

ORDER IN COUNCIL

XVII

confirming an Act

1951

ENTITLED

An Act to prescribe the emoluments of the Ordinary Judges of the Court of Appeal.

(Registered on the Records of the Island of Guernsey
on the 27th day of October, 1951.)



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1951.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY.

The 27th day of October, 1951, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present : 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 Freake Clark, Walter John Gavey, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx and Stephen James Falla, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 4th day of October, 1951, confirming an Act entitled "An Act to prescribe the emoluments of the Ordinary Judges of the Court of Appeal",—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 Act of Court, 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 of Saint James

The 4th day of October, 1951.

Present,
Her Majesty the Queen,
Her Royal Highness the Princess
Elizabeth

LORD CHANCELLOR

LORD PRESIDENT

MR. SECRETARY EDE

SIR ALAN LASCELLES.

WHEREAS His Majesty, in pursuance of the Regency Acts, 1937 and 1943, was pleased, by Letters Patent dated the Twenty-seventh day of September, 1951, to delegate and grant unto Her Majesty The Queen, Her Royal Highness The Princess Elizabeth Duchess of Edinburgh, Lady of the Most Noble Order of the Garter, C.I., Her Royal Highness The Princess Margaret, C.I., His Royal Highness The Duke of Gloucester, K.G., K.T., K.P., G.M.B., G.C.M.G., G.C.V.O., and Her Royal Highness The Princess Royal, C.I., G.C.V.O., G.B.E., or any two of them, as Counsellors of State, full power and authority during the period of His Majesty's illness to summon and hold on His Majesty's behalf His Privy Council and to signify thereat His Majesty's approval of any matter or thing to which His Majesty's approval in Council is required:

AND 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 10th day of August, 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, on the 31st day of May, 1949, Your Majesty, by the Court of Appeal (Channel Islands) Order, 1949, made provision for a Court of Appeal in the Channel Islands: 2. That it is provided by paragraph (1) of Article 6 of the said Order that there shall be paid to the ordinary judges of the Court of Appeal such salaries and other emoluments as may be prescribed by Acts passed by the States of Jersey and of Guernsey and confirmed by Order of Your Majesty in Council: 3. That, in pursuance of the said paragraph (1), the States of Deliberation at a meeting held on the 25th day of April, 1951, approved of the Act of the States entitled “An Act to prescribe the emoluments of the Ordinary Judges of the Court of Appeal” and authorised the Bailiff to present a most humble Petition to Your Majesty in Council praying that the said Act may be confirmed: 4. That the said Act is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that, in pursuance of paragraph (1) of Article 6 of the Court of Appeal (Channel Islands) Order, 1949, Your Majesty might be graciously pleased to confirm the Act of the States of Guernsey entitled “An Act to prescribe the emoluments of the Ordinary Judges of the Court of Appeal”.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Act 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 confirm the said Act.”

NOW, THEREFORE, Her Majesty The Queen and Her Royal Highness The Princess Elizabeth, being authorized thereto by the said Letters Patent, have taken the said Report into consideration, and do hereby, by and with the advice of His Majesty's Privy Council, on His Majesty's behalf approve of and confirm the said Act, and order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND do hereby further direct that this Order, and the said Act (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.

F. J. Fernau.

Act referred to in the foregoing
Order in Council.

ACT

ENTITLED

An Act to prescribe the emoluments of the Ordinary Judges of the Court of Appeal.

WHEREAS it is provided by paragraph (1) of Article 6 of the Court of Appeal (Channel Islands) Order, 1949, that there shall be paid to the ordinary judges of the Court of Appeal such salaries and other emoluments as may be prescribed by Acts passed by the States of Jersey and of Guernsey and confirmed by Order of His Majesty in Council ;

NOW, in pursuance of the said paragraph (1) the States, subject to the Sanction of His Most Excellent Majesty in Council, have resolved as follows:—

1. The remuneration of an ordinary judge of the Court of Appeal shall be—
 - (a) in respect of each day on which he sits in the Court of Appeal, the sum of twenty guineas ; and
 - (b) in respect of each day on which he does not sit in the Court of Appeal, but is engaged—
 - (i) in the preparation of rules of court of the Court of Appeal ; or
 - (ii) in exercising the powers of a single judge of the Court of Appeal . or

(iii) in the preparation of a judgment of the Court of Appeal ;

the sum of twenty guineas :

Provided that where he is so engaged on any day for part only of a day such remuneration shall be the sum of ten guineas.

(c) in respect of occasions on which, in connection with any sitting of the Court of Appeal, he is travelling to or from any of the Channel Islands or, by reason of unavoidable delay, is prevented from travelling from the Channel Islands, such sums as may be prescribed in respect thereof by rules of court ; and the power to make rules of court for the purposes of paragraph (2) of Article 6 of the said Order shall be deemed to include a power to make rules of court for the purposes of this sub-paragraph.

2. Such remuneration shall be exempt from insular income tax in the case of ordinary judges not ordinarily resident in any of the Channel Islands and subject only to tax in the Island of residence in the case of ordinary judges so resident.

JAMES E. LE PAGE,

H.M. Greffier.