

Orders of the Royal Court



II
1983

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of April, 1983 before Graham Martyn Dorey, Esquire, Deputy Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., Albert Richard McCartney Straw, Esquire, Lionel Walter Sarre, M.B.E., K.P.M., Esquire, Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey and John Christopher Bulstrode, Esquires, Jurats.

No. 2 Order, 1983

ENTITLED

The Committal Proceedings (Written Statements) Rules, 1983

THE ROYAL COURT, in exercise of the powers conferred upon it by section sixty-four of the Reform (Guernsey) Law, 1948(a), section twelve of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950(b), section twenty-five of the Magistrate's Court (Guernsey) Law, 1954(c), and of all other powers enabling it in that behalf, hereby orders:—

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- (a) Ordres en Conseil Vol. XIII, p. 288.
(b) Ordres en Conseil Vol. XIV, p. 388.
(c) Ordres en Conseil Vol. XVI, p. 103.

Written
statements
in committal
proceedings.

1. (1) Notwithstanding the provisions of any enactment or any rule of law to the contrary, in committal proceedings a written statement by any person shall, if the conditions mentioned in the next succeeding sub-paragraph are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are—

(a) either—

(i) the person making the statement has sworn to its truth before a person authorised to administer oaths in the place where the statement was made or, if the statement was made in Guernsey, before the Magistrate or an Acting Magistrate and the statement purports to be signed by the person making it; or

(ii) the person making the statement swears to its truth before the court at the committal proceedings;

(b) before the statement is tendered in evidence, a copy of the statement is given, by or on behalf of the party proposing to tender it, to each of the other parties to the proceedings; and

(c) none of the other parties, before the statement is tendered in evidence at the committal proceedings, objects to the statement being so tendered under this paragraph.

(3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this paragraph, that is to say—

- (a) if the statement is made by a person under 21 years old, it shall give his age;
- (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so reads the statement to the effect that it was so read; and
- (c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under item (b) of sub-paragraph (2) of this paragraph shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party to whom it is given to inspect that document or a copy thereof.

(4) Notwithstanding that a written statement made by any person may be admissible in committal proceedings by virtue of this paragraph, the court before which the proceedings are held may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

(5) Any statement admitted in evidence by virtue of this paragraph shall be read aloud at the committal proceedings.

(6) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this paragraph shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

Citation.

2. These Rules may be cited as the Committal Proceedings (Written Statements) Rules, 1983.

A. G. LE CHEMINANT,

Her Majesty's Deputy Greffier.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.

PRICE 15p