

Orders of the Royal Court

III
1994



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 18th day of October, 1994 before Sir Graham Dorey, Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Stanley Walter John Jehan, Raymond Arthur Heaume, John Edward Morris, Kenneth John Rowe, Lawrence Oscar Ozanne, John Richard Rowe Henry, David Charles Lowe, Esquires and Mrs. Eileen May Glass, Jurats.

No. 3 Order, 1994

ENTITLED

The Royal Court (Election of Counsel) Order 1994

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

Choice of counsel by persons in custody

1. Instead of summoning a person after he has been committed for trial to choose counsel to represent him at his trial, the Law Officers may adopt the procedure provided in Paragraphs 2 and 3 in which event the accused shall not be required to attend before the Royal Court to choose counsel.

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

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

Procedure where prisoner does not appear

2. When a Law Officer considers it is undesirable or unnecessary for a person remanded in custody to appear before the Royal Court to choose counsel he shall cause a notice to be served upon the accused in the form set out in the Schedule, which notice duly completed by or on behalf of the accused shall be lodged with Her Majesty's Greffier on the day prior to the day upon which the Royal Court sits for the accused to choose counsel.

Alternative procedure

3. When a Law Officer is of the opinion that it is impracticable to require an accused person who is remanded out of custody to appear in person to choose counsel he may, with the leave of the Bailiff, adopt the procedure set out in Paragraph 2, and the form shall be modified accordingly.

Citation

4. This Order may be cited as the Royal Court (Election of Counsel) Order 1994.

SCHEDULE

To:

c/o States' Prison,
Les Nicolles,
St. Sampson's.

Take notice that the Royal Court will sit at _____ on _____ to see the Law Officers of the Crown present the indictment in the form attached hereto upon which on the _____ day of _____ you were committed for trial before the Royal Court. At the same time the Royal Court will record the name of the Advocate whom you choose to represent you at your trial. There is attached to this notice a list of the Advocates of the Royal Court who are available to represent you.

You are required to record your choice of counsel in the place indicated below and hand this form to the Prison Governor for lodging with Her Majesty's Greffier. You will not be required to attend before the Royal Court when your choice of counsel is recorded.

Dated this _____ day of _____ 19 _____

.....H.M. Procureur/H.M. Comptroller

To: H.M. Greffier,
The Greffe,
Royal Court House,
St. Peter Port.

I _____ choose Advocate _____ to represent me at my forthcoming trial upon the indictment which is to be presented to the Royal Court by the Law Officers on _____ 19 _____

.....

Witness

NOTE

If you wish to apply for a remand out of custody pending your trial by the Royal Court you should inform the Prison Governor who will notify H.M. Greffier and where appropriate your Advocate of your wish. A date will then be fixed for the application to be heard.

K. H. TOUGH,
Her Majesty's Greffier.

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

PRICE 50p