amended as follows, that is to say—

(a) in subsection (1) of section one thereof, in the definition of the expression “benefit”, there are hereby inserted, immediately before the words “and any payment”, the words and figures “or under the Social Insurance (Guernsey) Law, 1964,”;

(b) in section three thereof, there are hereby inserted, immediately after the words "the principal Law", the words and figures "or under the Carriage by Air (Guernsey) Order, 1935,".

(2) The provisions of section three of the Law of 1960 shall apply to actions under the Carriage by Air (Guernsey) Order, 1935(d), brought in respect of deaths whether occurring before or after the commencement of this Law but occurring after the commencement of the Law of 1960.

(3) The provisions of the last preceding subsection shall not have effect in the Island of Alderney or in the Island of Sark.

4. (1) Except where the context otherwise requires, any reference in this Law to any enactment shall be construed as including a reference to that enactment as amended, repealed or replaced by or under any other enactment including this Law. Construc.  
tion and  
citation-

(2) This Law may be cited as the Fatal Accidents and Law Reform (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1965.

R. H. VIDELO,

Her Majesty's Greffier.

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(d) Ordres en Conseil, Vol. X, p. 175.