

X
1946

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

**"The Matrimonial Causes Law (Guernsey),
1939, Amendment Law, 1946".**

(Enregistré sur les Records de l'Île de Guernesey le
31 août 1946).



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1946.

ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ÎLE DE GUERNESEY.

Le trente-et-un août mil neuf cent quarante-six, par devant Messire Abraham James Lainé, K.C.I.E., Lieutenant-Baillif; présents: Jean Allès Simon, Osmond Priaulx Gallienne, écuyers, Ernest de Garis, écuyer, O.B.E., Messire John Leale, Chevalier, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, écuyers, et Richard Henry Johns, écuyer, O.B.E., Jurés.

Monsieur le Lieutenant-Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 2 août 1946 ratifiant un Projet de Loi intitulé "The Matrimonial Causes Law (Guernsey), 1939, Amendment Law, 1946,"—la Cour, après avoir eu lecture du dit Ordre en Conseil, ouïes les conclusions du Contrôle du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les records de cette Ile et qu'un extrait des Registres de ce présent Acte, avec un exemplaire du dit Ordre en Conseil seront expédiés par le Greffier du Roi à Monsieur le Juge d'Aureigny et à Monsieur le Sénéchal de Serk afin d'être enregistrés sur les records des dites Iles, duquel Ordre en Conseil la teneur suit :—

At the Court of Buckingham Palace

The 2nd day of August, 1946.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT. MR. SECRETARY EDE.
LORD MACMILLAN. MR. BARNES.

WHEREAS there was this day read at the Board
LE 31 AOUT 1946.

a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of July, 1946, in the words following, viz :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘ 1. That on the 6th day of April, 1946, the Royal Court adopted a Bill or “Projet de Loi” entitled “The Matrimonial Causes Law (Guernsey) 1939, Amendment Law, 1946,” and requested the Bailiff to submit the same to the States of Deliberation for approval. 2. That on the 3rd day of May, 1946, the said Bill or “Projet de Loi” was considered by the States, when a resolution was passed approving the same and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. 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 would be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Matrimonial Causes Law (Guernsey), 1939, Amendment Law, 1946,” and to order and direct that the same shall have force of Law in the Bailiwick of 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

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

PROJET DE LOI

ENTITLED

"The Matrimonial Causes Law (Guernsey), 1939, Amendment Law, 1946".

The States have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of the Island of Guernsey.

1. Section (1) of article 3 of the Matrimonial Causes Law (Guernsey) 1939, hereinafter referred to as "the principal law" shall be deleted, and the following two sections substituted, which said sections shall henceforth form part of that article :—

"(1) An appeal shall lie to the Appeal Court from any award, decree, judgment or order of the Judge in Matrimonial Causes.

(1a) Save as is set out in sub-section (1) of this article, no appeal shall lie from any finding of fact unmixed with law by the Court for Matrimonial Causes other than the assessment of damages."

2. Section (2) of article 3 of the principal law shall be amended by the substitution in line 1 of the words "on any question of law, mixed fact and law" for the words "on any question of law".

3. The following proviso shall be inserted at the end of Article 4 of the principal law and shall henceforth form part of that Article :—

"Provided that the Royal Court may from time to time appoint a member of the English Bar or an

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."

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His 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 HIS 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 or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His 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.

E. C. E. Leadbitter.

Advocate of the Royal Court of Guernsey of at least ten years standing in either case as a Commissioner of the Royal Court with power to exercise concurrently with the Court for Matrimonial Causes the functions and jurisdiction of the latter Court throughout the period for which the appointment is made. A Commissioner so appointed shall be styled 'The Judge in Matrimonial Causes' and the expressions 'The Matrimonial Causes Division of the Royal Court of Guernsey', 'The Court for Matrimonial Causes' and 'The Court' contained in this law and the expression 'The Matrimonial Causes Division' contained in the Royal Court (Seal) Law (Guernsey), 1939, shall extend so as to apply in all respects to the Judge in Matrimonial Causes. The salary of the Judge in Matrimonial Causes shall be payable by the States and shall be of such amount as the States shall determine."

4. Ordinances passed by the Royal Court in pursuance of the principal Law shall not expire by effluxion of time but shall continue in force, subject to such variations and modifications thereof as may be made from time to time, until repealed by the Royal Court.

JAMES E. LE PAGE,

Député Greffier du Roi.