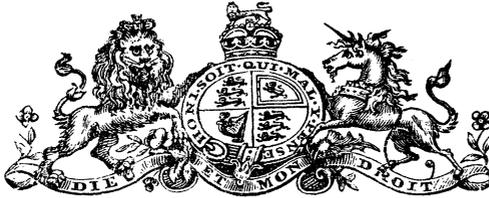


Orders of the Royal Court.



I
1966

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of March, 1966, before Sir William Arnold, Kt., C.B.E., C.St.J., Bailiff; present :— Sir John Leale, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., and William Burton Fox, Esquire, Jurats.

No. 1 Order, 1966

ENTITLED

The Backing of Warrants (Republic of Ireland and Guernsey) Rules, 1966

THE ROYAL COURT, in exercise of the powers conferred upon it by paragraph (d) of subsection (1) of section eight of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965 and of all other powers enabling it in that behalf, hereby makes the following Rules:—

1. (1) The forms contained in the Schedule to these Rules or forms to the like effect may be used in connection with proceedings under the Act in the Magistrate's Court or in the Ordinary Court, as the case may be.

(2) Where a requirement is imposed by the Act for the use of a prescribed form, and an appropriate form is contained in the Schedule to these Rules, that form or a form to the like effect shall be used.

2. (1) A notice given under paragraph (a) of subsection (1) of section three of the Act (consent to surrender earlier than is otherwise permitted) shall be signed in the presence of a Jurat of the Royal Court or the Magistrate.

(2) Any such notice given by a person in custody shall be delivered to the Governor of the Prison.

(3) If a person on bail gives such notice, he shall deliver it to, or send it by post in a registered letter or by recorded delivery service addressed to, the Chief Officer of Police.

(4) Any such notice shall be attached to the warrant ordering the surrender of that person.

3. (1) Upon the Magistrate's Court or the Ordinary Court, as the case may be, taking the recognisance of a person remanded on bail under subsection (1) of section two or subsection (3) of section four of the Act the Greffier shall furnish a copy of the recognisance to the Chief Officer of Police.

(2) Upon a person being ordered to be surrendered and remanded on bail the Greffier shall deliver to the Chief Officer of Police the warrant ordering the person to be surrendered.

4. (1) Upon a person being ordered to be surrendered the Greffier shall deliver to—

- (a) if he is remanded in custody under paragraph (a) of subsection (1) of section five of the Act, the Governor of the Prison,
- (b) if he is remanded on bail under paragraph (b) of subsection (1) of section five of the Act, the Chief Officer of Police,
- (c) if he is committed to the custody of a police officer pending the taking from him of a recognisance under subsection (1) of section five of the Act, the Chief Officer of Police,

the warrant of arrest issued by a judicial authority in the Republic and endorsed in accordance with section one of the Act.

(2) The Governor of the Prison or the Chief Officer of Police, as the case may be, shall arrange for the said warrant of arrest to be given to the member of the police force of the Republic into whose custody the person is delivered when the person is so delivered.

5. (1) A document purporting to be a warrant issued by a judicial authority in the Republic shall, for the purposes of paragraph (a) of section seven of the Act, be verified by a certificate purporting to be signed by a judicial authority, a clerk of a court or a member of the police force of the Republic and certifying that the document is a warrant and is issued by a judge or justice of a court or a peace commissioner.

(2) A document purporting to be a copy of a summons issued by a judicial authority in the Republic shall, for the purposes of the said paragraph (a) of section seven, be verified by a certificate

purporting to be signed by a judicial authority, a clerk of a court or a member of the police force of the Republic and certifying that the document is a true copy of such a summons.

(3) A deposition purporting to have been made in the Republic, or affidavit or written statement purporting to have been sworn therein, shall, for the purposes of paragraph (c) of section seven of the Act, be verified by a certificate purporting to be signed by the person before whom it was sworn and certifying that it was so sworn.

6. (1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“the Act” means the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965;

“the Chief Officer of Police” means the Chief Officer of Police of the Island of Guernsey;

“the Greffier” means Her Majesty’s Greffier and includes any Deputy Greffier;

“the Ordinary Court” means the Royal Court sitting as an Ordinary Court;

“the Prison” means the States of Guernsey Prison;

“the Republic” means the Republic of Ireland.

(2) In these Rules a reference to a person ordered to be surrendered means a reference to a person ordered by the Ordinary Court or the Magistrate’s Court, as the case may be, to be delivered into the custody of the police force of the Republic under subsection (1) of section two of the

Act and cognate expressions shall be construed accordingly.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these Rules as it applies to the interpretation of a Guernsey enactment.

7. These Rules may be cited as the Backing of Warrants (Republic of Ireland and Guernsey) Rules, 1966.

7

2.

*The Backing of Warrants (Republic of Ireland) Act
1965, s.3(1)(a)*

Consent to earlier return

Whereas on the day of , 19 ,
the Magistrate's Court of the Island of Guernsey
ordered that I should be delivered into the custody
of a member of the police force of the Republic
of Ireland:

And whereas I understand that, unless I consent
to an earlier removal, I cannot be so delivered until
the expiration of the period of fifteen days begin-
ning with the date of the making of the order:

Now, therefore, I give notice that I consent to
my earlier removal before the said period of fifteen
days has expired.

A.B.

This form was signed by the above-mentioned
person in my presence on the day of , 19

C.D.

Jurat of the Royal Court or Magistrate.

*The Backing of Warrants (Republic of Ireland) Act
1965, s.5(1)(a)*

*Warrant of commitment of person ordered to be
delivered up*

IN THE MAGISTRATE'S COURT OF THE
ISLAND OF GUERNSEY

To each and all of the members of the salaried police force of the Island of Guernsey and to the Governor of the States of Guernsey Prison.

A.B. (hereinafter called the defendant) having been brought this day before the Magistrate's Court of the Island of Guernsey pursuant to a warrant for his/her arrest endorsed in accordance with section one of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965:

And the Court having ordered that he/she should be delivered at some convenient point of departure from the United Kingdom into the custody of a member of the police force of the Republic of Ireland and be remanded in custody until so delivered:

You, the said members, are hereby commanded to convey the defendant to the said Prison and there deliver him/her to the said Governor, together with this warrant; and you, the Governor of the said Prison, to receive him/her into your custody and keep him/her until he/she shall be duly conveyed to some convenient point of departure

5.

*The Backing of Warrants (Republic of Ireland) Act
1965, ss.4(3), 5(1)(a)*

Warrant of commitment awaiting Irish warrant

IN THE MAGISTRATE'S COURT OF THE
ISLAND OF GUERNSEY

To each and all of the members of the salaried police force of the Island of Guernsey and to the Governor of the States of Guernsey Prison.

A.B. (hereinafter called the defendant) having been brought this day before the Magistrate's Court of the Island of Guernsey pursuant to a provisional warrant of arrest issued under section four of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965:

And the warrant of arrest issued in respect of him/her in the Republic of Ireland and endorsed in accordance with section one of the said Act having effect as aforesaid not having been produced to the said Court:

You, the said members, are hereby commanded to convey the defendant to the said Prison and there deliver him/her to the said Governor together with this warrant: and you, the Governor of the said Prison to receive him/her into your custody and keep him/her until the day of , 19 , and on that day to convey him/her at the hour of in the noon before the said Magistrate's Court to be further dealt with according to law.

Dated the day of , 19 .

A.M.

Magistrate.

*The Backing of Warrants (Republic of Ireland) Act
1965, s.5(1)(b), (2)*

Recognisance

IN THE MAGISTRATE'S COURT OF THE
ISLAND OF GUERNSEY

The undermentioned persons each acknowledge that they owe to our Sovereign Lady the Queen the following sums, namely:—

of _____, as principal,
the sum of _____, and _____ of
_____, as suret _____ the sum of _____
[each], payment thereof to be enforced severally against them by due process of law if the principal fails to comply with any of the conditions endorsed hereon.

(Signed where not taken orally) A.B.

G.H.

J.K.

Taken [orally] before me the _____ day of _____, 19 _____.

A.M.

Magistrate.

(Endorsement)

Condition

The condition of this recognisance is that if the principal—

surrenders himself/herself into the custody of the Chief Officer of Police at the time mentioned in a notice in writing served on him/her by or on behalf of the Chief Officer of Police, then this recognisance shall be void, but otherwise shall remain in full force.

The Backing of Warrants (Republic of Ireland) Act
1965, ss.2(1), 5

Warrant of delivery up of person bailed

IN THE MAGISTRATE'S COURT OF THE
ISLAND OF GUERNSEY

To each and all of the members of the salaried police force of the Island of Guernsey.

The Magistrate's Court of the Island of Guernsey having ordered on the day of , 19 , that A.B. (hereinafter called the defendant) should be delivered at some convenient point of departure from the United Kingdom into the custody of a member of the police force of the Republic of Ireland and be remanded on bail in accordance with section five of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965:

You, the said members, are hereby commanded to convey the defendant at the end of the period of his/her remand to some convenient point of departure from the United Kingdom and there deliver him/her into the custody of a member of the police force of the Republic of Ireland.

Dated the day of , 19 .

A.M.

Magistrate.

*The Backing of Warrants (Republic of Ireland) Act
1965, s.5(4)*

Warrant of arrest on failure to surrender to bail

IN THE MAGISTRATE'S COURT OF THE
ISLAND OF GUERNSEY

To each and all of the members of the salaried police force of the Island of Guernsey.

A.B. (hereinafter called the defendant) was on the day of , 19 , ordered by the Magistrate's Court of the Island of Guernsey to be delivered at some convenient point of departure from the United Kingdom into the custody of a member of the police force of the Republic of Ireland [or brought before the Magistrate's Court of the Island of Guernsey pursuant to a provisional warrant of arrest issued under section four of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965]:

And the defendant was released in pursuance of section five of the Backing of Warrants (Republic of Ireland) Act 1965, having effect as aforesaid, upon a recognisance conditioned for his/her surrender to the Chief Officer of Police on the day of , 19 , at the hour of in the noon:

And, in breach of the said recognisance, the defendant has failed to surrender as aforesaid:

*The Backing of Warrants (Republic of Ireland) Act
1965, s.4(1)*

Provisional warrant of arrest

To each and all of the members of the salaried police force of the Island of Guernsey.

E.F. a member of the said police force has stated on oath that he has reason to believe that a warrant has been issued by a judicial authority in the Republic of Ireland for the arrest of A.B. (hereinafter called the defendant) who is accused [or convicted] of an indictable offence against the laws of the Republic but that the warrant is not yet in his possession; [and that he has reason to believe that the requirements of subsection (3) of section one of the Backing of Warrants (Republic of Ireland) Act 1965 (surrender of convicted person for sentence or imprisonment), as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965, are satisfied;] and that he has received a request made on grounds of urgency by a member of the police force of the Republic holding the rank of inspector or above for the issue in the Island of Alderney of a warrant for the defendant's arrest; and that he has reason to believe that the defendant is within the said Island:

You are hereby commanded to arrest the defendant within five days after the issue of this

warrant and to bring him as soon as practicable before the Royal Court, sitting as an Ordinary Court, of the Island of Guernsey.

Dated the day of , 19 .

A.C.

Chairman of the Court of Alderney.

Note. This warrant is not authority for the making of an arrest more than five days after the date of its issue.

*The Backing of Warrants (Republic of Ireland) Act
1965, s.1(1)*

Endorsement of warrant of arrest

I, the undersigned, the Seneschal of Sark, being satisfied that this warrant may be endorsed under section one of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965, hereby authorise the Constable, the Vingtenier or any member of the salaried police force of the Island of Guernsey to execute this warrant in the Island of Sark by bringing before the Royal Court, sitting as an Ordinary Court, of the Island of Guernsey the said

Dated the day of , 19 .

S.S.

Seneschal of Sark

*The Backing of Warrants (Republic of Ireland) Act
1964, s.4(1)*

Provisional warrant of arrest

To the Constable, the Vingtenier and each and all of the members of the salaried police force of the Island of Guernsey.

E.F. the Constable/the Vingtenier/member of the said police force [Delete whichever is inapplicable] has stated on oath that he has reason to believe that a warrant has been issued by a judicial authority in the Republic of Ireland for the arrest of A.B. (hereinafter called the defendant) who is accused [or convicted] of an indictable offence against the laws of the Republic but that the warrant is not yet in his possession; [and that he has reason to believe that the requirements of subsection (3) of section one of the Backing of Warrants (Republic of Ireland) Act 1965 (surrender of convicted person for sentence or imprisonment), as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965, are satisfied;] and that he has received a request made on grounds of urgency by a member of the police force of the Republic holding the rank of inspector or above for the issue in the Island of Sark of a warrant for the defendant's arrest; and that he has reason to believe that the defendant is within the said Island:

You are hereby commanded to arrest the defendant within five days after the issue of this

5.

*The Backing of Warrants (Republic of Ireland) Act
1965, s.3(1)(a)*

Consent to earlier return

Whereas on the day of , 19 ,
the Royal Court, sitting as an Ordinary Court, of
the Island of Guernsey ordered that I should be
delivered into the custody of a member of the
police force of the Republic of Ireland:

And whereas I understand that, unless I consent
to an earlier removal, I cannot be so delivered until
the expiration of the period of fifteen days begin-
ning with the date of the making of the order:

Now, therefore, I give notice that I consent to
my earlier removal before the said period of fifteen
days has expired.

A.B.

This form was signed by the above-mentioned per-
son in my presence on the day of ,
19 .

C.D.

Jurat of the Royal Court or Magistrate.

The Backing of Warrants (Republic of Ireland) Act
1965, s.5(1)(a)

*Warrant of commitment of person ordered to be
delivered up*

IN THE ROYAL COURT OF THE ISLAND OF
GUERNSEY

To each and all of the members of the salaried police force of the Island of Guernsey and to the Governor of the States of Guernsey Prison.

A.B. (hereinafter called the defendant) having been brought this day before the Royal Court, sitting as an Ordinary Court, of the Island of Guernsey pursuant to a warrant for his/her arrest endorsed in accordance with section one of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965:

And the Court having ordered that he/she should be delivered at some convenient point of departure from the United Kingdom into the custody of a member of the police force of the Republic of Ireland and be remanded in custody until so delivered:

You, the said members, are hereby commanded to convey the defendant to the said Prison and there deliver him/her to the said Governor, together with this warrant; and you, the Governor of the said Prison to receive him/her into your

The Backing of Warrants (Republic of Ireland) Act
1965, ss.4(3, 5(1)(a)

Warrant of commitment awaiting Irish warrant

IN THE ROYAL COURT OF THE ISLAND OF
GUERNSEY

To each and all of the members of the salaried police force of the Island of Guernsey and to the Governor of the States of Guernsey Prison.

A.B. (hereinafter called the defendant) having been brought this day before the Royal Court, sitting as an Ordinary Court, of the Island of Guernsey pursuant to a provisional warrant of arrest issued under section four of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965:

And the warrant of arrest issued in respect of him/her in the Republic of Ireland and endorsed in accordance with section one of the said Act, having effect as aforesaid, not having been produced to the said Court:

You, the said members, are hereby commanded to convey the defendant to the said Prison and there deliver him/her to the said Governor, together with this warrant: and you, the Governor of the said Prison to receive him/her into your custody and keep him/her until the day of ,

19 , and on that day to convey him/her at the
hour of in the noon before the
said Ordinary Court to be further dealt with accord-
ing to law.

Dated the day of , 19 .

B.G.

Bailiff

J.A.

J.B.

Jurats

*The Backing of Warrants (Republic of Ireland) Act
1965, s.5(1)(b), (2)*

Recognisance

IN THE ROYAL COURT OF THE ISLAND OF
GUERNSEY

The undermentioned persons each acknowledge that they owe to our Sovereign Lady the Queen the following sums, namely:—

of _____, as principal, the sum of _____ and _____ of _____, as suret _____ the sum of _____ [each], payment thereof to be enforced severally against them by due process of law if the principal fails to comply with any of the conditions endorsed hereon.

(Signed where not taken orally) A.B.

G.H.

J.K.

Taken [orally] before us the _____ day of _____, 19 _____.

B.G.

Bailiff.

J.A.

J.B.

Jurats.

(Endorsement)

Condition

The condition of this recognisance is that if the principal—
surrenders himself/herself into the custody of the Chief Officer of Police at the time mentioned in a notice in writing served on him/her by or on behalf of the Chief Officer of Police, then this recognisance shall be void, but otherwise shall remain in full force.

The Backing of Warrants (Republic of Ireland) Act
1965, ss.2(1), 5

Warrant of delivery up of person bailed

IN THE ROYAL COURT OF THE ISLAND OF
GUERNSEY

To each and all of the members of the salaried police force of the Island of Guernsey.

The Royal Court, sitting as an Ordinary Court, of the Island of Guernsey having ordered on the day of _____, 19____, that A.B. (hereinafter called the defendant) should be delivered at some convenient point of departure from the United Kingdom into the custody of a member of the police force of the Republic of Ireland and be remanded on bail in accordance with section five of the Backing of Warrants (Republic of Ireland) Act 1965, as having effect in the Bailiwick of Guernsey by virtue of the Backing of Warrants (Republic of Ireland and Guernsey) Order 1965:

You, the said members, are hereby commanded to convey the defendant at the end of the period of his/her remand to some convenient point of departure from the United Kingdom and there deliver him/her into the custody of a member of the police force of the Republic of Ireland.

Dated the _____ day of _____, 19____.

B.G.

Bailiff.

J.A.

J.B.

Jurats.

The Backing of Warrants (Republic of Ireland) Act
1965, s.5(4)

Warrant of arrest on failure to surrender to bail

IN THE ROYAL COURT OF THE ISLAND OF
GUERNSEY

To each and all of the members of the salaried
police force of the Island of Guernsey.

A.B. (hereinafter called the defendant) was on the
day of _____, 19____, ordered by the
Royal Court, sitting as an Ordinary Court, of the
Island of Guernsey to be delivered at some
convenient point of departure from the United
Kingdom into the custody of a member of the
police force of the Republic of Ireland [*or* brought
before the said Ordinary Court pursuant to a pro-
visional warrant of arrest issued under section four
of the Backing of Warrants (Republic of Ireland)
Act 1965, as having effect in the Bailiwick of
Guernsey by virtue of the Backing of Warrants
(Republic of Ireland and Guernsey) Order 1965]:
And the defendant was released, in pursuance of
section five of the Backing of Warrants (Republic
of Ireland) Act 1965, having effect as aforesaid,
upon a recognisance conditioned for his/her sur-
render to the Chief Officer of Police on the
day of _____, 19____, at the hour
of _____ in the _____ noon:

And, in breach of the said recognisance, the
defendant has failed to surrender as aforesaid.

