

ORDER IN COUNCIL

XVII

1972

ratifying a Projet de Loi

ENTITLED

The Vehicular Traffic (Causing Death by Driving) (Alderney) Law, 1972

(Registered on the Records of the Island of Guernsey
on the 26th day of September, 1972.)



1972

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 26th day of September, 1972, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Bertram Guy Blampied, Esquire, O.B.E., Stanley Walter Gavey, Esquire, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires, and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of August, 1972, ratifying a *Projet de Loi* of the States of Alderney entitled "The Vehicular Traffic (Causing Death by Driving) (Alderney) Law, 1972", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller 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 Balmoral

The 14th day of August 1972

PRESENT,

The Queen's Most Excellent Majesty in Council

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 8th day of August 1972, 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 George William Baron, Esquire, President of the States of Alderney setting forth:

That at a meeting of the States of Alderney held on the 30th day of May 1972, the States adopted a Resolution that a Projet de Loi entitled “The Vehicular Traffic (Causing Death by Driving) (Alderney) Law, 1972” 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 Vehicular Traffic (Causing Death by Driving) (Alderney) Law, 1972” and order 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 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 Vehicular Traffic (Causing Death by Driving) (Alderney) Law, 1972

THE STATES, in pursuance of their Resolution of the twenty-second day of March, nineteen hundred and seventy-two, 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.

1.—(1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding five years or to a fine or to both such imprisonment and a fine. Causing death by driving.

(2) If, upon the trial of a person for an offence against the last preceding subsection, the court is not satisfied that his driving was the cause of the death but is satisfied that he is guilty of driving as mentioned in the last preceding subsection it shall be lawful for the court to convict him of and to punish him for an offence under the provisions of any enactment, for the time being in force, which makes such driving an offence.

Interpreta-
tion.

2.—(1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“road” means any highway and any other road to which the public has access;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on a road.

(2) The Interpretation (Guernsey) Law, 1948(a), 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.

3. This Law may be cited as the Vehicular Traffic (Causing Death by Driving) (Alderney) Law, 1972.

R. H. VIDELO,

Her Majesty's Greffier.