

ACTE DE PROMULGATION DE LOI

II
1943

Sanctionnant un Projet de Loi intitulé

**“The Properties War Damage Repairs
Claims (by the States of Guernsey) Law,
1943”.**

(Enregistré sur les Records de l'Île de Guernesey le
30 janvier 1943.)



IMPRIMÉ ET PUBLIÉ PAR LA
GUERNSEY "STAR" AND "GAZETTE" CO., LTD.
IMPRIMEURS OFFICIELS AUX ETATS,
BUREAU DE LA GAZETTE OFFICIELLE,
RUE DU BORDAGE.

1943

Acte de Promulgation de Loi.

Le trente janvier mil neuf cent quarante-trois, par devant Victor Gosselin Carey, écuyer, Baillif, présents: Jean Allès Simon, John Roussel, Osmond Priaulx Gallienne, Arthur Dorey, John Leale, James Frederick Carey, écuyers, Messire Abraham James Lainé, K.C.I.E., Arthur Falla, Pierre de Putron, Quartier Le Pelley et Walter John Sarre, écuyers, Jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Acte de Promulgation de Loi fait par lui-même aux qualités qu'il se porte, en date du vingt-deux janvier mil neuf cent quarante-trois, sanctionnant un Projet de Loi intitulé " The Properties War Damage Repairs Claims (by the States of Guernsey) Law, 1943 ", lequel dit Projet a été approuvé par le Feldkommandant Allemand. La Cour, ouïes les conclusions du Procureur Général, a ordonné que le dit Acte et le dit Projet de Loi seront enregistrés sur les records de cette Ile, desquels dits Acte et Projet de Loi la teneur suit :—

THIS 22nd day of January, 1943.

An Act of Promulgation of Law

BY

VICTOR GOSSELIN CAREY,

Bailiff of the Island of Guernsey in exercise of the powers thereunto enabling him.

WHEREAS on the 20th day of January, 1943, the States of Deliberation adopted a Projet de Loi styled " The Properties War Damage Repairs Claims (by

LE 30 JANVIER 1943.

the States of Guernsey) Law, 1943 ", the said Projet de Loi being designed to provide for the recovery of and for securing moneys disbursed by the States in repairing war damage (as therein defined) to property :

AND WHEREAS the said Projet de Loi has been submitted to the German Feldkommandant who thereupon accorded his approval thereto :

AND WHEREAS the Bailiff was desired by the States, subject to such approval, to accord his Sanction to the said Projet de Loi :

NOW THEREFORE the Bailiff aforesaid hereby accords his SANCTION TO the said Projet de Loi and promulgates the same to the intent that the same shall have the force of Law within this Island, of which Projet de Loi the tenor followeth.

AND the Bailiff aforesaid doth hereby direct that this Act of Promulgation and the said Projet de Loi be entered upon the public Records of this Island and that all officials and other persons whomsoever are to take notice thereof and govern themselves accordingly.

VICTOR G. CAREY,
Bailiff.

PROJET DE LOI DIT " THE PROPERTIES
WAR DAMAGE REPAIRS CLAIMS (BY THE
STATES OF GUERNSEY) LAW, 1943 ".

1.—In this Law, the following expressions have the meanings hereinafter assigned to them respectively :—

" contributory " means and " contributories " includes any such person as is referred to in clause (a) or clause (b) of subsection (1) of Section 2 of this Law:

" Treasurer of the States " includes any person for the time being performing the duties of that office:

“ war damage ” means damage resulting during the continuance of the war in which the Government of His Britannic Majesty is at present engaged, from any bomb or other missile, from gun blast or from blasting, or from any operation whether by the Armed Forces (or the Auxiliaries of such Armed Forces or their employees) of His Britannic Majesty or of His Allies or of any of the Powers at war, with, or engaged in hostile action against, the Armed Forces or subjects of His Britannic Majesty or of His Allies.

2.—(1) Where moneys have been disbursed, whether heretofore or hereafter, by the States of Guernsey for the purpose of meeting in whole or in part the cost of repairing war damage to any property, the States may at any time thereafter recover the whole or any part of the amount so disbursed—

- (a) from any person in whom the ownership of that property or any part thereof vests on the date of the disbursement of such moneys ; or
- (b) from any person then entitled to any usufructuary interest in that property or part thereof ; or
- (c) from the legal personal representatives of any such person ;

and, subject to the provisions of this Law, a hypothèque in respect of the moneys so disbursed shall be created in favour of the States.

(2) Where moneys disbursed as aforesaid are recovered by the States from any such contributory or from his or her legal personal representatives, that contributory, or his or her legal personal representatives, shall be entitled to recover from any other of such contributories, or from his, her or their legal personal representatives, such proportion of the moneys so recovered by the States as is the fair

contribution thereto of such other or others of such contributories, having regard to the values or the estimated values of the respective interests of the contributories in the property.

3.—Where moneys are disbursed as aforesaid and have not been recovered by the States, the Treasurer of the States shall cause a certificate to be prepared in the Form contained in the Schedule to this Law and shall forward such certificate to the Greffier. Every such certificate shall, in the absence of proof to the contrary, be evidence of the matters certified therein.

4.—(1) The Greffier, upon receiving any such certificate as aforesaid, shall allot a number thereto and cause such number and the date on which the certificate is received to be inserted in the space provided in the right upper corner of the certificate and such date shall be certified by the initials of the Greffier or a Deputy Greffier.

(2) The Greffier shall, upon the respective dates of the receipt of such certificates, enter the same in numerical sequence in a File to be kept by him and to be styled " Properties War Damage Repairs, Registered Claims of the States of Guernsey " (and hereinafter referred to as "the Register ") and shall prepare an Index to such File showing in alphabetical order the names of the persons described in such certificates as the owners and usufructuaries of the properties referred to therein followed by the number of the relevant certificate. The Index and the Register shall be available for inspection during the ordinary hours in which Greffe business is conducted and extracts thereof may be taken, the whole without fee.

5.—(1) Upon the entry in the Register of any such certificate as aforesaid, a hypothèque for the amount set forth in such certificate shall be created in favour of the States of Guernsey, with effect as on and from the date shown on that certificate as the date of the

receipt thereof at the Greffe, and such hypothèque shall attach to the realty of such person or persons referred to in the certificate as is or are the owner or owners of the property to which the certificate relates and to the interest in that property of such person or persons referred to in the certificate as is or are the usufructuary or usufructuaries thereof or any part thereof, as though on that date an obligation for the amount aforesaid, not bearing interest, consented jointly and severally in favour of the States by every such owner and every such usufructuary had been registered in the Livre des Obligations.

(2) Upon the written instructions of the Treasurer of the States, the Greffier shall effect the cancellation of any certificate entered in the Register either wholly or as regards the interest of any person affected by the hypothèque resulting from the entry in the Register of that certificate, as the case may require, and such cancellation shall have the same effect in relation to the relevant hypothèque as would the "vacatement" to the like extent of an obligation.

SCHEDULE.

For
completion
at
Greffe.

NO.	
	Date of receipt of Claim at Greffe and initials of Greffier or his Deputy.

PROPERTY WAR DAMAGE REPAIRS CLAIM.

To

The Greffier,
Royal Court,
Guernsey.

I certify that on the.....day
of.....194 , the sum
of Pounds
..... shillings
and.....pence was disbursed by the
States of Guernsey in respect of repairing war damage
to a property known as
and situate at
in the parish of
the said property belonging to
.....
of.....
and of which property
.....
of.....
is/are the usufructuary/ies. Kindly register the
above claim in accordance with the Properties War
Damage Repairs Claims (by the States of Guernsey)
Law, 1943.

Guernsey, this day of 194 .

.....
Treasurer of the States.

A. J. ROUSSEL,
Greffier.

Genemigt—Approved

Der Feldkommandant :

KNACKFUSS

Oberst.

Jersey, den 23.12.1942.