

PROJET DE LOI

ENTITLED

The Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949

*

[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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* Ordres en Conseil Vol. XIV, p. 45; as amended by the States Advisory Council (Transfer of Functions) (Guernsey) Law, 1957 (Ordres en Conseil Vol. XIV, p. 45); the Tribunals of Inquiry (Evidence) (Amendment) (Guernsey) Law, 1973 (Ordres en Conseil Vol. XXIV, p. 185). See also the Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2009 (No. X of 2010).

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ARRANGEMENT OF SECTIONS

1. Powers with respect to the taking of evidence, etc., before certain tribunals of inquiry.
2. Appointment of tribunals.
3. Powers of tribunals as to exclusion of public and granting of right of audience.

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The Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949

THE STATES, in pursuance of their Resolution of the 12th day of January, 1949, have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island

Powers with respect to the taking of evidence, etc., before certain tribunals of inquiry.

1. (1) Where it has been resolved (whether before or after the commencement of this Law) by the States that it is expedient that a tribunal be established for inquiring into a definite matter described by the Resolution as of urgent public importance, this Law shall, unless the Resolution otherwise directs, apply so as to confer on the tribunal all such powers, rights and privileges as are vested in the Royal Court on the occasion of an action in respect of the following matters –

- (a) the enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise,
- (b) the compelling the production of documents,
- (c) subject to rules of court, the issuing of a commission or request to examine witnesses out of this Island,

and a summons signed by one or more of the members of the tribunal may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) If any person –

- (a) on being duly summoned as a witness before a tribunal makes default in attending, or
- (b) being in attendance as a witness refuses to take an oath legally required by the tribunal to be taken, or to produce any document in his power or control legally required by the tribunal to be produced by him, or to answer any question to which the tribunal may legally require an answer, or
- (c) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of court,

the chairman of the tribunal may certify the offence of that person under his hand to the Royal Court, and the Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the Court.

(3) A witness before any such tribunal shall be entitled to the same immunities and privileges as if he were a witness before the Royal Court.

NOTE

In accordance with the provisions of the Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2009, section 10(1), with effect from 28th April, 2011, subsection (3) of this section shall have effect as if after the word "witness" in the second place where it occurs, there were inserted the words "in civil proceedings".

Appointment of tribunals.

[2. A tribunal shall consist of such persons as may, from time to time, be appointed in that behalf by the Royal Court.]

NOTE

Section 2 was substituted by the Tribunals of Inquiry (Evidence) (Amendment) (Guernsey) Law, 1973, section 1, with effect from 15th November, 1973.¹

Powers of tribunals as to exclusion of public and granting of right of audience.

3. A tribunal to which this Law is applied –
- (a) shall not refuse to allow the public or any portion of the public to be present at any of the proceedings of the tribunal unless in the opinion of the tribunal it is in the public interest expedient so to do for reasons connected with the subject-matter of the inquiry or the nature of the evidence to be given, and
 - (b) shall have power to authorise the representation before them of any person appearing to them to be interested, by an Advocate or otherwise, or to refuse to allow such representation.

NOTE

The Law received Royal Sanction on 29th March, 1949 and was registered on the Records of the Island of Guernsey and came into force on 23rd April, 1949.

¹ Prior to its substitution, section 2 was amended by the States Advisory Council (Transfer of Functions) (Guernsey) Law, 1957, section 2, with effect from 6th April, 1957.