

ORDER IN COUNCIL

XII

ratifying a Projet de Loi

1958

ENTITLED

The Road Traffic (Driving under the Influence of Drink or Drugs) (Alderney) Law, 1958

(Registered on the Records of the Island of Guernsey
on the 30th day* of August, 1958.)



1958.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of August, 1958, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, Arthur Falla, William Robert Freake Clark, Esquires, Bertram Bartlett, Esquire, O.B.E., Osmond Priaulx, Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, and Henry Robin Bichard, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 30th day of July, 1958, ratifying a *Projet de Loi* of the States of Alderney entitled "The Road Traffic (Driving under the Influence of Drink or Drugs) (Alderney) Law, 1958",—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 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 Buckingham Palace,

The 30th day of July, 1958.

PRESENT,

The Queen's Most Excellent Majesty.

PRIME MINISTER

LORD PRESIDENT

LORD MILLS

MR. ORMSBY-GORE

MR. BROOKE

MR. MOLSON

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, 1958, 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 Sydney Peck Herivel, Esquire, President of the States of the Island of Alderney setting forth:

‘That at a meeting of the States of Alderney held on the first day of July, 1958, the States adopted a Resolution that a Projet de Loi entitled “The Road Traffic (Driving under the Influence of Drink or Drugs) (Alderney) Law, 1958” 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 annexed hereto: And

most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* entitled "The Road Traffic (Driving under the Influence of Drink or Drugs) (Alderney) Law, 1958" and to 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 Road Traffic (Driving under the Influence of Drink or Drugs) (Alderney) Law, 1958.

THE STATES, in pursuance of their Resolution of the ninth day of March, nineteen hundred and fifty-five, 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 when driving or attempting to drive, or when in charge of, a motor vehicle on a road or other public place is under the influence of drink or of a drug to such an extent as to be incapable of having a proper control of the vehicle, shall be liable:—

- (a) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;
- (b) on conviction on indictment before the Royal Court of Guernsey sitting as a Full Court,

to imprisonment with or without hard labour for a term not exceeding six months or to a fine or to both such imprisonment and fine.

(2) A person convicted of an offence under this Law shall, unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction from holding or obtaining a licence.

(3) A police constable may arrest without warrant any person committing an offence under this Law.

2. For the purposes of this Law the expression "motor vehicle" shall mean any mechanically propelled vehicle intended or adapted for use on roads.

3. A person liable to be charged with an offence under this Law shall not be liable to be charged with an offence under the Law entitled "Loi par rapport aux Personnes Ivres ayant le Soins de Véhicules sur les Voies Publiques" registered on the Records of the Island of Guernsey on the first day of December, nineteen hundred and thirty-four.

JAMES E. LE PAGE,

Her Majesty's Greffier.