

ORDER IN COUNCIL

V
1995

ratifying a Projet de Loi

ENTITLED

The Powers of Attorney and Affidavits (Bailiwick of Guernsey) Law, 1995

(Registered on the Records of the Island of Guernsey
on the 11th July, 1995.)



1995

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 11th day of July, 1995 before Sir Graham Dorey, Bailiff;
present:—Stanley Walter John Jehan, Leonard Arthur Moss, John
Edward Morris, Kenneth John Rowe, Lawrence Oscar Ozanne, John
Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May
Glass, Derek Martin Le Page and Stephen Edward Francis Le Poidevin,
Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 11th April, 1995, approving and ratifying a *Projet de Loi* entitled “The Powers of Attorney and Affidavits (Bailiwick of Guernsey) Law, 1995” THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED:—

1. That the said Order in Council be registered on the records of this Island; and
2. 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 SÉNÉSCHAL of Sark for registration on the records of those Islands respectively of which Order in Council the tenor followeth:—

At the Court at Windsor Castle

The 11th day of April, 1995

PRESENT,

The Queen's Most Excellent Majesty in Council

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 28th day of March 1995 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, in pursuance of their Resolution of the 27th day of July 1994, the States of Deliberation at a meeting held on the 26th day of October 1994 approved a Bill or “Projet de Loi” entitled “The Powers of Attorney and Affidavits (Bailiwick of Guernsey) Law, 1995”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 7th day of December 1994 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 18th day of January 1995 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or “Projet de Loi” is as 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 Powers of Attorney and Affidavits (Bailiwick of Guernsey) Law 1995”, 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, and 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.

N. H. Nicholls

PROJET DE LOI

ENTITLED

The Powers of Attorney and Affidavits (Bailiwick of Guernsey) Law, 1995

THE STATES, in pursuance of their Resolution of the 27th day of July, 1994(a), 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.

Execution of powers of attorney and affidavits.

1. A power of attorney (for whatever purpose), an affidavit and any other document of a class or description specified by order of the Royal Court for the purposes of this Law may be executed or sworn-

- (a) anywhere in the Bailiwick, before a notary public;
- (b) in Guernsey, Herm or Jethou, before a Jurat of the Royal Court of Guernsey;
- (c) in Alderney, before a Jurat of the Court of Alderney;
- (d) in Sark, before the Seneschal;
- (e) in a place outside the Bailiwick-
 - (i) before a person empowered to administer oaths or take sworn declarations in that place; or

- (ii) in accordance with the rules in force in that place governing the execution or swearing of powers of attorney, affidavits or (as the case may be) documents of that class or description.

Power of Royal Court to extend scope of Law by order.

2. (1) The Royal Court may by order specify any other person or class or description of persons before whom a power of attorney, affidavit or document of a class or description specified by order under section 1 may be executed or sworn.

(2) An order under subsection (1) or under section 1 may-

- (a) be amended or revoked by a subsequent order thereunder;
- (b) make different provision for different cases, purposes or circumstances;
- (c) make supplementary, consequential, incidental or transitional provision;
- (d) make any provision subject to such conditions as may be specified in the order.

Form of general power of attorney.

3. (1) Subject to the provisions of subsection (2), a general power of attorney which is executed in accordance with the provisions of section 1 (whether as originally enacted or as extended by order of the Royal Court under section 2) and which is in the form set out in the Schedule, or in a form to the like effect but expressed to be made under this Law, shall operate to confer-

- (a) on the donee of the power; or

- (b) if there is more than one donee, on the donees acting jointly or acting jointly and severally, as the case may be;

authority to do on behalf of the donor anything which the donor can lawfully do by an attorney.

(2) Without prejudice to the provisions of section 29A of the Trusts (Guernsey) Law, 1989, as amended(b), this section does not apply to functions which the donor has as a trustee, personal representative or guardian.

Savings.

4. Nothing in this Law affects the validity of a power of attorney, affidavit or other document executed or sworn-

- (a) before the commencement of this Law; or
- (b) in accordance with some other rule of law, statutory provision or rule of court.

Citation.

5. This Law may be cited as the Powers of Attorney and Affidavits (Bailiwick of Guernsey) Law, 1995.

SCHEDULE
FORM OF GENERAL POWER OF ATTORNEY FOR PURPOSES OF SECTION 3

"THIS GENERAL POWER OF ATTORNEY is made this day of, 19.., by of
..... [insert full name and address of donor]

I APPOINT of [insert full name and address of donee]

[OR, if more than one donee]

I APPOINT of and of [insert full names and addresses of first and
subsequent donees] jointly OR jointly and severally

to be my attorney[s] in accordance with section 3 of the Powers of Attorney and
Affidavits (Bailiwick of Guernsey) Law, 1995.

AS WITNESS my hand the day and year first above written.

SIGNED by the said [insert full name of donor]

in the presence of".