

# ORDER IN COUNCIL

**XXX**

**1972**

ratifying a Projet de Loi

ENTITLED

## **The European Communities (External Tariffs and Non-Discrimination) (Bailiwick of Guernsey) Law, 1972**

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(Registered on the Records of the Island of Guernsey  
on the 30th day of January, 1973.)

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1973.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 30th day of January, 1973, before John Henry Loveridge, Esquire, C.B.E., Deputy Bailiff; present:—Claude Fortescue Nason, Esquire, Gilbert Carey de Jersey, Esquire, C.B., Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Richard Alan Kinnersly, Richard Brook Sutcliffe and Richard Oliver Symons, Esquires, Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 20th day of December, 1972, ratifying a *Projet de Loi* entitled "The European Communities (External Tariffs and Non-Discrimination) (Bailiwick of Guernsey) Law, 1972", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller 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 20th day of December 1972

PRÉSENT,

### 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 30th day of November 1972, 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 15th day of December 1971, the States of Deliberation at a meeting held on the 25th day of October 1972, approved a Bill or “Projet de Loi” entitled “The European Communities (External Tariffs and Non-Discrimination) (Bailiwick of Guernsey) Law, 1972” 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 States of the Island of Alderney at a meeting held on the 8th November 1972, 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 10th November 1972, con-

sidered 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 European Communities (External Tariffs and Non-Discrimination) (Bailiwick of Guernsey) Law, 1972" 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 European Communities (External Tariffs and Non-Discrimination) (Bailiwick of Guernsey) Law, 1972**

#### ARRANGEMENT OF SECTIONS

*Section*

1. Interpretation.
2. Customs duties.
3. Repeals and amendments.
4. Extent.
5. Citation and commencement.

FIRST SCHEDULE The Pre-Accession Treaties.

SECOND SCHEDULE Repeals and Amendments.

# PROJET DE LOI

ENTITLED

## **The European Communities (External Tariffs and Non-Discrimination) (Bailiwick of Guernsey) Law, 1972**

THE STATES, in pursuance of their Resolutions of the fifteenth day of December, nineteen hundred and seventy-one, and of the twenty-seventh day of July, nineteen hundred and seventy-two, 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.

Interpreta-  
tion.

1. (1) In this Law, unless the context otherwise requires:—

“the Board” means the States Board of Administration;

“the Communities” means the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;

“Economic Community”, “Coal and Steel Community” and “Euratom” mean respectively the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;

“Community obligation” means any obligation created or arising by or under the Treaties;

“member”, in the expression “member State”, refers to membership of the Communities;

“the Treaties” or “the Community Treaties” means, subject to the provisions of subsection

(2) of this section, the pre-accession treaties, that is to say, those described in the First Schedule to this Law, taken with:—

- (a) the treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the twenty-second day of January, nineteen hundred and seventy-two; and
- (b) the decision, of the same date, of the Council of the European Communities relating to the accession of the United Kingdom to the European Coal and Steel Community;

and any other treaty entered into by any of the Communities, with or without any of the member States, or entered into, as a treaty ancillary to any of the Treaties, by the United Kingdom.

(2) If Her Majesty by Order in Council made in accordance with the provisions of subsection (3) of section one of the European Communities Act 1972 declares that a treaty specified in the Order is to be regarded as one of the Community Treaties as defined in that Act, the Order shall be conclusive that it is to be regarded as one of the Community Treaties as herein defined; but a treaty entered into by the United Kingdom after the 22nd January, 1972, other than a pre-accession treaty to which the United Kingdom accedes on terms settled on or before that date, shall not be regarded as one of the Community Treaties as herein defined unless it is so specified.

(3) For the purposes of subsections (1) and (2) of this section, the expression "treaty" includes any



international agreement, and any protocol or annex to a treaty or international agreement.

(4) Except in so far as the context otherwise requires, any reference in this Law and in any order made thereunder to any other enactment shall be construed as a reference to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

(5) Any power in this Law to make any order shall be construed as including a power exercisable in the like manner to vary or repeal the order.

(6) The Interpretation (Guernsey) Law, 1948(a), shall apply to the interpretation of this Law throughout the Bailiwick.

Customs  
duties.

2. (1) So long as section two or section ten of the Import Duties Act (Bailiwick of Guernsey), 1932,(b) remains in force, that Law shall have effect subject to the following modifications:—

- (a) the power under the said section two to impose duties shall include power to impose duties with a view to securing compliance with any Community obligation;
- (b) orders under the said section two may, in relation to goods of the same description, make different provision by reference to the use to be made of the goods or to other matters not ascertainable from an examination of the goods;
- (c) the powers exercisable by virtue of the said section ten in relation to goods qualifying

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(a) Ordres en Conseil Vol XIII, p. 355.

(b) Ordres en Conseil Vol. IX, p. 279, 384; Vol. XV, p. 466; Vol. XVIII, p. 182.

for Commonwealth preference shall include power to distinguish in any respect between different parts of the Commonwealth preference area;

- (d) the powers exercisable by virtue of section twenty-one of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972(c), shall, as regards relief provided for by or under the Treaties or for conformity with any Community obligation, extend to any customs duties.

(2) For the purpose of implementing Community obligations the Board shall co-operate with other customs services on matters of mutual concern, and without prejudice to the foregoing may for that purpose:—

- (a) give effect, in accordance with such arrangements as it may direct or by order under this paragraph prescribe, to any Community requirement or practice as to the movement of goods between countries, including any rules requiring payment to be made in connection with the exportation of goods to compensate for any relief from customs duty allowed or to be allowed and may recover any such payment as a civil debt due to the States; and
- (b) give effect to any reciprocal arrangements made between member States (with or without other countries or territories) for securing, by the exchange of information or otherwise, the due administration of their customs laws and the prevention or detection of fraud or evasion.

(3) Where on the exportation of any goods from the Bailiwick there has been furnished for the purpose of any Community requirement or practice any certificate or other evidence as to the origin of those goods, or as to payments made or relief from duty allowed in any country or territory, then for the purpose of verifying or investigating that certificate or evidence, the Chief Revenue Officer or a States Revenue Officer may require the exporter, or any other person appearing to the Chief Revenue Officer or States Revenue Officer, to have been concerned in any way with the goods, or with any goods from which, directly or indirectly, they have been produced or manufactured, or to have been concerned with the obtaining or furnishing of the certificate or evidence:—

- (a) to furnish such information, in such form and within such time, as the Chief Revenue Officer or States Revenue Officer may specify in the requirement; or
- (b) to produce for inspection, and to allow the taking of copies or extracts from, such invoices, bills of lading, books or documents as may be so specified;

and any person who, without reasonable cause, fails to comply with a requirement under this subsection shall be liable on conviction to a fine not exceeding fifty pounds.

(4) Subsections (2) and (3) above shall have effect as if contained in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972.

Repeals and  
amend-  
ments.

3. (1) The Laws set out in the first column of Part I of the Second Schedule to this Law are hereby repealed to the extent set out in the second column of the said Part I.

(2) The Laws set out in the first column of Part II of the Second Schedule to this Law are hereby amended to the extent set out in the second column of the said Part II.

4. (1) Subject to the succeeding provisions of this section, the provisions of this Law shall have effect throughout the Bailiwick of Guernsey. Extent.

(2) Item 2 of Part I of the Second Schedule to this Law shall have effect only in the Island of Guernsey.

5. This Law may be cited as the European Communities (External Tariffs and Non-Discrimination) (Bailiwick of Guernsey) Law, 1972, and shall come into force on the first day of January, nineteen hundred and seventy-three. Citation and commencement.

## SCHEDULES

## FIRST SCHEDULE

Section one

## DEFINITIONS RELATING TO COMMUNITIES

## THE PRE-ACCESSION TREATIES

1. The "E.C.S.C. Treaty", that is to say, the Treaty establishing the European Coal and Steel Community, signed at Paris on the 18th April, 1951.

2. The "E.E.C. Treaty", that is to say, the Treaty establishing the European Economic Community, signed at Rome on the 25th March, 1957.

3. The "Euratom Treaty", that is to say, the Treaty establishing the European Atomic Energy Community, signed at Rome on the 25th March, 1957.

4. The Convention on certain Institutions common to the European Communities, signed at Rome on the 25th March, 1957.

5. The Treaty establishing a single Commission of the European Communities, signed at Brussels on the 8th April, 1965.

6. The Treaty amending certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Luxembourg on the 22nd April, 1970.

7. Any treaty entered into before the 22nd January, 1972, by any of the Communities (with or without any of the member States) or, as a treaty ancillary to any treaty included in this Part of this Schedule, by the member States (with or without any other country).

SECOND SCHEDULE Section three  
 REPEALS AND AMENDMENTS

PART I

*Repeals*

<i>Law</i>	<i>Extent of Repeal</i>
1. The Import Duties Act (Bailiwick of Guernsey), 1932.	Subsections (4) and (5) of section nine; sections twelve, thirteen, eighteen, twenty-one, sections twenty-five to thirty-five inclusive and the Schedule.
2. The Law entitled "Loi relative à l'Acquisition de Propriété Immobilière en cette Ile par des Etrangers ou par des Sociétés Etrangères", registered on the third day of June, nineteen hundred and five( <i>d</i> ).	The whole Law.

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(*d*) Ordres en Conseil Vol. IV, p. 21.

## PART II

*Amendments**Law**Amendment*

1. The Import Duties Act (Bailiwick of Guernsey), 1932. Paragraph (e) of section two is repealed and the following paragraph is substituted therefor:—

“(e) any order so made, unless it be made for the purpose of giving effect to the provisions of section seven of this Law or in implementation of the obligations of the Bailiwick under the provisions of Protocol No. 3 annexed to the Treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the twenty-second day of January, nineteen hundred and seventy-two:—

- (i) in the Island of Guernsey, 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;

*Law**Amendment*

- (ii) in the Island of Sark, shall cease to have effect on the expiration of twenty-eight days from the date on which the Chief Pleas of Sark next sit after the making of the order unless at some time before the expiration of that period it has been approved by the Chief Pleas, but without prejudice to anything done thereunder or to the making of a new order by the Board.”.

2. The European Free Trade Association (Guernsey) Law, 1960(e). In subsection (5) of section two the words and figures “subsections (2) to (4)” are repealed and the words and figures “subsections (2) and (3)” are substituted therefor.

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