

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Royal Court (Costs and Fees) (Guernsey) Law, 1969

(Registered on the Records of the Island of Guernsey
on the 26th day of August, 1969.)



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ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 26th day of August, 1969, before Sir William Arnold, Kt., C.B.E., Bailiff; present :—Bertram Guy Blampied, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Edward Martel, and Jean Le Pelley, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 25th day of June, 1969, ratifying a *Projet de Loi* entitled “The Royal Court (Costs and Fees) (Guernsey) Law, 1969”, the Court, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace

The 25th day of June 1969

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

MR SECRETARY SHORT

CHANCELLOR OF THE DUCHY OF LANCASTER

MR ROBINSON

MR HUGHES

SIR GEOFFREY CROSS

MR HOY

MR IRVING

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 13th day of June 1969, 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 11th day of December 1957, the States of Deliberation at a meeting held on the 26th day of March 1969, approved a Bill or “Projet de Loi” entitled “The Royal Court (Costs and Fees) (Guernsey) Law, 1969” 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 Royal Court (Costs and Fees) (Guernsey) Law, 1969" and to order 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."

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, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth thereby 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.

W. G. Agnew.

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

PROJET DE LOI

ENTITLED

The Royal Court (Costs and Fees) (Guernsey) Law, 1969

THE STATES, in pursuance of their Resolution of the eleventh day of December, nineteen hundred and fifty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) The costs of and incidental to all proceedings in the Royal Court shall be in the discretion of the Royal Court and the Royal Court shall have power to determine by whom and to what extent the costs are to be paid. Costs and fees in respect of proceedings in the Royal Court, etc.

(2) Nothing in subsection (1) of this section shall derogate from the provisions of paragraph (a) of subsection (2) of section six of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950(a).

(3) The Royal Court may from time to time, by rules made under this subsection, make provision as to—

(a) the fees and allowances on account of expenses payable to the Royal Court, the Bailiff, a Jurat and any officer of the Royal Court in respect of any proceedings in the Royal Court and in respect of any minis-

(a) Ordres en Conseil Vol. XIV, p. 388.

terial function discharged by the Royal Court, the Bailiff, a Jurat or any such officer;

- (b) the fees and expenses recoverable by a party in respect of any proceedings in the Royal Court where costs are awarded to that party under subsection (1) of this section;
- (c) the allowances payable to a person attending to give evidence in any proceedings in the Royal Court in respect of his expenses on account of travelling, lodging, subsistence or otherwise.

(4) Rules made under the last preceding subsection may include such provision as to any incidental and supplementary matters for which the Royal Court deems it expedient for the purposes of the rules to provide.

(5) All fees and allowances on account of expenses payable to the Royal Court and to any officer of the Royal Court under any rules made under subsection (3) of this section shall accrue to the States.

(6) In this section the expression "the Royal Court" means the Royal Court sitting as a Full Court or the Royal Court sitting as an Ordinary Court, whether exercising original or appellate jurisdiction, and includes a Commissioner of the Royal Court:

Provided that the power to make rules conferred by this section shall only be exercisable by the Royal Court sitting as a Full Court.

(7) In this section—

- (a) the expression "the Bailiff" means the Bailiff, a Lieutenant-Bailiff or the Juge Délégué;

- (b) the expression "proceedings" means civil or criminal proceedings and includes *ex parte* proceedings and any other matter;
- (c) the expression "proceedings in the Royal Court" includes proceedings preliminary or incidental to proceedings in the Royal Court.

2. (1) The Laws set out in the first column of the Schedule to this Law are hereby repealed to the extent specified in the second column of that Schedule. Repeals and saving.

(2) Notwithstanding the repeal of any enactment by subsection (1) of this section, the provisions of such enactment shall continue to have effect in relation to any proceedings commenced and to any matter done before the commencement of this Law.

3. (1) This Law may be cited as the Royal Court (Costs and Fees) (Guernsey) Law, 1969. Citation and commencement.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

SCHEDULE
Laws repealed

Section two

Law	Extent of Repeal
The Law entitled "Loi relative aux Frais Curiaux et aux Honoraires de la Cour Royale, 1931" registered on the twenty-ninth day of July, nineteen hundred and thirty-one(b).	The whole Law.
The Law entitled "Loi relative aux Frais Curiaux, 1936" registered on the twenty-first day of March, nineteen hundred and thirty-six(c).	The whole Law.
The Matrimonial Causes Law (Guernsey), 1939(d).	Paragraph (2) and paragraph (3) of Article 69.

R. H. VIDELO,
Her Majesty's Greffier.

(b) Ordres en Conseil Vol. IX, p. 36.

(c) Ordres en Conseil Vol. X, p. 295.

(d) Ordres en Conseil Vol. XI, p. 318.