

# ORDER IN COUNCIL

**III**  
**1977**

ratifying a Projet de Loi

ENTITLED

## **The Protection of Depositors, Companies and Prevention of Fraud (Amendment) (Bailiwick of Guernsey) Law, 1977**

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(Registered on the Records of the Island of Guernsey  
on the 3rd October, 1977.)

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1977

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 3rd day of October, 1977, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:— Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C. and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 26th day of July, 1977, ratifying a *Projet de Loi* entitled "The Protection of Depositors, Companies and Prevention of Fraud (Amendment) (Bailiwick of Guernsey) Law, 1977", 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 and to the Seneschal of Sark for registration on the records of these Islands respectively, of which Order in Council the tenor followeth:—

## At the Court at Buckingham Palace

The 26th day of July 1977

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 8th day of July 1977, 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 Resolutions of the 25th day of April 1974 and of the 30th day of September 1976, the States of Deliberation at a meeting held on the 12th day of January 1977 approved a Bill or “Projet de Loi” entitled “The Protection of Depositors, Companies and Prevention of Fraud (Amendment) (Bailiwick of Guernsey) Law, 1977”, which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the Chief Pleas of the Island of Sark at a meeting held on the 19th day of January 1977 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 3. That the States of the Island

of Alderney at a meeting held on the 9th day of February 1977 considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Alderney. 4. 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 Protection of Depositors, Companies and Prevention of Fraud (Amendment) (Bailiwick of Guernsey) Law, 1977", and to order that the same shall have force of law in the Bailiwick 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, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick 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.

*N. E. Leigh*

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

## PROJET DE LOI

ENTITLED

### **The Protection of Depositors, Companies and Prevention of Fraud (Amendment) (Bailiwick of Guernsey) Law, 1977**

THE STATES, in pursuance of their Resolutions of the twenty-fifth day of April, nineteen hundred and seventy-four, and of the thirtieth day of September, nineteen hundred and seventy-six, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. The Protection of Depositors, Companies and Prevention of Fraud (Bailiwick of Guernsey) Law, 1969<sup>(a)</sup>, (hereinafter in this Law referred to as "the principal Law"), as amended<sup>(b)</sup>, is hereby further amended as follows, that is to say:—

Amend-  
ment of  
principal  
Law.

- (a) for paragraph (d) of subsection (1) of section one thereof there is hereby substituted the following paragraph—

"(d) the charging, levying and securing of the payment of a fee, whether annual or otherwise, in such amount as the States think fit, in respect of the registration of persons as aforesaid;"

- (b) in the heading to Part II thereof, the words "by companies" are hereby repealed;

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(a) Ordres en Conseil Vol. XXII, p. 28.

(b) Ordres en Conseil Vol. XXII, p. 518.

(c) in section five thereof—

(i) for the words “by companies” there are hereby substituted the words “by any person”; and

(ii) immediately before the words “of insurance business”, there are hereby inserted the words “by any person”; and

(d) immediately after section six thereof, there are hereby inserted the following two sections—

“Misleading statements etc. inducing persons to enter into contracts of insurance.

6A. Any person who, by any statement, promise or forecast which he knows to be misleading, false or deceptive, or by any dishonest concealment of material facts, or by the reckless making (dishonestly or otherwise) of any statement, promise or forecast which is misleading, false or deceptive, induces or attempts to induce another person to enter into or offer to enter into any contract of insurance with any person carrying on insurance business shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both, and, on summary conviction, to a fine not exceeding four hundred pounds.

Penalties to be prescribed by Ordinance.

6B. The States may, from time to time, by Ordinance prescribe the penalties which shall be

incurred by any person guilty of an offence under any Ordinance made in pursuance of the provisions of section five of this Law, and different penalties may be so prescribed for different offences.”.

2. (1) Where an offence under the principal Law, as amended, is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, chief executive, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against and punished accordingly. Offences by  
bodies  
corporate.

(2) For the purposes of this section, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of the body corporate or any of them act.

3. (1) This Law may be cited as the Protection of Depositors, Companies and Prevention of Fraud (Amendment) (Bailiwick of Guernsey) Law, 1977. Citation  
and  
collective  
title.

(2) This Law and the Protection of Depositors, Companies and Prevention of Fraud (Bailiwick of Guernsey) Laws, 1969 and 1970, may be cited together as the Protection of Depositors, Companies and Prevention of Fraud (Bailiwick of Guernsey) Laws, 1969 to 1977.

R. H. VIDELO,  
Her Majesty's Greffier.