

Orders of the Royal Court.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 29th day of October, 1949, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., James Frederick Carey, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freaque Clark and Walter John Gavey, Esquires, Jurats.

II
1949

Orders of the Royal Court made in pursuance of Article 64 of the Reform (Guernsey) Law, 1948.

No. 2 ORDER, 1949, ENTITLED

“PROCEDURE FOR THE APPOINTMENT OF ONE PERSON TO REPRESENT OTHERS IN CERTAIN PROCEEDINGS BEFORE THE COURT.”

1. Where there are numerous persons having the same interest in one cause or matter, one or more of such persons may sue or be sued, or may be authorised by the Court to defend in such cause or matter, on behalf of or for the benefit of all persons so interested.

2. Before authorising one or more person so to defend under the foregoing provisions of this Order, the Court shall be satisfied that such person or persons are duly authorised so to defend by all the persons so interested.

3.—(1) In any case in which the right of an heir or the next-of-kin or a class shall depend upon the construction which the Court may put upon an instrument, and it shall not be known or shall be difficult to ascertain who is or are such heir or next-of-kin or class, and the Court shall consider that in order to save expense or for some other reason it will be convenient to have the questions of construction determined before such heir, next-of-kin or class shall have been ascertained by means of inquiry or otherwise, the Court may appoint some one or more persons to represent such heir, next-of-kin, or class and the judgment of the Court in the presence of such persons shall be binding upon the heir, next-of-kin or class so represented.

(2) In any other case in which an heir, or any next-of-kin or a class shall be interested in any proceedings the Court may, if, having regard to the nature and extent of the interest of such persons or any of them, it shall appear expedient on account of the difficulty of ascertaining such persons, appoint one or more persons to represent such heir, or to represent all or any of such next-of-kin or class, and the judgment or order of the Court in the presence of the persons so appointed shall be binding upon the persons so represented.

4. Any authorisation given under section one of this Order or appointment made under section three of this Order shall be given or made in open Court, as the case may be, by an Act of the Court.

5. The Court may, in any judgment or order made in any proceedings in which or in respect of which an authorisation has been given or an appointment has been made under the provisions of this Order,

make any order as to the costs of such proceedings as it thinks proper:

PROVIDED that no order shall be made requiring any person on whose behalf another person has been authorised to defend or has been appointed to appear under this Order to pay the costs or any part of the costs of such proceedings.

6. In this Order the expression "the Court" shall mean the Royal Court sitting as a Full Court or the Royal Court sitting as an Ordinary Court.

JAMES E. LE PAGE,
H.M. Greffier.