

ORDER IN COUNCIL

IX
1949

Ratifying a Projet de Loi entitled

"The Tribunal of Inquiry (Evidence) (Guernsey) Law, 1949".

(Registered on the Records of the Island of Guernsey
the 23rd April, 1949.)



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1949.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 23rd day of April, 1949, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Arthur Falla, Pierre de Putron, Quertier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

THE BAILIFF having this day placed before the Court an Order of His Majesty in Council dated the 29th day of March, 1949, ratifying a *Projet de Loi* entitled "The Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949",—

THE COURT, after the reading of the said Order in Council and after, having heard His Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of the Island of Guernsey of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 29th day of March, 1949.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT
LORD PRIVY SEAL
SIR ALAN LASCELLES
MR. HALL.

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 22nd day of March, 1949, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference on the 18th day of December, 1936, 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 12th day of January, 1949, the States of Deliberation at a meeting held on the 28th day of January, 1949, approved a Bill or “Projet de Loi” entitled “The Tribunals of inquiry (Evidence) (Guernsey) Law, 1949” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. 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 Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949,” and to order and direct that the same shall have force of Law in the Island 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.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of

His 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 Island of Guernsey.

AND HIS 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 His 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.

E. C. E. Leadbitter.

"Projet de Loi" referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

"The Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949".

THE STATES, in pursuance of their Resolution of the 12th day of January, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

1. (1) Where it has been resolved (whether before or after the commencement of this Law) by the States that it is expedient that a tribunal be established for inquiring into a definite matter described by the Resolution as of urgent public importance, this Law shall, unless the Resolution otherwise directs, apply so as to confer on the tribunal all such powers, rights and privileges as are vested in the Royal Court on the occasion of an action in respect of the following matters:—

Powers with respect to the taking of evidence, etc., before certain tribunals of inquiry.

- (a) The enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) The compelling the production of documents;
- (c) Subject to rules of court, the issuing of a commission or request to examine witnesses out of this Island;

and a summons signed by one or more of the members of the tribunal may be substituted for and shall be equivalent to any formal process capable

of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) If any person—

- (a) on being duly summoned as a witness before a tribunal makes default in attending ; or
- (b) being in attendance as a witness refuses to take an oath legally required by the tribunal to be taken, or to produce any document in his power or control legally required by the tribunal to be produced by him, or to answer any question to which the tribunal may legally require an answer ; or
- (c) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of court ;

the chairman of the tribunal may certify the offence of that person under his hand to the Royal Court, and the Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the Court.

(3) A witness before any such tribunal shall be entitled to the same immunities and privileges as if he were a witness before the Royal Court.

Appointment
of tribunals.

2. A tribunal shall consist of such persons as the President of the States Advisory Council shall specify, and shall be appointed in writing under his hand.

3. A tribunal to which this Law is applied—

Powers of
tribunals as
to exclusion
of public
and granting
of right of
audience.

(a) shall not refuse to allow the public or any portion of the public to be present at any of the proceedings of the tribunal unless in the opinion of the tribunal it is in the public interest expedient so to do for reasons connected with the subject-matter of the inquiry or the nature of the evidence to be given ; and

(b) shall have power to authorise the representation before them of any person appearing to them to be interested, by an Advocate or otherwise, or to refuse to allow such representation.

JAMES E. LE PAGE,

H.M. Greffier.