

PROJET DE LOI

ENTITLED

The Restriction of Vexatious Legal Proceedings (Guernsey) Law, 1985 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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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* Orders in Council Vol. XXIX, p. 52.

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ARRANGEMENT OF SECTIONS

1. Restriction of vexatious legal proceedings.
2. Powers of the Bailiff.
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THE STATES, in pursuance of their Resolution of the 27th day of June, 1984, 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.

Restriction of vexatious legal proceedings.

1. (1) If, on an application made by Her Majesty's Procureur or Her Majesty's Comptroller under this section, the Royal Court, sitting as an Ordinary Court, is satisfied that any person has habitually and persistently and without any reasonable ground –

- (a) instituted vexatious legal proceedings in the Magistrate's Court whether against the same person or against different persons, or
- (b) made vexatious applications in any legal proceedings in the Magistrate's Court, and whether instituted by him or another,

the Court may, after hearing that person or giving him an opportunity of being heard, order –

- (i) that no legal proceedings shall without the leave of the Royal Court be instituted by him in the Magistrate's Court, and
- (ii) that any legal proceedings instituted by him in the Magistrate's Court before the making of the order shall not be continued by him without the leave of the Royal Court, and
- (iii) that no application shall without the leave of the Royal Court be made by him in any legal proceedings instituted, whether by him or another, in the Magistrate's Court.

(2) An order under subsection (1) of this section may provide that it is to cease to have effect at the end of a specified period, but shall otherwise remain in force indefinitely.

(3) Leave for the institution or continuance of, or for the making of an application in, any legal proceedings by a person who is the subject of an order for the time being in force under subsection (1) of this section shall not be given unless the Royal Court is satisfied that the proceedings or application are not an abuse of the process of the Magistrate's Court and that there are reasonable grounds for the proceedings or application.

(4) No appeal shall lie from a decision of the Royal Court refusing leave for the institution or continuance of, or for the making of an application in, legal proceedings by a person who is the subject of an order for the time being in force under subsection (1) of this section.

(5) A copy of any order made under subsection (1) of this section shall be published in the Gazette Officielle.

Powers of the Bailiff.

2. The powers of the Royal Court under section 1 of this Law shall be exercised by the Bailiff sitting alone.

Rules of the Royal Court.

3. The Royal Court may, from time to time, make rules dealing generally with all matters of procedure and incidental matters arising under this Law and for carrying this Law into effect.

NOTE

The following Rules have been made by Order of the Royal Court under section 2:

Restriction of Vexatious Legal Proceedings Rules, 1986.

Savings.

4. Nothing in this Law shall derogate from any jurisdiction hitherto vested in the Royal Court to restrict vexatious legal proceedings.

Interpretation.

5. (1) In this Law –

"**the Bailiff**" means the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué,

"**the Magistrate's Court**" means the Court established under and by

virtue of the Magistrate's Court (Guernsey) Law, 1954^a,

(2) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

NOTE

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Citation.

6. This Law may be cited as the Restriction of Vexatious Legal Proceedings (Guernsey) Law, 1985.

NOTE

The Law received Royal Sanction on 31st July, 1985 and was registered on the Records of the Island of Guernsey on 30th September, 1985.

^a Ordres en Conseil, Vol. XVI, p. 103.