

ORDER IN COUNCIL

VII
1985

ratifying a Projet de Loi

ENTITLED

The Restriction of Vexatious Legal Proceedings (Guernsey) Law, 1985

(Registered on the Records of the Island of Guernsey
on the 30th day of September, 1985.)



1985.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of September, 1985 before Sir Charles Frossard, Kt., Bailiff, present:—Albert Richard McCartney Straw, Donald Pescott Plummer, 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, Stanley Walter John Jehan and Raymond Arthur Heaume, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st July, 1985 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Restriction of Vexatious Legal Proceedings (Guernsey) Law, 1985", the Court, after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 31st day of July 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 16th day of July, 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 27th day of June 1984 the States of Deliberation at a meeting held on the 26th day of September 1984 approved a Bill or “Projet de Loi” entitled “The Restriction of Vexatious Legal Proceedings (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 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 Restriction of Vexatious Legal Proceedings (Guernsey) Law, 1985”, and to order that the same shall have force of law in 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.”

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 Island 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 Restriction of Vexatious Legal Proceedings (Guernsey) Law, 1985

THE STATES, in pursuance of their Resolution of the 27th day of June, 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 Island of Guernsey.

1. (1) If, on an application made by Her Majesty's Procureur or Her Majesty's Comptroller under this section, the Royal Court, sitting as an Ordinary Court, is satisfied that any person has habitually and persistently and without any reasonable ground—

Restriction
of vexatious
legal
proceedings.

- (a) instituted vexatious legal proceedings in the Magistrate's Court whether against the same person or against different persons; or
- (b) made vexatious applications in any legal proceedings in the Magistrate's Court, and whether instituted by him or another,

the Court may, after hearing that person or giving him an opportunity of being heard, order—

- (i) that no legal proceedings shall without the leave of the Royal Court be instituted by him in the Magistrate's Court; and
- (ii) that any legal proceedings instituted by him in the Magistrate's Court before the

making of the order shall not be continued by him without the leave of the Royal Court; and

- (iii) that no application shall without the leave of the Royal Court be made by him in any legal proceedings instituted, whether by him or another, in the Magistrate's Court.

(2) An order under subsection (1) of this section may provide that it is to cease to have effect at the end of a specified period, but shall otherwise remain in force indefinitely.

(3) Leave for the institution or continuance of, or for the making of an application in, any legal proceedings by a person who is the subject of an order for the time being in force under subsection (1) of this section shall not be given unless the Royal Court is satisfied that the proceedings or application are not an abuse of the process of the Magistrate's Court and that there are reasonable grounds for the proceedings or application.

(4) No appeal shall lie from a decision of the Royal Court refusing leave for the institution or continuance of, or for the making of an application in, legal proceedings by a person who is the subject of an order for the time being in force under subsection (1) of this section.

(5) A copy of any order made under subsection (1) of this section shall be published in the Gazette Officielle.

Powers of
the Bailiff.

2. The powers of the Royal Court under section 1 of this Law shall be exercised by the Bailiff sitting alone.

3. The Royal Court may, from time to time, make Rules of the Royal Court. rules dealing generally with all matters of procedure and incidental matters arising under this Law and for carrying this Law into effect.

4. Nothing in this Law shall derogate from any Savings. jurisdiction hitherto vested in the Royal Court to restrict vexatious legal proceedings.

5. (1) In this Law—

Interpreta-
tion.

“The Bailiff” means the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué;

“the Magistrate’s Court” means the Court established under and by virtue of the Magistrate’s Court (Guernsey) Law, 1954(a)

(2) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

6. This Law may be cited as the Restriction of Citation. Vexatious Legal Proceedings (Guernsey) Law, 1985.

K. H. TOUGH,
Her Majesty’s Greffier.

(a) Ordres en Conseil, Vol. XVI, p. 103.