

# Orders of the Royal Court.



**IV**  
**1976**

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 21st day of December, 1976, before Ernest Pattison Shanks, Esquire, C.B.E., Deputy Bailiff; present:—Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires and Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Jurats.*

**No. 4 Order, 1976**

ENTITLED

## **The Supplementary Family Allowances (Appeals and References) (Guernsey) Order, 1976**

THE ROYAL COURT, in exercise of the powers conferred upon it by section ten of the Supplementary Family Allowances (Guernsey) Law, 1976, and of all other powers enabling it in that behalf, hereby orders:—

## PART I

*Interpretation*Interpreta-  
tion.

1. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Chairman” means the Chairman of the Tribunal;

“the Registrar” means the person for the time being appointed by the Authority to perform the duties of Registrar to the Tribunal for the purposes of the Law;

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

“hearing” means an oral hearing;

“the Law” means the Supplementary Family Allowances (Guernsey) Law, 1976;

“parties to an appeal” means the Administrator and the appellant or the person concerned, as the case may be, and “parties to a reference” means the Administrator and the person concerned;

“person concerned” means, in relation to any reference under subsection (4) of section ten of the Law, and to any appeal by the Administrator, the person who has appealed to the Tribunal against the decision of the Administrator under subsection (2) of the said section ten, and, in relation to any reference under subsection (9) of the said section ten, the person (other than the Administrator) who was a party to an appeal to the Court when the decision, due for reconsideration, was made;

“the Tribunal” means the tribunal appointed by the Royal Court sitting as a Full Court under subsection (2) of section five of the Family Allowances (Guernsey) Law, 1950;

and any other expressions have the same meaning as in the Law.

(2) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Order as it applies to the interpretation of a Guernsey enactment.

(3) References in this Order to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment or regulations.

## PART II

### *References by the Tribunal to the Court*

2. (1) If the Tribunal is of opinion that a question of law has arisen, in connection with the determination of an appeal by it, which should be referred to the Court for decision under subsection (4) of section ten of the Law, the Chairman shall, within seven days of the decision of the Tribunal so to refer such a question, prepare in writing under his hand a statement (hereafter in this Part of this Order referred to as a “statement of the case”) setting out the question of law so to be referred and such particulars of the case as, in his opinion, are relevant to the determination of such question by the Court.

Statement of case to be submitted to the Court by the Chairman.

(2) The Registrar shall as soon as practicable send the statement of the case duly signed by the Chairman to Her Majesty’s Greffier who shall acknowledge in writing to the Registrar the receipt by him thereof.

(3) The Registrar shall as soon as practicable send a copy of the statement of the case and of any amendment made thereto under the provisions of the next succeeding paragraph both to the Administrator and to the person concerned.

(4) Her Majesty's Greffier shall, as soon as practicable after the receipt by him of a statement of the case, inform the Bailiff thereof and transmit the statement of the case to him.

Further particulars to be furnished to the Court.

3. The Bailiff may at any time require the Chairman to furnish to Her Majesty's Greffier further particulars in writing, within such time as he may direct, with regard to any question referred to the Court and may at any time prior to the fixing of the date of the hearing (if any) for the purpose of determining such question allow the amendment of any statement of the case by the Chairman and may extend the time for the preparation of any statement of the case by the Chairman laid down in subparagraph (1) of paragraph 2 of this Order.

Determination by the Court without a hearing.

4. If the Court is of opinion that the question of law can properly be determined on the statement of the case and any further particulars furnished by the Chairman, under the last preceding paragraph, the Court may dispense with a hearing and may decide such question on the statement of the case and any further particulars so furnished.

Notice of hearing by the Court.

5. (1) If, in the opinion of the Court, a hearing is required, the Bailiff shall as soon as practicable decide on a date and a time for the hearing and Her Majesty's Greffier shall as soon as practicable after that decision being made known to him, notify the Registrar thereof:

Provided that the date for the hearing shall not be less than fourteen clear days after the date of the receipt by Her Majesty's Greffier of the statement of the case referred to in subparagraph (2) of paragraph 2 of this Order.

(2) The Registrar shall, within forty-eight hours of the notification to him by Her Majesty's Greffier of the place, date and time of the hearing by the Court, notify the Chairman, the Administrator and the person concerned in writing of the place, date and time of the hearing.

### PART III

#### *Appeals from the Tribunal to the Court*

6. (1) Notice of appeal under subsection (5) of section ten of the Law by any person who is aggrieved by a decision of the Tribunal on a question of law shall be in writing in the form set out in the Schedule to this Order and shall contain a statement of the contentions of law on which the appellant relies.

Application  
for an  
appeal to  
the Court.

(2) Notice of appeal shall be sent to the Registrar within twenty-eight days after the date of the notice of the decision of the Tribunal.

(3) The registrar shall furnish to the Administrator or to the person concerned, as the case may require, a copy of the notice of appeal and of the documents attached thereto.

7. (1) The Registrar shall as soon as practicable transmit a copy of the notice of appeal and of the documents attached thereto to Her Majesty's Greffier who shall acknowledge the receipt thereof.

Date of  
hearing to  
be decided  
by the  
Bailiff.

(2) Her Majesty's Greffier shall as soon as practicable transmit the said notice and documents to the Bailiff and the Bailiff shall as soon as practicable decide upon a date and time for the hearing:

Provided that the date for the hearing shall not be less than fourteen clear days after the date of the receipt by Her Majesty's Greffier of the notice of appeal.

(3) Her Majesty's Greffier shall as soon as practicable after the receipt of the Bailiff's decision notify the Registrar of the place, date and time of the hearing.

(4) The Registrar shall within forty-eight hours of such notification, notify the Administrator, the appellant and the person concerned of the place, date and time of the hearing.

#### PART IV

##### *References by the Administrator to the Court for the reconsideration of a decision by the Court*

Application  
for  
reconsideration  
of a  
decision by  
the Court.

8. (1) Where it appears to the Administrator that a decision of the Court should be referred to the Court for reconsideration under subsection (9) of section ten of the Law, he shall make application to that effect in writing to the Registrar setting out the decision and the facts and considerations which appear to him to justify reconsideration of that decision.

(2) On receipt of such an application the Registrar shall forthwith send a copy thereof to the person concerned with the request that he shall within fourteen days of the receipt thereof submit to the Registrar such observations (if any) for the consideration of the Court as he may think fit.

(3) The Registrar shall, not earlier than sixteen days after he has sent a copy of the Administrator's application to the person concerned, send a copy of the application and of the observations of the person concerned (if any) to Her Majesty's Greffier.

(4) Her Majesty's Greffier shall as soon as practicable after the receipt thereof send the copy of the application and of the observations of the person concerned (if any) to the Bailiff.

9. (1) If the Court is of opinion that an application for reconsideration by the Administrator can be determined without a hearing, the Court may dispense with a hearing and may so determine on the particulars before it. Determination by the Court without a hearing.

(2) If, in the opinion of the Court, a hearing is required, the Bailiff shall as soon as practicable decide on a date and time for the hearing and Her Majesty's Greffier shall within forty-eight hours of that decision being made known to him, notify the Registrar thereof:

Provided that the date for the hearing shall not be less than fourteen clear days after the receipt by Her Majesty's Greffier of the application referred to in sub-paragraph (3) of paragraph 8 of this Order.

(3) The Registrar shall within forty-eight hours of such notification, notify the Administrator and the person concerned of the place, date and time of the hearing.

## PART V

### *General*

10. (1) The person concerned shall be entitled to be present during any hearing before the Court of Representation before the Court.

any reference (which expression includes for the purposes of this Part of this Order a reference by the Administrator to the Court under subsection (9) of section ten of the Law) and may, if called upon to do so by the Court, address the Court in person, by a friend or by an Advocate of the Royal Court.

(2) The Administrator shall be entitled to be present during any hearing before the Court of any reference and may, if called upon to do so by the Court, address the Court in person or by a Law Officer of the Crown.

(3) The appellant, being a person other than the Administrator, shall be entitled to be present during any hearing before the Court of an appeal and to address the Court in person, by a friend or by an Advocate of the Royal Court.

(4) The person concerned, in the case of an appeal by the Administrator, shall be entitled to be present during any hearing before the Court of an appeal and to address the Court in person, by a friend or by an Advocate of the Royal Court.

(5) The Administrator, whether as the appellant or otherwise, shall be entitled to be present during any hearing before the Court of any appeal and to address the Court in person or by a Law Officer of the Crown.

Procedure  
before the  
Court.

11. (1) The Court may if it thinks fit call for such documents and examine such persons (including the Chairman) on oath, affirmation or otherwise as appear likely to afford evidence relevant and material to any question of law to be determined by the Court.

(2) Any party to a reference who is authorised to do so by the Court, and any party to an appeal, may cause a summons to be served on any person, in the same manner as a summons may be served on any person in respect of a civil action before the Court summoning that person to attend any hearing of the Court for the purpose of giving evidence or producing any document likely to assist the Court in determining the question of law which is the subject of such reference or appeal, and a person so summoned shall be under a like obligation as to the giving of any evidence and the production of any document as if he were so summoned in respect of such an action.

(3) The Court may adjourn the hearing of any reference or appeal from time to time as it may think fit.

(4) If after it has been proved to the satisfaction of the Court that both of the parties to a reference or appeal, as the case may be, have been notified of the place, date and time of the hearing of the reference or appeal and one or both of the parties fails to appear at that hearing, the Court may proceed to determine the reference or appeal, as the case may be, in the absence of both or either of them.

(5) Save as otherwise expressly provided in this Order, the procedure at the hearing of any reference or appeal shall be such as the Court may from time to time determine.

12. (1) The Registrar shall as soon as practicable send to the Chairman a copy of the Act of Court setting out the decision of the Court on any question of law referred to it by the Tribunal.

Notification  
of decision  
of the Court.

(2) The Registrar shall as soon as practicable send to the Administrator and the appellant or to the person concerned, as the case may be, copies of the Act of Court setting out the decision of the Court on any appeal to it from the Tribunal.

(3) The Registrar shall as soon as practicable send to the Administrator and the person concerned copies of the Act of Court setting out the decision of the Court on the reconsideration of a previous decision made by the Court.

Notice by  
post.

13. Any notice or other document required to be given or sent to any person, to the Registrar, to the Administrator or to Her Majesty's Greffier under the provisions of this Order shall be deemed to have been given or sent if it were sent by post, in the case of any person, to that person at his ordinary or last known address, or, in the case of the Registrar or the Administrator, to the office of the Authority or, in the case of Her Majesty's Greffier, to the Greffe.

Costs.

14. (1) The costs of any reference shall be paid by the Authority.

(2) The costs of any appeal shall be in the discretion of the Court, which may direct to and by whom and in what manner those costs or any part thereof shall be paid and may settle the amount of costs to be so paid or any part thereof.

Citation and  
commence-  
ment.

15. (1) This Order may be cited as the Supplementary Family Allowances (Appeals and References) (Guernsey) Order, 1976.

(2) This Order shall come into force on the fourth day of January, nineteen hundred and seventy-seven.

SCHEDULE Paragraph 6

The Supplementary Family Allowances (Guernsey) Law, 1976.

To the Registrar to the Tribunal,  
States Insurance Authority,  
St. Peter Port,  
Guernsey.

I, \_\_\_\_\_ of \_\_\_\_\_  
being aggrieved by a decision of the Tribunal on a  
question of law given on \_\_\_\_\_ the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_, in respect of  
the \*claim/allowance of \_\_\_\_\_, under  
the Supplementary Family Allowances (Guernsey)  
Law, 1976, hereby give notice of appeal against the  
said decision.

The contentions of law upon which I rely in  
support of my appeal are set forth in the particulars  
hereto attached.

In support of this appeal the following documents  
are attached hereto.

(Insert list of all documents sent with application).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature .....

\* Strike out whichever is inapplicable.

Particulars in support of Appeal.

N.B.—The particulars furnished on this form and all other information which may be sent to the Registrar to the Tribunal by or on behalf of an appellant in connection with his or her appeal will be disclosed to the Administrator. A copy of the Tribunal's decision must be furnished.

R. H. VIDELO,  
Her Majesty's Greffier.

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

**PRICE 20p**