

Orders of the Royal Court

III

1983



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 17th day of May, 1983 before Charles Keith Frossard, Esquire, Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., Albert Richard McCartney Straw, Esquire, Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, John Christopher Bulstrode and Geoffrey Ernest Le Page, Esquires, Jurats.

No. 3 Order, 1983

ENTITLED

Magistrate's Court (Defence Witnesses) Rules, 1983

THE ROYAL COURT, in exercise of the powers conferred upon it by section twenty-five of the Magistrate's Court (Guernsey) Law, 1954(a), and of all other powers enabling it in that behalf, hereby orders:—

(a) Ordres en Conseil Vol. XVI, p. 103.

Issue of
summons to
defence
witnesses.

1. (1) Notwithstanding the provisions of any enactment or any rule of law or practice to the contrary, where in the trial of a criminal matter before the Magistrate's Court the defendant wishes to procure the attendance of a person present in the Island of Guernsey (hereinafter referred to as "the witness") to give evidence in his defence, the defendant may apply to the Magistrate for the issue of a summons to the witness.

(2) At the time of making such application the defendant shall inform the Magistrate of the name and address of the witness and the facts which the witness is to be called to prove.

(3) If the Magistrate is satisfied that the facts which the witness is to be called to prove are, or are likely to be, relevant to any material issue arising in the trial and that the witness is otherwise unlikely to attend, he shall direct Her Majesty's Sergeant to summon the witness to attend the trial.

(4) A fee of three pounds shall be paid by the defendant to Her Majesty's Sergeant for the service of each summons issued under these Rules:

Provided that in any case where the Magistrate so orders no fee shall be payable for the issue of such a summons.

Citation.

2. These Rules may be cited as the Magistrate's Court (Defence Witnesses) Rules, 1983.

K. H. TOUGH,

Her Majesty's Greffier.

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

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