

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law, 1994

(Registered on the Records of the Island of Guernsey
on the 7th day of June, 1994.)



1994

**VIII
1994**

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 7th day of June, 1994 before Sir Graham Dorey, Bailiff; present:— Harry Wilson Bisson, Herbert Nicolle Machon, Stanley Walter John Jehan, Raymond Arthur Heaume, John Edward Morris, Charles Anthony Spensley, Kenneth John Rowe, Lawrence Oscar Ozanne, John Richard Rowe Henry, Esquires and Mrs. Eileen May Glass, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 13th day of April, 1994, approving and ratifying a *Projet de Loi* entitled “The Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law, 1994”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ordered:—

1. That the said Order in Council be registered on the records of this Island; and
2. 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 SÉNÉSCHAL of Sark for registration on the records of those Islands respectively of which Order in Council the tenor followeth:—

At the Court at Windsor Castel

The 13th day of April 1994

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 25th day of March, 1994 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 Resolution of the 28th day of June 1989, the States of Deliberation at a meeting held on the 31st day of January 1990, approved a Bill or “Projet de Loi” entitled “The Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law, 1994”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 4th day of April 1990, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 3rd day of October 1990, considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 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 Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law, 1994”, 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, and 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. H. Nicholls

(No.VIII - 1994)

Projet de Loi

ENTITLED

The Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law, 1994

THE STATES in pursuance of their Resolution of the 28th day of June, 1989, 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.

Control of wireless telegraphy apparatus.

1. The Board may, for the purpose of preventing or reducing the risk of interference with wireless telegraphy, by order restrict any of the following actions in relation to wireless telegraphy apparatus of any class or description specified in the order—

- (a) manufacture (whether or not for sale);
- (b) selling or offering for sale, letting on hire or offering to let on hire or indicating (whether by display of the apparatus or by any form of advertisement) one's willingness to sell or let on hire;
- (c) possession; and
- (d) importation.

Actions prohibited except under licence.

2. No person shall in relation to wireless telegraphy apparatus of any class or description, take any action which is restricted in relation to apparatus of that class or description by an order under section 1—

- (a) except under the authority of, and in accordance with the terms and conditions of, a licence of the Board; or
- (b) in the case of action within section 1(c) (possession)—
 - (i) except as mentioned in paragraph (a);
 - (ii) except as otherwise authorised by law apart from this section, or
 - (iii) without other reasonable excuse.

Licences of the Board.

3. A licence under section 2 may be limited to—

- (a) such of the actions restricted by order under section 1;
- (b) such subsidiary class or description of wireless telegraphy apparatus within the class or description specified in the order,

as may be specified in the licence.

Conditions as to time etc.

4. The terms or conditions of a licence under section 2 authorising manufacture or importation may relate to a period before or after, as well as to the time of, manufacture or importation.

Form of licence.

5. A licence under section 2 may be granted, and any terms or conditions may be attached to it—

- (a) generally, by means of a notice published in La Gazette Officielle; or
- (b) individually, by means of an instrument in writing issued to the licensee.

Board to respect international obligations of U.K.

6. (1) The Board shall not make an order under section 1, grant a licence under section 2 or attach any term or condition to such a licence unless satisfied that to do so would be compatible with the international obligations of the United Kingdom.

(2) A written statement of the President of the Board that the Board is or was so satisfied is conclusive evidence of the fact.

Powers of States Revenue Officers.

7. (1) Where the importation of wireless telegraphy apparatus of any class or description is restricted by an order under section 1, a States Revenue Officer may require any person in possession of any apparatus of that class or description which is being or has been imported to furnish proof that the importation is or was lawful.

(2) If such proof is not furnished to the satisfaction of the Chief Revenue Officer, the apparatus shall be deemed, unless the contrary is proved, to be liable to forfeiture under the customs or excise Laws for the purposes of the Law of 1972.

(3) A written statement of the Chief Revenue Officer that such proof has not been furnished to his satisfaction is conclusive evidence of the fact.

Offences

8. A person who contravenes section 2 or any term or condition of a licence under section 2 is guilty of an offence under the Act of 1949.

Orders to be laid before the States.

9. Any order made by the Board under section 1 shall be laid before a meeting of the States as soon as may be after the making thereof and, if at that meeting or at the next subsequent meeting, the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the Board of any new order.

Interpretation.

10. (1) In this Law—

“the Act of 1949” means the Wireless Telegraphy Act 1949(a);

“the Board” means the States Telecommunications Board or such other Committee of the States as the States may by Resolution appoint for the purposes of this Law;

“Chief Revenue Officer” has the meaning given by section 1(1) of the Law of 1972;

“contravention” includes failure to comply, and cognate expressions shall be construed accordingly;

“customs Laws” and “excise Laws” have the meanings given by section 1(1) of the Law of 1972;

“the Law of 1972” means the Customs and Excise (General Provisions (Bailiwick of Guernsey) Law, 1972(b);

“manufacture” includes construction by any method and the assembly of component parts;

“possession” means having in one’s custody or control;

“States Revenue Officer” has the meaning given by section 1(1) of the Law of 1972;

“wireless telegraphy apparatus” means—

(a) wireless telegraphy apparatus within the meaning of section 19(1) of the Act of 1949; and

(b) apparatus designed and adapted for use in connection with such apparatus.

(a) An Act of Parliament (1949 c.54).

(b) Ordres en Conseil Vol. XXIII, p. 573.

(2) The Interpretation (Guernsey) Law, 1948(c) applies to the interpretation of this Law throughout the Bailiwick.

(3) Any reference in this Law to another enactment (including an Act of Parliament) is a reference to that enactment as amended, applied, extended or re-enacted by or under any enactment including this Law.

Citation.

11. This Law may be cited as the Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law, 1994.

Commencement.

12. This Law shall come into force on 1st June, 1994.