

ORDER IN COUNCIL

ENTITLED

"The Proceedings against Corporations (Guernsey) Law, 1951".

VI

1951

(Registered on the Records of the Island of Guernsey
on the 17th day of March, 1951.)



Printed by the GUERNSEY HERALD LIMITED, Bordage Street.

1951.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY.

The 17th day of March, 1951, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Arthur Falla, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freaque Clark, Walter John Gavey, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., and Osmond Priaulx, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 27th day of February, 1951, ratifying a *Projet de Loi* entitled "The Proceedings against Corporations (Guernsey) Law, 1951"—the Court, after the reading of the said Order in Council and after having heard His 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 His 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 Buckingham Palace

The 27th day of February, 1951.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT.

MR. SECRETARY GRIFFITHS.

MR. SECRETARY McNEIL.

MR. NOEL-BAKER.

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 8th day of February, 1951, 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, in pursuance of their Resolution of the 15th day of February, 1950, the States of Deliberation at a meeting held on the 6th day of December, 1950, approved a Bill or “Projet de Loi” entitled “The Proceedings against Corporations (Guernsey) Law, 1951” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto: 2. 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 Proceedings against

Corporations (Guernsey) Law, 1951 ” and to order 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 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 the Island 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 and 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.

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

PROJET DE LOI

ENTITLED

"The Proceedings against Corporations (Guernsey) Law, 1951".

THE STATES, in pursuance of their Resolution of the 15th day of February, 1950, 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 Guernsey.

1. Where a corporation is charged, whether alone or jointly with some other person, before the Magistrate with an offence, and the Magistrate would, if the corporation were a real person, deal with the matter as is provided in section (3) of Article eleven of the Law entitled "Loi ayant rapport à l'institution d'un magistrat en police correctionnelle et pour le recouvrement de menues dettes" registered on the records of the Island of Guernsey on the 28th day of March, 1925, the Magistrate shall deal with the matter as is so provided save that, instead of committing the corporation to prison, he shall make an order directing the Law Officers of the Crown to prosecute the corporation before the Royal Court, and such an order shall, for the purposes of such prosecution, be deemed to be an order committing the corporation to prison for trial before the Royal Court.

2. Where a corporation is so charged with an offence which may be tried by the Magistrate only if the accused does not demand to be tried before the Royal Court, and the corporation does not appear before the Magistrate by a representative or, if it does so appear, consents that the offence should be so dealt with, the

Magistrate may try the offence, and it shall not be necessary for the Magistrate to address to the accused the question set out in paragraph (b) of the Second Proviso to section (2) of Article eleven of the said Law.

3. If a corporation so charged appears before the Magistrate by a representative, any answers to any questions which by law must be put to an accused person as to whether he wishes to say anything in answer to the charge and whether he wishes to call evidence, may be made on behalf of the corporation by the representative, but if the corporation does not appear it shall not be necessary to ask the questions.

4. Where any person is charged jointly with a corporation with an offence for which he has a right to demand to be tried by the Royal Court, and either that person or the corporation does so demand, the Magistrate shall not have power to try either that person or the corporation for the offence, but shall proceed as is directed in section one of this Law, and any order so made by him shall have the effect specified in that section.

5. The Royal Court shall have power to allot an advocate to a corporation for its defence at the trial before it in the same manner as if the corporation were a real person, save that if the corporation does not choose an advocate, an advocate may be allotted to it.

6. If, on a trial before it either the corporation does not appear by a representative or, though it does so appear, fails to plead to the indictment, the Royal Court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

7. Provision may be made by rules under the Indictments (Guernsey) Law, 1950, with respect to the service

on any corporation charged with an offence to be tried before the Royal Court of any documents requiring to be served in connection with the proceedings.

8. (1) In this Law the expression "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this Law authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before the Royal Court for any other purpose.

(2) A representative for the purposes of this Law need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this Law shall be admissible without further proof as prima facie evidence that that person has been so appointed.

9. In this Law the following expressions have the meanings hereby respectively assigned to them—

"advocate" means an advocate of the Royal Court;

"corporation" includes a society referred to in the French language as "*une société en Commandite*";

"indictment" has the same meaning as in the Indictments (Guernsey) Law, 1950;

“Magistrate” means the Police Court Magistrate save that, in relation to the Island of Alderney, the expression “Magistrate” means the Court of Alderney acting in the exercise of its functions under section twenty of the Government of Alderney Law, 1948; and

“Royal Court” means the Royal Court of Guernsey.

JAMES E. LE PAGE,

H.M. Greffier.