

# Orders of the Royal Court

# XIII

# 1989



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 5th day of December, 1989 before Sir Charles Frossard, Kt., Bailiff; present:— Brian Ernest Herbert Joy, Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley and Kenneth John Rowe, Esquires, Jurats.*

**No. 13 Order, 1989**

ENTITLED

## **The Eviction Procedures Rules, 1989**

THE ROYAL COURT, in exercise of the powers conferred upon it by Article 64 of the Reform (Guernsey) Law, 1948(a) and section 12 of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950(b), and of all other powers enabling it in that behalf, hereby orders:—

1. The functions currently exercised by the Island Police and formerly exercised by the Constables of the Parishes in connection with the execution of

Transfer of functions.

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(a) Ordres en Conseil Vol. XIII, p. 288.

(b) Ordres en Conseil Vol. XIV, p. 388.

orders of the Court ("eviction orders") for the eviction of tenants and occupiers of premises in this Island are hereby transferred to Her Majesty's Sheriff.

Personalty  
to be  
removed  
into storage.

2. Where personalty is removed from premises on the execution of an eviction order and Her Majesty's Sheriff is unable to deliver the personalty to the tenant, occupier or other person claiming to be the owner thereof or otherwise interested therein, Her Majesty's Sheriff shall remove the personalty into storage for safe keeping.

Procedure  
where  
personalty  
is unclaimed.

3. (1) If, on the expiry of a period of 14 days beginning with the day on which the personalty was removed into storage under Rule 2, the personalty or any part thereof remains unclaimed by the tenant, occupier or other person claiming to be the owner thereof or otherwise interested therein, Her Majesty's Sheriff shall cause a notice to be published in La Gazette Officielle—

- (a) stating that the personalty has been removed into storage from the premises subject to the eviction order; and
- (b) inviting persons interested therein to notify him of their claims.

(2) A person claiming to be interested in the personalty shall, within 21 days of publication of the said notice, notify their claim to Her Majesty's Sheriff.

(3) In default of notification, Her Majesty's Sheriff may dispose of the personalty in such manner as he thinks fit.

4. A person claiming personalty removed into storage under Rule 2 shall, before removing the personalty, pay the reasonable charges and expenses of storage. Storage costs.

5. In these Rules references to storage are references to a place under the control of Her Majesty's Sheriff or of some other person who offers storage facilities, whether or not to the public at large and whether or not for valuable consideration. Interpretation.

6. In the Royal Court (Costs and Fees) Rules, 1981(c), after paragraph 52 of the Schedule add the paragraph set out in the Schedule to this Order. Amendment to the Costs and Fees Rules.

7. This Order may be cited as the Eviction Procedures Rules, 1989. Citation.

8. These Rules shall come into force on the 1st day of January, 1990.

“53. On the execution of an eviction order.

Sheriff £20; and in addition—

- (a) the cost of making an inventory of personalty removed into storage under Rule 2 of the Eviction Procedures Rules, 1989, and the cost of printing copies thereof (if any);
- (b) the reasonable charges of any removal contractor employed to remove the personalty from the premises subject to the eviction order and to transport it into storage for safe keeping; and
- (c) the cost of publication of the notice under Rule 3(1) of the said Rules.”

K. H. TOUGH,

Her Majesty's Greffier.

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