

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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. 102.

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ARRANGEMENT OF SECTIONS

1. Costs and fees in respect of proceedings in the Royal Court, etc.
2. Repeals and savings.
3. Citation and commencement.

SCHEDULE Laws repealed.

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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.

Costs and fees in respect of proceedings in the Royal Court, etc.

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.

(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 ministerial function discharged by the Royal Court, the Bailiff, a Jurat or

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

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 traveling, 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.

NOTES

The following Rules have been made by Order of the Royal Court under section 1:

Royal Court (Costs and Fees) Rules, 2012;
Royal Court (Costs and Fees) (Amendment) Rules, 2014;
Royal Court (Costs and Fees) (Amendment) Rules, 2016;
Royal Court (Costs and Fees) (Amendment) Rules, 2018.

The following cases have referred to this Law:

De Carteret v. Surcouf (2000) 28.GLJ.27.;
Ladbroke PLC v. Galaxy International Ltd (2009) (Unreported, Royal Court, 10th & 24th November, 2008) (Guernsey Judgment No 11/2009);
Jefcoate & Jefcoate v. Spread Trustee Company Limited et al (2013) (Unreported, Royal Court, 17th April) (Guernsey Judgment No. 11/2013);
Application by the Plaintiffs for a Costs Order (2015) (Unreported, Royal Court, 28th May) (Guernsey Judgment No. 24/2015).

Repeals and savings.

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.

(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.

Citation and commencement.

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

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

NOTE

The Law was brought into force on 1st November, 1969 by the Royal Court (Costs and Fees) (Guernsey) Law, 1969 (Commencement) Ordinance, 1969, section 1.

SCHEDULE
LAWS REPEALED

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.

^b Ordres en Conseil Vol. IX, p. 36.

^c Ordres en Conseil Vol. X, p. 295.

^d Ordres en Conseil Vol. XI, p. 318.