

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Matrimonial Causes (Amendment) (Guernsey) Law, 1957**

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(Registered on the Records of the Island of Guernsey  
on the 26th day of October, 1957.)

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**1957**

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 26th day of October, 1957, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, Arthur Falla, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Bertram Guy Blampied and Claude Fortescue Nason, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 8th day of October, 1957, ratifying a *Projet de Loi* entitled "The Matrimonial Causes (Amendment) (Guernsey) Law, 1957",—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.

# At the Court at Buckingham Palace,

The 8th day of October, 1957.

PRESENT,

## The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SECRETARY HARE

MR. ORMSBY-GORE

MR. BROOKE

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 2nd day of October, 1957, 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, in pursuance of their Resolution of the 24th day of April, 1957, the States of Deiberation at a meeting held on the 29th May, 1957, approved a Bill or “Projet de Loi” entitled “The Matrimonial Causes (Amendment) (Guernsey) Law, 1957,” which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 3rd day of September, 1957, considered the said Bill or

“Projet de Loi” when a resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 19th day of June, 1957, considered the said Bill or “Projet de Loi,” when a resolution was passed agreeing to the application of the same to Sark. 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 Matrimonial Causes (Amendment) (Guernsey) Law, 1957,” and to order that the same shall have the 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 Matrimonial Causes (Amendment)  
(Guernsey) Law, 1957.**

THE STATES, in pursuance of their Resolution of the twenty-fourth day of April, 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 Bailiwick of Guernsey.

1. The Matrimonial Causes Law (Guernsey), 1939, as amended by the Matrimonial Causes Law (Guernsey), 1939, Amendment Law, 1946, and the Matrimonial Causes Law, (Guernsey) 1939, Amendment Law (No. 2), 1946 (hereinafter referred to as "the principal Law") is hereby further amended as follows—

- (a) in section (1) of Article 3 of the principal Law there are hereby inserted immediately after the word "order" the words "of the Bailiff or" and immediately after the word "Causes" there are hereby inserted the words "as the case may be";
- (b) in section (1a) of Article 3 of the principal Law there are hereby inserted immediately after the word "Causes" the words "composed of the Bailiff and any four of the Jurats of the Royal Court";

- (c) Article 4 and the heading thereto of the principal Law are hereby repealed and the following two Articles and headings thereto are hereby substituted therefor—

“Article 4. CONSTITUTION OF COURT  
FOR MATRIMONIAL CAUSES.

(1) Subject to the provisions of the next two succeeding sections, the Court for Matrimonial Causes shall consist of the Bailiff and any four of the Jurats of the Royal Court.

(2) The Bailiff sitting without the Jurats shall have power to exercise concurrently with the Court for Matrimonial Causes composed as aforesaid the functions and jurisdiction of that Court.

(3) The Royal Court may, from time to time, appoint a person who has been at least ten years in practice at the Bar in Guernsey, whether as a Law Officer of the Crown or otherwise, or in England, Scotland, Northern Ireland or Jersey, as the case may be, as a Commissioner of the Royal Court with power to exercise concurrently with the Court for Matrimonial Causes composed as aforesaid and with the Bailiff the functions and jurisdiction of that Court during the period for which the appointment is made.

(4) A Commissioner appointed under the provisions of the last preceding section shall be styled the Judge in Matrimonial Causes.

(5) In this Law the expressions “the Matrimonial Causes Division of the Royal Court of Guernsey”, “the Court for Matrimonial Causes” and “the Court” and

in the Royal Court (Seal) Law (Guernsey), 1939, the expression "the Matrimonial Causes Division" shall all be deemed to include the Bailiff and the Judge in Matrimonial Causes.

(6) The Judge in Matrimonial Causes shall be paid by the States such remuneration as may, from time to time, be determined by or on behalf of the States.

(7) In this Article and in the next succeeding Article the expression "the Bailiff" includes the Lieutenant Bailiff and the Judge Delegate.

#### Article 4A. LEAVE FOR MATRIMONIAL CAUSE OR MATTER TO BE HEARD BY COURT FOR MATRIMONIAL CAUSES.

(1) Where in any Matrimonial Cause or Matter it appears that the facts which constitute the cause of action are in dispute, any party to that Cause or Matter may make application to the Bailiff for that Cause or Matter to be heard and determined by the Court for Matrimonial Causes composed of the Bailiff and any four of the Jurats of the Royal Court and if the Bailiff, on being satisfied that the dispute as to the said facts is, due to complexity or otherwise, such that it is necessary or desirable that the action ought to be so heard and determined, grants leave in that behalf, that Cause or Matter shall be heard and determined by the Court for Matrimonial Causes composed as aforesaid notwithstanding that that Cause or Matter could otherwise have been heard and



determined by the Bailiff or the Judge in Matrimonial Causes.

(2) No appeal shall lie from any decision of the Bailiff made in pursuance of the provisions of the last preceding section."

2. Section three of the Matrimonial Causes Law (Guernsey), 1939, Amendment Law, 1946, is hereby repealed.

3. This Law, the Matrimonial Causes Law (Guernsey), 1939, Amendment Law, 1946, the Matrimonial Causes Law, (Guernsey) 1939, Amendment Law (No. 2), 1946, and the principal Law may be cited together as the Matrimonial Causes (Guernsey) Laws, 1939 to 1957.

4. This Law shall come into force on such date as the States may by Ordinance appoint.

JAMES E. LE PAGE,

Her Majesty's Greffier.