

ORDER IN COUNCIL

XVII

1986

ratifying a Projet de Loi

ENTITLED

The Electricity (Amendment) (No. 2) (Guernsey) Law, 1986

(Registered on the Records of the Island of Guernsey
on the 16th day of December, 1986.)



1986

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 16th day of December, 1986 before Sir Charles Frossard, Kt., Bailiff; present:—Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquires, O.B.E., Herbert Nicolle Machon, James de Sausmarez Carey, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires and Mrs. Dorothy Winifred Le Pelley, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 5th day of November, 1986, approving and ratifying a *Projet de Loi* entitled "The Electricity (Amendment) (No. 2) (Guernsey) Law, 1986", 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 5th day of November 1986

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 24th day of July 1986 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 30th day of January 1986, the States of Deliberation at a meeting held on the 26th day of March 1986, approved a Bill or “Projet de Loi” entitled “The Electricity (Amendment) (No. 2) (Guernsey) Law, 1986”, 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 as 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 Electricity (Amendment) (No. 2) (Guernsey) Law, 1986”, and to order that the same shall have 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, and 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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Electricity (Amendment) (No. 2) (Guernsey) Law, 1986

THE STATES, in pursuance of their Resolution of the 30th day of January, 1986, 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 Guernsey.

1. In the Law entitled "Loi relative a la Fourniture de l'Electricite par les Etats, 1933" registered on the 25th day of November, 1933(a), as amended(b)— Amend-
ment to
Law of 1933.

(a) in section 13, for the words from "a fine not exceeding five pounds" to the end of the section, substitute "a fine not exceeding £100.";

(b) after section 13, insert—
"Entry by
force. 13A. (1) If, on the application of
the Board, the Magistrate's Court is
satisfied that—

(a) a sum is due to the Board from any person in respect of a supply of energy, or any person has failed to comply with the Board's requirements as to the giving of security by him in respect of that supply;

(a) Ordres en Conseil Vol. IX, p. 346.

(b) Ordres en Conseil Vol. XVI, p. 184; Vol. XVII, p. 308; Vol. XIX, p. 213; Vol. XX, p. 331; Vol. XXIV, p. 247; No. VI of 1981; and No. I of 1986.

- (b) the failure by him to pay the sum due or to give the security required has continued for a period of not less than one month;
- (c) reasonable efforts have been made by the Board to inform him that, as a result of his failure to pay the sum due or to give the security required, the Board intends to disconnect the supply of energy in respect of which the sum is due or the security is required to be given;
- (d) reasonable efforts have been made by the Board otherwise than by the use of force to obtain entry to the premises to which the supply of energy was made for the purpose of disconnecting the supply;
- (e) those efforts have been unsuccessful;
- (f) the Board has left notice at the premises to the effect that, as a result of the matters mentioned in paragraphs (a) to (e) of this subsection, it may without further notice take action to enter the premises by force for the purpose of disconnecting the supply; and

- (g) the sum due or the security required to be given is not the subject of a bona fide dispute between the Board and the person from whom the sum or security is claimed;

the Magistrate's Court shall grant an order to the Board authorising it to enter the premises by force for the purpose of disconnecting the supply of energy to them.

(2) An order granted under subsection (1) of this section shall specify the action which may be taken by the Board to effect the entry by force and may stipulate conditions to be observed by the Board.

(3) The Board shall incur no liability to any person in respect of the entry by force to the premises provided that it—

- (a) takes no action to effect entry other than is specified by the order;
- (b) observes any condition stipulated by the order; and
- (c) does as little damage as is reasonably practicable in taking the specified action and in observing any stipulated condition.

(4) An application by the Board for an order under subsection (1) of this section shall be made *ex parte*.

(5) No appeal shall lie from a decision of the Magistrate's Court—

(a) to grant or not to grant an order under subsection (1) of this section; or

(b) in respect of the terms of, or the conditions stipulated by, the order.

(6) Any costs incurred by the Board in obtaining and executing an order under subsection (1) of this section shall be recoverable as a civil debt from the person who has failed to pay the sum due or to give the security required.

(7) For the removal of doubt it is hereby declared that the Board shall have no power to enter any premises by force for the purpose of disconnecting the supply of energy to those premises except under the authority of an order granted under subsection (1) of this section.

(8) If without reasonable cause any person obstructs or hinders an officer of the Board or other person acting, in either case, under the authority of an order granted under subsection (1) of this section, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500, to imprisonment for a term not exceeding 3 months, or to both.”.

2. This Law may be cited as the Electricity Citation. (Amendment) (No. 2) (Guernsey) Law, 1986.

3. This Law and the Electricity (Guernsey) Laws, Collective title. 1933 to 1986, may be cited together as the Electricity (Guernsey) Laws, 1933 to 1986.

K. H. TOUGH,
Her Majesty's Greffier.