

GUERNSEY LAW JOURNAL

ISSUE 12

JULY — DECEMBER 1991

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GUERNSEY LAW JOURNAL

TWELFTH ISSUE

Introduction

This edition covers the six month period from 1st July, 1991 to 31st December, 1991.

The original texts of legislation and judgments digested are available at the Greffe.

Whilst care has been taken in recording the material published herein no responsibility is accepted for the contents of this issue or its accuracy.

References to this issue and future issues will be cited using the figure and letters 12.GLJ. followed by the paragraph number.

Editorial Committee

de V. G. Carey, Esq., Advocate J. N. van Leuven, Advocate V. C. Ogier, Advocate C. M. Fooks, H.M. Greffier (K. H. Tough, Esq.).

Compiled from sources including all Orders in Council, Ordinances, Projets de Loi and subordinate legislation and selected cases and other relevant material which became available during the months July to December, 1991.

30th April, 1992

Address of the Editorial Committee:
St. James Chambers,
GUERNSEY.

Tel: 0481 723355; Fax: 0481 725439

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ISSN 0958-6377

PERSONALIA

Following the retirement of Sir Charles Frossard as Bailiff in February 1992 the following appointments have been announced:-

Bailiff: Mr. G. M. Dorey.

Deputy Bailiff: Mr. de V. G. Carey, Q.C.

H. M. Procureur: Mr. A. C. K. Day, Q.C.

H. M. Comptroller: Advocate G. R. Rowland.

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AGRICULTURE AND ANIMALS

Animal diseases

1. Ordinance: The Swine Fever (Amendment) Ordinance, 1991. - Adds porcine reproductive and respiratory syndrome to the list of notifiable diseases under the 1955 Ordinance.

In force 30.11.91. (No. XXXVIII of 1991).

Protection of animals

2. Projet de Loi: The Animal Experiments (Bailiwick of Guernsey) Law, 1991. - Enables strict controls to be exercised (through the imposition of a general ban and provisions enabling the States to provide for licensing by Ordinance) over experiments and other scientific procedures involving live animals within the purview of the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes.

Approved by the States of Guernsey 1.8.91, by the Chief Pleas of Sark 2.10.91 and by the States of Alderney 9.10.91. Awaiting Royal Sanction.

BANKING, INSURANCE AND FINANCE INDUSTRIES

Friendly Societies

3. Order in Council: The Friendly Societies Act 1984 (Guernsey) Order 1991. - Extends to the Bailiwick, with modifications, sections 1 and 2 of the Friendly Societies Act 1984. The effect is to remove the overall limits on entitlement to gross sums and annuities (friendly societies' taxable business limits) previously specified in s. 64(1)(c) and (d) of the Friendly Societies Act 1974, as extended here in 1975; and to resolve a doubt which had arisen about the enforceability of certain contracts entered into between 3rd May 1966 and 1st June 1984.

Registered 12.11.91. In force 16.11.91. (U.K. S.I. No. 2293 of 1991).

Investment business

4. Agreement: Exchange of notes between H.M. Government of the U.K. and the Government of the Cameroons concerning the promotion and protection of investments.

Registered 20.8.91.

BROADCASTING

5. United Kingdom Statutory Instrument: The Broadcasting Act 1990 (Guernsey) Order, 1991. - Extends to Guernsey the majority of the provisions of the Broadcasting Act, 1990.

Registered 20.8.91. In force 1.8.91. (U.K. S.I. No. 1709 of 1991).

CHILDREN AND YOUNG PERSONS

Illegitimate children - legitimation

6. Order in Council: The Births, Deaths, Marriages and Legitimacy (Bailiwick of Guernsey) (Amendment) Law, 1991. - Amends the Legitimacy (Guernsey) Law, 1966 so as to increase the fees payable upon the making of a declaration of legitimacy and empowers the States to make future amendments to such fees by Ordinance.

Royal Sanction 16.10.91. Registered and in force 3.10.91. (No. XVIII of 1991).

CONSTITUTIONAL LAW

States committees and officers - transfer and performance of functions

7. Order in Council: The Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991. - Facilitates the renaming of committees and the transfer of functions between them by empowering the States to vary Orders in Council by Ordinance for that purpose. Makes similar provision for the renaming of public offices (though not for transferring functions from one such office to another). Makes clear beyond any doubt that (except in certain specified cases where this would be inappropriate) a function performed by an officer responsible to a committee or office-holder, pursuant to an arrangement made by that committee or office-holder, is to be regarded for all purposes as having been performed by that committee or office-holder.

Approved by the States of Guernsey 1.8.91, by the Chief Pleas of Sark 2.10.91, and by the States of Alderney 9.10.91. Royal Sanction 19.12.91. Awaiting registration.

8. Order in Council: The Vehicle Registration and Licensing (Transfer of Functions) (Guernsey) Law, 1991. - Transfers functions relating to the registration and licensing of vehicles and to driving licences from the Board of Administration and States Supervisor to the Island Traffic Committee.

Royal Sanction 21.5.91. Registered 9.7.91. In force 6.8.91. (No. VI of 1991).

9. Ordinance: The Transfer of Functions Ordinance, 1992. - Transfers the functions of the Board of Trade and Industry and the Labour and Welfare Committee under specified enactments to the Board of Employment, Industry and Commerce.

In force 31.7.91. (No. XXV of 1991).

States committees - constitution

10. Projet de Loi: The States Committees (Constitution and Amendment) (Guernsey) Law, 1991. - Provides that all matters relating to the constitution of any States committee may be prescribed by Resolution.

Approved by the States 1.8.91. Awaiting Royal Sanction.

States of Deliberation - constitution

11. Resolution of the States of 26.9.91. - Resolving, after consideration of a further report from the States Constitution Review Committee:-
 1. not to proceed with the proposal that the States appoint 12 Conseillers after each General Election from amongst those elected to the office of People's Deputy (see 11.GLJ.9);
 2. that the decision to abolish the office of Conseiller in its present form be confirmed and the number of Deputies be increased to forty-five and their term of office be increased to four years; and,
 3. that legislation be prepared to give effect thereto.

States of Deliberation - procedure

12. Resolution of the States of 26.9.91. - Directing that statutory instruments which require to be laid before the States will have their explanatory notes (which are now compulsory) printed in the Billet, rather than the entire instrument being printed in the Brochure.

COURTS

Magistrate's Court

13. Projet de loi: The Magistrate's Court (Guernsey) (Amendment) Law, 1991. - Amends the principal law of 1954 so that under section 10(1)(c) the court will have power to sentence to a maximum of twelve months' imprisonment in respect of a single offence (where no lesser maximum is provided by statute) instead of six months. Transitional provisions preserve the six months' period for offences committed before this Law comes into force.

Approved by the States 26.9.91. Awaiting Royal Sanction.

CRIMINAL LAW AND PROCEDURE

Appeal to Court of Appeal - finding of misdirection - application of proviso - substitution of alternative verdict - consideration for the Court

14. See Law Officers of the Crown v X, paragraph 30.

Computer misuse

15. Order in Council: The Computer Misuse (Bailiwick of Guernsey) Law, 1991. - See 11.GLJ.16.

Royal Sanction 26.6.91. Registered and in force 20.8.91. (No. VIII of 1991).

Driving under the influence of drink or drugs - driving with excess alcohol - Lion intoximeter - evidence to be adduced by prosecution

16. "A" appealed against his conviction by the Magistrate's Court, upheld by the Deputy Bailiff, of driving with excess alcohol in his breath, the ground of appeal being that the prosecution had failed in a number of respects to adduce the evidence necessary for the purpose of the Road Traffic (Drink Driving) (Guernsey) Law, 1989. The Court of Appeal ruled as follows: -

1. The fact that the police witness had not specifically stated that the device used to take a specimen of breath was that referred to in the statutory instrument approving it was unimportant because he had referred to "an approved device" and there was only one such device in the island.

2. There was no need to give strict proof of the statutory instrument approving the said device: once a statutory instrument was deposited with the Greffier the court was entitled to take judicial notice of it (approving the decision of the Magistrate in Law Officers of the Crown v Russell - see paragraph 32).

3. The fact that the police witness did not specify the higher of the two breath test readings was not a material shortcoming as he had given the lower reading and stated that it was the lower.

4. His failure to state the figure which came up on the second calibration test was also unimportant.

5. Where, as in this case, it must have been apparent to the Magistrate that the police officer was competent in the operation of the machine, it was not strictly necessary for that officer to give an account of the training which he had received or the number of occasions on which he had successfully operated the device (Denneny v Harding [1986] Crim. L.R. 156, distinguished).

6. On the proper interpretation of section 5(5) of the 1989 Law, where the accused served a notice on the prosecution requiring the attendance of the signatory to the document sought to be adduced in evidence, it was still open to the prosecution to tender the statement which had been automatically produced by the device.

The appeal would be dismissed. However, the Court commented that in future cases it would be desirable that the officer giving evidence should name the device and state that it was an approved device; state that he had been trained in its operation and had experience of its use; give the readings recorded on both calibration tests; and state that if requested he could give the higher figure recorded on the breath tests.

[Law Officers of the Crown v Help - Court of Appeal 26.11.91 (HMP/NJB)].

Evidence - see EVIDENCE

Misuse of drugs - possession with intent to supply - submission of no case to answer - evidence sufficient to establish prima facie case

17. "A" was convicted of possession of 3½ ounces of cannabis resin with intent to supply it to another. The evidence for the Crown was that he was in possession of the drug and that he had paid another person the sum of £500 for it. He appealed on the ground, *inter alia*, that his submission of no case to answer at the close of the case for the Crown should have been accepted. HELD, by the Court of Appeal, the fact of the possession of such a large amount of cannabis and his payment for it of as large a sum as £500 were facts from which the Jurats, properly directed, might reasonably have inferred that it was his intention to supply some of the cannabis to others and to receive payment for it in return. This was enough to establish a case to answer and the appeal on this ground would be dismissed.

[Law Officers of the Crown v Mahy - Court of Appeal 9.8.91 (HMC/RJC)].
(See also paragraph 22).

Sentence - misuse of drugs - importation of cannabis

18. "A" arrived in Guernsey on board a fishing boat which had given him a lift from Cherbourg. On customs examination he was found to be almost penniless but he had a number of pieces of cannabis resin weighing a total of 124 grams secreted in his clothing. He pleaded guilty to importation, the Crown presenting the case on the basis, which was not disputed, that it was "A"s intention to sell all or part of the consignment to get some money. Leave to appeal against a sentence of seventeen months' imprisonment (a further six weeks having been spent in custody prior to trial) was refused.

[Law Officers of the Crown v. Dawkes - Court of Appeal 9.8.91 (HMP/MJR)].

Sentence - perjury

19. "D1" (aged 19) was observed by a police officer committing an offence on his motor cycle and prosecuted. At his trial in the Magistrate's Court he, his father "D2" (aged 59) and a friend "D3" (aged 20) all gave evidence to the effect that "D1" was at home in bed at the time and "D1" was acquitted. The matter was investigated and all three pleaded guilty in the Royal Court to a charge of perjury. "D1" was sentenced to four months' youth detention, "D2" to four months' imprisonment suspended for 2 years and a fine of £500 and D3, whose participation was less, to 18 hours at the Attendance Centre. In sentencing "D2" the Court took special note of his hitherto unblemished character and his valuable service to the community over many years in helping the disabled in his spare time. On "D1"s application for leave to appeal against sentence HELD perjury was a serious offence striking at the root of justice and the immediate custodial sentence was fully justified. However, in the view of the Court of Appeal, the Royal Court had been wrong to suspend "D2"s sentence and for that reason alone "D1"s sentence would be reduced to 2 months' youth detention, to overcome any sense of grievance "D1" might have.

[Law Officers of the Crown v. Harvey - Court of Appeal 9.8.91 (HMP/GTAB)].

Summary offences

20. Order in Council: The Summary Offences (Amendment) (Bailiwick of Guernsey) Law, 1991. - See 11.GLJ.31.

Royal Sanction 24.7.91. Registered and in force 30.9.91. (No. XV of 1991).

Summary trial - defendant pleading guilty to some charges and not guilty to others - whether charges should be heard separately

21. "A" was convicted by the Magistrate's Court of two charges to which he had pleaded not guilty. He had previously, before the same Court, pleaded guilty to several related charges, including a charge of driving while disqualified. Dismissing "A"s appeal against conviction, the Deputy Bailiff HELD that, although there were times when a Magistrate ought not to hear all the charges before him, such as where he has a special connection with the defendant or has a special knowledge of his propensity to commit a particular crime, the fact that a defendant had pleaded guilty to some charges and not guilty to others was not of itself likely to prejudice the Magistrate.

[In re Meredith's Appeal - Appeals from the Magistrate's Court 9.7.91 (PAA)].

Summing up - Jurats to be reminded of totality of evidence

22. "A" and another were charged, jointly, with possession of cannabis resin with intent to supply. "A" appealed against his conviction on the ground that the summing up did not put the case adequately in that the Deputy Bailiff had put to the Jurats the case for the prosecution instead of setting out the whole of the evidence. HELD, this was a case in which everything turned upon the inferences to be drawn from the evidence and it was necessary to remind the Jurats of all the evidence and then to ask them whether they drew from that evidence the necessary inferences. By omitting to do this the Deputy Bailiff had deprived the Jurats of the help which they required. However, having considered how the case should have been presented to the Jurats, the Court decided that there had been no substantial miscarriage of justice and that the proviso should be applied and the appeal dismissed.

[Law Officers of the Crown v Mahy - Court of Appeal 9.8.91 (HMC/RJC)].

Uniform scale of fines

23. Ordinance: The Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 1991. - Amends the table in section 1(2) of the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 by increasing the maximum fines for offences on levels 3, 4 and 5 (to £400, £1,000 and £2,000 respectively). Transitional provisions restrict the increases to offences committed after the date of commencement of the Ordinance.

In force 26.9.91. (No. XXXI of 1991).

CUSTOMS

Import and export control

24. Order in Council: The Import and Export (Control) (Amendment) (Guernsey) Law, 1991. - See 9.GLJ.26.

Royal Sanction 26.6.91. Registered and in force 30.9.91. (No. XVI of 1991).

Law reform

25. Order in Council: The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991. - See 10.GLJ.31 and 11.GLJ.34.

Royal Sanction 24.7.91. Registered and in force 30.9.91. (No. XIII of 1991).

DIVORCE AND MATRIMONIAL CAUSES

Injunction pending divorce proceedings - no evidence of intention to leave island - whether appropriate

26. See Thompson v Thompson, paragraph 42.

Magistrate's Court proceedings

27. Projet de Loi: The Domestic Proceedings and Magistrate's Court (Amendment) (Guernsey) Law, 1991. - Amends the 1988 Law by (in particular) making new provision in respect of the equality of parental rights; the making of domestic violence orders; the circumstances in which the court can prevent the removal of children from the Bailiwick; and the remission of maintenance arrears. Also amends the 1927 "Loi relative à l'Entretien des Enfants Illégitimes".

Approved by the States 12.12.91. Awaiting Royal Sanction.

EMPLOYMENT

Conditions of Employment

28. Projet de Loi : The Conditions of Employment (Amendment) (Guernsey) Law, 1991. - Amends the 1985 Law by reducing to 15 the minimum number of hours to be worked each week by an employee in order to qualify for protection under the Law; by requiring written statements of pay to be given; by removing the exemption from the Law for husbands and wives who are judicially separated; and by creating a criminal offence of non-compliance with the Law.

Approved by the States 26.9.91. Awaiting Royal Sanction.

Industrial disputes

29. Resolution of the States of 31.10.91: Directing the preparation of legislation amending the Industrial Disputes and Conditions of Employment Law, 1947 and the Industrial Disputes (Rules of Procedure and Fees) Ordinance, 1947 relating to the composition of Industrial Disputes Tribunals and the procedures relating to industrial disputes generally.

EVIDENCE

Corroboration - complainant in sexual case - evidence capable of amounting to corroboration - direction to Jurats - appeal - application of proviso

30. "A" was convicted by the Royal Court of attempting to rape his 14 year old daughter and was sentenced to 4½ years' imprisonment. He appealed against his conviction on the ground of defects in the summing up relating to the evidence which was capable of amounting to corroboration of the complainant's evidence. Allowing the appeal, the Court of Appeal, citing several UK authorities, HELD, where the charge was of rape, the corroborative evidence must confirm in some material particular that intercourse had taken place without the consent of the woman and that the accused was the man who had committed the crime. Corroboration could come from several sources and its effect could be cumulative but in such a case it was essential that the items, insufficient in themselves, so related to each other that when taken together they went some significant way towards showing that the offence had been committed and that the accused had committed it. In the present case, the items identified in the summing up as corroborative evidence did not satisfy this test. Further, there was no independent analysis of whether and to what extent these items could constitute corroboration of the alternative offence of indecent assault. The Court also declined to apply the proviso or to substitute the alternative verdict stating that, although conscious that there was evidence on which the Jurats, properly directed, could have reached a verdict on either count, it was not for the Court to speculate whether they would have done so. The conviction would be quashed.

[Law Officers of the Crown v X - Court of Appeal 8.8.91 (HMC/NLP)].

Driving under the influence of drink or drugs - driving with excess alcohol - Lion intoximeter - evidence to be adduced by prosecution

31. See Law Officers of the Crown v Help, paragraph 16,

Statutory instrument - judicial notice - whether proof necessary

32. The decision of the Magistrate in Law Officers of the Crown v Russell (see 11.GLJ.40) was upheld by the Bailiff (Appeals from the Magistrate's Court 4.10.91) and cited with approval by the Court of Appeal in Law Officers of the Crown v Help, paragraph 16.

FIRE SERVICES

33. Ordinance: The Fire Services (Commencement) Ordinance, 1991. - Brings into

force on 4.11.91 the Fire Services (Guernsey) Law, 1989 (see 7.GLJ.42 and 8.GLJ.43). (No. XXXVII of 1991).

34. Statutory Instruments: The Fire Services (Guernsey) Law, 1989 Codes of Guidance Nos. 4-6, 9 and 10. - Prescribe Codes of Guidance, pursuant to the 1989 Law (see 7.GLJ.42 and 8.GLJ.43) in relation to Care Premises, Places Where People Resort, Educational Premises, Tented Structures and Child Minding Premises, respectively.

In force 4.11.91. (Nos. 23-27 of 1991).

GAMBLING

Gaming and lotteries

35. Ordinance: The Gambling (Gaming and Lotteries) Ordinance, 1991. - Repeals and re-enacts with modifications the Gambling (Gaming and Lotteries) Ordinances, 1971 to 1987. Part I sets out general provisions as to "gaming". Part II deals with lotteries and increases the limits for prizes in the various classes of lotteries and the permitted limits for tickets. A new category of "lotteries incidental to certain events" is set out, covering small charitable, sporting or society lotteries without any element of private gain. Part III deals with amusements with prizes and distinguishes between non-commercial events and shows or fairs, the latter being more strictly controlled. The Ordinance also increases the penalties for various offences under the Ordinance.

In force 26.9.92. (No. XXXIII of 1991).

HEALTH AND MEDICINE

36. Ordinance: The Health Service (Benefit) (Amendment) (No.2) Ordinance, 1991. - Sets 1992 prescription charges of £1.00 for Guernsey and £1.60 for Alderney.

In force 1.1.92. (No. XXX of 1991).

HUMAN RIGHTS

European Convention for Human Rights

37. Declaration: Declaration of acceptance of Articles 25 and 46 of the Convention. Article 25 is the right of individual petition; and Article 46 concerns compulsory jurisdiction of the European Court of Human Rights over the interpretation and application of the Convention.

Registered 8.10.91.

INCOME TAX

Computation of income

38. Resolution of the States of 11.12.91. - Directing the preparation of legislation to relax the rules subject to which covenanted donations to charities are tax deductible by reducing the minimum period of irrevocability from 6 to 3 years and increasing the maximum annual sum from £300 to £1,000 (and to £2,000 in the case of married couples).

Offshore insurers

39. Resolution of the States of 1.8.91. - Directing the preparation of legislation to enable captive and other offshore insurers to elect for tax-exempt status under the Exempt Bodies legislation in place of the normal commercial basis or the sliding scale basis available under the 1989 Amendment Law (see 7.GLJ.50).

Penalties

40. Resolution of the States of 30.10.91. - Directing the preparation of legislation to streamline penalty procedures in E.T.I. cases and to change the basis on which penalties are imposed for failure to notify a liability.

Pensions

41. Statutory Instrument: The Income Tax (Retirement Annuity Schemes and Retirement Annuity Trust Schemes) (Revision of Limit of Contributions) Regulations, 1991. - Increase the limits of contributions which individuals may contribute to personal pension schemes.

In force 1.1.92. (No. 42 of 1991).

INJUNCTIONS

Matrimonial causes - no evidence of intention to leave Bailiwick - whether appropriate

42. Dismissing an appeal against the discharge by the Deputy Bailiff of an injunction preventing the respondent from dealing with certain assets pending divorce proceedings, the Court of Appeal HELD that where there was insufficient evidence of an intention to leave the island or to escape the responsibilities of an order following divorce proceedings, merely an intention to sell one property and move to a smaller one in the island, it was not just and convenient to grant any interlocutory relief.

[Thompson v Thompson - Court of Appeal 6.8.91 (SRM/ADL)]. (See also paragraph 45).

INTERNATIONAL ORGANISATIONS

Organisation for Economic Cooperation and Development European Bank for Reconstruction and Development

43. Resolution of the States of 13.11.91. - Directing the preparation of legislation to give legal personality to the OECD and the EBRD and to afford standard form diplomatic privileges, immunities and reliefs to them and to their officers.

POLICE

Special Constables

44. Resolution of the States of 30.10.91.- Directing the preparation of legislation amending the Special Constabulary Ordinances, 1950 to 1985 so as to include a further Division of the Constabulary, designated "Division C", to perform specified functions in relation to the public highway.

PRACTICE AND PROCEDURE (CIVIL)

Ex parte applications - duty of disclosure - effect of breach of duty

45. Dismissing an appeal against a decision of the Deputy Bailiff setting aside an order, made ex parte, restraining a wife from dealing with certain real and other assets pending divorce proceedings, the Court of Appeal considered the legal principles concerned with the duty of the applicant in ex parte applications to make a "full and transparent disclosure". "A" had omitted, in his affidavit, to refer to a previous, unsuccessful, application and he had referred only obliquely to a Class C Land Charge registered against his wife's property in the UK. In such an application, there was a duty on both the lay client and the Advocate who represented him fully to inform the court of any material, or potentially material, facts and considerations which might affect the decision of the court in exercising its coercive powers. A similar duty would arise where Counsel was aware of a binding authority, albeit damaging to his case, which had not been brought to the attention of the Court. Where an order had been obtained in the absence of material facts, the correct procedure would be to set aside the order forthwith unless the interests of justice required that something be done to protect the applicant. In such cases, the question would then arise whether the non-disclosure was innocent, deliberate or otherwise culpable. In the present case there had not been a full disclosure as to the factual or the legal position and, although the non-disclosure had not been deliberate, it was not innocent and the Deputy Bailiff had stated that he had been misled. Furthermore, there could be no possible excuse that the application had had to have been prepared in great haste as might sometimes be the case. The sweeping nature of the relief sought was also a consideration for the Court.

[Thompson v Thompson - Court of Appeal 6.8.91 (SRM/ADL)]. (See also paragraph 42).

Judgments - reciprocal enforcement

46. Ordinance: The Judgments (Reciprocal Enforcement) (Amendment) Ordinance, 1991. - Specifies the countries the judgments of which can be registered and enforced in Guernsey under the 1957 Law.

In force 1.10.91. (No. XXXII of 1991).

47. Ordinance: The Judgments (Reciprocal Enforcement) (Amendment) (No.2) Ordinance, 1991. - Adds Jersey to the list of reciprocating countries.

In force 1.1.92. (No. XLI of 1991).

Jurisdiction - application for stay of proceedings pending determination of action in English courts - considerations

48. "D" filed defences seeking a stay of proceedings and an order declining jurisdiction pending determination of the dispute in the English courts. The Deputy Bailiff granted the application on the grounds that -

(a) the parties had contracted that English law would be the proper law of the contract, which implied a preference requiring displacement by convincing reasons to the contrary;

(b) as every issue involved was governed by English law it was preferable for the matter to be heard in England;

(c) no witnesses resided in Guernsey and actual convenience directed that England was the preferable forum; and

(d) although the costs to the parties would be less if the hearing took place in Guernsey, the cost to the local taxpayer had also to be considered as a matter of public policy.

[Dunlop Holdings PLC v Far Eastern Rubber Holdings Limited - Plaids de Meubles 15.10.91 (PTRF/JPG)].

Péremption d'instance - whether Court may order extension of péremption period

49. A case was remitted by the Court of Appeal to the Royal Court for rehearing. Shortly before the expiration of one year and a day after the date of the Court of Appeal's judgment the Plaintiff applied to the Bailiff for an order extending the period within which the action would become périmée. The defendant argued that Rule 50 of the Royal Court Civil Rules, 1989 did not permit the Court to make such an order. HELD, the effect of Rule 50 was to modify the customary position so that the Court could order an action to be restored to the Rôle even after it had become périmée and the Court was entitled to make an order that the period could be extended before that date. A further six months' period was granted.

[Gallienne v Douglas - Plaids de Meubles 9.12.91 (JMW/RJC)].

PUBLIC ASSISTANCE

50. Ordinance: The Central Outdoor Assistance Board (Amendment) Ordinance, 1991. - Increases rates of outdoor assistance.

In force 28.11.91. (No. XXXIX of 1991).

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

51. Order in Council: The Births, Deaths, Marriages and Legitimacy (Bailiwick of Guernsey) (Amendment) Law, 1991. - See 11.GLJ.69.

Royal Sanction 16.10.91. Registered and in force 3.12.91. (No. XVIII of 1991).

ROAD TRAFFIC AND PUBLIC TRANSPORT

Disabled persons

52. Ordinance: The Road Traffic (Disabled Persons) (Amendment) Ordinance, 1991. - Amends the Road Traffic (Disabled Persons) Ordinance, 1991 (see 11.GLJ.72) by inserting a new section 1(c) excluding invalid carriages from the definition of "motor vehicles" for the purposes of the "Loi relative aux Automobiles" of 1926 (relating to the necessity for driving licences).

In force 31.10.91. (No. XXXVI of 1991).

Offences - see CRIMINAL LAW AND PROCEDURE

Parking places

53. Statutory Instrument: The Parking Places (Amendment) Order, 1991. - Replaces the Order of 1984, as amended, designating disc and other parking places and the conditions and periods of use thereof.

In force 25.11.91. (No. 36 of 1991).

Vehicle registration and licensing

54. Order in Council: The Vehicle Registration and Licensing (Transfer of Functions) (Guernsey) Law, 1991. - See 11.GLJ.79.

Royal Sanction 21.5.91. Registered 9.7.92. In force 6.8.91. (No. VI of 1991).

SHIPPING

Passenger boats and hired boats

55. Statutory Instrument: The Boats (Amendment) (Guernsey) Regulations, 1991.

- Exempt water taxi services, as defined, from the requirements of the Hired Boats and Passenger Boats (Guernsey) Law, 1989 (see 6.GLJ.206 and 7.GLJ.74).

SOCIAL SECURITY

Attendance and invalid care allowances

56. Order in Council: The Attendance and Invalid Care Allowances (Amendment) (Guernsey) Law, 1991. - See 11.GLJ.80.

Royal Sanction 20.6.91. Registered 30.9.91. In force 5.11.90. (No. XIV of 1991).

57. Ordinance: The Attendance and Invalid Care Allowances Ordinance, 1991. - Increases the weekly rates of such allowances to £45 and £36 respectively.

In force 4.11.91. (No. XXIX of 1991).

Family allowances

58. Ordinance: The Family Allowances (Guernsey) Ordinance, 1991. - Increases the family allowance to £8 per week per child.

In force 5.11.91. (No. XXIV of 1991).

Social insurance

59. Ordinance: The Social Insurance (Rates of Contributions and Benefits, etc) Ordinance, 1991. - Prescribes new upper earnings limits for social insurance contributions; new rates of such contributions; new rates and amounts of benefits; and the amount of the Allocation to be paid by the States into the Social Insurance Fund.

In force 4.11.91 (as to part); and 1.1.92 (as to the remainder). (No. XXXV of 1991).

60. Ordinance: The Social Insurance and Family Allowances (Reciprocal Agreement with Austria) (Amendment) Ordinance, 1991. - Amends the Ordinance of 1981 in order to implement changes to the Convention on Social Security between the United Kingdom and Austria.

In force 25.9.91. (No. XXXIV of 1991).

Supplementary benefit

61. Ordinance: The Supplementary Benefit (Implementation) (Amendment) Ordinance, 1991. - Amends the principal Ordinance of 1971 by increasing the limits of income below which benefit is payable and the weekly requirements for the different categories of claimant.

In force 8.11.91. (No. XXVII of 1991).

VIDEO LICENSING

62. Ordinance: The Video Licensing (Amendment) Ordinance, 1991. - Increases licensing fees.

In force 11.12.91. (No. XLII of 1991).

WATER

63. Order in Council: The States Water Supply (Amendment) (Guernsey) Law, 1991. - See 10.GLJ.100 and 11.GLJ.86.

Registered 20.8.91. In force on a day or days to be appointed. (No. VII of 1991).

64. Ordinance: The Prevention of Pollution (Commencement) Ordinance, 1991. - Brings into force on 1.8.91 the Prevention of Pollution (Guernsey) Law, 1989 (see 7.GLJ.85 and 9.GLJ.80). (No.XXVI of 1991).

WEIGHTS AND MEASURES

65. Order in Council: The Weights and Measures (Guernsey and Alderney) Law, 1991. - See 8.GLJ.102. Projet disapproved by Chief Pleas of Sark and therefore applicable only to Guernsey, Alderney, Herm and Jethou.

Royal Sanction 26.6.91. Registered 30.9.91. (No. XVII of 1991). In force 11.12.91: The Weights and Measures (Commencement) Ordinance, 1991. (No. XL of 1991).

GUERNSEY STATUTORY INSTRUMENTS

66. The following Statutory Instruments were made during the period covered by this issue. Except where otherwise indicated they have not been digested in detail. A reference copy of each is held at the Greffe and copies may be obtained from the relevant Committee.

	S.I. Number
The Fire Services (Guernsey) Law, 1989 Code of Guidance No. 10 - Child Minding Premises (see paragraph 34)	23
The Fire Services (Guernsey) Law, 1989 Code of Guidance No. 9 - Tented Structures (see paragraph 34)	24
The Fire Services (Guernsey) Law, 1989 Code of Guidance No. 6 - Educational Premises (see paragraph 34)	25
The Fire Services (Guernsey) Law, 1989 Code of Guidance No. 5 - Places where People Resort (see paragraph 34)	26
The Fire Services (Guernsey) Law, 1989 Code of Guidance No. 4 - Care Premises (see paragraph 34)	27
The Protection of Game (Amendment) Order, 1991	28
The Social Insurance (Benefits) (Transitional Provisions) (Amendment) Regulations, 1991	29
The Post Office (Postal Order) (Amendment) (No. 2) Order, 1991	30
The Post Office (Inland Post) (Amendment) (No. 2) Order, 1991	31
The Post Office (Overseas Letter Post) (Amendment) Order, 1991	32
The Importation of Fertilisers and Feeding Stuffs Order, 1991	33
The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 1991	34
The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 1991	35
The Parking Places (Amendment) Order, 1991	36

The Social Insurance (Classification) (Amendment) Regulations, 1991	37
The Social Insurance (Contributions) (Amendment) Regulations, 1991	38
The Social Insurance (Increase of Benefit) Regulations, 1991	39
The Parking Places Order, 1991 (see paragraph 52).	40
The Boats (Amendment) (Guernsey) Regulations, 1991 (see paragraph 55.	41
The Income Tax (Guernsey) (Retirement Annuity Schemes and Retirement Annuity Trust Schemes) (Revision of Limit of Contributions) Regulations, 1991 (see paragraph 41)	42
The Weights and Measures (Bailiwick Standard and Working Standard Weights and Testing Equipment) Regulations, 1991	43
The Weights and Measures (Bailiwick Standard and Working Standard Linear Measures) Regulations, 1991	44
The Weights and Measures (Bailiwick Standard and Working Standard Capacity Measures and Testing Equipment) Regulations, 1991	45
The Weights and Measures (Prescribed Stamp) Regulations, 1991	46
The Weights and Measures (Fees) Regulations, 1991	47
The Weights and Measures (Weighing Equipment) (Weights) Regulations, 1991	48
The Weights and Measures (Measuring Equipment) (Measures of Length) Regulations, 1991	49
The Weights and Measures (Measuring Equipment) (Liquid and Dry Capacity Measures) Regulations, 1991	50
The Weights and Measures (Measuring Equipment) (Intoxicating Liquor Capacity Serving Measures) Regulations, 1991	51
The Weights and Measures (Measuring Equipment) (Intoxicating Liquor) Regulations, 1991	52

The Weights and Measures (Measuring Equipment) (Liquid Fuel and Lubricants) Regulations, 1991	53
The Weights and Measures (Weighing Equipment) (Non-automatic Weighing Machines) Regulations, 1991	54
The Weights and Measures (Packaged Goods) Regulations, 1991	55
The Weights and Measures (Quantity Marking and Abbreviation of Units) Regulations, 1991	56
The Weights and Measures (Various Foods) (Amendment) Regulations, 1991	57
The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) (No. 2) Regulations, 1991	58
The Health Service (Medical Appliances) (Amendment) (No. 2) Regulations, 1991	59
The Health Service (Payment of Authorised Suppliers) (Amendment) (No. 2) Regulations, 1991	60
The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) (No. 3) Regulations, 1991	61

UNITED KINGDOM STATUTORY INSTRUMENTS

67. The following is a list of Statutory Instruments made in the United Kingdom which are specifically applicable to Guernsey and which were registered here during the period covered by this issue. Unless otherwise indicated they are not digested in detail elsewhere in the Journal.

The Drug Trafficking Offences Act 1986 (Designated Countries and Territories) (Amendment) Order, 1991	1465
The Broadcasting Act 1990 (Guernsey) (No. 2) Order, 1991 (see paragraph 5)	1709
The Nuclear Material (Offences) Act 1983 (Designated Countries and Territories) (Amendment) Order, 1991	1717
The Friendly Societies Act 1984 (Guernsey) Order, 1991 (see paragraph 3)	2293
The Arms Control and Disarmament (Inspections) Act 1991 (Guernsey) Order 1991	2625

ALDERNEY

AGRICULTURE AND ANIMALS

Pest control

68. Ordinance: The Destruction of Rats Ordinance, 1991. - Empowers the States of Alderney Agriculture and Fisheries Committee to serve notices requiring measures to be taken to destroy rats and/or to prevent the invasion of premises by rats; and, in the event of non-compliance, to take action itself and recover the cost. There is a right of appeal to the Court of Alderney.

In force 20.12.91. (Ordinance of the States of Alderney of 20.12.91).

BANKRUPTCY AND INSOLVENCY

Order in aid - request from High Court - section 426 of the Insolvency Act, 1986 - application to Court of Alderney

69. "AA" appealed against the decision of the Bailiff (see 10.GLJ.103) dismissing their appeal from an Order of the Court of Alderney requiring them to give evidence pursuant to section 426 of the Insolvency Act, 1986. That provision, having been extended to Alderney by statutory instrument, had the effect that the Court of Alderney must assist the High Court by applying the insolvency law which was applicable by either Court in relation to comparable matters falling within its jurisdiction. "AA" argued that the Court of Alderney had no power to make the order because there was no provision in the Companies (Amendment) (Alderney) Law, 1962 which was comparable to the law which was sought to be applied, namely section 236(2) of the 1986 Act requiring directors of a company to give information and produce documents. HELD by the Court of Appeal, the effect of the request made under section 426(5) of the 1986 Act was to authorise the Alderney Court to exercise the jurisdiction which the English Court could have exercised had "AA" been within the jurisdiction of the English Court (see also In re Tucker - 7.GLJ.8). The appeal would be dismissed.

[Slinn v Official Receiver and Liquidator of Seagull Manufacturing Company Limited - Court of Appeal 5.8.91 (GWA/EAGP)].

CHILDREN AND YOUNG PERSONS

Extension of legislation to Alderney

70. Resolution of the States of Guernsey of 27.11.91: Directing the preparation of legislation extending to Alderney certain legislation relating to children including that enabling H.M. Procureur to direct that a child be taken to a place of safety and giving the Juvenile Court jurisdiction to make a fit person or supervision order; and legislation relating to foster parents, nurseries and childminders and the assumption by the Children Board of parental rights.

PUBLIC HEALTH

Sewerage

71. Order in Council: The Sewerage (Amendment) (Alderney) Law, 1991. - Empowers the States to specify by Ordinance the amount payable by the owner of a building when it is connected to a public sewer.

Approved by the States of Alderney 6.3.91. Royal Sanction 21.5.91. Registered and in force 9.7.91. (No. V of 1991).

RATING

Occupiers rate

72. Ordinance: The Occupiers Rate (Level for 1992) Ordinance, 1991. - Sets the occupiers rate for 1992 at £1.35 in the pound.

(Ordinance of the States of 20.12.91).

ROAD TRAFFIC

Speed trial

73. Ordinance: The Tourgis Hill Speed Trial (Alderney) Ordinance, 1991. - A temporary Ordinance which closed Tourgis Hill to general vehicular traffic on 21st September 1991 for the purposes of a speed trial, and exempted participants from speed and noise restrictions.

(Ordinance of the States of 4.9.91).

Traffic regulations

74. Regulations: The Traffic (Amendment) Regulations, 1991. - Enable the States of Alderney Public Works Committee to create, govern and suspend special parking places for disabled people.

In force 1.1.92.

SOCIAL SECURITY

Supplementary Benefit

75. Ordinance: The Alderney (Application of Legislation) (Supplementary Benefit) Ordinance, 1991. - Applies the Supplementary Benefit (Implementation) (Amendment) Ordinance, 1991 (see paragraph 61) to Alderney.

In force 8.11.91. (No. XXVIII of 1991).

WATER

Rates

76. Ordinance: The States Water Supply (Rates of Charge) (Alderney) Ordinance, 1991. - Increases water rates with effect from 30th September, 1991.

Ordinance of the States of 4.9.91.

Restrictions on use

77. Ordinance: The Alderney Water (Restrictions) (Amendment) Ordinance, 1991. - Extends the uses of water which the States of Alderney Water Board is able to restrict so as to cover the filling or replenishing of garden ponds, spa pools and jacuzzis.

Ordinance of the States of 4.9.91.

SARK

COURTS

78. Order in Council: The Court of the Seneschal (Increase of Jurisdiction) (Amendment) (Sark) Law, 1991. - See 11.GLJ.99.

Royal Sanction 21.5.91. Registered 20.8.91. In force on a day to be appointed. (No. XII of 1991).

DEVELOPMENT CONTROL

79. Order in Council: The Development Control (Sark) Law, 1991. - See 10.GLJ.114.

Royal Sanction 26.6.91. Registered 20.8.91. In force on a day or days to be appointed. (No. IX of 1991).

HARBOURS AND MOORINGS

80. Order in Council: The Pilotage (Sark) Law, 1991. - See 10.GLJ.116.

Royal Sanction 26.6.91. Registered 20.8.91. In force on a day or days to be appointed. (No. XI of 1991).

TAXATION

81. Order in Council: The Financial Provisions (Amendment) (Sark) Law, 1991. - See 11.GLJ.101.

Royal Sanction 21.5.91. Registered 20.8.91. In force on a day to be appointed. (No. X of 1991).