

PROJET DE LOI

ENTITLED

The Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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. IX of 1996; as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003). See also the Magistrate's Court (Guernsey) Law, 2008 (No. XVIII of 2009).

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ARRANGEMENT OF SECTIONS

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THE STATES, in pursuance of their Resolution of the 1st day of February, 1996^a, 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 and, as regards sections 2, 3 and 4, in the Bailiwick of Guernsey.

Amendments to Law of 1954.

1. ...

NOTE

Section 1 was repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(g), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Amendment to Law of 1983.

2. In section 31(5) of the Theft (Bailiwick of Guernsey) Law, 1983, as amended^d, immediately before the definition of "The Bailiff" insert the following definition –

^a Article XVI of Billet d'État No. I of 1996.

^d Ordres en Conseil Vol. XXVIII, p. 5; No. I of 1991.

" **"the appropriate Court"** means –

- (a) in relation to Guernsey, the Magistrate's Court set up under the Magistrate's Court (Guernsey) Law, 1954,
- (b) in relation to Alderney, the Court of Alderney, and
- (c) in relation to Sark, the Court of the Seneschal."

NOTE

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Amendment to Law of 1991.

3. In the Administration of Justice (Bailiwick of Guernsey) Law, 1991^e, immediately after section 6(2) insert the following subsection –

" (3) For the purposes of this section, the expression "**the Magistrate's Court**" includes the Court of Alderney and the Court of the Seneschal of Sark."

Amendment to Law of 1939.

4. In Article 4(3) of the Matrimonial Causes (Guernsey) Law, 1939, as

^e Order in Council No. I of 1991.

amended^f, after the word "appoint" insert "the Magistrate or an Assistant Magistrate within the meaning of section 7 of the Magistrate's Court (Guernsey) Law, 1954, as amended, or".

NOTES

In accordance with the provisions of the Magistrate's Court (Guernsey) Law, 2008, section 47(3), the references in this section to the "Magistrate" and "Assistant Magistrate" shall be construed as references to, respectively, a Judge and a Deputy Judge of the Magistrate's Court within the meaning of the 2008 Law, with effect from 1st September, 2009.

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Amendments to Petty Debts Ordinance.

5. The Ordonnance réglant la procédure à suivre devant la Cour supplémentaire de Police Correctionnelle et pour le recouvrement de Menues Dettes of 1932^g is amended as follows –

- (a) in Article IV, for the words "une livre sterling" substitute "deux cents livres sterling", and
- (b) in Articles V and VI, for the words "l'article 4 de la loi", each time they appear, substitute "section 13 de la Loi intitulée "The Magistrate's Court (Guernsey) Law, 1954, as amended", ".

^f Ordres en Conseil Vol. XI, p. 318; Vol. XII, p. 278; Vol. XIII, p. 38; Vol. XV, p. 422; Vol. XVII, p. 249; Vol. XXII, p. 102; Vol. XXIII, p. 489; Vol. XXVII, p. 99.

^g Recueil d'Ordonnances Tome VI, p. 171.

NOTE

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Penalties where no fine prescribed.

6. Where under any enactment whether passed before or after the coming into force of this Law a penalty for an offence is prescribed which does not include a reference to a fine, it is hereby declared that the court, instead of or in addition to any other punishment which may be lawfully imposed, may fine the offender for any such offence.

Citation.

7. This Law may be cited as the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996.

Commencement.

8. This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions and different purposes.

NOTE

The Law was brought into force on 1st February, 1997 by the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (Commencement) (No. 2) Ordinance, 1997, section 1, save for section 1(a), brought into force on 13th January, 1997 by the Magistrate's Court and Miscellaneous Reforms (Guernsey) Law, 1996 (Commencement) Ordinance, 1997, section 1.
