

# PROJET DE LOI

ENTITLED

## **The Court of Alderney (Appeals) 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.*

© States of Guernsey

---

\* Ordres en Conseil Vol. XXII, p. 192; as amended by the Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987 (Ordres en Conseil Vol. XXX, p. 224); the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 83).

# PROJET DE LOI

ENTITLED

## **The Court of Alderney (Appeals) Law, 1969**

### ARRANGEMENT OF SECTIONS

#### PART I

##### *Interpretation*

1. Interpretation.

#### PART II

##### *Appeals in civil matters*

2. Appeals in civil matters.
3. Rules of Court.

#### PART III

...

4. ...
5. ...
6. ...
7. ...
8. ...
9. ...
10. ...
11. ...
12. ...
13. ...

#### PART IV

##### *Miscellaneous*

14. Savings.
15. Repeals.
16. Citation and commencement.

# PROJET DE LOI

ENTITLED

## **The Court of Alderney (Appeals) Law, 1969**

**THE STATES**, in pursuance of their Resolution of the twenty-sixth day of February, nineteen hundred and sixty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey and of Alderney.

### PART I

#### *Interpretation*

#### **Interpretation.**

1. (1) In this Law, except where the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say –

**"the appointed day"** means the day appointed by an Ordinance of the States of Guernsey made under subsection (2) of section sixteen of this Law,

**"the Court"** means the Court of Alderney,

**"Her Majesty's Greffier"** includes any Deputy appointed by Her Majesty's Greffier,

**"Her Majesty's Procureur"** includes Her Majesty's Comptroller,

**"the Island"** means the Island of Alderney,

**"the Ordinary Court"** means the Royal Court sitting as an Ordinary Court,

**"sentence"** includes any order of the Court made on conviction with reference to the person convicted.

(2) The Interpretation (Guernsey) Law, 1948<sup>a</sup>, shall apply to the interpretation of this Law in its application to the Island.

---

## NOTES

*The following Cases have referred to this Law:*

*Courtney, Bax, Boonrawdpranich and Yodwanlop v. Alderney Building Company (1992) Limited* (2004) (Unreported, Royal Court, 20th May) (Guernsey Judgment No. 15/2004); 2003-04 GLR Note 17;

*Cyma Petroleum (CI) Limited v. States of Guernsey* (2014) (Unreported, Royal Court, 15th September) (Guernsey Judgment No. 38/2014);

*Cyma Petroleum (CI) Limited v. The States of Guernsey* (2015) (Unreported, Court of Appeal, 4th February) (Guernsey Judgment No. 5/2015).

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

---

## PART II

### *Appeals in civil matters*

#### **Appeals in civil matters.**

2. (1) Subject to the provisions of subsection (2) of this section, there shall be a right of appeal to the Ordinary Court from any decision of the Court made

---

<sup>a</sup> Ordres en Conseil Vol. XIII, p. 385.

on or after the appointed day in relation to any civil matter.

(2) An appeal shall not lie to the Ordinary Court under this Part of this Law –

- (a) from any decision which it is provided, under any enactment, is to be final,
- (b) without the leave of the Court, from any order made with the consent of the parties or as to costs,
- (c) without the leave of the Court or of the Ordinary Court, where the value of the matter in dispute does not exceed the sum of twenty-five pounds unless there was in contest a question of law.

---

**NOTE**

*The following Cases have referred to section 2:*

*Courtney, Bax, Boonrawdpranich and Yodwanlop v. Alderney Building Company (1992) Limited* (2004) (Unreported, Royal Court, 20th May) (Guernsey Judgment No. 15/2004); 2003-04 GLR Note 17;

*Cyma Petroleum (CI) Limited v. States of Guernsey* (2014) (Unreported, Royal Court, 15th September) (Guernsey Judgment No. 38/2014);

*Cyma Petroleum (CI) Limited v. The States of Guernsey* (2015) (Unreported, Court of Appeal, 4th February) (Guernsey Judgment No. 5/2015).

---

**Rules of Court.**

3. The Royal Court may from time to time make rules of court –

- (a) for regulating and prescribing the procedure (including the method of pleading) and the practice to be followed

in the Ordinary Court in all appeals under this Part of this Law and any matters incidental to or relating to any such procedure or practice, including (but without prejudice to the generality of the foregoing provisions) the manner in which, and the time within which, any appeal under this Part of this Law may be made,

- (b) for regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given in any proceedings or on any application in connection with or at any stage of any proceedings, and
- (c) for regulating or making provision with respect to any other matters which may require to be regulated or with respect to which provision may require to be made under this Part of this Law.

---

**NOTE**

*The following Rules have been made by Order of the Royal Court under section 3:*

*Court of Alderney (Civil Appeals) Rules, 1969.*

---

**PART III**

*Appeals in criminal matters*

**Right of appeal.**

**4.**      ...

---

**NOTE**

*Part III, and section 4 thereof, were repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---

**Limitation on right of appeal.**

5. ...

---

**NOTE**

*Section 5 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---

**Notice of appeal.**

6. ...

---

**NOTE**

*Section 6 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---

**Effect of notice of appeal.**

7. ...

---

**NOTE**

*Section 7 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---

**Provisions as to legal aid.**

8. ...

---

**NOTE**

*Section 8 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.<sup>1</sup>*

---

**Proceedings upon notice of appeal.**

**9.**     ...

---

**NOTE**

*Section 9 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---

**Abandonment of appeal.**

**10.**    ...

---

**NOTE**

*Section 10 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.<sup>2</sup>*

---

**Proceedings in the Royal Court.**

**11.**    ...

---

**NOTE**

*Section 11 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---



**Costs.**

12. ...

---

**NOTE**

*Section 12 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---

**Rules of Court.**

13. ...

---

**NOTE**

*Section 13 was repealed by the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988, section 10(2), with effect from 4th September, 1989, subject to the savings in section 11 of the 1988 Law.*

---

PART IV

*Miscellaneous*

**Savings.**

14. Nothing in this Law contained shall derogate from the provisions of paragraph (1) of Article 2 of the Matrimonial Causes Law (Guernsey), 1939<sup>b</sup>, or from the provisions of section twenty-eight of the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964<sup>c</sup>.

**Repeals.**

---

<sup>b</sup> Ordres en Conseil Vol. XI, p. 318.

<sup>c</sup> Ordres en Conseil Vol. XIX, p. 241.

**15.** The Order in Council relating to appeals from the Court of Alderney to the Royal Court registered on the second day of August, eighteen hundred and fifty-one<sup>d</sup>, and section twenty-one of the Government of Alderney Law, 1948<sup>e</sup> are hereby repealed:

Provided that the provisions of that section shall continue to apply in relation to any decision of the Court made before the appointed day in all respects as if this Law had not been enacted.

---

**NOTE**

*The Government of Alderney Law, 1948 has since been repealed by the Government of Alderney Law, 1987, section 63(1), Schedule 3, with effect from 1st August 1987, subject to the savings and transitional provisions in section 63(2) and section 64 of the 1987 Law. The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.*

---

**Citation and commencement.**

**16.** (1) This Law may be cited as the Court of Alderney (Appeals) Law, 1969.

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

---

**NOTE**

*The Law was brought into force on 4th November, 1969 by the Court of Alderney (Appeals) Law, 1969 (Commencement) Ordinance, 1969, section 1.*

---

---

<sup>d</sup> Ordres en Conseil Vol. I, p. 192.

<sup>e</sup> Ordres en Conseil Vol. XIII, p. 416.

---

<sup>1</sup> Prior to its repeal, section 8 was amended by the Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987, section 3(a), with effect from 15th December, 1987.

<sup>2</sup> Prior to its repeal, section 10 was amended by the Government of Alderney (Miscellaneous and Consequential Provisions) (Guernsey and Alderney) Law, 1987, section 3(b), with effect from 15th December, 1987.