

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Import Duties (Amendment) (Bailiwick of Guernsey) Law, 1960**

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(Registered on the Records of the Island of Guernsey  
on the 11th day of June, 1960.)

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# ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 11th day of June, 1960, before William Henry Arnold, Esquire, C.B.E., Bailiff; present :— Sir John Leale, William Robert Freaque Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Henry Robin Bichard and Stanley Walter Gavay, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 7th day of June, 1960, ratifying a *Projet de Loi* entitled "The Import Duties (Amendment) (Bailiwick of Guernsey) Law, 1960",—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 those Islands respectively, of which Order in Council the tenor followeth :—

# At the Court at Buckingham Palace,

The 7th day of June, 1960.

PRESENT,

**The Queen's Most Excellent Majesty.**

LORD PRIVY SEAL

LORD CARRINGTON

LORD MILLS

MR. WALKER-SMITH

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 27th day of May, 1960, 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 the States of Deliberation at a meeting held on the 20th day of April, 1960, in pursuance of their Resolution of that day, approved a Bill or “Projet de Loi” entitled “The Import Duties (Amendment) (Bailiwick of Guernsey) Law, 1960”, 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 said 20th day of April, 1960, 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 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 Import Duties (Amendment) (Bailiwick of Guernsey) Law, 1960" 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.

W. G. AGNEW.



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

**PROJET DE LOI**

ENTITLED

**The Import Duties (Amendment)  
(Bailiwick of Guernsey) Law, 1960**

THE STATES, in pursuance of their Resolution of the twentieth day of April, nineteen hundred and sixty, 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 Import Duties Act (Bailiwick of Guernsey), 1932, as amended (hereinafter referred to as "the principal Law") is hereby further amended, as follows:—

(a) in section one thereof the definition of the expression "British Empire" is hereby deleted and the following definition is hereby inserted therefor—

" 'country' includes territory, and references to a country include references to any area consisting of two or more countries;";

(b) subsection (a) of section two thereof is hereby deleted and the following subsection is hereby substituted therefor—

"(a) (i) Subject to the provisions of this Law, the Board may, if it appears to it expedient so to do, by Order direct that on the importation into the Bailiwick of goods of any

description there shall be charged under this section such duties as may be specified in the Order.

- (ii) An Order made under the provisions of this section imposing or varying duties may differentiate between the goods of different countries, and may do so subject or not to conditions as to the place from which the goods are consigned to the Bailiwick.
- (iii) The power of the Board to make Orders under this section shall include power to prescribe a form of customs tariff in accordance with which goods may be classified for other purposes as well as for the purposes of duties chargeable under an Order made under the provisions of this section and to provide accordingly for goods to be classified in any way appearing to the Board to be convenient, having regard to the duties imposed or to be imposed under this section, to other duties, to any exemption from duties provided for by any other Law, and to any international agreement relating to customs matters.”;
- (c) in paragraph (b) of section five thereof the words “British Empire” are hereby deleted and the words “Commonwealth preference area” substituted therefor;
- (d) sections nine and ten thereof and the marginal notes thereto are hereby repealed

and the following sections and marginal notes are hereby substituted therefor—

“Provisions for determining country of origin of imported goods.

9. (1) For the purposes of this Law, goods shall be deemed to be goods of a country if they are grown, produced or manufactured in that country.

(2) The Board may by Order make provision as to the cases in which goods are or are not to be treated for those purposes as grown, as produced or as manufactured in a country and as to the evidence which is to be required or is to be sufficient for the purpose of showing that goods are goods of a particular country; and the Order may make different provision for different purposes and in relation to goods of different descriptions.

(3) Subject to the provisions of any such Order, where any question as to the duties chargeable under an Order made under this Law on any goods depends under this Law on the country in which they were grown, produced or manufactured or on that from which they are consigned to the Bailiwick, the Board may require the importer of the goods to furnish to it, in such form as it may prescribe, proof of any statement made to it as to any fact necessary to



determine that question; and, if such proof is not furnished to its satisfaction, the question may be determined without regard to that statement.

(4) In determining for the purposes of this Law or of any other enactment relating to duties where fish, whales or other natural produce of the sea, or goods produced or manufactured therefrom at sea, are to be treated as produced or manufactured, anything done by or on board of a ship belonging to a country shall be treated as done in that country; and any such produce of the sea or goods produced or manufactured therefrom at sea, if brought direct to the Bailiwick, are for the purposes of this Law—

(a) in the case of goods of the Bailiwick, to be deemed for the purposes of any charge to duty not to be imported; and

(b) in the case of goods of any other country, to be deemed to be consigned to the Bailiwick from that country.

(5) For the purposes of the last foregoing subsection, a registered ship shall be deemed to belong to the country in which it is registered and the

definition of "ship" in section one of this Law shall not apply.

Common-  
wealth  
preference.

10. (1) An Order under section two of this Law may provide that the duty imposed on goods of any description shall not be chargeable on goods qualifying for Commonwealth preference or shall be chargeable on them at a preferential rate.

(2) The goods qualifying for Commonwealth preference shall be any goods of the area referred to in this Law as the Commonwealth preference area which are consigned to the Bailiwick from a place in that area.

(3) Subject to the following provisions of this section, the Commonwealth preference area shall consist of—

- (a) the British Islands; and
- (b) the countries named as parts of that area in subsection (4) of this section; and
- (c) any country not named (nor included in a country named) in the said subsection (4) which for the time being forms part of Her Majesty's dominions outside the British Islands; and

- (d) any country not named (nor included in a country named) in the said subsection (4) which is for the time being under Her Majesty's protection through Her Majesty's government in the United Kingdom, or administered by that government under the trusteeship system of the United Nations; and
- (e) any country not named (nor included in a country named) in the said subsection (4) which is for the time being administered by the government of a country included in the Commonwealth preference area under paragraph (b) of this subsection.

(4) The countries referred to in paragraph (b) of subsection (3) of this section shall be the following Commonwealth countries, namely, the Commonwealth of Australia, Canada, Ceylon, Ghana, India, the Federation of Malaya, New Zealand, Pakistan, the Federation of Rhodesia and Nyasaland and the Union of South Africa, together with Burma and the Republic of Ireland:

PROVIDED that the States may by Ordinance direct that the

name of any country shall be added to this subsection, including that of any country which but for the Ordinance would be included in the Commonwealth preference area under paragraph (c) of subsection (3) of this section.

(5) The States may by Ordinance direct that any country for the time being named in subsection (4) of this section shall not form part of the Commonwealth preference area.

(6) A country falling within paragraph (d) or (e) of subsection (3) of this section shall not be included in the Commonwealth preference area under that paragraph unless either it fell within that paragraph on the date on which this section comes into force or the States by Ordinance direct that it shall be so included.

(7) Any Ordinance under subsection (5) or (6) of this section may be varied or revoked by a subsequent Ordinance.

(8) Goods of any of the following countries, that is to say, the Union of South Africa, the Federation of Rhodesia and Nyasaland, the Bechuanaland Protectorate and Swaziland, shall for the purpose of qualify-

ing them for Commonwealth preference be deemed to be consigned to the Bailiwick from that country if they are so consigned from the port of Lourenço Marques in Portuguese East Africa, or, in the case of goods of the said Federation or Protectorate, if they are so consigned either from that port or from the port of Beira in Portuguese East Africa.”;

(e) section twenty-four thereof is hereby repealed.

2. Any Order made under the provisions of section two of the principal Law repealed by this Law shall be deemed to be made, and always to have been made, under the said section two as amended by this Law and any such Order shall continue in force under the said section two as so amended until repealed by a subsequent Order made under that section.

3. The Import Duties Amendment Law (Bailiwick of Guernsey) 1947 is hereby repealed.

4. The Import Duties Acts (Bailiwick of Guernsey), 1932 and 1934, the Import Duties (Bailiwick of Guernsey) (Amendment) Law, 1953, and this Law may be cited together as the Import Duties (Bailiwick of Guernsey) Laws, 1932 to 1960.

R. H. VIDELO,

Her Majesty's Greffier.