

PROJET DE LOI

ENTITLED

The Deputy Bailiff (Guernsey) Law, 1969 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XXII, p. 122; as amended by the Reform (Guernsey) (Amendment) Law, 2003 (No XIII of 2003). See also the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009).

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ARRANGEMENT OF SECTIONS

1. Functions and powers of the Deputy Bailiff.
2. Precedence, etc. of the Deputy Bailiff.
3. Oath.
4. Amendments.
5. Interpretation.
6. Citation.

SCHEDULE Amendments.

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THE STATES, in pursuance of their Resolution of the thirtieth day of April, nineteen hundred and sixty-nine, 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.

Functions and powers of the Deputy Bailiff.

1. (1) Subject to the provisions of this Law and notwithstanding anything in any other enactment, the Deputy Bailiff, upon being authorised by the Bailiff so to do, may discharge any function and exercise any power appertaining to the office of Bailiff.

(2) Subject to the provisions of this Law and notwithstanding anything in any other enactment, in the event of the absence or incapacity of the Bailiff and during a vacancy in the office of Bailiff, the Deputy Bailiff shall discharge all the functions and exercise all the powers appertaining to the office of Bailiff.

(3) The Deputy Bailiff shall be ex officio Deputy [Presiding Officer] of the States of Deliberation and of the States of Election and in the absence or incapacity of the Bailiff or during a vacancy in that office shall sit in, and otherwise discharge all the duties of the [Presiding Officer] of, the States of Deliberation and the States of Election.

(4) The Deputy Bailiff when discharging the duties of [Presiding Officer] of the States of Deliberation and of the States of Election shall have all the powers and be subject to all the duties of the [Presiding Officer].

(5) Nothing in the foregoing provisions of this section shall –

(a) derogate from the powers and duties of an Acting [Presiding Officer] of the States of Deliberation or of an Acting [Presiding Officer] of the States of Election in the event of the absence or incapacity of both the Bailiff and Deputy Bailiff and in the event of the absence or incapacity of the Deputy Bailiff during a vacancy in the office of Bailiff,

(b) derogate from the powers and duties of the Juge Délégué in the event of the absence or incapacity of the Deputy Bailiff during a vacancy in the office of Bailiff,

(c) authorise the Deputy Bailiff to appoint an Acting [Presiding Officer] of the States of Deliberation or an Acting [Presiding Officer] of the States of Election.

(6) Notwithstanding anything in any enactment, the Deputy Bailiff may constitute the Magistrate's Court and shall have all the powers and may perform all the duties of the Magistrate.

NOTES

In section 1, the words "Presiding Officer" in square brackets, wherever

occurring, were substituted by the Reform (Guernsey) (Amendment) Law, 2003, section 3, with effect from 1st May, 2004.

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), the reference in this section to the "Magistrate" shall be construed as a reference to a Judge of the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.

Precedence, etc. of the Deputy Bailiff.

2. (1) The Deputy Bailiff, in the discharge of any function or in the exercise of any power appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of this Law, shall have the same precedence and prerogatives and shall be subject to the same duties and obligations as the Bailiff would have or be subject to if he were discharging that function or exercising that power.

(2) All fees and emoluments leviable under any enacted or customary law in respect of any cause, matter or thing dealt with by the Deputy Bailiff shall be paid to the General Revenue of the States in the same manner as if that cause, matter or thing had been dealt with by the Bailiff.

Oath.

3. The Deputy Bailiff shall, upon taking office, subscribe to such oath as may be prescribed from time to time by the Royal Court.

Amendments.

4. The Laws mentioned in the first column of the Schedule to this Law shall have effect subject to the amendments set out in the second column of that Schedule.

Interpretation.

5. (1) In this Law, except where the context otherwise requires, the

following expressions shall have the meanings hereby respectively assigned to them, that is to say –

"Magistrate" means a Magistrate appointed under the provisions of the Magistrate's Court (Guernsey) Law, 1954^a, and **"the Magistrate's Court"** means the Magistrate's Court constituted under the provisions of that Law,

"the States" means the States of Guernsey.

(2) Except where the context otherwise requires, any reference in this Law to any enactment shall be construed as including a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment including this Law.

(3) The Interpretation (Guernsey) Law, 1948^b shall apply to the interpretation of this Law throughout the Bailiwick.

(4) In the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of this Law, the provisions contained in or made under any other enactment relating to the discharge of such functions or the exercise of such powers shall have effect as if any reference therein to the Bailiff included a reference to the Deputy Bailiff.

NOTES

^a Ordres en Conseil Vol. XVI, p. 103.

^b Ordres en Conseil Vol. XIII, p. 385.

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), the references in this section to the "Magistrate" shall be construed as references to a Judge of the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Citation.

6. This Law may be cited as the Deputy Bailiff (Guernsey) Law, 1969.

NOTE

The Law received Royal Sanction on 31st July, 1969 and was registered on the Records of the Island of Guernsey and came into force on 9th September, 1969.

SCHEDULE
AMENDMENTS

Law	Amendment
The Reform (Guernsey) Law, 1948 ^c .	In paragraph (2) of Article I, the words "in his absence or during a vacancy of his office" are hereby repealed and there are hereby substituted therefor the words "in the absence or incapacity of both the Bailiff and the Deputy Bailiff or in the absence or incapacity of the Deputy Bailiff during a vacancy in the office of Bailiff".
The Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950 ^d .	In subsection (2) of section eleven, immediately after the words "to perform" there are hereby inserted a comma followed by the words and comma "in the absence or incapacity of the Deputy Bailiff,".

^c Ordres en Conseil Vol. XIII, p. 288.

^d Ordres en Conseil Vol. XIV, p. 388.