

ORDER IN COUNCIL

XVII

1985

ratifying a Projet de Loi

ENTITLED

The Judgments (Interest) (Bailiwick of Guernsey) Law, 1985

(Registered on the Records of the Island of Guernsey
on the 18th day of February, 1986.)



1985.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 18th day of February, 1986 before Graham Martyn Dorey, Esquire, Deputy Bailiff, Present:—Albert Richard McCartney Straw, Donald Pescott Plummer, Brian Ernest Herbert Joy, Esquires, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode, Geoffrey Ernest Le Page, Esquires and Mrs. Dorothy Winifred Le Pelley, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th December, 1985 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Judgments (Interest) (Bailiwick of Guernsey) Law, 1985" the Court, having heard Her Majesty's Comptroller 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, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 18th day of December 1985

PRESENT,

The Queen's Most Excellent Majesty in Council

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 6th day of December 1985 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 13th day of December 1984, the States of Deliberation, at a meeting held on the 24th day of April 1985, approved a Bill or “Projet de Loi” entitled “The Judgments (Interest) (Bailiwick of Guernsey) Law, 1985”, 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 July 1985, 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 2nd day of October 1985, 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 as 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 Judgments (Interest) (Bailiwick of Guernsey) Law, 1985", and to order that the same shall have 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, and 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.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Judgments (Interest) (Bailiwick of Guernsey) Law, 1985

THE STATES, in pursuance of their Resolution of the 13th day of December, 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 Bailiwick of Guernsey.

1. (1) In any proceedings in the Court for the recovery of any debt or damages, the Court may, if it thinks fit, order that there shall be included in the sum for which judgment is given interest at such rate as the Court thinks fit on the whole or any part of the debt or damages for the whole or any part of the period between the date when the cause of action arose and the date of the judgment: Power of the Court to award interest on debts and damages.
 Provided that nothing in this section—

- (a) shall authorise the giving of interest upon interest; or
- (b) shall apply in relation to any debt upon which interest is payable as of right whether by virtue of any agreement or otherwise; or
- (c) shall affect the damages recoverable for the dishonour of a bill of exchange.

(2) Where in any such proceedings as are mentioned in the last preceding subsection judgment is given for a sum which (apart from interest on damages) exceeds two hundred pounds or such

other sum as the Royal Court of Guernsey may from time to time by Rules of Court prescribe and represents or includes damages in respect of personal injuries to the plaintiff or any other person, or in respect of a person's death, then (without prejudice to the exercise of the power conferred by that subsection in relation to any part of that sum which does not represent such damages) the Court shall exercise that power so as to include in that sum interest on those damages or on such part of them as the Court considers appropriate, unless the Court is satisfied that there are special reasons why no interest should be given in respect of those damages.

(3) Any order under this section may provide for interest to be calculated at different rates in respect of different parts of the period for which interest is given, whether that period is the whole or part of the period mentioned in subsection (1) of this section.

Judgement
debts to
carry
Judgment

2. Every judgment debt of the Court shall carry interest at the rate of ten per centum per annum or such other rate as the Royal Court of Guernsey may from time to time by Rules of Court prescribe from the date of the judgment until the same shall be satisfied; and such interest may be recovered by the judgment creditor as part of such judgment.

Rules of
Court.

3. Any power conferred by this Law to make any Rules of Court shall be construed as including a power exercisable in the like manner to vary or repeal the Rules of Court.

Interpreta-
tion.

4. (1) In this Law, unless the context otherwise requires, the following expressions have the mean-

ings hereby respectively assigned to them, that is to say:—

“ the Court ” means—

- (a) the Court of Appeal constituted under and by virtue of the Court of Appeal (Guernsey) Law, 1961(a);
- (b) the Royal Court of Guernsey;
- (c) the Magistrate's Court constituted under and by virtue of the Magistrate's Court (Guernsey) Law, 1954(b);
- (d) the Court of Alderney; and
- (e) the Court of the Seneschal of Sark;

“ judgment debt ”, in relation to section 2 of this Law, means all Acts of Court and orders of the Court made after the coming into force of this Law whereby any sum of money, or any costs, charges, or expenses shall be payable to any person; and any judgment debt shall have the effect of a judgment of the Court, and the person to whom any judgment debt shall be payable, shall be deemed to be a judgment creditor;

“ personal injuries ”, in relation to section 1 of this Law includes any disease and any impairment of a person's physical or mental condition.

(2) The Interpretation (Guernsey) Law, 1948(c), shall apply to the interpretation of this Law throughout the Bailiwick.

(a) Ordres en Conseil Vol. XVIII, p. 315.
 (b) Ordres en Conseil Vol. XVI, p. 161.
 (c) Ordres en Conseil Vol. XIII, p. 355.

(3) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as extended, repealed or replaced, extended or applied by or under any other enactment including this Law.

Repeal of
Alderney
enactments
with saving
provisions.

5. Section 22B of the Government of Alderney Law, 1948, as amended(d), and the Government of Alderney (Amendment) Law, 1983(e), are hereby repealed:

Provided that every judgment debt in respect of which the aforesaid section 22B applies shall continue to carry interest until the same shall be satisfied at such rate as applies to judgment debts in respect of which this Law applies and such interest shall continue to be recoverable by the judgment creditors as part of such judgment as if the aforesaid section 22B and the aforesaid Law of 1983 had not been repealed.

Citation.

6. This Law may be cited as the Judgments (Interest) (Bailiwick of Guernsey) Law, 1985.

Commence-
ment.

7. This Law shall come into force on the expiration of the period of two months commencing on the date on which it is registered on the records of the Island of Guernsey.

K. H. TOUGH,

Her Majesty's Greffier.

(d) Ordres en Conseil Vol. XIII, p. 416.
(e) Order in Council No. XII of 1983.