

PROJET DE LOI

ENTITLED

The Interpretation (Guernsey) Law, 1948 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XIII, p. 355. See also the Magistrate's Court (Guernsey) Law, 1954 (Ordres en Conseil Vol. XVI, p. 103); the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Ordres en Conseil Vol. XXIV, p. 273); the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); the Security Interests (Guernsey) Law, 1993 (No. III of 1993, Ordres en Conseil Vol. XXXIV, p. 299); the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (No. VIII of 2004, Ordres en Conseil Vol. XLIV(2), p. 1); the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 (No. XXIII of 2003, Ordres en Conseil Vol. XLIII(2), p. 617); the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 162); the Health and Safety at Work (Alderney) Ordinance, 2003 (Alderney Ordinance No. XIII of 2003). This Law has been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (No. V of 2018).

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THE STATES have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and in the Island of Herm.

Rules as to gender and number.

1. In this Law and in every other enactment, whether passed before or after the commencement of this Law, unless the contrary intention appear –

- (a) words importing the masculine gender shall include females, and
- (b) words in the singular shall include the plural and words in the plural shall include the singular.

Application of penal enactments to Bodies Corporate.

2. (1) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether passed before or after the commencement of this Law, the expression "**person**" shall, unless the contrary intention appear, include a body corporate.

Provided that nothing in this sub-section shall render any body corporate liable in respect of any act or omission occurring before the date of the commencement of this Law, to any criminal proceedings to which that body corporate would not have been liable before that date.

(2) Where under any enactment, whether passed before or after the commencement of this Law, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

Meanings of certain words.

3. In every enactment, whether passed before or after the commencement of this Law, the following expressions shall, unless the contrary intention appear, have the meanings hereby respectively assigned to them, namely –

The expression "**month**" shall mean calendar month,

The expression "**land**" shall include houses and buildings,

The expressions "**oath**" and "**affidavit**" shall, in the case of persons for the time being allowed by Law to affirm or declare instead of swearing, include affirmation and declaration, and the expression "**swear**" shall, in the like case, include affirm and declare.

Judicial notice of Acts of Parliament.

4. Every public Act of Parliament, whether passed before or after the commencement of this Law, and whether registered on the Records of this Island or not, shall be judicially noticed as such.

Effect of repeal.

5. (1) Where an enactment, whether passed before or after the commencement of this Law, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment.

(2) Where an enactment, whether passed before or after the commencement of this Law, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed provisions shall remain in force until the substituted provisions come into operation.

Official definitions.

6. In this Law, and in every other enactment, whether passed before or after the commencement of this Law, the following expressions shall, unless the contrary intention appear, have the meanings hereby respectively assigned to them, namely –

- (1) the expression "**consular officer**" shall include consul-general, consul, vice-consul, consular agent, and any person for the time being authorised to discharge the duties of consul-general, consul or vice-consul,
- (2) the expression "**the States**" shall mean the States of Deliberation.

Judicial definitions.

7. In this Law and in every other enactment whether passed before or after the commencement of this Law, the following expressions shall, unless the contrary intention appear, have the meanings hereby respectively assigned to them, namely –

- (1) the expression "**imprisonment**" shall mean imprisonment with or without hard labour,
- (2) the expression "**Police Court**" shall mean the Court called, in the French language, "La Cour de Police Correctionnelle".

NOTES

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 21st January, 1980, "[n]o person shall be sentenced by a Court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Law; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect".

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 1954, section 10(3) (as originally enacted), the expression "Police Court" in this section shall be deemed to refer to the Magistrate's Court, with effect from 17th January, 1955.

Geographical definitions.

8. In this Law and in every other enactment, whether passed before or after the commencement of this Law, the following expressions shall, unless the contrary intention appear, have the meanings hereby respectively assigned to them, namely –

- (1) the expression "**British Islands**" shall mean the United Kingdom, the Channel Islands and the Isle of Man,
- (2) the expression "**United Kingdom**" shall mean Great Britain and Northern Ireland,
- (3) the expression "**British possession**" shall mean any part of His Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession,

- (4) the expression "**colony**" shall mean any part of His Majesty's dominions exclusive of the British Islands and the self-governing Dominions, and where parts of such dominions are under both a central and a local legislature all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony,
- (5) the expression "**colonial legislature**" and the expression "**legislature**", when used with reference to a British possession, shall respectively mean the authority other than the Imperial Parliament or His Majesty the King in Council, competent to make laws for a British possession.

Meaning of person.

9. In this Law and in every other enactment, whether passed before or after the commencement of this Law, the expression "**person**" shall, unless the contrary intention appear, include any body of persons corporate or unincorporate.

Meaning of "writing".

10. In this Law and in every other enactment, whether passed before or after the commencement of this Law, expressions referring to writing shall, unless the contrary intention appear, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.

NOTE

Section 10 is prospectively amended by the Electronic Transactions (Guernsey) Law, 2000, section 20.

Meaning of service by post.

11. Where an enactment, whether passed before or after the commencement of this Law, authorises or requires any document to be served by post, whether the expression "serve" or the expression "give" or "send", or any other expression is used, then, unless the contrary intention appear, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

NOTES

The following case has referred to section 11:

In the Matter of the Westbury Property Fund Limited 2005–06 GLR 176.

In accordance with the provisions of –

- (i) *the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, section 28(3), with effect from 1st June, 1976;*
- (ii) *the Security Interests (Guernsey) Law, 1993, section 13(4), with effect from 26th May, 1993;*
- (iii) *the Merchant Shipping (Bailiwick of Guernsey) Law, 2002, section 277(7), with effect from 1st February, 2009;*
- (iv) *the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, section 9, Schedule 1, paragraph 10, with effect from 5th April, 2004;*
- (v) *the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 31(4), with effect from 1st December, 1987; and*
- (vi) *the Health and Safety at Work (Alderney) Ordinance, 2003, section 31(4), with effect from 1st January, 2004,*

and for the purposes of this section in its application to those provisions, the proper address of any person or body on or to whom any such notice or document required or authorised to be served or given as is referred to in those provisions shall be, subject to any exceptions contained in the said provisions, as set out therein.

References to the Crown.

12. In this Law and in every other enactment, whether passed before or after the commencement of this Law, references to the Sovereign reigning at the time of the passing of the enactment or to the Crown shall, unless the contrary intention appear, be construed as references to the Sovereign for the time being, and this Law shall be binding on the Crown.

Construction of statutory rules.

13. Where any enactment, whether passed before or after the commencement of this Law, confers power to make or issue any instrument, that is to say, any order, warrant, scheme, rules or regulations, expressions used in the instrument, if it is made after the commencement of this Law, shall, unless the contrary intention appear, have the same respective meanings as in the enactment conferring the power.

Construction of provisions as to exercise of powers and duties.

14. (1) Where an enactment, whether passed before or after the commencement of this Law, confers a power or imposes a duty, then, unless the contrary intention appear, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where an enactment, whether passed before or after the commencement of this Law, confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appear, the power may be exercised and the duty shall be performed by the holder for the time being of the office, or, in case of his absence or incapacity by the person for the time being performing the duty of that office.

(3) Where an enactment, whether passed before or after the

commencement of this Law, confers a power to make any orders, rules or regulations, the power shall, unless the contrary intention appear, be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the orders, rules or regulations.

Offences under two or more enactments.

15. Where an act or omission constitutes an offence under two or more enactments, or both under an enactment and under the customary law of this Island, whether any such enactment was passed before or after the commencement of this Law, the offender shall, unless the contrary intention appear, be liable to be prosecuted and punished under either or any of those enactments or under the customary law, but shall not be liable to be punished twice for the same offence.

Measurement of distance.

16. In the measurement of any distance for the purposes of any enactment, whether passed before or after the commencement of this Law, that distance shall, unless the contrary intention appear, be measured in a straight line on a horizontal plane.

"Commencement".

17. (1) In this Law and in every enactment, whether passed before or after the commencement of this Law, the expression "**commencement**", when used with reference to an enactment, shall mean the time at which the enactment comes into operation.

(2) Where an enactment, whether passed before or after the commencement of this Law, or any order, warrant, scheme, rules or regulations made or issued under a power conferred by any such enactment, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

Exercise of statutory powers between passing and commencement of enactment.

18. Where an enactment, whether passed before or after the commencement of this Law, is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make or issue any instrument, that is to say, any order, warrant, scheme, rules or regulations, to give notices, to prescribe forms, or to do any other thing for the purposes of the enactment, that power may, unless the contrary intention appear, be exercised at any time after the passing of the enactment, so far as may be necessary or expedient for the purpose of bringing the enactment into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appear in the enactment, or the contrary is necessary for bringing the enactment into operation, come into operation until the enactment comes into operation.

Effect of repeal and re-enactment.

19. (1) Where this Law or any other enactment, whether passed before or after the commencement of this Law, repeals and re-enacts, with or without modification, any provisions of a former enactment, references in any other enactment to the provisions so repealed shall, unless the contrary intention appear, be construed as references to the provisions so re-enacted.

(2) Where this Law or any other enactment, whether passed before or after the commencement of this Law, repeals any other enactment, then, unless the contrary intention appear, the repeal shall not –

- (a) revive anything not in force or not existing at the time at which the repeal takes effect, or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed, or

- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed, or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed, or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing enactment had not been passed.

Citation.

20. This Law may be cited as the Interpretation (Guernsey) Law, 1948.

NOTE

The Law received Royal Sanction on 13th September, 1948 and was registered on the Records of the Island of Guernsey and came into force on 4th October, 1948.
