

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Deputy Bailiff (Guernsey) Law, 1969

(Registered on the Records of the Island of Guernsey
on the 9th day of September, 1969.)



1969.

XIII

1969

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 9th day of September, 1969, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Claude Fortescue Nason, Esquire, 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., and Jean Le Pelley, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of July, 1969, ratifying a *Projet de Loi* entitled "The Deputy Bailiff (Guernsey) Law, 1969", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and 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 Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Arundel Park

The 31st day of July 1969

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

EARL MARSHAL

LORD CHALFONT

SIR MICHAEL ADEANE

SIR ELWYN JONES

MR. LEVER

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 25th day of July 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, on the 30th day of April 1969, the States of Deliberation resolved that the office of Deputy Bailiff be created and requested the Bailiff to ascertain whether Your Majesty would be graciously pleased to approve of and from time to time make such appointment. 2. That Your Majesty subsequently approved the creation of the office of Deputy Bailiff. 3. That on the 25th day of June 1969, the States of Deliberation approved a Bill or “Projet de Loi” entitled “The Deputy Bailiff (Guernsey) Law, 1969” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for

Your Royal Sanction thereto. 4. 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 Deputy Bailiff (Guernsey) Law, 1969" 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, as 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.

W. G. Agnew.

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

PROJET DE LOI

ENTITLED

The Deputy Bailiff (Guernsey) Law, 1969

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.

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.

Functions
and powers
of the
Deputy
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 President 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 President of, the States of Deliberation and the States of Election.

(4) The Deputy Bailiff when discharging the duties of President 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 President.

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

- (a) derogate from the powers and duties of an Acting President of the States of Deliberation or of an Acting President 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 President of the States of Deliberation or an Acting President 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.

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.

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

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. Amend-
ments.

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:— Interpreta-
tion.

“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.

(a) Ordres en Conseil Vol. XVI, p. 103.

(b) Ordres en Conseil Vol. XIII, p. 355.

(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.

Citation.

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

SCHEDULE Section three
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.

R. A. MALLETT,

Her Majesty's Deputy Greffier,