

# PROJET DE LOI

ENTITLED

## **The Ecclesiastical Court (Jurisdiction) (Bailiwick of Guernsey) Law, 1994 \***

*[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.*

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\* No. XV of 1994.

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## **The Ecclesiastical Court (Jurisdiction) (Bailiwick of Guernsey) Law, 1994**

### ARRANGEMENT OF SECTIONS

1. Jurisdiction of the Ecclesiastical Court.
2. No jurisdiction in cases of dispute.
3. Directions of the Royal Court.
4. References under Rules of Court.
5. Citation.
6. Commencement.

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## **The Ecclesiastical Court (Jurisdiction) (Bailiwick of Guernsey) Law, 1994**

**THE STATES**, in pursuance of their Resolutions of the 30<sup>th</sup> day of January, 1985<sup>a</sup> and the 29<sup>th</sup> day of September, 1993<sup>b</sup>, 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.

### **Jurisdiction of the Ecclesiastical Court.**

**1.** It is hereby declared for the avoidance of doubt that the jurisdiction of the Ecclesiastical Court in respect of the inheritance of personal property is limited to

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- (a) the grant of probate of the wills of deceased persons,  
and
- (b) the grant of letters of administration of the estates of  
deceased persons.

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### **NOTE**

*The following cases have referred to this Law:*

*X. v. Registrar of the Ecclesiastical Court of the Bailiwick of*

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**a** Article I of Billet d'État No. I of 1985.

**b** Article XVI of Billet d'État No. XVIII of 1993.

*Guernsey* (2004) (Unreported, Royal Court, 18th October) (Guernsey Judgment No. 46/2004); 2003-04 GLR Note 24;

*HFT International (Guernsey) Limited v. Equinox Finance Management (Guernsey) Limited* (2006) (Unreported, Royal Court, 20th June) (Guernsey Judgment No. 34/2006).

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**No jurisdiction in cases of dispute.**

2. The Ecclesiastical Court shall not have jurisdiction –
  - (a) except in accordance with directions of the Royal Court under section 3, to make a grant of probate or letters of administration in any case in which a caveat lodged with the Registrar of the Ecclesiastical Court is in force in respect of a dispute of fact or law (whether as to the content, construction, application, validity or admissibility to probate of any will or otherwise),
  - (b) to make any adjudication in respect of any such dispute.

**Directions of the Royal Court.**

3. The Royal Court may, in any proceedings before it, give such directions to the Ecclesiastical Court in relation to the grant of probate or letters of administration as the Royal Court thinks fit.

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**NOTE**

*The following case has referred to section 3:*

*X. v. Registrar of the Ecclesiastical Court of the Bailiwick of Guernsey* (2004) (Unreported, Royal Court, 18th October) (Guernsey Judgment No. 46/2004); 2003-04 GLR Note 24.

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**References under Rules of Court.**

4. The Royal Court sitting as a Full Court may, by Rules of Court –
- (a) require the Ecclesiastical Court to refer to the Royal Court for directions under section 3 such matters as may be prescribed in the Rules,
  - (b) specify the circumstances and the manner in which any such matters are to be so referred, and the time within which they are to be so referred,
  - (c) make such provision as the Royal Court considers appropriate as to the determination by it of any matter so referred.

**Citation.**

5. This Law may be cited as the Ecclesiastical Court (Jurisdiction) (Bailiwick of Guernsey) Law, 1994.

**Commencement.**

6. This Law shall come into force on the 28<sup>th</sup> day after the date of its registration on the records of the Island of Guernsey.

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**NOTE**

*The Law was registered on the Records of the Island of Guernsey on 23rd August, 1994.*

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