

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Court of Chief Pleas (Guernsey) Law, 2004

(Registered on the Records of the Island of Guernsey
on the 6th December, 2004.)



2004

**XVII
2004**

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 6th day of December, 2004 before Sir de Vic Carey, Bailiff;
present:— David Charles Lowe, Laurence Lenfestey Guille, Derek
Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil
Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The
Reverend Peter Gerald Lane, Michael John Wilson, Michael Henry
De La Mare, Michael John Tanguy, Esquires, and Susan Mowbray,
Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 17th day of November, 2004, approving and ratifying a *Projet de Loi* entitled “The Court of Chief Pleas (Guernsey) Law, 2004”, 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.

At the Court at Buckingham Palace

The 17th day of November, 2004

PRESENT,

The Queen's Most Excellent Majesty in Council

THE FOLLOWING, report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“IN ACCORDANCE WITH YOUR MAJESTY’S General Order of Reference of the 22nd day of February 1952 the Committee have considered a petition of the States of Guernsey:”

“That, in pursuance of their Resolution of the 28th of July, 2004, the States of Deliberation at a meeting on the 29th September, 2004, approved a Projet de Loi entitled “The Court of Chief Pleas (Guernsey) Law, 2004” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the Projet de Loi is set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction “The Court of Chief Pleas (Guernsey) Law, 2004” and to order that it shall have force of law in the Island of Guernsey.

“THE COMMITTEE have considered the Projet de Loi and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

HER MAJESTY, having taken the Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

HER MAJESTY'S Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Court of Chief Pleas (Guernsey) Law, 2004

THE STATES, in pursuance of their Resolution of the 28th day of July, 2004^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 Island of Guernsey.

Sittings of the Court of Chief Pleas.

1. From the date of the commencement of this Law -
 - (a) the Michaelmas sittings of the Court of Chief Pleas shall take place as before, and
 - (b) the January and Easter sittings of the Court of Chief Pleas shall not take place, unless the Bailiff considers it necessary or desirable for the sitting to take place for any purpose;

and paragraphs (a) and (b) are without prejudice to the Court of Chief Pleas sitting at any time extraordinarily for any purpose.

Business of the Court of Chief Pleas.

2. The matter of receiving the annual report of the Public Services

^a Article IV of Billet No XII of 2004.

Department on controlled streams, pursuant to the Loi Relative aux Douits, 1936^b, as amended, formerly dealt with at the January sitting of the Court of Chief Pleas, may be dealt with by the Royal Court.

Removal of requirement for Seigneurs to do homage, etc.

3. All duties and rights of the Seigneurs, including any duty or right to attend to pay suit of court or do homage, in connection with any sitting of the Court of Chief Pleas which, pursuant to the provisions of this Law, does not take place, are abrogated in respect of that sitting.

Orders of Royal Court as to sittings of Court of Chief Pleas.

4. (1) The Royal Court may by order -
- (a) direct that any matter dealt with at the Michaelmas sitting of the Court of Chief Pleas may be dealt with by the Royal Court,
 - (b) prescribe the formalities attendant on any ordinary or extraordinary sitting of the Court of Chief Pleas, including any duty or right of any person or class or description of persons to attend or otherwise participate in the proceedings, and
 - (c) amend the provisions of the Schedule.
- (2) An order under subsection (1) -
- (a) may be amended or repealed by a subsequent order

^b Ordres en Conseil Vol. X, p. 419.

hereunder,

- (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to the Royal Court to be necessary or expedient, and
- (c) may make provision notwithstanding any enactment, customary rule or practice to the contrary.

Interpretation.

5. In this Law, unless the context requires otherwise -

"**Easter sitting**" of the Court of Chief Pleas means the sitting of that Court on the first Monday after Easter Monday,

"**January sitting**" of the Court of Chief Pleas means the sitting of that Court on the first Monday after the feast of St Maur on the 15th January,

"**Michaelmas sitting**" of the Court of Chief Pleas means the sitting of that Court on the first Monday after Michaelmas on the 29th September,

"**Royal Court**" means the Royal Court sitting as a Full Court,

"**Seigneurs**" means the seigneurs and dames for the time being of the fiefs set out in the Schedule.

Citation.

6. This Law may be cited as the Court of Chief Pleas (Guernsey) Law, 2004.

Commencement.

7. This Law shall come into force on the date of its registration on the records of the Island of Guernsey.

SCHEDULE

Section 5

THE FIEFS

Fief de Blanchelande

Fief d'Anneville

Fief de Sausmarez

Fief des Bruniaux de St Martin

Fief des Mauxmarquis

Fief des Bruniaux de Noirmont

Fief de Vaugrat

Fief des Philippes

Fief de Canelly

Fief de Fantôme

Fief des Rohais