

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

Loi donnant effet à un Protocole sur l'Arbitrage.

(Enregistré sur les Records de l'Île de Guernesey le
20 juillet 1925.)



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1925.

VII.
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ORDRE EN CONSEIL.



À LA COUR ROYALE DE L'ÎLE DE GUERNSEY.

*Le 20 juillet 1925, pardevant Messire Havilland Walter
de Saumarez, Chevalier, Baillif, présents, etc.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 25 juin 1925 ratifiant un projet de loi intitulé: "Loi donnant effet à un Protocole sur l'Arbitrage."

La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné que le dit projet sera enregistré sur les Records de cette Ile, duquel Ordre la teneur suit:—

At the Court at Buckingham Palace,

The 25th day of June, 1925.

Present,

The King's Most Excellent Majesty

HIS ROYAL HIGHNESS THE DUKE OF YORK.

LORD PRESIDENT LORD STEWARD

LORD PRIVY SEAL SECRETARY SIR SAMUEL HOARE

COLONEL W. G. NICHOLSON.

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 29th day of May, 1925, in the words following, viz.:—

"Your Majesty having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

- (1) That for the reasons set forth in the preamble thereof, the Royal Court on the 7th March, 1925, adopted a Bill or Projet de Loi intituléd

LE 20 JUILLET 1925,

'Loi donnant effet à un Protocole sur l'Arbitrage,' and requested the Bailiff to submit the same to the States for their approval; (2) That the said Bill or Projet de Loi was duly considered by the States of Deliberation on the 1st April, 1925, when a resolution was passed approving the same and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto; (3) That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule to the said Petition; And humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled 'Loi donnant effet à un Protocole sur l'Arbitrage,' and to order and direct that the same shall have the force of Law within 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 or 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.

M. P. A. HANKEY.

**"PROJET DE LOI" referred to in the foregoing
Order in Council.**

**LOI DONNANT EFFET A UN PROTOCOLE
SUR L'ARBITRAGE.**

Attendu qu'à une Assemblée de la Ligue des Nations tenue le 24 septembre 1923 un protocole sur l'Arbitrage contenu dans la Cédule ci-annexée fut signé pour et au nom de Sa Majesté le Roi ;

Attendu que pour donner effet au dit protocole l'Acte du Parlement intitulé "The Arbitration Clauses (Protocol) Act 1924" fut passé le 7 août 1924 ;

Attendu qu'il est nécessaire d'établir des règlements ayant force de loi en cette Ile pareils à ceux qui sont prescrits par le dit Acte de Parlement ;

Dans le cas qu'une partie à une soumission à l'arbitrage faite en vertu d'un accord auquel le dit protocole s'applique, ou toute personne se portant comme l'ayant cause ou l'ayant droit de telle partie, commence des poursuites judiciaires devant la Cour Royale contre toute autre partie à la soumission ou toute personne se portant comme l'ayant cause ou l'ayant droit de telle autre partie, à l'égard de toute matière ou différend tombant sous l'accord de soumission, toute partie à telles poursuites pourra lors actionnée sur le premier ajour ou après inscription de la cause sur le rôle des causes à plaider, mais avant qu'aucun plaidoyer ait lieu, s'adresser à la Cour Royale siégeant en Cour Ordinaire, la priant de surseoir aux dites poursuites, et la Cour, à moins

qu'elle ne soit satisfaite que l'accord ou l'arbitration n'est plus en force ou ne peut procéder outre, fera acte ordonnant un sursis.

**Cédule à laquelle référence est faite dans
la susdite Loi.**

PROTOCOL ON ARBITRATION CLAUSES.

The undersigned, being duly authorised, declare that they accept, on behalf of the countries which they represent, the following provisions :—

1.—Each of the Contracting States recognises the validity of an agreement whether relating to existing or future differences between parties, subject, respectively, to the jurisdiction of different Contracting States by which the parties to a contract agree to submit to arbitration all or any differences that may arise in connection with such contract relating to commercial matters or to any other matter capable of settlement by arbitration, whether or not the arbitration is to take place in a country to whose jurisdiction none of the parties is subject.

Each Contracting State reserves the right to limit the obligation mentioned above to contracts which are considered as commercial under its national law. Any Contracting State which avails itself of this right will notify the Secretary-General of the League of Nations, in order that the other Contracting States may be so informed.

2.—The arbitral procedure, including the constitution of the arbitral tribunal, shall be governed by the will of the parties and by the law of the country in whose territory the arbitration takes place.

The Contracting States agree to facilitate all steps in the procedure which require to be taken in their own territories, in accordance with the provi-

sions of their law governing arbitral procedure applicable to existing differences.

3.—Each Contracting State undertakes to ensure the execution by its authorities and in accordance with the provisions of its national laws of arbitral awards made in its own territory under the preceding articles.

4.—The tribunals of the Contracting Parties, on being seized of a dispute regarding a contract made between persons to whom Article 1 applies and including an arbitration agreement whether referring to present or future differences which is valid in virtue of the said article and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the arbitrators.

Such reference shall not prejudice the competence of the judicial tribunals in case the agreement or the arbitration cannot proceed or become inoperative.

5.—The present Protocol, which shall remain open for signature by all States, shall be ratified. The ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who shall notify such deposit to all the signatory States.

6.—The present Protocol shall come into force as soon as two ratifications have been deposited. Thereafter it will take effect, in the case of each Contracting State, one month after the notification by the Secretary-General of the deposit of its ratification.

7.—The present Protocol may be denounced by any Contracting State on giving one year's notice. Denunciation shall be effected by a notification addressed to the Secretary-General of the League, who will immediately transmit copies of such notification to all the other signatory States and inform

them of the date on which it was received. The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying State.

8.—The Contracting States may declare that their acceptance of the present Protocol does not include any or all of the under-mentioned territories : that is to say, their colonies, overseas possessions or territories, protectorates or the territories over which they exercise a mandate.

The said States may subsequently adhere separately on behalf of any territory thus excluded. The Secretary-General of the League of Nations shall be informed as soon as possible of such adhesions. He shall notify such adhesions to all signatory States. They will take effect one month after the notification by the Secretary-General to all signatory States.

The Contracting States may also denounce the Protocol separately on behalf of any of the territories referred to above. Article 7 applies to such denunciation.

(Extrait des Registres),

QUERTIER LE PELLEY,
Greffier du Roi.