# 1967 No. 1146

# CONTROL OF LIQUID FUEL

## The Control of Liquid Fuel (Guernsey) Order 1967

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| *Made* - - - | 28*th July* 1967 |
| *Coming into Operation* | 31*st July* 1967 |

At the Court at Buckingham Palace, the 28th day of July 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 8 of the Control of Liquid Fuel Act 1967(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**1.** The Control of Liquid Fuel Act 1967 shall extend to the Bailiwick of Guernsey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

**2.** The Interpretation Act 1889(b) shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

**3.** This Order may be cited as the Control of Liquid Fuel (Guernsey) Order 1967 and shall come into operation on 31st July 1967.

*W. G. Agnew.*

## SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE CONTROL OF LIQUID FUEL ACT 1967 AS EXTENDED TO THE BAILIWICK OF GUERNSEY

1. Any reference to the Control of Liquid Fuel Act 1967 shall be construed as a reference to that Act as extended to the Bailiwick of Guernsey by this Order.

2. For the words "Minister of Power" wherever they occur there shall be substituted in relation to any part of the Bailiwick of Guernsey other than the Island of Alderney the words "States of Guernsey Emergency Council" and in relation to the Island of Alderney the words "States of Alderney Finance Committee".

3. Section 3 shall be omitted.

4. For section 4 there shall be substituted the following sections, that is to say:—

'Application of provisions of Defence (General) (Guernsey) Regulations 1945 as continued in force.

4.—(1) The following Regulations set out in Part V of Schedule 2 to the Defence (General) (Guernsey) Regulations Continuance Order 1960(c), as continued in force by the Defence (General) (Guernsey) Regulations Continuance Order 1964(d), that is to say, Regulations 82 (false documents and false statements), 84 (restrictions on disclosing information), 87(3) (permits, licences, etc.), 91 (offences by corporations), 97 (service of notices) and 98 (revocation and variation of orders, etc.), shall have effect for the purposes of this Act as if in those provisions any reference to a Regulation were

(a) 1967 c. 57.
(b) 1889 c. 63.
(c) S.I. 1960/208 (1960 I, p. 1323).
(d) S.I. 1964/2035 (1964 III, p. 5118).

a reference to this Act; and in the following provisions of this Act any reference to an offence under this Act shall be construed accordingly.

(2) The supplementary provisions set out in Schedule 3 to the Defence (General) (Guernsey) Regulations Continuance Order 1960, as continued in force as aforesaid, (other than paragraph 1 thereof) shall have effect for the purposes of this Act as if in those provisions any reference to a Regulation were a reference to this Act.

Production of documents.

4A.—(1) For the purposes—

(a) of securing compliance with any order made or direction given under this Act by or on behalf of a competent authority, or

(b) of verifying any estimates, returns or information furnished to a competent authority in connection with this Act or any order made or direction given thereunder,

an officer of a competent authority duly authorised in that behalf shall have power, on producing (if required to do so) evidence of his authority, to require any person carrying on an undertaking or employed in connection with an undertaking to produce to the officer forthwith any documents relating to the undertaking which the officer may reasonably require for the purposes set out above in this section.

(2) The power conferred by this section to require any person to produce documents shall include power—

(a) if the documents are produced—

(i) to take copies of them or extracts from them, and

(ii) to require that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them,

(b) if the documents are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

(3) If any requirement to produce documents or provide an explanation or make a statement which is imposed by virtue of this section is not complied with, the person on whom the requirement was so imposed shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both:

Provided that where a person is charged with an offence under this subsection in respect of a requirement to produce any documents, it shall be a defence to prove that they were not in his possession or under his control and that it was not reasonably practicable for him to comply with the requirements.

(4) If the Bailiff is satisfied, on information on oath given on behalf of a competent authority, that there are any reasonable grounds for suspecting that there are on any premises any documents of which production has been required by virtue of the foregoing provisions of this section and which have not been produced in compliance with that requirement, the Bailiff may issue a warrant authorising any officer of police, together with any other persons named in the warrant and any other officers of police, to enter the premises specified in the information (using such force as is reasonably necessary for the purpose) and to search the premises and take possession of any documents appearing to be such documents as

aforesaid, or to take in relation to any documents so appearing any other steps which may appear necessary for preserving them and preventing interference with them.

(5) Every warrant issued under the last preceding subsection shall continue in force until the end of the period of one month after the date on which it is issued.

(6) Any documents of which possession is taken under subsection (4) of this section may be retained for a period of three months or, if within that period there are commenced any proceedings for an offence under this Act to which they are relevant, until the conclusion of those proceedings.

(7) Any person who obstructs the exercise of any right of entry or search conferred by virtue of a warrant under subsection (4) of this section, or who obstructs the exercise of any rights so conferred to take possession of any documents, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both.

(8) In this section—

"Bailiff" means—

(a) in relation to the Islands of Guernsey, Herm and Jethou, the Bailiff, a Lieutenant Bailiff or the Juge Délégué;

(b) in relation to the Island of Alderney, the Chairman of the Court of Alderney; and

(c) in relation to the Island of Sark, the Seneschal;

"competent authority" means—

(a) in relation to any part of the Bailiwick of Guernsey other than the Island of Alderney, the States of Guernsey Emergency Council;

(b) in relation to the Island of Alderney, the States of Alderney Finance Committee;

"officer of police" means—

(a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

(b) in relation to the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney; and

(c) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of Guernsey.'.

5.—(1) In section 5(1)(*a*) for the words from "other than" to "of this Act" there shall be substituted the words "other than such a requirement as is mentioned in section 4A(3) of this Act", and in section 5(1)(*b*) for the words from "except" to "applied" there shall be substituted the words "except as mentioned in section 4A(7) of this Act".

(2) In section 5(2) the words from the beginning to the end of paragraph (c) and the words from "or under" to "by this Act" shall be omitted.

(3) In section 5(3) for the words "United Kingdom" there shall be substituted the words "Bailiwick of Guernsey".

(4) In section 5(4) after the words "this Act" there shall be inserted the words "other than section 4A".

6. Section 6 shall be omitted.

7. Section 7(2) and (3) shall be omitted.

8. Section 8 shall be omitted.

9. Section 10(2) shall be omitted.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order extends the Control of Liquid Fuel Act 1967 to the Bailiwick of Guernsey with exceptions, adaptations and modifications.