

Orders of the Royal Court.



II
1969

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 4th day of November, 1969, before Sir William Arnold, Kt., C.B.E., Bailiff; present:—Bertram Guy Blampied, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Edward Martel and Jean Le Pelley, Esquires, Jurats.

No. 2 Order, 1969

ENTITLED

The Court of Alderney (Civil Appeals) Rules, 1969

THE ROYAL COURT, in pursuance of section three of the Court of Alderney (Appeals) Law, 1969, and of all other powers thereunto enabling it, hereby makes the following Rules:—

1. (1) An appeal under the provisions of section two of the Law shall be entered by filing with the Clerk of the Court within the fifteen days next

Notice of
appeal.

following the determination by the Court of the civil action to which the appeal relates a notice of appeal, which shall state the grounds of appeal and whether the whole or part only of the determination is complained of, in the form set out in the Schedule to these Rules.

(2) A copy of the notice of appeal shall within the seven days next following the filing thereof be served on every party affected by the appeal.

Transcripts,
etc.

2. (1) The appellant shall, on making application in that behalf and on payment of the cost thereof, be furnished by the Clerk of the Court—

- (a) where there is a shorthand note or mechanical recording of the proceedings in the Court to which the appeal relates, with one or more copies of the transcript of the shorthand report or of the mechanical recording (hereinafter referred to as “the transcript”), as the case may be, certified as correct by the person who transcribed the same; or
- (b) where there exists no such report or recording of such proceedings, or although such report or recording is in existence, it is not possible to procure an accurate transcript thereof, with one or more copies of the Chairman of the Court’s notes of the trial (hereinafter referred to as “the notes of the trial”).

(2) The appellant shall, at his own expense, within the fifteen days next following the filing of notice of appeal, serve on the respondent one copy of the transcript or of the notes of the trial, as the case may be.

3. The Clerk of the Court shall, within the fifteen days next following the filing of notice of appeal, furnish to Her Majesty's Greffier, for the use of the Royal Court, a certified copy of the Act of Court appealed from and three copies of the transcript or of the notes of the trial, as the case may be.

Documents
for the Royal
Court.

4. (1) The respondent to an appeal may, within seven days after receiving notice of appeal, apply to the Court for security for his costs of and incidental to the appeal.

Security for
costs.

(2) If, after taking into account all the circumstances, including the means of the appellant and the respondent, the Court considers that the appellant should provide security for all or some of the respondent's costs of and incidental to the appeal, it may order the appellant to pay into Court, or to give security for, such sum as the Court deems just and reasonable, and the Court may direct a stay of the appeal until such order is complied with.

(3) Notice of any such application as aforesaid shall be served by the respondent on the appellant and no such order as aforesaid shall be made by the Court unless the appellant has had an opportunity of being heard thereon.

5. When a date has been fixed for the hearing of an appeal Her Majesty's Greffier shall inform the appellant of the date so fixed and notice thereof shall, as soon as may be, be served by the appellant on every other party affected by the appeal and shall in any case be so served not less than four clear days before the date so fixed.

Date of
hearing.

6. (1) The Royal Court may by order confirm, reverse or vary the determination of the Court or make such other order in the matter as it thinks fit.

Powers of
the Royal
Court.

(2) Upon the determination of an appeal the costs of and incidental to the proceedings, both on appeal and in first instance, shall, within the scale for the time being laid down according to law, be in the discretion of the Royal Court.

Abandonment of appeal.

7. (1) The appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon the appeal by giving notice in writing to Her Majesty's Greffier who shall thereupon give notice of such abandonment to the other party to the appeal and to the Bailiff.

(2) Where an appeal has been so abandoned, the judgment of the Court shall be enforced subject to anything already suffered or done thereunder by the appellant.

(3) The Royal Court may, on the application of the other party to the appeal, order the appellant to pay to that party such costs, within the scale for the time being laid down according to law, as appear to the Royal Court to be just and reasonable in respect of expenses properly incurred by that party in connection with the appeal before notice of the abandonment was given to him.

(4) The Royal Court may order the forfeiture in whole or in part of the security given or found in connection with the appeal or the restoration to the appellant or other person concerned of the security or any part thereof not declared forfeited.

Service of transcripts, etc.

8. A copy of the transcript or of the notes of the trial, as the case may be, required to be served under the provisions of paragraph (2) of Rule two of these Rules shall be validly served—

- (a) on any person, if delivered to him, left or sent by registered post or recorded delivery service to him at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm, or left at or sent by registered post or recorded delivery service to the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by registered post or recorded delivery service to, its registered office if situate in the Island or, if its registered office is not so situate, its principal or last known principal place of business in the Island.

9. The Royal Court shall have power to enlarge the time fixed by any provision of these Rules for doing any act or taking any proceedings, on such conditions, if any, as the justice of the case may require, and to order any such enlargement although the application for the same be not made until after the expiration of the time allowed.

Enlargement of time.

10. These Rules in their application to any appeal pending on the date of their coming into operation shall have effect subject to such directions as the Royal Court may in any particular case think fit to give.

Transitional provisions.

11. (1) In these Rules unless the context otherwise requires—

Interpretation.

“the Court” means the Court of Alderney;

“the Law” means the Court of Alderney (Appeals) Law, 1969.

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

(2) The Interpretation (Guernsey) Law, 1948, applies to the interpretation of these Rules as it applies to the interpretation of the Law.

(3) Any reference in these Rules to any enactment shall be construed as including a reference to that enactment as amended by any other enactment.

Citation and commencement.

12. These Rules may be cited as the Court of Alderney (Civil Appeals) Rules, 1969, and shall come into force on the eleventh day of November, nineteen hundred and sixty-nine.

SCHEDULE Rule one

The Court of Alderney (Appeals) Law, 1969

Notice of Appeal in Civil Action to the Royal Court sitting as an Ordinary Court.

To the Clerk of the Court.

I,
of
hereby give notice of appeal against the determination of the Court of Alderney made on
the day of 19.....,
in the case of

*In the said appeal I complain of and appeal against the whole of the said determination.

*In the said appeal I complain of and appeal against that part of the said determination which
.....

The grounds on which I rely in support of my appeal are set forth in the particulars hereto attached.

Dated this day of,
19.....

Signature

* Strike out whichever is not applicable.

R. A. MALLETT,
Her Majesty's Deputy Greffier.