

XII
1948

ORDER IN COUNCIL

Ratifying a Projet de Loi entitled

The Tourist Law, 1948.

(Registered on the Records of the Island of Guernsey
on the 28th day of August, 1948.)



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1948.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 28th day of August, 1948, before Quertier Le Pelley, Esquire, Lieutenant Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Arthur Falla, Pierre de Putron, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 5th day of August, 1948, ratifying a *Projet de Loi* entitled "The Tourist Law, 1948",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller, 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 August, 1948.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT.

VISCOUNT HALL.

MR. CHANCELLOR OF THE EXCHEQUER.

MR. KEY.

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 29th day of July, 1948, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1.—That, in pursuance of their Resolutions of the 15th day of November, 1946, the 22nd day of October, 1947, and the 4th day of February, 1948, the States of Deliberation at a meeting held on the 4th day of June, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ The Tourist Law, 1948 ” 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 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 Tourist Law, 1948 ”, and to order and direct that the same shall have force of Law in the Islands of Guernsey, Herm and Jethou.’

“ 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*.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His 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 Islands of Guernsey, Herm and Jethou.

AND HIS 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 His 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.

E. C. E. Leadbitter.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

The Tourist Law, 1948.

THE STATES, in pursuance of their resolutions of the 15th day of November, 1946, the 22nd day of October, 1947, and the 4th day of February, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou :—

1. (a) There shall be constituted a Committee to be known as the States Tourist Committee (hereinafter in this law referred to as "the Committee").

States
Tourist
Committee.

(b) The constitution of the Committee shall be such as the States may from time to time resolve.

(c) Until the States resolve otherwise, the Committee shall be that set up by Resolution of the States of the 15th day of November, 1946.

2. It shall be the duty of the Committee—

Duties of
the
Committee.

(a) to develop and advertise the amenities and attractions of the Islands both with the object of encouraging visitors to the Islands and in the interests of such visitors and of the inhabitants of the Islands as a whole ;

(b) to control the provision to visitors to the Islands of board and lodging in the Islands ;

(c) to administer the Development Fund hereinafter in this Law referred to ;

(d) to make, if necessary, recommendations to the States, from time to time, as to any legislation which may be necessary for the fulfilment of the duties set out in this Section.

Prohibition
of
unauthorised
provision of
accommoda-
tion.

3. No person shall after the prescribed date provide sleeping accommodation for reward for more than three persons at one time save under and in accordance with a permit (hereinafter in this Law referred to as a "boarding permit") granted by the Committee in respect of the premises in which such accommodation is provided :

PROVIDED THAT for the purpose of this Section no account shall be taken of

- (a) persons engaged in full-time domestic duties directly connected with the premises in which they sleep ;
- (b) persons accommodated as pupils, teachers or organizers in a bona-fide educational establishment, or persons engaged in full-time domestic duties and sleeping in such establishments ;
- (c) persons accommodated in respect of an occupation directly concerned with the care of the sick or of mentally affected persons or of persons under their care as patients of such persons ;
- (d) persons accommodated in premises under the direct control of the States ;
- (e) children under ten years of age ;
- (f) persons accommodated in such circumstances that the Committee shall deem it unreasonable to apply the provisions of this Law.

Boarding
permits.

4. (a) No boarding permit shall have effect after the expiration of one year from the date on which it begins to have effect.

(b) The Committee may grant any boarding permit unconditionally or subject to such conditions either as to duration or otherwise as they may deem advisable.

(c) Boarding permits shall be in writing and shall be deemed to be unconditional save insofar as any conditions thereof are clearly attached thereto

or are notified in writing to the person to whom the boarding permit is granted.

(d) The Committee may at any time and from time to time revoke, suspend or vary the conditions of any boarding permit.

5. In considering whether any boarding permit shall be granted, refused, suspended or revoked, or what conditions (if any) should be attached thereto, or whether and in what respects a condition attached to any boarding permit should be varied, the Committee shall take into consideration

Matters to be considered in granting, refusing, etc., boarding permits.

- (a) the nature of the accommodation provided or to be provided ;
- (b) the size, in relation to the density of population of the area in which they are situated and in relation to the density of population of the Islands generally, of the premises on which the accommodation is provided or is to be provided ;
- (c) the charges made or to be made for sleeping accommodation, and for meals, service and any matters ancillary thereto provided or to be provided for persons so accommodated in relation to what is or is to be provided for those charges ;
- (d) the nature of the establishment in which accommodation is provided or is to be provided in relation to its neighbours ;
- (e) the interests taken as a whole of visitors generally and of the inhabitants of the Islands or of any one or more of them ;
- (f) any pertinent resolutions of the States ;
- (g) the breach (if any) by the person applying for or to whom a boarding permit has been granted of any duty laid upon him by this Law or by any Ordinance made thereunder ;

and shall not refuse an application for a boarding permit, or revoke, suspend or vary (otherwise

than by way of removal) the conditions of a permit without first giving the applicant for or holder of the permit as the case may be a reasonable opportunity of making any relevant representations before the Committee either personally or by a representative.

Notification
of refusal,
etc., of a
boarding
permit

6. The Committee shall

- (a) on refusing any application for a boarding permit ;
- (b) on granting any boarding permit otherwise than unconditionally ;
- (c) on revoking a boarding permit ;
- (d) on suspending a boarding permit ;
- (e) on variation, other than by way of removal of the conditions of any boarding permit ;

notify in writing within fourteen days thereafter the person applying for or to whom has been granted such boarding permit of the reasons for such refusal, revocation, suspension or variation of conditions.

Appeal.

7. An appeal shall lie to the Royal Court sitting as an Ordinary Court from any refusal, revocation or suspension of a boarding permit by the Committee, or from the attachment by the Committee of any condition to such a permit, on any question of law or of mixed law and fact, or on the following grounds only :—

- (a) that the Committee has in such refusal, revocation, suspension or attachment of condition, acted in a manner contrary to natural justice ; or
- (b) that in considering whether or not so to refuse, revoke, or suspend, or whether and in what respect so to attach any condition, the Committee has considered matters other than those set out in Section 5 hereof or has failed to consider any of such matters.

Any decision of the Royal Court sitting as an Ordinary Court on such appeal shall be final.

8. A copy of his current boarding permit shall be exhibited at all times by the person to whom the boarding permit is granted in the main entrance of each of the premises to which it is applicable in such manner as to bring it clearly to the notice of any person entering such premises by such entrance, and there shall be further so exhibited a copy of any condition attached to such permit which shall, by writing addressed to such person, be required to be exhibited.

Exhibition
of Boarding
Permits.

9. The Committee may from time to time prescribe forms in which applications in respect of boarding permits shall be made and may in their discretion disregard any application made otherwise than in such a form.

Committee
may
prescribe
forms of
application.

10. Any member of the Committee appointed in writing for that purpose by the Committee or by the President of the Committee on their behalf is empowered at all reasonable times to enter upon and inspect any premises in respect of which a boarding permit has been applied for or has been granted.

Power-
of
Committee
to
inspect.

11. The Committee may, for the purpose of carrying out their duties under this Law, appoint in writing such inspectors either generally or for a special purpose or occasion as they may deem necessary.

Power of
Committee
to
appoint
Inspectors.

12. Any Inspector appointed pursuant to the provisions of Section 11 of this Law is empowered, subject to the production to anyone reasonably demanding it of a certificate of his appointment signed by a member of the Committee, at all reasonable times to enter upon and inspect any premises in respect of which a boarding permit has been granted.

Powers of
Inspectors.

13. (a) The Committee are empowered from time to time by writing addressed to the person to whom a boarding permit has been granted in respect of any premises :—

Classifi-
cation
and
grading
of
premises.

(i) to classify those premises for the purpose of the obtaining of the

grant or the renewal of a licence under the Liquor Licensing (Provisional) Ordinance, 1948, or under any enactment amending or replacing the appropriate provisions of that Ordinance;

(ii) to grade and describe those premises.

(b) The Committee are empowered to publish any such grading or description.

(c) In so grading and describing any premises the Committee shall take into account not only the nature of the board, lodging, service and other amenities provided on and in respect of the premises but also the amount of intoxicating liquor normally supplied on the premises in relation to the extent of such board, lodging, service and accommodation.

(d) No person to whom a boarding permit has been granted shall with intent to deceive directly or indirectly advertise or describe the premises in respect of which such permit has been granted in such a manner as might lead any person to suppose that the premises had been graded or described by the Committee in a manner substantially at variance with the manner in which they are so graded or described.

Fees,
Develop-
ment
Fund.

14. (a) Any fees payable under this Law or any Ordinance made thereunder shall be paid to the Treasurer of the States of Guernsey to the credit of a Development Fund which shall be administered by the Committee.

(b) Monies in the Development Fund may be expended by the Committee in furtherance of any of the duties set out in Section 2 but not otherwise.

Offences
and
Penalties

15. (a) Any person acting in contravention of Section 3 of this Law shall be guilty of a separate offence in respect of each person for whom such accommodation is provided and shall be liable on conviction

(i) on a first conviction to a fine not exceeding Fifty pounds;

- (ii) on a second conviction to a fine not exceeding Two hundred pounds ;
 - (iii) on a third or subsequent conviction to a fine not exceeding One thousand pounds.
- (b) Any person who, with intent
- (i) to obtain the grant of a boarding permit, or
 - (ii) to avoid the variation of any condition to a boarding permit, or
 - (iii) to avoid the revocation or suspension of a boarding permit,

wilfully makes any statement which is false in a material particular to the Committee or to any member of the Committee or to an Inspector appointed under this Law or who wilfully withholds from the Committee or from any such person material information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding One hundred pounds or to imprisonment with or without hard labour for a term not exceeding three months or to both such imprisonment and fine.

(c) Any person who publicly exhibits any notice or document which falsely purports to show that he has been granted a boarding permit or which falsely purports to show that he has been granted a boarding permit unconditionally or upon condition more favourable to him than those which are attached to such permit shall be guilty of an offence and shall be liable on conviction to a fine not exceeding One hundred pounds or to imprisonment with or without hard labour for a term not exceeding three months or to both such imprisonment and such fine.

(d) Any person wilfully obstructing any member of the Committee or any Inspector duly appointed under this Law in the exercise of the powers conferred upon him by this Law shall be guilty of an offence and shall be liable

- (i) on a first conviction to a fine not

exceeding Ten pounds ;

(ii) on a second conviction to a fine not exceeding Fifty pounds ;

(iii) on a third or subsequent conviction to a fine not exceeding One hundred pounds or to imprisonment with or without hard labour for one month.

(e) Any person committing an act in contravention of this Law for which a penalty is not specifically provided shall be guilty of an offence and shall be liable on a first conviction to a fine not exceeding Ten pounds and on a second or subsequent conviction to a fine not exceeding Fifty pounds.

Where an offence for which any person is liable under this Law has been committed by an agent of that person, the agent, as well as that person, shall be deemed to be guilty of that offence and shall be liable to be punished accordingly.

Power of
Royal Court
to make
Ordinances.

16. The Royal Court may make such Ordinances as are necessary for carrying out the provisions of this Law.

Fees.

17. The States may by Resolution, thereafter to be embodied in an Ordinance of the Royal Court, prescribe fees to be payable under this Law.

Interpre-
tation.

18. In this Law

the expression "prescribed date" shall mean a date which the Committee shall prescribe by notice inserted in the Gazette Officielle on at least three occasions the last of which occasions shall be not later than 28 days before the prescribed date ;

the expression "the Islands" means the Islands of Guernsey, Herm and Jethou ;

the expression "attachment of conditions" includes the variation of conditions ;

the expression "vary the conditions" includes the attachment of conditions and the removal of conditions previously attached to the grant of a permit.