

ORDER IN COUNCIL

XIII

1985

ratifying a Projet de Loi

ENTITLED

The Video Licensing (Guernsey) Law, 1985

(Registered on the Records of the Island of Guernsey
on the 3rd day of December, 1985.)



1985

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 3rd day of December, 1985 before Sir Charles Frossard, Kt., Bailiff, present:—Albert Richard McCartney Straw, Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, 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 30th October, 1985 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled “The Video Licensing (Guernsey) Law 1985” the Court, 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 of Saint James

The 30th day of October 1985

PRESENT,

The Counsellors of State in Council

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 27th day of September 1985, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND 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 16th day of October 1985 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 26th day of April 1984, the States of Deliberation at a meeting held on the 31st day of July 1985 approved a Bill or “Projet de Loi” entitled “The Video Licensing (Guernsey) Law, 1985”, 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 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 Video Licensing (Guernsey) Law, 1985", 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."

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Edward, being authorised thereto by the said Letters Patent, have taken the said Report into consideration and do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf, approve of and ratify the said Projet de Loi and order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND do 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 Video Licensing (Guernsey) Law, 1985

THE STATES, in pursuance of their Resolution of the 26th day of April, 1984, 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. (1) There shall be established by Resolution of the States a committee which shall be styled the Video Works Licensing Authority (hereinafter referred to as "the Authority").

Establishment and constitution of the Authority.

(2) The constitution of the Authority shall be such as shall, from time to time, be prescribed by the States by Resolution.

2. It shall be the general duty of the Authority, in addition to, and in the exercise of, such powers and such functions as may be conferred or imposed upon it under or by virtue of any Ordinance made under the provisions of the next succeeding section, to be responsible for ensuring that so far as is practicable, that persons who, in the course of a business, offer to supply video works do so in a manner acceptable to the general public and with due regard to the need to protect children and young persons from exposure to material intended for adults.

General duty of the Authority.

3. The States may, from time to time, by Ordinance make such provision as they deem necessary or expedient for regulating or controlling the business of offering to supply video works and, without prejudice to the generality of the fore-

Control over video operations by the States.

going, they may from time to time, by Ordinance, in particular, make provision for all or any of the following matters:—

- (a) the licensing of persons to operate such businesses;
- (b) prescribing the conditions subject to which such businesses may be operated;
- (c) the examination of persons applying for licences or the renewal of licences;
- (d) determining the requirements and qualifications in respect of age, character and otherwise to be required from persons applying to be licensed;
- (e) the suitability of the premises (including any vehicles) to be used for the purpose of such businesses as regards location, size, layout, access and parking arrangements;
- (f) the taking into consideration of the views of the Constables and Douzaine of the Parish or Parishes in which the person is to operate, with particular reference to the location of the business and the effect on traffic in the area;
- (g) charging, levying and securing the payment of fees for the issue and renewal of any licence granted or renewed under the provisions of any such Ordinance;
- (h) determining the period for which licences shall be valid;
- (i) enabling any person aggrieved by any decision of the Authority to appeal to the

Royal Court sitting as a Full Court against that decision on the grounds that it was ultra vires or was an unreasonable exercise of the powers of the Authority, and the decision of the Royal Court shall be final;

- (j) the production of books, accounts, balance sheets, receipts and other documents relating to the operation of the business licensed, or in connection with an application for the grant or renewal of any licence under the provisions of any such Ordinance;
- (k) the entry into, and the inspection of any premises for any purpose connected with the exercise of any power conferred by the provisions of any such Ordinance or for the purposes of ascertaining whether there is or has been any contravention of, or any failure to comply with, the provisions of any such Ordinance or any licence granted thereunder;
- (l) the administration of the oath to persons engaged in the business of offering to supply video works and the examination of such persons on oath;
- (m) the penalties which shall be incurred by any person guilty of an offence under any such Ordinance and different penalties may be so prescribed for different such offences;
- (n) such incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to provide.

Variation
and repeal
of Ordina-
nces.

4. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Interpreta-
tion.

5. In this Law, unless the context otherwise requires:—

“business” includes any activity carried on by a club or society;

“child” means a person under the age of fourteen years;

“document” includes any record in written form or kept on microfilm, magnetic tape or any other form of mechanical or electronic data retrieval mechanism;

“supply” means supply in any manner, whether or not for reward and includes supply by way of sale, letting on hire, gift, exchange or loan, and “supplying” shall be construed accordingly;

“video work” means any series of visual images (with or without sound)—

(a) produced electronically or otherwise by the use of information contained on any disc, magnetic tape or other recording or stored medium, and

(b) shown as a moving picture,

and includes video or computer games;

Provided that where the main purpose of the information so contained is to enable the nature or sequence of the visual images to be varied by operation of the device producing them, the series of visual images is not a video work;

“young person” means a person who is fourteen years of age or over and under the age of sixteen years.

6. (1) This Law may be cited as the Video Licensing (Guernsey) Law, 1985. Citation and commencement.

(2) This Law shall come into force on such date as the States may by Ordinance appoint.

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