

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The European Free Trade Association (Guernsey) Law, 1960

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



1960.

II
1960

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 Freake 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 Gavey, 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 European Free Trade Association (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 European Free Trade Association (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 European Free Trade Association (Guernsey) Law, 1960" and to order that the same shall have force of Law in the Bailiwick of Guernsey.'

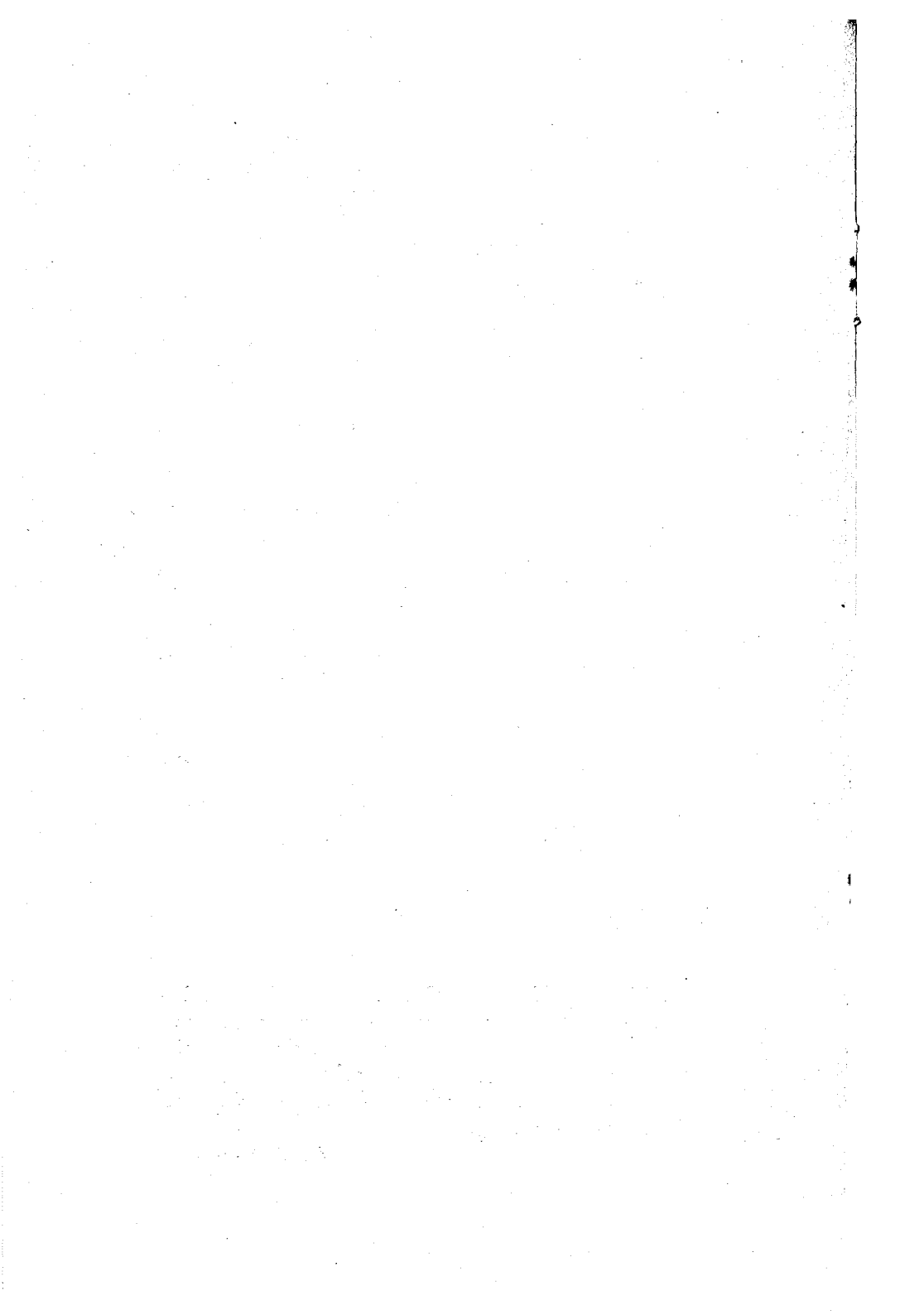
"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer 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 European Free Trade Association (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. (1) In this Law—

Interpreta-
tion.

“the Bailiwick” means the Bailiwick of Guernsey;

“the Board” means the States Board of Administration;

“the Convention” means the Convention establishing the European Free Trade Association which was signed at Stockholm on the fourth day of January, nineteen hundred and sixty;

“the Convention area” and “Convention area origin” have the meanings assigned to them respectively by section eight of this Law;

“Convention rate of duty” means a rate of customs duty which is applicable to goods by reason of their being of Convention area origin, and includes an exemption which is so applicable from any customs duty;

“country” includes territory;

“customs duty” includes any corresponding duty in any part of the Convention area;

“officer” means the States Supervisor and includes any States Revenue Officer;

“the States” means the States of Guernsey.

(2) References in this Law to any other enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Law.

Rules for determining origin and place of consignment of goods.

2. (1) The Board may by regulations make provision as to the cases in which, in determining eligibility for any Convention rate of duty, goods are or are not to be treated as of Convention area origin, as to the time by reference to which, in determining eligibility as aforesaid, the question whether goods are to be so treated is to be decided, and as to the evidence which is to be required or is to be sufficient for the purpose of showing that goods are or are not to be so treated.

(2) Subject to the provisions of any regulations under this section, where, in connection with eligibility for a Convention rate of duty, any question arises whether goods are of Convention area origin, 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 the Board's satisfaction, the question may be determined without regard to that statement.

(3) Regulations under this section may make different provisions for different purposes and in relation to goods of different descriptions.

(4) For the avoidance of doubt it is hereby declared that regulations under this section may make provision for determining in what cases produce of the sea, or goods produced or manufactured

therefrom at sea, are to be treated as of Convention area origin.

(5) Nothing in subsections (2) to (4) of section nine of the Import Duties Act (Bailiwick of Guernsey), 1932, as amended (which contain provisions, for the purposes of that Law and other purposes, similar to the foregoing provisions of this section) or in any Order made under the said subsection (2) shall apply for the purposes of determining whether goods are eligible for Convention rate of duty.

3. (1) Notwithstanding anything in any enactment or Order, goods may, in such circumstances or subject to such limitations as may be prescribed, be treated as not eligible for a Convention rate of duty on importation into the Bailiwick if—

Provisions as to Convention rates of duty where drawback, etc., allowable.

(a) drawback was allowable, in connection with any exportation from any part of the Convention area of the goods or of articles used in the production or manufacture of the goods, and

(b) the Board is not satisfied that the drawback has not been and will not be allowed.

(2) Where on importation into the Bailiwick goods have been treated as eligible for a Convention rate of duty, and after their importation drawback allowable as aforesaid is allowed, the Board may, in such circumstances as may be prescribed, recover from the importer the additional amount of duty which would have been chargeable on the importation of the goods if they had not been so treated.

(3) References in subsections (1) and (2) of this section to drawback include references to any prescribed remission or repayment of, or exemption from, duty chargeable on importation into any part of the Convention area.

(4) In this section "prescribed" means prescribed by regulations made by the Board.

Verification
of origin
of exported
goods.

4. (1) For the purpose of complying with any request made to the Board, under arrangements made for the purposes of the Convention, to verify or investigate any certificate or other evidence relevant to the question whether any goods exported from, or produced or manufactured (directly or indirectly) from goods exported from, the Bailiwick are eligible in another part of the Convention area for a Convention rate of duty, the Board may carry out such investigations, and may make to the government or authority making the request such report, or provide them with such information, as appear to the Board requisite; and the Board or an officer may require—

- (a) the exporter, or
- (b) any other person appearing to the Board or officer to have been concerned with the goods, or any goods from which, directly or indirectly, they have been produced or manufactured (whether he was concerned with them as respects growth, production, manufacture or handling or in any other way), or
- (c) any other person appearing to the Board or officer to have been concerned in the giving of the certificate or evidence,

to furnish such information in such form and within such time as the Board or officer may specify in the requirement.

(2) Any reference in the foregoing subsection to the furnishing of information includes a reference to the production of invoices, bills of lading, and other books or documents whatsoever, and to allowing the

Board or officer to inspect them and to take copies thereof or extracts therefrom.

(3) Any person who without reasonable cause fails to comply with a requirement under this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

(4) An averment in any process in proceedings under this section that any requirement to furnish information which has been made was made for the purpose specified in subsection (1) of this section shall, until the contrary is proved, be sufficient evidence that the requirement was so made.

5. Any person who in the Bailiwick makes or signs, or causes to be made or signed, any document relating to goods exported or to be exported from the Bailiwick which is untrue in a material particular, being a document made for production in support of a claim that the goods, or any goods produced or manufactured, or to be produced or manufactured, from the goods, are eligible in any part of the Convention area for a Convention rate of duty, shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

Penalties for untrue documents of origin for goods exported.

6. If it appears to the States that by reason of any agreement with respect to trade made after the fourth day of January, nineteen hundred and sixty (being the date of the signing of the Convention in Stockholm) between all or any of the countries which are for the time being parties to the Convention, or between all or any of those countries and any other country, it is expedient so to do, the States may by Ordinance direct that this Law shall have effect with such adaptations or modifications of references to the

Application of Law to subsequent agreements with Convention countries.

Convention, the Convention area, Convention area origin or Convention rates of duty as may be specified in the Ordinance.

Ordinances
and
regulations.

7. (1) Any regulations made by the Board under this Law 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 regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done thereunder or to the making by the Board of new regulations.

(2) Any power conferred by this Law to make an Ordinance or to make regulations shall include power, exercisable in the like manner and subject to the like provisions, to vary or revoke the Ordinance or the regulations, as the case may be.

The
Convention
area; and
Convention
area origin.

8. (1) For the purposes of this Law, of any other enactment relating to duties of customs, and of any instrument having effect under such an enactment, "the Convention area" means, subject to the provisions of this section, Austria, Denmark, Great Britain with Northern Ireland, the Isle of Man and the Channel Islands, Liechtenstein, Norway, Spitzbergen, Portugal, with the Azores and Madeira, Sweden and Switzerland; and in this Law "Convention area origin" means, in relation to any goods, that they were grown, produced or manufactured in, and consigned from a place in, the Convention area.

(2) If the States by Ordinance declare that any country specified in the Ordinance, and not named in subsection (1) of this section, is included in the area of the European Free Trade Association, that country shall be deemed to be named in that subsection.

(3) If the States by Ordinance declare that any country named in subsection (1) of this section has ceased to be included in the area of the European Free Trade Association, that country shall be deemed no longer to be named in that subsection.

9. This Law may be cited as the European Free Trade Association (Guernsey) Law, 1960.

R. H. VIDELO,

Her Majesty's Greffier.